GENERAL LAWS

OF THE

STATE OF IDAHO

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

Convened January 7, 2008
Adjourned April 2, 2008

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 221
(H.B. No. 590)

AN ACT

APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2009; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICES COSTS TO THE GENERAL FUND; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS FOR THE PAYROLL AND COMPUTER SERVICES DIVISION; SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the State Controller the following amounts to be expended for the designated programs from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. ADMINISTRATION:				
FROM:				
General Fund	$ 448,100	$ 59,400	$ 5,300	$ 512,800
II. STATEWIDE ACCOUNTING:				
FROM:				
General Fund	1,621,000	1,979,500	22,900	3,623,400
Miscellaneous Revenue Fund		20,000		20,000
TOTAL	$1,621,000	$1,999,500	$ 22,900	$ 3,643,400
III. STATEWIDE PAYROLL:				
FROM:				
General Fund	$1,351,400	$1,694,100	$ 15,200	$ 3,060,700
Miscellaneous Revenue Fund		20,000		20,000
TOTAL	$1,351,400	$1,714,100	$ 15,200	$ 3,080,700
IV. COMPUTER CENTER:				
FROM:				
Data Processing Services Fund	$4,207,100	$4,055,300	$445,300	$ 8,707,700
GRAND TOTAL	$7,627,600	$7,828,300	$488,700	$15,944,600

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, 2009, the State Controller shall transfer the amount assessed in the statewide cost allocation plan from the Indirect Cost Recovery Fund to the state General Fund.

SECTION 3. 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 2008 for the Payroll and Computer Services Center Divisions only, to be used for nonrecurring expenditures only, for the period July 1, 2008, through June 30, 2009.

SECTION 4. As it relates to the General Fund, the reappropriation granted in Section 3 of this act is subject to the following provisions:

(1) If the unexpended and unencumbered balance in the General Fund on June 30, 2008, is zero, the reappropriation of General Fund moneys in Section 3 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, 2008, 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 3 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 5. In accordance with Section 67-3519, Idaho Code, the State Controller is authorized no more than ninety-eight (98) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 19, 2008.

CHAPTER 222
(H.B. No. 595)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES:					
FROM:					
General Fund	$ 6,194,900	$ 3,447,500	$ 537,200		$ 10,179,600
Inmate Labor Fund	36,700				36,700
Parolee Supervision Fund	165,900	92,300			258,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue Fund	141,600	93,300			234,900
Federal Grant Fund	67,400	292,900		$1,750,000	2,110,300
TOTAL	$ 6,606,500	$ 3,926,000	$ 537,200	$1,750,000	$ 12,819,700
II. STATE PRISONS:					
A. PRISON ADMINISTRATION:					
FROM:					
General Fund	$ 1,597,300	$ 475,400			$ 2,072,700
Miscellaneous Revenue Fund		36,900			36,900
TOTAL	$ 1,597,300	$ 512,300			$ 2,109,600
B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General Fund	$19,547,100	$ 3,387,200	$ 369,100		$ 23,303,400
Inmate Labor Fund		47,200			47,200
Miscellaneous Revenue Fund	433,800	103,000			536,800
Penitentiary Endowment Income Fund		728,500	65,500		794,000
Federal Grant Fund	60,300				60,300
TOTAL	$20,041,200	$ 4,265,900	$ 434,600		$ 24,741,700
C. IDAHO CORRECTIONAL INSTITUTION - OROFINO:					
FROM:					
General Fund	$ 6,941,200	$ 1,615,800	$ 115,900		$ 8,672,900
Inmate Labor Fund	918,700	688,700	325,900		1,933,300
Miscellaneous Revenue Fund	111,200	55,500			166,700
TOTAL	$ 7,971,100	$ 2,360,000	$ 441,800		$ 10,772,900
D. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:					
FROM:					
General Fund	$ 4,249,400	$ 1,224,300	$ 174,400		$ 5,648,100
Inmate Labor Fund		32,600			32,600
Miscellaneous Revenue Fund	48,100	140,600			188,700
TOTAL	$ 4,297,500	$ 1,397,500	$ 174,400		$ 5,869,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
E. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General Fund	$ 6,067,000	$ 1,717,800	$ 87,500		$ 7,872,300
Inmate Labor Fund	925,700	456,400	706,600		2,088,700
Miscellaneous Revenue Fund	66,500	49,600	400,000		516,100
Federal Grant Fund	58,500				58,500
TOTAL	$ 7,117,700	$ 2,223,800	$1,194,100		$ 10,535,600
F. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:					
FROM:					
General Fund	$ 8,979,300	$ 1,937,200	$ 341,800		$ 11,258,300
Inmate Labor Fund		23,600			23,600
Miscellaneous Revenue Fund	107,100	55,300			162,400
TOTAL	$ 9,086,400	$ 2,016,100	$ 341,800		$ 11,444,300
G. ST. ANTHONY WORK CAMP:					
FROM:					
General Fund	$ 2,245,400	$ 483,000	$ 17,500		$ 2,745,900
Inmate Labor Fund	598,700	514,800	15,000		1,128,500
Miscellaneous Revenue Fund		16,500			16,500
TOTAL	$ 2,844,100	$ 1,014,300	$ 32,500		$ 3,890,900
H. POCATELLO WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General Fund	$ 4,652,400	$ 1,031,400	$ 76,900		$ 5,760,700
Inmate Labor Fund	260,100	75,900			336,000
Miscellaneous Revenue Fund	224,200	21,000			245,200
TOTAL	$ 5,136,700	$ 1,128,300	$ 76,900		$ 6,341,900
I. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General Fund	$ 2,652,300	$ 692,600	$ 6,000		$ 3,350,900
Miscellaneous Revenue Fund		5,200			5,200
TOTAL	$ 2,652,300	$ 697,800	$ 6,000		$ 3,356,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
DIVISION TOTAL	$60,744,300	$15,616,000	$2,702,100		$ 79,062,400
III. PRIVATE PRISONS:					
A. IDAHO CORRECTIONAL CENTER:					
FROM:					
General Fund		$24,363,800			$ 24,363,800
Inmate Labor Fund		404,000			404,000
TOTAL		$24,767,800			$ 24,767,800
IV. COUNTY & OUT-OF-STATE PLACEMENT:					
FROM:					
General Fund		$24,408,900			$ 24,408,900
Federal Grant Fund		83,700			83,700
TOTAL		$24,492,600			$ 24,492,600
V. CORRECTIONAL ALTERNATIVE PLACEMENT:					
FROM:					
General Fund		$ 39,900			$ 39,900
VI. COMMUNITY CORRECTIONS:					
A. COMMUNITY SUPERVISION:					
FROM:					
General Fund	$12,634,300	$ 2,383,700			$ 15,018,000
Parolee Supervision Fund	4,255,200	991,300	$ 571,000		5,817,500
Drug and Mental Health Court Supervision Fund	212,900	27,200			240,100
Federal Grant Fund	18,500				18,500
TOTAL	$17,120,900	$ 3,402,200	$ 571,000		$ 21,094,100
B. COMMUNITY WORK CENTERS:					
FROM:					
General Fund	$ 3,676,200	$ 179,800			$ 3,856,000
Inmate Labor Fund	287,100	1,368,500	$ 284,600		1,940,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue Fund		29,700			29,700
TOTAL	$ 3,963,300	$ 1,578,000	$ 284,600		$ 5,825,900
DIVISION TOTAL	$21,084,200	$ 4,980,200	$ 855,600		$ 26,920,000
VII. EDUCATION & TREATMENT:					
FROM:					
General Fund	$ 1,229,000	$ 1,042,800	$ 10,000		$ 2,281,800
Miscellaneous Revenue Fund	90,900	59,500			150,400
Federal Grant Fund	344,200	964,900			1,309,100
TOTAL	$ 1,664,100	$ 2,067,200	$ 10,000		$ 3,741,300
VIII. MEDICAL SERVICES:					
FROM:					
General Fund		$21,242,300			$ 21,242,300
Miscellaneous Revenue Fund		81,000			81,000
TOTAL		$21,323,300			$ 21,323,300
IX. COMMISSION OF PARDONS AND PAROLE:					
FROM:					
General Fund	$ 1,974,800	$ 441,300	$ 2,600		$ 2,418,700
Miscellaneous Revenue Fund		20,700			20,700
TOTAL	$ 1,974,800	$ 462,000	$ 2,600		$ 2,439,400
GRAND TOTAL	$92,073,900	$97,675,000	$4,107,500	$1,750,000	$195,606,400

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Correction is authorized no more than one thousand six hundred twenty-seven and eight-tenths (1,627.8) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 19, 2008.

CHAPTER 223
(H.B. No. 600)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Insurance the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. INSURANCE REGULATION:					
FROM:					
Self-Governing Operating Fund	$3,923,500	$2,233,000	$135,900		$6,292,400
Miscellaneous Revenue Fund	87,100	15,700			102,800
Federal Grant Fund	147,300	94,200		$8,000	249,500
TOTAL	$4,157,900	$2,342,900	$135,900	$8,000	$6,644,700
II. STATE FIRE MARSHAL:					
FROM:					
Self-Governing State Fire Marshal Fund	$ 717,700	$ 349,500	$ 13,100		$1,080,300
GRAND TOTAL	$4,875,600	$2,692,400	$149,000	$8,000	$7,725,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Insurance is authorized no more than seventy-five (75) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 19, 2008.

CHAPTER 224
(S.B. No. 1458)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2008; APPROPRIATING ADDITIONAL MONEYS FOR SUBSTANCE ABUSE SERVICES FOR FISCAL YEAR 2008; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation provided by law, there is hereby appropriated to the Office of the Governor for the Office of Drug Policy 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:	
Operating Expenditures	$4,200
FROM:	
General Fund	$4,200

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated the following amounts to the designated state agencies for substance abuse services to be expended according to the designated expense classes from the listed funds for the period July 1, 2007, through June 30, 2008:

I. THE DEPARTMENT OF HEALTH AND WELFARE	
SUBSTANCE ABUSE TREATMENT AND SERVICES PROGRAM:	
FOR:	
Operating Expenditures	$ 102,800
Trustee and Benefit Payments	3,383,800
TOTAL	$3,486,600
FROM:	
General Fund	~~*$2,383,800*~~
Substance Abuse Treatment Fund	1,102,800
TOTAL	$3,486,600
II. THE OFFICE OF DRUG POLICY	
STATEWIDE SUBSTANCE ABUSE SERVICES:	
FOR:	
Operating Expenditures	$ 92,400
FROM:	
General Fund	$ 24,900
Substance Abuse Treatment Fund	67,500
TOTAL	$ 92,400
GRAND TOTAL	$3,579,000

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 with line item veto March 20, 2008.

* **The item in Section 2 was line item vetoed as indicated.**

CHAPTER 225
(H.B. No. 608)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2009; AND APPROPRIATING ADDITIONAL MONEYS TO SPECIFIED AGENCIES FOR STATEWIDE SUBSTANCE ABUSE SERVICES FOR FISCAL YEAR 2009.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Office of Drug Policy the following amounts to be expended from the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:	
Personnel Costs	$241,800
Operating Expenditures	55,800
Capital Outlay	3,000
TOTAL	$300,600
FROM:	
General Fund	$300,600

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the designated state agencies for substance abuse services the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

I. DEPARTMENT OF HEALTH AND WELFARE SUBSTANCE ABUSE TREATMENT AND SERVICES PROGRAM:

FOR:	
~~*Operating Expenditures~~	~~$ 391,800~~*
Trustee & Benefit Payments	* ~~13,977,000~~*
TOTAL	*~~$14,368,800~~*
FROM:	
Cooperative Welfare Fund (General)	*~~$11,251,700~~*
Cooperative Welfare Fund (Federal)	* ~~3,117,100~~*
TOTAL	*~~$14,368,800~~*

II. OFFICE OF DRUG POLICY STATEWIDE SUBSTANCE ABUSE SERVICES:

FOR:	
Operating Expenditures	$ 203,300
FROM:	
General Fund	$ 203,300

III. DEPARTMENT OF CORRECTION COMMUNITY CORRECTION DIVISION:	
FOR:	
Operating Expenditures	$ 156,900
FROM:	
Parolee Supervision Fund	$ 156,900
GRAND TOTAL	$14,729,000

Approved with line item veto March 20, 2008.

* **The items in Section 2 were line item vetoed as indicated.**

CHAPTER 226
(H.B. No. 401)

AN ACT

RELATING TO PUBLIC INSTITUTIONS OF HIGHER EDUCATION; AMENDING SECTION 33-3717B, IDAHO CODE, TO REVISE DEFINITIONS, TO PROVIDE A PRESUMPTION FOR BEING IN IDAHO PRIMARILY FOR EDUCATIONAL PURPOSES AND TO PROVIDE THAT A CERTAIN PERIOD OF ENROLLMENT DOES NOT COUNT TOWARD THE ESTABLISHMENT OF BONA FIDE DOMICILE IN IDAHO UNLESS THE STUDENT PROVES CERTAIN SPECIFIED FACTORS.

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

SECTION 1. That Section 33-3717B, Idaho Code, be, and the same is hereby amended to read as follows:

33-3717B. RESIDENCY REQUIREMENTS. (1) For any public institution of higher education in Idaho, a "resident student" is:

(a) Any student who has one (1) or more parent or parents or court-appointed guardians who are domiciled in the state of Idaho, and the parent, parents or guardians provide at least fifty percent (50%) of the student's support. Domicile, ~~in the case of a parent or guardian~~ as used in this section, means that individual's true, fixed and permanent home and place of habitation. It is the place where that individual intends to remain, and to which that individual expects to return when that individual leaves without intending to establish a new domicile elsewhere. To qualify under this section, the parent, parents or guardians must have maintained a bona fide domicile in the state of Idaho for at least ~~one (1) year~~ twelve (12) months prior to the opening day of the term for which the student matriculates.

(b) Any student, who receives less than fifty percent (50%) of the student's support from a parent, parents or legal guardians and who ~~are not residents of this state for voting purposes, but which student~~ has continuously resided and maintained a bona fide domicile in the state of Idaho primarily for purposes other than educational for twelve (12) months next preceding the opening day of the term during which the student proposes to attend the college or university. ~~and who has in fact established a bona fide domicile in this state primarily for purposes other than educational.~~

(c) Subject to subsection (2) of this section, any student who is a graduate of an accredited secondary school in the state of Idaho, and who matriculates at a college or university in the state of Idaho during the term immediately following such graduation regardless of the residence of the student's parent or guardian.

(d) The spouse of a person who is classified, or is eligible for classification, as a resident of the state of Idaho for the purposes of attending a college or university.

(e) A member of the armed forces of the United States, stationed in the state of Idaho on military orders.

(f) A student whose parent or guardian is a member of the armed forces and stationed in the state of Idaho on military orders and who receives fifty percent (50%) or more of support from parents or legal guardians. The student, while in continuous attendance, shall not lose that residence when the student's parent or guardian is transferred on military orders.

(g) A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of service, who at the time of separation designates the state of Idaho as his intended domicile or who has Idaho as the home of record in service and enters a college or university in the state of Idaho within one (1) year of the date of separation.

(h) Any individual who has been domiciled in the state of Idaho, has qualified and would otherwise be qualified under the provisions of this statute and who is away from the state for a period of less than ~~one (1) calendar year~~ thirty (30) months and has not established legal residence elsewhere provided a twelve (12) month period of continuous residence has been established immediately prior to departure.

(i) A student who is a member of any of the following Idaho Native American Indian tribes, regardless of current domicile, shall be considered an Idaho state resident for purposes of fees or tuition at institutions of higher education: members of the following Idaho Native American Indian tribes, whose traditional and customary tribal boundaries included portions of the state of Idaho, or whose Indian tribe was granted reserved lands within the state of Idaho: (i) Coeur d'Alene tribe; (ii) Shoshone-Paiute tribes; (iii) Nez Perce tribe; (iv) Shoshone-Bannock tribes; (v) Kootenai tribe.

(2) A "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of subsection (1) of this section, and shall include:

(a) A student attending an institution in this state with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one (1) year after the completion of the semester for which such assistance is last provided.

(b) A person who is not a citizen of the United States of America, who does not have permanent or temporary resident status or does not hold "refugee-parolee" or "conditional entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of the law and who does not also meet and comply with all applicable requirements of this section.

(3) The establishment of a new domicile in Idaho by a person for-

merly domiciled in another state has occurred if such person is physically present in Idaho primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to such other state or to acquire a domicile at some other place outside of Idaho. A student who is enrolled for more than eight (8) hours in any semester or quarter during a twelve (12) month period shall be presumed to be in Idaho for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile in this state unless the student proves, in fact, establishment of a bona fide domicile in this state primarily for purposes other than educational. Institutions determining whether a student is domiciled in the state of Idaho primarily for purposes other than educational shall consider, but shall not be limited to, the following factors:

(a) ~~Registration--and--payment--of--Idaho--taxes-or-fees-on-a-motor vehicle,-mobile-home,-travel-trailer,--or--other--item--of--personal property-for-which-state-registration-and-the-payment-of-a-state-tax or--fee--is--required;~~ Any of the following, if done for at least twelve (12) months before the term in which the student proposes to enroll as a resident student, proves the establishment and maintenance of domicile in Idaho for purposes other than educational and supports classification of a student as an Idaho resident:

(~~b~~i) Filing of Idaho state income tax returns covering a period of at least twelve (12) months before the term in which the student proposes to enroll as a resident student;

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

(iii) Ownership by the student of the student's living quarters.

(b) The following, if done for at least twelve (12) months before the term in which the student proposes to enroll as a resident student, lend support to domiciliary intent and the absence of which indicates a lack of domiciliary intent. By themselves, the following do not constitute sufficient evidence of the establishment and maintenance of a domicile in Idaho for purposes other than educational:

(i) Registration and payment of Idaho taxes or fees on a motor vehicle, mobile home, travel trailer or other item of personal property for which state registration and the payment of a state tax or fee is required;

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

(iii) Holding an Idaho driver's license;

(iv) Evidence of abandonment of a previous domicile;

(v) Presence of household goods in Idaho;

(vi) Establishment of accounts with Idaho financial institutions; and

(vii) Other similar factors indicating intent to be domiciled in Idaho and the maintenance of such domicile.

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

(5) Appeal from a final determination denying resident status may

be initiated by the filing of an action in the district court of the county in which the affected college or university is located; an appeal from the district court shall lie as in all civil actions.

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

(7) For students who apply for special graduate and professional programs including, but not limited to, the WAMI (Washington, Alaska, Montana, Idaho) regional medical program, the WICHE student exchange programs, Creighton university school of dental science, the university of Utah college of medicine, and the Washington, Oregon, Idaho (WOI) regional program in veterinary medical education, no applicant shall be certified or otherwise designated as a beneficiary of such special program who has not been a resident of the state of Idaho for at least one (1) calendar year previous to the application date.

Approved March 20, 2008.

CHAPTER 227
(H.B. No. 529, As Amended)

AN ACT

RELATING TO TAXATION OF ENERGY SYSTEMS USING GEOTHERMAL ENERGY; AMENDING SECTION 63-3501, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 63-3502B, IDAHO CODE, TO PROVIDE FOR THE LEVY OF TAX ON GEOTHERMAL ENERGY ELECTRICAL PRODUCTION; AMENDING SECTION 63-3503B, IDAHO CODE, TO PROVIDE FOR FILING OPERATORS' STATEMENTS AND FOR THE ALLOTMENT AND APPORTIONMENT OF TAX DUE FROM PRODUCERS OF ELECTRICITY BY MEANS OF GEOTHERMAL ENERGY BY THE STATE TAX COMMISSION; AMENDING SECTION 63-3504, IDAHO CODE, TO PROVIDE REFERENCE TO A PRODUCER OF ELECTRICITY BY MEANS OF GEOTHERMAL ENERGY; AMENDING SECTION 63-3505, IDAHO CODE, TO PROVIDE REFERENCE TO A PRODUCER OF ELECTRICITY BY MEANS OF GEOTHERMAL ENERGY; AMENDING SECTION 63-3506, IDAHO CODE, TO PROVIDE REFERENCE TO A PRODUCER OF ELECTRICITY BY MEANS OF GEOTHERMAL ENERGY; AMENDING SECTION 63-3622QQ, IDAHO CODE, TO PROVIDE THAT MACHINERY AND EQUIPMENT INCLUDES CERTAIN OPERATING PROPERTY; AMENDING SECTION 63-602JJ, IDAHO CODE, TO PROVIDE A PROPERTY TAX EXEMPTION FOR CERTAIN OPERATING PROPERTY OF PRODUCERS OF ELECTRICITY BY MEANS OF GEOTHERMAL ENERGY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3501, Idaho Code, be, and the same is hereby amended to read as follows:

63-3501. DEFINITIONS. For the purposes of this chapter:

(a) The term "cooperative electrical association" means any nonprofit, cooperative association organized and maintained by its members, whether incorporated or unincorporated, for the purpose of transmitting,

distributing or delivering electric power to its members.

(b) The term "cooperative natural gas association" means any non-profit cooperative association organized and maintained by its members, whether incorporated or unincorporated, for the purpose of transmitting, distributing or delivering natural gas to its members.

(c) The term "cost of power" means the cost of power purchases and generation included in reports to, and in accordance with applicable requirements of, the rural electrification administration, United States department of agriculture, by cooperative electrical associations which are borrowers from the rural electrification administration, and for cooperative electrical associations which are not borrowers from the rural electrification administration, such costs which could have been included by such cooperative electrical associations using equivalent reporting and accounting requirements. The state tax commission shall prescribe necessary rules for the purpose of providing a uniform method of reporting cost of power purchases and generation by cooperative electrical associations, consistent with the reporting and accounting requirements of the rural electrification administration.

(d) The term "cost of gas" means the cost of natural gas purchased by cooperative natural gas associations from wholesale or other suppliers of natural gas for delivery to members of the cooperative natural gas association.

(e) The term "gross electrical earnings" means the gross receipts of a cooperative electrical association from the distribution, delivery and sale of electric power within the state of Idaho, but shall not include any earnings or receipts from the distribution, delivery or sale of electric power consumed in pumping water for irrigation or drainage purposes within the state of Idaho, upon the land of such consumer and for the use and benefit of his own land, and where such consumer has received from the association a refund, rebate, or credit of three and one-half percent (3 1/2%) of the cost to him of the electric power so used and consumed.

(f) The term "gross natural gas earnings" means the gross receipts of a cooperative natural gas association from the distribution, delivery and sale of natural gas within the state of Idaho.

(g) The term "gross wind <u>or geothermal</u> energy earnings" means the gross receipts of a wind energy generator <u>or a geothermal energy generator</u> from the distribution, delivery and sale to a customer for the direct use or resale of electrical energy generated, manufactured or produced by means of wind energy <u>or geothermal energy</u> within the state of Idaho.

(h) The term "operating property" means and includes all real estate, fixtures or personal property owned, controlled, operated or managed by such electrical or natural gas association, or producer of electricity by means of wind energy <u>or geothermal energy</u>, excluding entities that are regulated by the Idaho public utilities commission as to price, in connection with or to facilitate the generation, transmission, distribution, delivery, or measuring of electric power, natural gas, or electrical energy generated, manufactured or produced by means of wind energy <u>or geothermal energy</u>, excluding entities that are regulated by the Idaho public utilities commission as to price, and all conduits, ducts, or other devices, materials, apparatus or property for containing, holding or carrying conductors used for the transmission, distribution and delivery of electric power, natural gas, or electrical

energy generated, manufactured or produced by means of wind energy or geothermal energy, excluding entities that are regulated by the Idaho public utilities commission as to price, including construction tools, materials and supplies.

(i) The term "nonoperating property" means all other property, real or personal, owned, controlled or managed by such electrical or natural gas association.

(j) The term "taxing unit" shall include any of the following that had property taxes levied in the prior year: the separate taxing districts of the county as well as the county itself and any such taxing district's fund having a different geographical boundary than such taxing district itself.

(k) The term "tax levy" means the total tax levies fixed by each taxing district, as defined herein, in the prior calendar year.

(l) The term "WPPSS 4 and 5 costs" means, for a cooperative electrical association which is a participant under the Washington public power supply system nuclear projects numbers 4 and 5 participants' agreement, dated July 14, 1976, all of its costs in connection with Washington public power supply system nuclear projects numbers 4 and 5.

(m) The term "weighted wire mileage factor" means a figure which is arrived at by multiplying the tax levy of each taxing unit by the number of wire miles of transmission and distribution lines of such cooperative electrical association situated in such taxing unit.

(n) The term "gas line mileage factor" means a figure which is arrived at by multiplying the tax levy of each taxing unit by the number of miles of natural gas transmission and distribution lines of such cooperative natural gas association situated in such taxing unit.

SECTION 2. That Section 63-3502B, Idaho Code, be, and the same is hereby amended to read as follows:

63-3502B. LEVY OF TAX ON WIND ENERGY OR GEOTHERMAL ENERGY ELECTRICAL PRODUCTION. There shall be levied against every producer of electricity by means of wind energy or geothermal energy a wind energy tax or a geothermal energy tax equal to three percent (3%) of such producer's gross wind energy earnings or geothermal energy earnings. This wind energy tax or geothermal energy tax shall be in lieu of all other taxes on the operating property, as defined in section 63-3501(h), Idaho Code, of such wind energy producer or of such geothermal energy producer.

SECTION 3. That Section 63-3503B, Idaho Code, be, and the same is hereby amended to read as follows:

63-3503B. FILING OPERATORS' STATEMENTS -- ALLOTMENT AND APPORTIONMENT OF TAX DUE FROM PRODUCERS OF ELECTRICITY BY MEANS OF WIND ENERGY OR GEOTHERMAL ENERGY BY STATE TAX COMMISSION. Every producer of electricity by means of wind energy or by means of geothermal energy in this state shall file with the state tax commission of the state of Idaho an operator's statement in the manner as provided for in section 63-404, Idaho Code, and shall include thereon a statement of the prior calendar year's gross wind energy earnings or gross geothermal energy earnings. Upon examining and verifying said statement, the state tax commission shall compute the amount of the wind energy tax or the geothermal energy

tax based on the gross wind energy earnings or the gross geothermal energy earnings and shall allot to each county in which the operating property of such producer is situate either: that proportion of the total wind energy tax or that proportion of the total geothermal energy tax of such producer shown to be due as the same proportion that the total original cost of operating property situate in such county bears to the total original cost of operating property of such producer for the wind energy project or of such producer for the geothermal energy project. The state tax commission shall then, for each county, apportion the wind energy tax or geothermal energy tax so allotted to such county among the several taxing units thereof within which any operating property of such producer is situate, by apportioning to each such taxing unit that proportion of the wind energy tax or geothermal energy tax so allotted to such county. For such apportionment, the state tax commission shall calculate the weighted original cost which shall be the product of the original cost of such operating property within such taxing unit times such taxing unit's property tax levy for the prior year and the weighted apportionment rate which shall be the ratio of the wind energy tax or of the geothermal energy tax as the case may be, allotted to such county, to the aggregate weighted original cost for all such taxing units within which the operating property is located and then shall calculate the apportionment of the wind energy tax or geothermal energy tax for each such taxing unit to be equal to the product of the weighted original cost times the weighted apportionment rate. The state tax commission shall, on or before the second Monday in August, notify the state superintendent of public instruction, the county auditor, and the county treasurer of such allotment and apportionment and the amounts thereof. On or before the third Monday in August, the county auditor shall notify the appropriate taxing units of the amount of wind energy tax or the amount of the geothermal energy tax being apportioned.

SECTION 4. That Section 63-3504, Idaho Code, be, and the same is hereby amended to read as follows:

63-3504. COLLECTION BY COUNTY TREASURER -- PENALTY AND INTEREST IMPOSED WHEN DELINQUENT. Upon receipt of the notification of the allotment and apportionment of such taxes by the state tax commission by the county treasurer, said county treasurer shall, not later than June 15 of each year, notify each cooperative electrical association, natural gas cooperative, and producer of electricity by means of wind energy or by means of geothermal energy, of the amount of taxes owed, and the apportionment thereof to the county and to the several taxing districts in the county and such tax shall be due and payable not later than July 1, following and, upon the payment thereof, the county treasurer shall pay over to each taxing district its apportionment as herein determined. Any such taxes not paid by July 1, as aforesaid, shall become delinquent and a penalty of five percent (5%) thereof shall be imposed, together with interest at the rate of one percent (1%) per month from July 1 until paid.

SECTION 5. That Section 63-3505, Idaho Code, be, and the same is hereby amended to read as follows:

63-3505. TAXES A LIEN ON PROPERTY OF ASSOCIATION OR PRODUCER UNTIL PAID. All taxes due and payable under this chapter shall be a lien on all property, real and personal, of the electrical, or natural gas association, or the producer of electricity by means of wind energy or by means of geothermal energy, owing the same, as of June 15 of each year and shall be discharged only by the payment thereof. In any action to enforce payment of any delinquent taxes due under this chapter, the county prosecuting such action shall be entitled to a judgment for the reasonable costs of prosecuting such action, as well as for the delinquent taxes, penalty and interest.

SECTION 6. That Section 63-3506, Idaho Code, be, and the same is hereby amended to read as follows:

63-3506. ASSESSMENT OF NONOPERATING PROPERTY BY ASSESSOR. The nonoperating property of any cooperative electrical or natural gas association, or producer of electricity by means of wind energy or by means of geothermal energy, shall be assessed by the county assessor of the county wherein such property is situate, and taxes levied against the same shall be a lien, and shall be due and payable, in the same manner as are any other taxes on property.

SECTION 7. That Section 63-3622QQ, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622QQ. EQUIPMENT USED IN ALTERNATIVE METHOD OF GENERATION OF ELECTRICITY. (1) Purchasers of machinery and equipment used directly in generating electricity using fuel cells, low impact hydro, wind, geothermal resources, biomass, cogeneration, sun or landfill gas as the principal source of power may qualify for a rebate of sales or use taxes paid on such purchases but only if the purchaser develops with such machinery, equipment, and tangible personal property a facility capable of generating not less than twenty-five (25) kilowatts of electricity.

(2) For purposes of this section:

(a) "Landfill gas" means biomass fuel of the type qualified for federal tax credits under 26 U.S.C. section 29 collected from a landfill. "Landfill" means a landfill as defined in section 39-7403, Idaho Code;

(b) "Machinery and equipment" means industrial fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using fuel cells, low impact hydro, wind, geothermal resources, biomass, cogeneration, sun, or landfill gas as the principal source of power. "Machinery and equipment" includes all operating property as described in section 63-3501(h), Idaho Code;

(c) Notwithstanding subsection (2)(b) of this section, "mMachinery and equipment" does not include:

(i) Hand-powered tools;

(ii) Property with a useful life of less than one (1) year;

(iii) Repair parts required to restore machinery and equipment to normal working order;

(iv) Replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment;

(v) Buildings; or

(vi) Building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building;

(d) Machinery and equipment is "used directly" in generating electricity with fuel cells or by low impact hydro, wind energy, geothermal resources, biomass, cogeneration, solar energy or landfill gas power if it provides any part of the process that captures the energy of the fuel cells, low impact hydro, wind, geothermal resources, biomass, cogeneration, sun, or landfill gas, converts that energy to electricity, and stores, transforms or transmits that electricity for entry into or operation in parallel with electric transmission and distribution systems;

(e) "Fuel cell" means an electrochemical reaction that generates electricity by combining atoms of hydrogen and oxygen in the presence of a catalyst;

(f) "Low impact hydro" means an electric generating facility utilizing water for the generation of electricity, housed in existing canals or existing reservoirs and having a power production capacity twenty-five (25) kilowatts or greater.

(3) To qualify for the rebate, the taxpayer and his contractors must pay sales and use tax on their purchases of property. Once a public utility, a cooperative, a municipality or the public utilities commission certifies the project will generate at least twenty-five (25) kilowatts of electricity, the taxpayer may file a refund request with the state tax commission. The refund request shall state that the taxpayer will construct or has constructed a project that will generate sufficient kilowatts of electricity at the project site to be eligible for the rebate and that the taxpayer is entitled to receive a rebate of all sales and use taxes paid that qualifies for the rebate created by this section.

(4) Upon filing of a written refund claim by the taxpayer entitled to the rebate, and subject to such reasonable documentation and verification as the state tax commission may require, the rebate shall be paid by the state tax commission as a refund allowable under section 63-3626, Idaho Code. A claim for rebate under this section must be filed on or before the last day of the third calendar year following the year in which the taxes sought to be rebated were paid or the right to the rebate is lost.

(5) Any rebate paid shall be subject to recapture by the state tax commission. In the event the property is not used, stored or otherwise consumed in the process of generating electricity for a period of sixty (60) months, the state tax commission may recapture the tax paid in the same proportion as an amount of credit required to be recaptured under section 63-3029B, Idaho Code.

(6) Any recapture amount due under this section shall be a deficiency in tax for the period in which the disqualification first occurs for purposes of section 63-3629, Idaho Code, and may be enforced and collected in the manner provided by the Idaho sales tax act, provided however, that in lieu of the provisions of section 63-3633, Idaho Code, the period of time within which the commission may issue a notice under section 63-3629, Idaho Code, in regard to an amount subject to recapture shall be the later of five (5) years after the end of the taxable year, for income tax purposes, in which the project period ends.

SECTION 8. That Section 63-602JJ, Idaho Code, be, and the same is hereby amended to read as follows:

63-602JJ. PROPERTY EXEMPT FROM TAXATION -- CERTAIN OPERATING PROPERTY OF PRODUCER OF ELECTRICITY BY MEANS OF WIND ENERGY OR BY MEANS OF GEOTHERMAL ENERGY. The following property is exempt from taxation: (i) operating property of producers of electricity by means of wind energy exclusively used to produce electricity by means of wind energy on which the tax on gross wind energy earnings will be paid; and (ii) operating property of producers of electricity by means of geothermal energy exclusively used to produce electricity by means of geothermal energy on which the tax on gross geothermal energy earnings will be paid.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2008.

Approved March 20, 2008.

CHAPTER 228
(H.B. No. 589)

AN ACT

APPROPRIATING MONEYS FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM FOR FISCAL YEAR 2009; CLARIFYING THE APPROPRIATION FOR THE PORTFOLIO INVESTMENT PROGRAM; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Public Employee Retirement System the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. RETIREMENT ADMINISTRATION:				
FROM:				
PERSI Administrative Fund	$3,515,500	$2,461,800	$201,500	$6,178,800
II. PORTFOLIO INVESTMENT:				
FROM:				
PERSI Special Fund	$ 607,600	$ 270,200	$ 20,000	$ 897,800
GRAND TOTAL	$4,123,100	$2,732,000	$221,500	$7,076,600

SECTION 2. Notwithstanding Section 59-1311(4)(d), Idaho Code, moneys appropriated in Section 1 of this act for the Portfolio Investment Program are for administrative costs of the Portfolio Investment

Program as provided in Section 59-1311(3), Idaho Code. Amounts necessary to pay all other investment expenses related to the Portfolio Investment Program are perpetually appropriated to the Public Employee Retirement System Board as provided in Section 59-1311(4)(a), (b) and (c), Idaho Code.

SECTION 3. In accordance with Section 67-3519, Idaho Code, the Public Employee Retirement System is authorized no more than sixty-five (65) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 20, 2008.

CHAPTER 229
(H.B. No. 597)

AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the 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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. DIVISION OF FINANCIAL MANAGEMENT:				
FROM:				
General Fund	$1,587,100	$231,900	$22,500	$1,841,500
Miscellaneous Revenue Fund	34,000	7,100		41,100
TOTAL	$1,621,100	$239,000	$22,500	$1,882,600

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, 2008, through June 30, 2009, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 20, 2008.

CHAPTER 230
(H.B. No. 598)

AN ACT

APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the 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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. GOVERNOR'S OFFICE ADMINISTRATION:				
FROM:				
General Fund	$1,893,500	$269,100	$9,000	$2,171,600
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	$ 196,400			$ 196,400
IV. ACTING GOVERNOR PAY:				
FROM:				
General Fund	$ 19,200			$ 19,200
TOTAL	$2,109,100	$274,100	$9,000	$2,392,200

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, 2008, through June 30, 2009, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 20, 2008.

CHAPTER 231
(S.B. No. 1384)

AN ACT

RELATING TO PUBLIC HEALTH DISTRICT BOARDS; AMENDING SECTION 39-414, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF DISTRICT BOARDS OF HEALTH.

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

SECTION 1. That Section 39-414, Idaho Code, be, and the same is hereby amended to read as follows:

39-414. POWERS AND DUTIES OF DISTRICT BOARD. The district board of health shall have and may exercise the following powers and duties:

(1) To administer and enforce all state and district health laws, regulations, and standards.

(2) To do all things required for the preservation and protection of the public health and preventive health, and such other things delegated by the director of the state department of health and welfare or the director of the department of environmental quality and this shall be authority for the director(s) to so delegate.

(3) To determine the location of its main office and to determine the location, if any, of branch offices.

(4) To enter into contracts with any other governmental or public agency whereby the district board agrees to render services to or for such agency in exchange for a charge reasonably calculated to cover the cost of rendering such service. This authority is to be limited to services voluntarily rendered and voluntarily received and shall not apply to services required by statute, rule, and regulations, or standards promulgated pursuant to this act or chapter 1, title 39, Idaho Code.

(5) All moneys or payment received or collected by gift, grant, devise, or any other way shall be deposited to the respective division or subaccount of the public health district in the public health district fund authorized by section 39-422, Idaho Code.

(6) To establish a fiscal control policy required by the state controller.

(7) To cooperate with the state board of health and welfare, the department of health and welfare, the board of environmental quality and the department of environmental quality.

(8) To enter into contracts with other governmental agencies, and this act hereby authorizes such other agencies to enter into contracts with the health district, as may be deemed necessary to fulfill the duties imposed upon the district in providing for the health of the citizens within the district.

(9) To purchase, exchange or sell real property and construct, rent, or lease such buildings as may be required for the accomplishment of the duties imposed upon the district and to further obtain such other personal property as may be necessary to its functions.

(10) To accept, receive and utilize any gifts, grants, or funds and personal and real property that may be donated to it for the fulfillment of the purposes outlined in this act.

(11) To establish a charge whereby the board agrees to render services to or for entities other than governmental or public agencies for an amount reasonably calculated to cover the cost of rendering such service.

(12) To enter into a lease of real or personal property as lessor or lessee, or other transaction with the Idaho health facilities authority for a term not to exceed ninety-nine (99) years upon a determination by the district board that the real or personal property to be leased is necessary for the purposes of the district, and to pledge nontax revenues of the district to secure the district's obligations under such

leases. For the purposes of this chapter, a public health district is not a subdivision of the state and shall be considered an independent body corporate and politic pursuant to section 1, article VIII, of the constitution of the state of Idaho, and is not authorized hereby to levy taxes nor to obligate the state of Idaho concerning such financing.

(13) To administer and certify solid waste disposal site operations, closure, and post closure procedures established by statute or regulation in accordance with provisions of chapter 74, title 39, Idaho Code, in a manner equivalent to the site certification process set forth in section 39-7408, Idaho Code.

(14) To select a board member to serve as trustee on the board of trustees of the Idaho district boards of health.

Approved March 20, 2008.

CHAPTER 232
(H.B. No. 501)

AN ACT

RELATING TO ADDRESS CONFIDENTIALITY FOR VICTIMS OF VIOLENCE; AMENDING TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 57, TITLE 19, IDAHO CODE, TO PROVIDE A PURPOSE, TO DEFINE TERMS, TO PROVIDE A PROCEDURE FOR AN ADDRESS CONFIDENTIALITY PROGRAM AND TO PROVIDE PENALTY PROVISIONS RELATING TO FALSELY ATTESTED APPLICATIONS, TO PROVIDE FOR CERTIFICATION CANCELLATION, TO PROVIDE FOR USE OF DESIGNATED ADDRESSES, TO PROHIBIT THE DISCLOSURE OF RECORDS AND TO PROVIDE EXCEPTIONS, TO PROVIDE FOR IMMUNITY FROM LIABILITY AND TO AUTHORIZE THE SECRETARY OF STATE TO PROMULGATE CERTAIN RULES; AND AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS IN AN ADDRESS CONFIDENTIALITY PROGRAM PARTICIPANT'S FILE ARE EXEMPT FROM DISCLOSURE AND TO PROVIDE EXCEPTIONS.

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

SECTION 1. That Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 57, Title 19, Idaho Code, and to read as follows:

CHAPTER 57
ADDRESS CONFIDENTIALITY FOR VICTIMS OF VIOLENCE

19-5701. PURPOSE. The legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault or malicious harassment frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, sexual assault or stalking, to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic violence, sexual assault or stalking, and to enable state and local agencies to accept a program participant's use of an address designated by the secretary of state as a substitute mailing address.

19-5702. DEFINITIONS. Unless the context clearly requires otherwise, for purposes of this chapter the following terms have the following meanings:

(1) "Address" means a residential street address of an individual as specified on the individual's application to be a program participant under this chapter.

(2) "Program participant" means:

(a) An individual who has obtained an order of protection pursuant to section 39-6306, Idaho Code, after a hearing for which the defendant in the proceeding received notice; or

(b) An individual who has obtained a certification from a prosecutor stating that the individual is the victim of a crime in which the defendant has been charged pursuant to section 18-918, 18-1506, 18-1508, 18-1508A, 18-6101, 18-7902, 18-7905 or 18-7906, Idaho Code, or in which the defendant is charged with attempt to commit any of the foregoing crimes.

19-5703. ADDRESS CONFIDENTIALITY PROGRAM -- APPLICATION -- CERTIFICATION. (1) An adult person, a parent or a guardian acting on behalf of a minor, or a guardian appointed pursuant to section 15-5-304, Idaho Code, acting on behalf of an incapacitated person, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(a) A sworn statement by the applicant that the applicant has good reason to believe:

(i) That the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, stalking, rape or malicious harassment, or any other crime listed in section 19-5702(2)(b), Idaho Code; and

(ii) That the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made.

(b) A certified copy of a domestic protection order issued pursuant to section 39-6306, Idaho Code, or a certified statement from a prosecutor stating that the individual is a victim of crime as provided in subsection (2)(b) of section 19-5702, Idaho Code.

(c) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail.

(d) The mailing address where the applicant can be contacted by the secretary of state, and the telephone number or numbers where the applicant can be called by the secretary of state.

(e) The address or addresses that the applicant requests not be disclosed.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four (4) years following the date of filing unless the certification is withdrawn or invalidated before that date. The application may be renewed at the end of four (4) years.

(4) A person who falsely attests in an application that disclosure

of the applicant's address would endanger the applicant's safety or the safety of the applicant's children, or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, shall be punishable under section 18-5414, Idaho Code, or other applicable statutes.

19-5704. CERTIFICATION CANCELLATION. (1) The secretary of state may cancel a program participant's certification if there is a change in the name or residential address from that listed on the application, unless the program participant provides the secretary of state with seven (7) days' prior notice of the change of name or address.

(2) The secretary of state may cancel certification of a program participant if mail forwarded by the secretary to the program participant's address is returned as nondeliverable.

(3) The secretary of state may cancel certification of a program participant who applies using false information.

19-5705. USE OF DESIGNATED ADDRESS. (1) A program participant may request that state and local agencies use the address designated by the secretary of state as his or her address. When creating a new public record, state and local agencies shall accept the address designated by the secretary of state as a program participant's substitute address, unless the agency shows that:

(a) The agency has a bona fide statutory or administrative requirement for the use of a program participant's address which would otherwise be confidential under this chapter;

(b) The program participant's address will be used only for those statutory and administrative purposes; and

(c) The agency takes reasonable precautions to protect the confidentiality of the program participant.

(2) A program participant may use the address designated by the secretary of state as his or her work address.

(3) The office of the secretary of state shall forward all first class mail to the appropriate program participant.

19-5706. DISCLOSURE OF RECORDS PROHIBITED -- EXCEPTIONS. Notwithstanding any other provision of state law, the secretary of state shall not make any records in a program participant's file available for inspection or copying, other than the address designated by the secretary of state, except under the following circumstances:

(1) If requested by a law enforcement agency, to the law enforcement agency; or

(2) If directed by a court order, to a person identified in the order.

19-5707. IMMUNITY FROM LIABILITY. Neither a governmental entity nor its employees, while acting within the course and scope of their employment and without malice or criminal intent, shall be liable under the Idaho tort claims act, chapter 9, title 6, Idaho Code, for any injury resulting from the release of confidential information under this act.

19-5708. ADOPTION OF RULES. The secretary of state may adopt rules to facilitate the administration of this chapter by state and local agencies.

SECTION 2. 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 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 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 includ-

ing, 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.

(27) Records in an address confidentiality program participant's file as provided for in chapter 57, title 19, Idaho Code, other than the address designated by the secretary of state, except under the following circumstances:

(a) If requested by a law enforcement agency, to the law enforcement agency; or

(b) If directed by a court order, to a person identified in the order.

Approved March 20, 2008.

CHAPTER 233
(H.B. No. 561)

AN ACT

RELATING TO THE PRODUCTION EXEMPTION; AMENDING SECTION 63-3622D, IDAHO CODE, TO PROVIDE THAT THE PRODUCTION EXEMPTION FROM SALES AND USE TAX SHALL BE AVAILABLE TO A BUSINESS, OR SEPARATELY OPERATED SEGMENT OF A BUSINESS, ENGAGED IN THE BUSINESS OF PROCESSING MATERIALS, SUBSTANCES OR COMMODITIES FOR USE AS FUEL FOR THE PRODUCTION OF ENERGY, WHETHER AS A SUBCONTRACTOR, CONTRACTOR, CONTRACTEE OR SUBCONTRACTEE, WITHOUT REGARD TO THE OWNERSHIP OF THE MATERIALS, SUBSTANCES OR COMMODITIES BEING PROCESSED AND IRRESPECTIVE OF WHETHER THE MATERIALS, SUBSTANCES OR COMMODITIES BEING PROCESSED ARE INTENDED FOR ULTIMATE SALE AT RETAIL WITHIN OR WITHOUT THIS STATE.

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

SECTION 1. That Section 63-3622D, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622D. PRODUCTION EXEMPTION. There are exempted from the taxes imposed by this chapter:

(a) The sale at retail, storage, use or other consumption in this state of:

(1) Tangible personal property which will enter into and become an ingredient or component part of tangible personal property manufactured, processed, mined, produced or fabricated for sale.

(2) Tangible personal property primarily and directly used or consumed in or during a manufacturing, processing, mining, farming, or fabricating operation, including, but not limited to, repair parts, lubricants, hydraulic oil, and coolants, which become a component part of such tangible personal property; provided that the use or consumption of such tangible personal property is necessary or essential to the performance of such operation.

(3) Chemicals, catalysts, and other materials which are used for the purpose of producing or inducing a chemical or physical change in the product or for removing impurities from the product or otherwise placing the product in a more marketable condition as part of an operation described in subsection (a)(2) of this section, and chemicals and equipment used in clean-in-place systems in the food processing and food manufacturing industries.

(4) Safety equipment and supplies required to meet a safety standard of a state or federal agency when such safety equipment and supplies are used as part of an operation described in subsection (a)(2) of this section.

(5) Plants to be used as part of a farming operation.

(b) Other than as provided in subsection (c) of this section, the exemptions allowed in subsections (a)(1), (a)(2), (a)(3) and (a)(4) of this section are available only to a business or separately operated segment of a business which is primarily devoted to producing tangible personal property which that business will sell and which is intended for ultimate sale at retail within or without this state. A contractor providing services to a business entitled to an exemption under this

section is not exempt as to any property owned, leased, rented or used by it unless, as a result of the terms of the contract, the use of the property is exempt under section 63-3615(b), Idaho Code.

(c) The exemptions allowed in subsections (a)(1), (a)(2), (a)(3) and (a)(4) of this section shall also be available to a business, or separately operated segment of a business, engaged in farming or mining, whether as a subcontractor, contractor, contractee or subcontractee, when such business or segment of a business is primarily devoted to producing tangible personal property which is intended for ultimate sale at retail within or without this state, without regard to the ownership of the product being produced.

(d) The exemptions allowed in subsections (a)(1), (a)(2), (a)(3) and (a)(4) of this section shall also be available to a business, or separately operated segment of a business, engaged in the business of processing materials, substances or commodities for use as fuel for the production of energy, whether as a subcontractor, contractor, contractee or subcontractee, without regard to the ownership of the materials, substances or commodities being processed and irrespective of whether the materials, substances or commodities being processed are intended for ultimate sale at retail within or without this state.

(e) As used in this section, the term "directly used or consumed in or during" a farming operation means the performance of a function reasonably necessary to the operation of the total farming business, including, the planting, growing, harvesting and initial storage of crops and other agricultural products and movement of crops and produce from the place of harvest to the place of initial storage. It includes disinfectants used in the dairy industry to clean cow udders or to clean pipes, vats or other milking equipment.

(~~e~~f) The exemptions allowed in this section do not include machinery, equipment, materials and supplies used in a manner that is incidental to the manufacturing, processing, mining, farming or fabricating operations such as maintenance and janitorial equipment and supplies.

(~~f~~g) Without regard to the use of such property, this section does not exempt:

(1) Hand tools with a unit purchase price not in excess of one hundred dollars ($100). A hand tool is an instrument used or worked by hand.

(2) Tangible personal property used in any activities other than the actual manufacturing, processing, mining, farming or fabricating operations such as office equipment and supplies, and equipment and supplies used in selling or distributing activities.

(3) Property used in transportation activities.

(4) Machinery, equipment, tools or other property used to make repairs. This subsection does not include repair parts that become a component part of tangible property exempt from tax under this section or lubricants, hydraulic oil, or coolants used in the operation of tangible personal property exempt under this section.

(5) Machinery, equipment, tools or other property used to manufacture, fabricate, assemble or install tangible personal property which is:

(i) Not held for resale in the regular course of business; and

(ii) Owned by the manufacturer, processor, miner, farmer or fabricator;

provided, however, this subsection does not prevent exemption of

machinery, equipment, tools or other property exempted from tax under subsection (a)(2) or (a)(3) of this section.

(6) Any improvement to real property or fixture thereto or any tangible personal property which becomes or is intended to become a component of any real property or any improvement or fixture thereto.

(7) Motor vehicles and aircraft.

(8) Tangible personal property used or consumed in processing, producing or fabricating tangible personal property exempted from tax under this chapter in sections 63-3622F and 63-3622I, Idaho Code.

(9) Tangible personal property described in section 63-3622HH, Idaho Code.

(~~g~~h) Any tangible personal property exempt under this section which ceases to qualify for this exemption, and does not qualify for any other exemption or exclusion of the taxes imposed by this chapter, shall be subject to use tax based upon its value at the time it ceases to qualify for exemption. Any tangible personal property taxed under this chapter which later qualifies for this exemption shall not entitle the owner of it to any claim for refund.

Approved March 24, 2008.

CHAPTER 234
(H.B. No. 562)

AN ACT

RELATING TO TAXATION; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 45, TITLE 63, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A PROPERTY TAX EXEMPTION FOR CERTAIN NEW CAPITAL INVESTMENTS, TO DEFINE TERMS, TO PROVIDE PROCEDURES AND TO PROVIDE RULES; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 45, Title 63, Idaho Code, and to read as follows:

CHAPTER 45
NEW CAPITAL INVESTMENTS INCENTIVE ACT

63-4501. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho New Capital Investments Incentive Act of 2008."

63-4502. TAX EXEMPTION FOR NEW CAPITAL INVESTMENTS. (1) For calendar years beginning on or after January 1, 2008, the net taxable value of all property of a taxpayer in excess of four hundred million dollars ($400,000,000) located within a single county in Idaho shall be exempt from property taxation and any special assessment, but only to the extent that such property constitutes a new capital investment as defined in subsection (2) of this section.

(2) For purposes of this section, the following definitions shall apply:

(a) "New capital investment" means an investment of at least one billion dollars ($1,000,000,000) made during the project period by the acquisition, construction, improvement or installation of real or personal property related to new plant and building facilities at a project site located within the county referred to in subsection (1) of this section.

(b) "New plant and building facilities" means:

(i) Qualified investments as defined in section 63-3029B, Idaho Code; or

(ii) Buildings or structural components of buildings.

(c) "Project period" means the period of time beginning at the first inspection of the permanent building structure following issuance of the building permit, but in no case earlier than January 1, 2008, and ending no later than seven (7) years after the calendar year in which such inspection takes place.

(d) "Project site" means an area or areas at which the new plant and building facilities described in subsection (2)(b) of this section are located.

(3) The property included in the calculation for purposes of determining investment value shall include all real property owned, and all personal property owned, leased or rented. With respect to leased or rented personal property, only that portion of the property for which a taxpayer is contractually liable for payment of property taxes thereon, shall be included in the calculation of the investment.

(4) Notwithstanding the exemption provided in subsection (4) of section 63-3029B, Idaho Code, no other exemption from property tax or any special assessment provided by the statutes of this state shall be applicable to any property described in subsection (2) of this section with respect to a year in which the incentives set forth in subsection (1) of this section apply to any of the same property.

(5) Property subject to the provisions of this section shall not be included on the property roll or the new construction roll prepared by the county assessor in accordance with section 63-301 or 63-301A, Idaho Code, respectively.

(6) The state tax commission shall adopt all rules that may be necessary to implement the provisions of this section.

SECTION 2. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2008.

Approved March 24, 2008.

CHAPTER 235
(H.B. No. 596)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR THE PEACE OFFICERS STANDARDS AND TRAINING ACADEMY FOR FISCAL YEAR 2008; AND DECLARING AN EMERGENCY FOR SECTION 3 OF THIS ACT.

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

SECTION 1. There is hereby appropriated to the Idaho State Police the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BRAND INSPECTION:					
FROM:					
State Brand Board Fund	$ 2,295,700	$ 310,000	$ 85,500		$ 2,691,200
II. DIVISION OF THE IDAHO STATE POLICE:					
A. DIRECTOR'S OFFICE:					
FROM:					
General Fund	$ 1,972,300	$ 612,900	$ 26,500	$ 25,000	$ 2,636,700
Idaho Law Enforcement Fund	64,100	2,300			66,400
Peace Officers Fund	800				800
Miscellaneous Revenue Fund	41,500	56,400			97,900
Federal Grant Fund	168,100	149,300	6,100		323,500
TOTAL	$ 2,246,800	$ 820,900	$ 32,600	$ 25,000	$ 3,125,300
B. EXECUTIVE PROTECTION:					
FROM:					
General Fund	$ 229,500	$ 82,000			$ 311,500
Idaho Law Enforcement Fund	11,200	300			11,500
Miscellaneous Revenue Fund	79,700	12,700			92,400
TOTAL	$ 320,400	$ 95,000			$ 415,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
C. INVESTIGATIONS:					
FROM:					
General Fund	$ 5,700,600	$ 1,161,300	$ 287,800		$ 7,149,700
Drug Donation Fund	111,400	275,900			387,300
Idaho Law Enforcement Fund	364,400	6,000			370,400
Federal Grant Fund	206,300	289,600			495,900
TOTAL	$ 6,382,700	$ 1,732,800	$ 287,800		$ 8,403,300
D. PATROL:					
FROM:					
General Fund	$ 2,886,300	$ 1,197,100	$2,754,200		$ 6,837,600
Idaho Law Enforcement Fund	17,094,500	2,518,000			19,612,500
Hazardous Materials/ Waste Enforcement Fund	150,700	18,100		$ 69,100	237,900
Federal Grant Fund	2,136,100	1,216,000	331,600	3,805,300	7,489,000
TOTAL	$22,267,600	$ 4,949,200	$3,085,800	$3,874,400	$34,177,000
E. LAW ENFORCEMENT PROGRAMS:					
FROM:					
General Fund	$ 498,000	$ 396,500	$ 53,500		$ 948,000
Idaho Law Enforcement Fund	24,800	600			25,400
Miscellaneous Revenue Fund		6,000			6,000
Federal Grant Fund	38,400	30,600			69,000
TOTAL	$ 561,200	$ 433,700	$ 53,500		$ 1,048,400
F. SUPPORT SERVICES:					
FROM:					
General Fund	$ 1,378,800	$ 829,100	$ 418,400		$ 2,626,300
Idaho Law Enforcement Fund	179,500	3,700			183,200
Idaho Law Enforcement Telecommunications Fund	380,300	509,800	800		890,900
Miscellaneous Revenue Fund	990,400	1,428,200	14,600		2,433,200
Federal Grant Fund		285,800			285,800
TOTAL	$ 2,929,000	$ 3,056,600	$ 433,800		$ 6,419,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
G. FORENSIC SERVICES:					
FROM:					
General Fund	$ 2,344,000	$ 585,200	$ 735,200		$ 3,664,400
Idaho Law Enforcement Fund	89,800	2,700			92,500
Drug Donation Fund		132,500			132,500
Miscellaneous Revenue Fund	73,700	129,900			203,600
Federal Grant Fund	20,600	20,200			40,800
TOTAL	$ 2,528,100	$ 870,500	$ 735,200		$ 4,133,800
DIVISION TOTAL	$37,235,800	$11,958,700	$4,628,700	$3,899,400	$57,722,600
III. PEACE OFFICERS STANDARDS AND TRAINING ACADEMY:					
FROM:					
Idaho Law Enforcement Fund	$ 63,000	$ 2,200			$ 65,200
Peace Officers Fund	1,806,900	1,871,600	$ 98,700	$ 95,400	3,872,600
Miscellaneous Revenue Fund		209,000			209,000
Federal Grant Fund	79,700	221,200		38,600	339,500
TOTAL	$ 1,949,600	$ 2,304,000	$ 98,700	$ 134,000	$ 4,486,300
IV. RACING COMMISSION:					
FROM:					
Idaho State Racing Commission Fund	$ 416,600	$ 320,800	$ 28,600		$ 766,000
Pari-mutuel Distributions Fund				$ 85,000	85,000
TOTAL	$ 416,600	$ 320,800	$ 28,600	$ 85,000	$ 851,000
GRAND TOTAL	$41,897,700	$14,893,500	$4,841,500	$4,118,400	$65,751,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho State Police is authorized no more than five hundred forty-four and seven-hundredths (544.07) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, 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. In addition to the appropriation made in Section 1, Chapter 176, Laws of 2007, there is hereby appropriated to the Idaho

State Police for the Peace Officers Standards and Training Academy the sum of $111,000 for operating expenditures from the Peace Officers Fund for the period July 1, 2007, through June 30, 2008.

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

Approved March 24, 2008.

CHAPTER 236
(H.B. No. 572)

AN ACT

APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE COST FUND FOR FISCAL YEAR 2009.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer $20,767,700 from the General Fund to the Catastrophic Health Care Cost Fund for the period July 1, 2008, through June 30, 2009.

Law Without Signature.

CHAPTER 237
(S.B. No. 1464)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Office of the 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, 2008, through June 30, 2009:

FOR:	
Personnel Costs	$1,614,100
Operating Expenditures	704,400
TOTAL	$2,318,500
FROM:	
General Fund	$2,318,500

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of the State Appellate Public Defender is authorized no more than twenty-one (21) full-time equivalent positions at any point during the

period July 1, 2008, through June 30, 2009, 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.

Law Without Signature.

CHAPTER 238
(S.B. No. 1339, As Amended, As Amended in the House)

AN ACT

RELATING TO MISUSE OF PUBLIC FUNDS; AMENDING SECTION 18-5702, IDAHO CODE, AS AMENDED BY SECTION 2, SENATE BILL NO. 1349, AS ENACTED BY THE SECOND REGULAR SESSION OF THE FIFTY-NINTH IDAHO LEGISLATURE, TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES PUBLIC OFFICERS AND PUBLIC EMPLOYEES FOUND GUILTY OF MISUSE OF PUBLIC MONEYS MAY BE ORDERED TO APPLY FOR DISTRIBUTION OF RETIREMENT MONEYS IN ORDER TO MAKE RESTITUTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 18-5702, Idaho Code, as amended by Section 2, Senate Bill No. 1349, as enacted by the Second Regular Session of the Fifty-ninth Idaho Legislature, be, and the same is hereby amended to read as follows:

18-5702. GRADING AND PUNISHMENT FOR MISUSE OF FUNDS. (1) Any public employee who is not charged with the receipt, safekeeping or disbursement of public moneys and who misuses public moneys in violation of section 18-5701, Idaho Code, is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding one (1) year, or by both, if the amount of public moneys misused is less than three hundred dollars ($300).

(2) Any public officer or public employee charged with the receipt, safekeeping or disbursement of public moneys, who misuses public moneys in violation of section 18-5701, Idaho Code, is guilty of a felony punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison for not more than five (5) years, or by both, if the amount of public moneys misused is less than three hundred dollars ($300).

(3) Except as otherwise provided in subsections (1) and (2) of this section, any public officer or public employee who misuses public moneys in violation of section 18-5701, Idaho Code, is guilty of a felony punishable by a fine not exceeding ten thousand dollars ($10,000), or by imprisonment in the state prison for not less than one (1) year nor more than fourteen (14) years, or by both.

(4) (a) When any series of violations of section 18-5701, Idaho Code, comprised of separate incidents of misuse of public moneys in amounts less than three hundred dollars ($300) are part of a common scheme or plan, the incidents may be aggregated in one (1) count and the sum of the value of all of the incidents shall be the value considered in determining whether the amount exceeds three hundred dollars ($300).

(b) Any public officer or public employee who pleads guilty to or is found guilty of a violation of section 18-5701, Idaho Code, more than one (1) time, irrespective of the form of the judgment(s) or withheld judgment(s), and who would otherwise be subject to a lesser punishment under subsection (1) or (2) of this section is guilty of a felony punishable as provided in subsection (3) of this section.

(5) In addition to any penalty imposed in this section, any public officer or public employee who pleads guilty to or is found guilty of a violation of section 18-5701, Idaho Code, irrespective of the form of the judgment(s) or withheld judgment(s) shall:

(a) Be terminated for cause from the public office or employment subject to any procedures applicable to such termination; and

(b) Make restitution of any public moneys misused, and any profits made therefrom, as ordered by the court; and

(c) Notwithstanding section 18-310, Idaho Code, and except as otherwise provided by law, be disqualified from holding any position as a public officer or public employee if such position is charged with the receipt, safekeeping or disbursement of public moneys; and

(d) In the discretion of the court, and unless otherwise prohibited by law, be ordered to apply for distribution of any retirement moneys held by any entity on behalf of the person, in order that such moneys shall be used to make restitution to the public entity or its insurer, unless other funds are otherwise available.

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 25, 2008.

CHAPTER 239
(S.B. No. 1348)

AN ACT

RELATING TO WATER RIGHTS; AMENDING SECTION 42-223, IDAHO CODE, TO PROVIDE THAT UNDER CERTAIN CONDITIONS WATER RIGHTS RELATED TO MINING, MINERAL PROCESSING OR MILLING SHALL NOT BE LOST OR FORFEITED FOR NONUSE; DECLARING AN EMERGENCY AND PROVIDING FOR APPLICABILITY.

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

SECTION 1. That Section 42-223, Idaho Code, be, and the same is hereby amended to read as follows:

42-223. EXCEPTIONS OR DEFENSES TO FORFEITURE. A right to the use of water shall not be lost by forfeiture pursuant to the provisions of section 42-222, Idaho Code, for a failure to apply the water to beneficial use under the conditions specified in any subsection of this section. The legislature does not intend through enactment of this section to diminish or impair any statutory or common law exception or defense to forfeiture existing on the date of enactment or amendment of this section, or to preclude judicial or administrative recognition of other exceptions or defenses to forfeiture recognized in Idaho case law or

other provisions of the Idaho Code. No provision of this section shall be construed to imply that the legislature does not recognize the existence or validity of any common law exception or defense to forfeiture existing on the date of enactment or amendment of this section.

(1) A water right appurtenant to land contracted in a federal cropland set-aside program shall not be lost or forfeited for nonuse during the contracted period. The running of any five (5) year period of nonuse for forfeiture of a water right shall be tolled during the time that the land remains in the cropland set-aside program.

(2) A water right held by a municipal provider to meet reasonably anticipated future needs shall be deemed to constitute beneficial use, and such rights shall not be lost or forfeited for nonuse unless the planning horizon specified in the license has expired and the quantity of water authorized for use under the license is no longer needed to meet reasonably anticipated future needs.

(3) A water right shall not be lost or forfeited by a failure to divert and apply the water to beneficial use if the water is not needed to maintain full beneficial use under the right because of land application of waste for disposal purposes including, but not limited to, discharge from dairy lagoons used in combination with or substituted for water diverted under the water right.

(4) A water right shall not be lost or forfeited by a failure to divert and apply the water to beneficial use if the reason for the nonuse of the water is to comply with the provisions of a ground water management plan approved by the director of the department of water resources pursuant to section 42-233a or 42-233b, Idaho Code.

(5) A water right shall not be lost or forfeited by a failure of the owner of the right to divert and apply the water to beneficial use while the water right is placed in the water supply bank or is retained in or rented from the water supply bank pursuant to sections 42-1761 through 42-1765A, Idaho Code, or while the water right is leased pursuant to sections 43-335 through 43-342, Idaho Code, or sections 42-2501 through 42-2509, Idaho Code, or while use of the water is made under any other provision of law authorizing the rental or lease of water rights.

(6) No portion of any water right shall be lost or forfeited for nonuse if the nonuse results from circumstances over which the water right owner has no control. Whether the water right owner has control over nonuse of water shall be determined on a case-by-case basis.

(7) No portion of a water right held by an irrigation district, a Carey Act operating company, or any other company, corporation, association, or entity which holds water rights for distribution to its landowners, shareholders or members shall be lost or forfeited due to nonuse by such landowners, shareholders or members, unless the nonuse is subject to the control of such entity.

(8) No portion of a water right held by an irrigation district shall be lost, forfeited or subject to forfeiture as a result of the exclusion of land from the district pursuant to chapter 11, title 43, Idaho Code, so long as any five (5) year period of nonuse following the exclusion does not result from circumstances over which the district has control.

(9) No portion of any water right shall be lost or forfeited for nonuse if the nonuse results from a water conservation practice, which maintains the full beneficial use authorized by the water right, as defined in section 42-250, Idaho Code.

(10) No portion of any water right shall be lost or forfeited for nonuse if the nonuse results from the water right being used for mitigation purposes approved by the director of the department of water resources including as a condition of approval for a new water right appropriation approved pursuant to section 42-203A, Idaho Code, a water right transfer approved pursuant to section 42-222, Idaho Code, a water exchange approved pursuant to section 42-240, Idaho Code, or a mitigation plan approved in accordance with rules promulgated pursuant to section 42-603, Idaho Code.

(11) No portion of any water right with a beneficial use related to mining, mineral processing or milling shall be lost or forfeited for nonuse, so long as the nonuse results from a closure, suspension or reduced production of the mine, processing facility or mill due in whole or in part to mineral prices, if the mining property has a valuable mineral, as defined in section 47-1205, Idaho Code, and the water right owner has maintained the property and mineral rights for potential future mineral production.

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 existing water rights, but shall not be applied to revive any water right that has been finally determined to be forfeited prior to the date of passage and approval of this act.

Approved March 25, 2008.

CHAPTER 240
(S.B. No. 1370, As Amended in the House)

AN ACT

RELATING TO CRIMES AND PUNISHMENTS; AMENDING SECTION 18-1506, IDAHO CODE, TO PROVIDE THAT IT SHALL CONSTITUTE A FELONY FOR CERTAIN PERSONS TO INDUCE, CAUSE OR PERMIT A MINOR CHILD TO WITNESS AN ACT OF SEXUAL CONDUCT, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 18-1506, Idaho Code, be, and the same is hereby amended to read as follows:

18-1506. SEXUAL ABUSE OF A CHILD UNDER THE AGE OF SIXTEEN YEARS. (1) It is a felony for any person eighteen (18) years of age or older, with the intent to gratify the lust, passions, or sexual desire of the actor, minor child or third party, to:

(a) ~~s~~Solicit a minor child under the age of sixteen (16) years to participate in a sexual act~~, or~~;

(b) ~~c~~Cause or have sexual contact with such minor child, not amounting to lewd conduct as defined in section 18-1508, Idaho Code~~, or~~;

(c) ~~m~~Make any photographic or electronic recording of such minor child; or

(d) Induce, cause or permit a minor child to witness an act of sexual conduct.

(2) For the purposes of this section "solicit" means any written, verbal, or physical act which is intended to communicate to such minor child the desire of the actor or third party to participate in a sexual act or participate in sexual foreplay, by the means of sexual contact, photographing or observing such minor child engaged in sexual contact.

(3) For the purposes of this section "sexual contact" means any physical contact between such minor child and any person, which is caused by the actor, or the actor causing such minor child to have self contact.

(4) For the purposes of this section "sexual conduct" means human masturbation, sexual intercourse, sadomasochistic abuse, or any touching of the genitals or pubic areas of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

(5) Any person guilty of a violation of the provisions of this section shall be imprisoned in the state prison for a period not to exceed twenty-five (25) years.

Approved March 25, 2008.

CHAPTER 241
(S.B. No. 1467)

AN ACT

APPROPRIATING MONEYS TO THE LAVA HOT SPRINGS FOUNDATION FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. 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 funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Lava Hot Springs Foundation Fund	$789,500	$637,800	$ 57,600	$1,484,900
Lava Hot Springs Capital Improvement Fund			150,000	150,000
TOTAL	$789,500	$637,800	$207,600	$1,634,900

SECTION 2. 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, 2008,

through June 30, 2009, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 25, 2008.

CHAPTER 242
(S.B. No. 1468)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Office of Species Conservation the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Fund	$501,800	$114,000		$ 615,800
Miscellaneous Revenue Fund		15,000		15,000
Federal Grant Fund	100,000	300,000	$7,000,000	7,400,000
TOTAL	$601,800	$429,000	$7,000,000	$8,030,800

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of Species Conservation is authorized no more than six (6) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 25, 2008.

CHAPTER 243
(S.B. No. 1471)

AN ACT

APPROPRIATING MONEYS FOR THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE PROGRAM FOR FISCAL YEAR 2009; REAPPROPRIATING ANY UNEXPENDED AND UNENCUMBERED FUND BALANCES; AND SETTING FORTH THE CONDITIONS FOR REAPPROPRIATION.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho for the Agricultural Research and Cooperative Extension Service Program the following amounts from the listed funds for the period July 1, 2008, through June 30, 2009:

FROM:	
General Fund	$28,249,200
Equine Education Fund	50,000
TOTAL	$28,299,200

SECTION 2. There is hereby reappropriated to the Board of Regents for the University of Idaho for the Agricultural Research and Cooperative Extension Service, subject to the provisions of Section 3 of this act, the unexpended and unencumbered balance of any appropriation contained in Section 1, Chapter 209, Laws of 2007, to be used for nonrecurring expenditures, for the period July 1, 2008, through June 30, 2009.

SECTION 3. The reappropriation for the General Fund moneys granted in Section 2 of this act shall be subject to the following provisions:

(1) If the unexpended and unencumbered balance in the General Fund on June 30, 2008, is zero, the reappropriation for the General Fund moneys in Section 2 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Fund on June 30, 2008, is greater than zero but less than the total General Fund reappropriation authority granted to all state agencies, that amount reappropriated in Section 2 of this act shall be in the proportion that the reappropriation for the Board of Regents for the University of Idaho for the Agricultural Research and Cooperative Extension Service bears to the total General Fund reappropriation authority granted to all state agencies.

Approved March 25, 2008.

CHAPTER 244
(S.B. No. 1473)

AN ACT

APPROPRIATING MONEYS AND DIRECTING A TRANSFER OF FUNDS TO THE PUBLIC HEALTH TRUST FUND FOR FISCAL YEAR 2009.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer $10,799,300 from the General Fund to the Public Health Trust Fund for the period July 1, 2008, through June 30, 2009.

Approved March 25, 2008.

CHAPTER 245
(S.B. No. 1474)

AN ACT

APPROPRIATING MONEYS FOR PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2009; REAPPROPRIATING ANY UNEXPENDED AND UNENCUMBERED BALANCES; AND SETTING FORTH THE CONDITIONS FOR REAPPROPRIATION.

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

SECTION 1. There is hereby appropriated to the State Board for Professional-Technical Education the following amounts to be expended by the Division of Professional-Technical Education for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
I. STATE LEADERSHIP AND TECHNICAL ASSISTANCE:						
FROM:						
General Fund	$1,741,900	$326,800	$35,400			$ 2,104,100
Federal Grant Fund	345,900	28,100				374,000
TOTAL	$2,087,800	$354,900	$35,400			$ 2,478,100
II. GENERAL PROGRAMS:						
FROM:						
General Fund	$ 249,000	$ 40,500	$ 9,300	$11,859,100		$12,157,900
Hazardous Materials/ Waste Enforcement Fund				67,800		67,800
Federal Grant Fund	173,300	1,700		4,849,900		5,024,900
TOTAL	$ 422,300	$ 42,200	$ 9,300	$16,776,800		$17,250,600
III. POSTSECONDARY PROGRAMS:						
FROM:						
General Fund					$39,298,500	$39,298,500
Unrestricted Fund					468,200	468,200
TOTAL					$39,766,700	$39,766,700
IV. UNDERPREPARED ADULTS/DISPLACED HOMEMAKERS:						
FROM:						
General Fund				$ 239,100		$ 239,100
Displaced Homemaker Fund				170,000		170,000
Federal Grant Fund				2,080,300		2,080,300
TOTAL				$ 2,489,400		$ 2,489,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
V. RELATED SERVICES:						
FROM:						
General Fund	$ 67,200	$ 21,500		$ 961,100		$ 1,049,800
Miscellaneous Revenue	188,900	44,500				233,400
Seminars and Publications Fund		140,000				140,000
Student Tuition Recovery Fund		7,500		55,000		62,500
Federal Grant Fund	232,400	32,500		2,086,700		2,351,600
TOTAL	$ 488,500	$246,000		$ 3,102,800		$ 3,837,300
GRAND TOTAL	$2,998,600	$643,100	$44,700	$22,369,000	$39,766,700	$65,822,100

SECTION 2. There is hereby reappropriated to the State Board for Professional-Technical Education for the Division of Professional-Technical Education, subject to the provisions of Section 3 of this act, the unexpended and unencumbered balance of any appropriation contained in Section 1, Chapter 211, Laws of 2007, to be used for nonrecurring expenditures, for the period July 1, 2008, through June 30, 2009.

SECTION 3. The reappropriation for the General Fund moneys granted in Section 2 of this act shall be subject to the following provisions:

(1) If the unexpended and unencumbered balance in the General Fund on June 30, 2008, is zero, the reappropriation for the General Fund moneys in Section 2 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Fund on June 30, 2008, is greater than zero but less than the total General Fund reappropriation authority granted to all state agencies, that amount reappropriated in Section 2 of this act shall be in the proportion that the reappropriation for the State Board of Education bears to the total General Fund reappropriation authority granted to all state agencies.

Approved March 25, 2008.

CHAPTER 246
(S.B. No. 1475)

AN ACT

APPROPRIATING MONEYS AND DIRECTING A TRANSFER OF FUNDS TO THE STATE INDEPENDENT LIVING COUNCIL FUND FOR FISCAL YEAR 2009; APPROPRIATING MONEYS TO THE IDAHO STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer $129,100 from the General Fund to the State Independent Living Council Fund for the period July 1, 2008, through June 30, 2009.

SECTION 2. There is hereby appropriated to the State Independent Living Council, the following amounts to be expended from the listed funds for the period July 1, 2008, through June 30, 2009:

FROM:	
State Independent Living Council (Gen) Fund	$129,100
State Independent Living Council (Ded) Fund	130,600
State Independent Living Council (Fed) Fund	272,500
TOTAL	$532,200

SECTION 3. 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, 2008, through June 30, 2009, for the program specified in Section 2 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 25, 2008.

CHAPTER 247
(S.B. No. 1476)

AN ACT

APPROPRIATING MONEYS FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR THE SEVERAL DESIGNATED PROGRAMS; SETTING CONDITIONS FOR REAPPROPRIATION; AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS TO THE OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho and the State Board of Education for Special Programs the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. FOREST UTILIZATION RESEARCH:					
FROM:					
General Fund	$ 552,500	$ 95,200			$ 647,700
II. IDAHO GEOLOGICAL SURVEY:					
FROM:					
General Fund	$ 873,600	$ 26,200	$ 7,500		$ 907,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. SCHOLARSHIPS AND GRANTS:					
FROM:					
General Fund				$9,502,500	$ 9,502,500
Federal Grant Fund				440,000	440,000
TOTAL				$9,942,500	$ 9,942,500
IV. IDAHO MUSEUM OF NATURAL HISTORY:					
FROM:					
General Fund	$ 569,100	$ 13,800	$16,400		$ 599,300
V. IDAHO SMALL BUSINESS DEVELOPMENT CENTERS:					
FROM:					
General Fund	$ 324,100				$ 324,100
VI. IDAHO COUNCIL ON ECONOMIC EDUCATION:					
FROM:					
General Fund		$ 54,700			$ 54,700
VII. TECHHELP:					
FROM:					
General Fund	$ 187,000				$ 187,000
GRAND TOTAL	$2,506,300	$189,900	$23,900	$9,942,500	$12,662,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, there is hereby authorized no more than thirty-four and forty hundredths (34.40) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the Forest Utilization Research Program, Idaho Geological Survey Program, the Idaho Museum of Natural History, Small Business Development Centers, and TechHelp as specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby reappropriated to the State Board of Education for the Scholarships and Grants Program, Idaho Small Business Development Centers Program, and TechHelp Program, subject to the provisions of Section 4 of this act, the unexpended and unencumbered balance of any appropriation contained in Section 1, Chapter 207, Laws of 2007, to be used for nonrecurring expenditures, for the period July 1, 2008, through June 30, 2009.

SECTION 4. The reappropriation for the General Fund moneys granted in Section 3 of this act shall be subject to the following provisions:

(1) If the unexpended and unencumbered balance in the General Fund on June 30, 2008, is zero, the reappropriation for the General Fund moneys in Section 3 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Fund on June 30, 2008, is greater than zero but less than the total General Fund reappropriation authority granted to all state agencies, that amount reappropriated in Section 3 of this act shall be in the propor-

tion that the reappropriation for the State Board of Education bears to the total General Fund reappropriation authority granted to all state agencies.

SECTION 5. There is hereby appropriated and the State Controller shall transfer, on July 1, 2008, or as soon thereafter as practicable, the amount of $10,000,000 from the General Fund to the Opportunity Scholarship Program Account for the period July 1, 2008, through June 30, 2009.

Approved March 25, 2008.

CHAPTER 248
(H.B. No. 348, As Amended)

AN ACT

RELATING TO THE STATE LIQUOR DISPENSARY AND HOURS OF SALE OF LIQUOR; AMENDING SECTION 23-307, IDAHO CODE, TO ELIMINATE THE PROHIBITION ON THE SALE OF ALCOHOLIC LIQUOR ON ELECTION DAYS AT STATE LIQUOR STORES AND DISTRIBUTING STATIONS; AND AMENDING SECTION 23-927, IDAHO CODE, TO ELIMINATE THE PROHIBITION ON THE SALE OF LIQUOR BY THE DRINK ON ELECTION DAYS WHEN THE POLLS ARE OPEN.

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

SECTION 1. That Section 23-307, Idaho Code, be, and the same is hereby amended to read as follows:

23-307. DAYS WHEN SALES ARE PROHIBITED. It shall be unlawful to transact the sale or delivery of any alcoholic liquor in, on, or from the premises of any state liquor store or distributing station:

(a) After the closing hours as established by the dispensary.

(b) On any Thanksgiving, Christmas or Memorial Day.

(c) On any Sunday, except as provided by county option pursuant to section 23-308, Idaho Code.

(d) ~~On any national or state election day.~~

~~(e) On any municipal election day held in the municipality in which a store or distributing station may be situated during the time the polls are open.~~

~~(f)~~ During such other periods or days as may be designated by the dispensary.

SECTION 2. That Section 23-927, Idaho Code, be, and the same is hereby amended to read as follows:

23-927. HOURS OF SALE OF LIQUOR. (1) No liquor shall be sold, offered for sale, or given away upon any licensed premises, and all liquor not in sealed bottles must be locked in a separate room or cabinet during the following hours:

a. Sunday, Memorial Day, Thanksgiving and Christmas from 1 o'clock A.M., to 10 o'clock A.M. the following day; provided however, that on any Sunday not otherwise being a prescribed holiday, it shall be

lawful for a licensee having banquet area or meeting room facilities, separate and apart from the usual dispensing area (bar room) and separate and apart from a normal public dining room unless such dining room is closed to the public, to therein dispense liquor between the hours of 2 o'clock P.M. and 11 o'clock P.M. to bona fide participants of banquets, receptions or conventions for consumption only within the confines of such banquet area or meeting room facility.

b. On any other day between 1 o'clock A.M. and 10 o'clock A.M.

c. ~~On any day of a general or primary election until after the time when the polls are closed. There is no prohibition against the sale of liquor by the drink during city elections unless the city has enacted an ordinance prohibiting such sales.~~

~~d.~~ When any city or county has any ordinance further limiting the hours of sale of liquor, by the drink, then such hours shall be fixed by such ordinance.

(2) A county or city may, however, by ordinance, allow the sale of liquor by the drink on a Sunday, Memorial Day and Thanksgiving, and may also extend until 2 o'clock A.M. the hours of the sale of liquor by the drink.

(3) Any patron present on the licensed premises after the sale of liquor has stopped as provided in subsection (1) and subsection (2) above shall have a reasonable time, not to exceed thirty (30) minutes, to consume any beverages already served.

(4) Any person who consumes or intentionally permits the consumption of any alcoholic beverage upon licensed premises after the time provided for in subsection (3) shall be guilty of a misdemeanor.

(5) It shall be the duty of every person who is employed at or upon a licensed premises or who owns or manages a licensed premises and is present upon the licensed premises during the hours and at the time set forth in subsection (1) and subsection (2) of this section to lock up and keep locked up in a locked room or locked cabinet all unsealed containers of liquor during the hours and at the times set forth in subsection (1) and subsection (2) of this section, and any such person who fails to perform the duty provided herein shall be guilty of a misdemeanor.

Approved March 25, 2008.

CHAPTER 249
(H.B. No. 350, As Amended in the Senate)

AN ACT

RELATING TO GEOLOGISTS; AMENDING SECTION 54-2801, IDAHO CODE, TO PROVIDE FOR A SHORT TITLE AND TO REVISE THE DECLARATION OF POLICY; AMENDING SECTION 54-2806, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2807, IDAHO CODE, TO REVISE BOARD OFFICER ELECTIONS; AMENDING SECTION 54-2809, IDAHO CODE, TO DELETE PROVISIONS RELATING TO THE PROFESSIONAL GEOLOGISTS' FUND, TO PROVIDE THAT FEES PAID TO THE BUREAU OF OCCUPATIONAL LICENSES BE DEPOSITED IN THE STATE TREASURY TO THE CREDIT OF THE OCCUPATIONAL LICENSES FUND AND THAT ALL COSTS INCURRED BE CHARGED AGAINST THE FUND; AMENDING SECTION

54-2812, IDAHO CODE, TO REVISE LANGUAGE RELATING TO QUALIFICATIONS FOR REGISTRATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2813, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2814, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EXAMINATIONS, TO PROVIDE THAT EXAMINATION AND REEXAMINATION FEES SHALL BE SET BY THE BOARD IN RULE, TO REVISE PROVISIONS RELATING TO PAYMENT OF REEXAMINATION FEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2815, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS, TO REVISE PROVISIONS RELATING TO SIGNATURES ON CERTIFICATES OF REGISTRATION, TO PROVIDE CORRECT TERMINOLOGY AND TO REVISE PROVISIONS RELATING TO THE PREPARATION OF GEOLOGIC PAPERS OR DOCUMENTS INVOLVING GEOLOGIC WORK BY A SUBORDINATE EMPLOYEE; AMENDING SECTION 54-2816, IDAHO CODE, TO DELETE A REQUIREMENT THAT THE BOARD NOTIFY REGISTRANTS OF CERTIFICATE OF REGISTRATION EXPIRATION DATE AND RENEWAL FEES, TO REVISE CERTIFICATE OF REGISTRATION RENEWAL, REINSTATEMENT AND EXPIRATION AND TO PROVIDE FOR A REINSTATEMENT FEE; AND REPEALING SECTION 54-2817, IDAHO CODE, RELATING TO REPLACEMENT OF LOST, DESTROYED OR MUTILATED CERTIFICATES OF REGISTRATION.

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

SECTION 1. That Section 54-2801, Idaho Code, be, and the same is hereby amended to read as follows:

54-2801. SHORT TITLE -- DECLARATION OF POLICY. (1) This chapter shall be known as the "Idaho Professional Geologists Act."

(2) In order to safeguard life, health, and property, and to promote the public welfare, the practice of geology in this state is hereby declared to be subject to regulation in the public interest. It shall be unlawful for any person to practice, or offer to practice, geology for others in this state, as defined in the provisions of this ~~act~~ chapter, or to use in connection with his name or otherwise assume, or advertise any title or description tending to convey the impression that he is a geologist, unless such person has been duly registered or is otherwise exempted under the provisions of this ~~act~~ chapter. The right to engage in the practice of geology shall be deemed a personal right, based on the qualifications of the individual as evidenced by ~~his~~ the certificate of registration, and shall not be transferable.

SECTION 2. That Section 54-2806, Idaho Code, be, and the same is hereby amended to read as follows:

54-2806. REMOVAL BY GOVERNOR FOR CAUSE. The governor may remove any member of the board for misconduct, ~~incompetency~~ incompetence, neglect of duty, or any other sufficient cause. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor as provided in section 54-2803, Idaho Code.

SECTION 3. That Section 54-2807, Idaho Code, be, and the same is hereby amended to read as follows:

54-2807. BOARD MEETINGS. The board shall hold at least one (1) regular meeting each year. The board may provide for such additional regular meetings as necessary and for special meetings. Notice of all meet-

ings shall be given as may be provided in the open meeting law. The board shall annually elect a chairman~~,~~ and a vice chairman~~, and a secretary,~~ who shall be members of the board~~, and they may provide for an assistant who need not be a member of the board~~. Three (3) members shall constitute a quorum.

SECTION 4. That Section 54-2809, Idaho Code, be, and the same is hereby amended to read as follows:

54-2809. ~~PROFESSIONAL GEOLOGISTS' FUND~~ --- FINANCES. ~~The duly elected secretary of the board shall receive and account for all moneys derived under the provisions of this chapter, and shall pay the same monthly to the state treasurer, who shall keep such moneys in a separate fund to be known as the "professional geologists' fund." Such fund shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only on approval of the board. The secretary of the board shall receive such salary as the board shall determine in addition to the compensation and expenses provided for in section 54-2805, Idaho Code. The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this chapter. Under no circumstances shall the total amount of expenditures approved by the board in payment of the expenses and compensation provided for in this chapter exceed the amount of the examination and registration fees collected as herein provided. All warrants on the "professional geologists' funds" shall be drawn by the state controller on vouchers by the board and approved by the state board of examiners~~ All fees received under the provisions of this chapter shall be paid to the bureau of occupational licenses and deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund.

SECTION 5. That Section 54-2812, Idaho Code, be, and the same is hereby amended to read as follows:

54-2812. QUALIFICATIONS FOR REGISTRATION. (1) ~~No applicant may be registered until he has~~ All applicants shall successfully ~~passed~~ pass an examination given by or under the supervision of the board~~, nor shall an~~ No applicant shall be registered having habits of character that would justify revocation or suspension of registration, as provided in section 54-2819, Idaho Code. The following shall be considered as minimum evidence that the applicant is qualified to take an examination for registration as a professional geologist:

(2) Completion of thirty (30) semester units in courses in geological science leading to a degree in the geological sciences of which at least twenty-four (24) units are in third or fourth year, and/or graduate courses; and have at least seven (7) years of professional geological work which shall include either a minimum of three (3) years of professional geological work under the supervision of a registered geologist; or, wherein the applicant has been under the direct supervision of an individual acceptable to the board, or, wherein the applicant has demonstrated five (5) years of progressive experience in responsible

charge of geological work that is acceptable to the board.

Each year of undergraduate study in the geological sciences shall count as one-half (1/2) year of training up to a maximum of two (2) years, and each year of graduate study or research counts as a year of training.

Teaching in the geological sciences at college level shall be credited year for year toward meeting the requirement in this category, provided that the total annual teaching experience includes six (6) semester units of third or fourth year or graduate courses.

Credit for undergraduate study, graduate study, and teaching, individually, or in any combination thereof, shall in no case exceed a total of four (4) years towards meeting the requirement for at least seven (7) years of professional geological work as set forth above.

The ability of the applicant shall have been demonstrated by ~~his~~ having performed the work in a responsible position, as the term "responsible position" is defined in rules adopted by the board. The adequacy of the required supervision and experience shall be determined ~~by the board~~ in accordance with standards set forth in the rules adopted by ~~it~~ the board.

Three (3) references from geologists in responsible positions must be filed with the application for registration.

(3) A person holding a certificate of registration to engage in the practice of geology, issued to him by a proper authority of a state, territory, or possession of the United States, the District of Columbia, or of any foreign country, who, in the opinion of the board, meets the requirements of this chapter, based on verified evidence may, upon application, be registered without further examination.

An applicant otherwise qualified as prescribed in this chapter need not be actively engaged in the practice of geology to be eligible for registration.

SECTION 6. That Section 54-2813, Idaho Code, be, and the same is hereby amended to read as follows:

54-2813. APPLICATION FORMS -- APPLICATION FEE. Applications for registration shall be on forms prescribed and furnished by the board. The application shall be made under oath, and shall show the applicant's education and a detailed summary of his geologic work.

(1) The application fee for professional geologists shall be set by the board at not more than one hundred dollars ($100).

(2) Should the board deny the issuance of a certificate of registration to any applicant, the application fee ~~deposited~~ shall be retained by the board.

SECTION 7. That Section 54-2814, Idaho Code, be, and the same is hereby amended to read as follows:

54-2814. EXAMINATION AND FEE -- TIME AND PLACE -- SCOPE -- REEXAMINATION -- REEXAMINATION FEE. ~~Written and/or oral e~~Examinations shall be held at such time and place as the board shall determine. If examinations are required on fundamental geologic subjects, ~~(~~such as are ordinarily given in college curricula~~)~~, the applicant may be permitted to take this part of the professional examination prior to ~~his~~ completion of the requisite years of experience in geologic work, and satisfactory

passage of this portion of the professional examination by the applicant shall constitute a credit toward the applicant's complete professional examination for a period not to exceed ten (10) years. The examination fee and the reexamination fee shall be set by the rules of the board.

The scope of the examination and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to supervise geologic projects so as to ~~insure~~ ensure the safety of life, health and property. A candidate failing his first examination may apply for reexamination within one (1) year of the failed exam without filing a new application and shall be entitled to such reexamination on payment of ~~an additional~~ the reexamination fee ~~to be~~ set by the board. A candidate who fails on reexamination, must file a new application before he can again be admitted to examination, and such new application shall not be filed prior to one (1) year following the date of the last examination taken by the applicant; provided, however, that it shall be unlawful for a candidate failing any examination to practice professional geology under subsections (b) and (c) of section 54-2822, Idaho Code.

SECTION 8. That Section 54-2815, Idaho Code, be, and the same is hereby amended to read as follows:

54-2815. CERTIFICATE OF REGISTRATION -- CERTIFICATE FEE -- SIGNING OF WORK — SEAL -- INVALID AFFIXATIONS UNLAWFUL. The board shall issue a certificate of registration upon payment of a certificate fee as set by the board, to any applicant who, in the opinion of the board, has satisfactorily met ~~all~~ the requirements of this chapter. Certificates of registration shall show the full name of the registrant, shall give a serial number, and shall be signed by the chairman ~~and the secretary~~ of the board. ~~under seal of the board.~~

The issuance of a certificate of registration by the board shall be prima facie evidence that the person named ~~therein~~ thereon is entitled to all the rights and privileges of a registered professional geologist, while the ~~said~~ certificate remains ~~unrevoked or unexpired~~ current and in good standing.

All drawings, specifications, reports, or other geologic papers or documents involving geologic work as defined in section 54-2802, Idaho Code, which shall have been prepared or approved by a registered geologist or prepared by a subordinate employee under ~~his~~ the direction of a registered geologist, for the use of or for delivery to any person or for public record within this state shall be signed by ~~him~~ the geologist or be impressed with ~~said~~ an authorized seal or the seal of a nonresident practicing under the provisions of section 54-2822, Idaho Code, either of which shall indicate ~~his~~ responsibility for ~~them~~ the papers or documents.

Each registrant hereunder may, upon registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "registered professional geologist."

It shall be unlawful for any person to affix ~~his~~ a signature, stamp or seal to any document, after the certificate of the registrant named thereon has expired or been suspended or revoked, unless said certificate shall have been renewed, reinstated, or reissued.

SECTION 9. That Section 54-2816, Idaho Code, be, and the same is hereby amended to read as follows:

54-2816. EXPIRATION OF CERTIFICATE -- ~~NOTICE~~ -- RENEWAL -- RENEWAL FEE. ~~Certificates--of--registration-shall-expire-on-the-last-day-of-the month-of-June-following-their--issuance--or--renewal--and--shall--become invalid--on-that-date-unless-renewed.-It-shall-be-the-duty-of-the-secretary-of-the-board-to-notify-every-person-registered-under-this--act,--of the--date-of-the-expiration-of-his-certificate-and-the-amount-of-the-fee that-shall-be-required-for-its-renewal-for-one--(1)--year;--such--notice shall-be-mailed-at-least-one-(1)-month-in-advance-of-the-date-of-expiration--of--said-certificate.~~ Renewal of a certificate of registration may be effected at any time prior to ~~June-30~~ expiration, the payment of a renewal fee to be fixed by the board at not more than one hundred dollars ($100). ~~The-failure-on-the-part-of-any-registrant-to-renew-his-certificate-annually-in-the-month-of--June--as--required--above--shall--not deprive--such--a--person-of-the-right-of-renewal,-but-the-fee-to-be-paid for-the-renewal-of-a-certificate--after--the--month--of--June--shall--be increased--twenty--per--cent-(20%)-for-each-month-or-fraction-of-a-month that-payment-of-renewal-is-delayed;-provided,-however,-that~~ All certificates of registration issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed. ~~T~~the maximum fee for ~~delayed--renewal~~ reinstatement shall not exceed ~~twice-the renewal-fee-for-each-year-delinquent,-but-in-no-event-more-than~~ two hundred dollars ($200) as determined by the rules of the board. All renewals and reinstatements shall be in accordance with section 67-2614, Idaho Code.

SECTION 10. That Section 54-2817, Idaho Code, be, and the same is hereby repealed.

Approved March 25, 2008.

CHAPTER 250
(H.B. No. 382, As Amended, As Amended in the Senate)

AN ACT

RELATING TO ADULT CRIMINAL SEX OFFENDERS AND ACCESS TO CHILDREN IN SCHOOL; AMENDING SECTION 18-8329, IDAHO CODE, TO CLARIFY RESTRICTIONS ON ADULT CRIMINAL SEX OFFENDERS' ACCESS TO CHILDREN IN SCHOOL BUILDINGS, ON SCHOOL GROUNDS AND UPON OTHER PROPERTIES POSTED WITH A NOTICE THAT THEY ARE USED BY A SCHOOL, TO CLARIFY EXCEPTIONS TO PROHIBITED ACCESS AND TO PROVIDE ADDITIONAL EXCEPTIONS.

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

SECTION 1. That Section 18-8329, Idaho Code, be, and the same is hereby amended to read as follows:

18-8329. ADULT CRIMINAL SEX OFFENDERS -- PROHIBITED ACCESS TO SCHOOL CHILDREN -- EXCEPTIONS. (1) If a person is currently registered or is required to register under the sex offender registration act as provided in chapter 83, title 18, Idaho Code, it is a misdemeanor for such person to:

(a) Be upon or to remain on the premises of any school building or school grounds in this state, or upon other properties posted with a notice that they are used by a school, when the person has reason to believe children under the age of eighteen (18) years are present and are involved in a school activity or when children are present within thirty (30) minutes before or after a scheduled school activity.

(b) Knowingly loiter on a public way within five hundred (500) feet from the property line of ~~a school building or~~ school grounds in this state, including properties posted with a notice that they are used by a school, when children under the age of eighteen (18) years are present and are involved in a school activity or when children are present within thirty (30) minutes before or after a scheduled school activity.

(c) Be in any conveyance owned~~,~~ or leased ~~or contracted~~ by a school to transport students to or from school or a school-related activity when children under the age of eighteen (18) years are present in the conveyance.

(d) Reside within five hundred (500) feet of the property on which a school is located, measured from the nearest point of the exterior wall of the offender's dwelling unit to the school's property line, provided however, that this paragraph (d) shall not apply if such person's residence was established prior to July 1, 2006.

(e) The posted notices required in this subsection (1) shall be at least one hundred (100) square inches, shall make reference to section 18-8329, Idaho Code, shall include the term "registered sex offender" and shall be placed at commonly used entrances to the property. In addition, there shall be at least one (1) notice posted every six hundred sixty (660) feet along the property line.

(2) The provisions of subsections (1)(a) and (1)(b) of this section shall not apply when the person:

(a) Is a student in attendance at the school; or

(b) Is attending an academic conference or other scheduled extracurricular school event with school officials ~~as~~ present when the offender is a parent or legal guardian of a child who ~~is enrolled in the school and~~ is participating in the conference or extracurricular event. "Extracurricular" means any school-sponsored activity that is outside the regular curriculum, occurring during or outside regular school hours including, but not limited to, academic, artistic, athletic or recreational activities; or

(c) Resides at a state licensed or certified facility for incarceration, health or convalescent care; or

(d) Is dropping off or picking up a child or children and the person is the child or children's parent or legal guardian; or

(e) Is temporarily on school grounds, during school hours, for the purpose of making a mail, food or other delivery; or

(f) Is exercising his right to vote in public elections; or

(g) Is taking delivery of his mail through an official post office located on school grounds; or

(h) Has written permission from a school principal, vice-principal, or the equivalent, to be on the school grounds or upon other property posted with a notice that the property is used by a school; or
(i) Stays at a homeless shelter or resides at a recovery facility if such shelter or facility has been approved for sex offenders by the county sheriff or municipal police chief.

(3) Nothing in this section shall prevent a school district from adopting more stringent safety and security requirements for employees and nonemployees while they are in district facilities and/or on district properties.

Approved March 25, 2008.

CHAPTER 251
(H.B. No. 397, As Amended in the Senate)

AN ACT
RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5209, IDAHO CODE, TO REVISE THE GROUNDS REQUIRING WRITTEN NOTICE FROM THE AUTHORIZED CHARTERING ENTITY TO THE PUBLIC CHARTER SCHOOL.

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

SECTION 1. That Section 33-5209, Idaho Code, be, and the same is hereby amended to read as follows:

33-5209. ENFORCEMENT -- REVOCATION -- APPEAL. (1) An authorized chartering entity shall ensure that all public charter schools for which it approved petitions, or for which it has responsibility, operate in accordance with the approved charter. A public charter school or the authorized chartering entity may enter into negotiations to revise its charter at any time. A public charter school may petition to revise its charter at any time. The authorized chartering entity's review of the revised petition shall be limited in scope solely to the proposed revisions.

(2) If the authorized chartering entity has reason to believe that the public charter school has done any of the following, it shall provide the public charter school written notice of the defect and provide a reasonable opportunity to cure the defect:
(a) Committed a material violation of any condition, standard or procedure set forth in the approved charter;
(b) Failed to substantially meet any of the student educational standards identified in the approved charter;
(c) Failed to meet generally accepted accounting standards of fiscal management;
(d) Failed to demonstrate fiscal soundness. In order to be fiscally sound, the public charter school must be:
(i) Fiscally stable on a short-term basis, that is, able to service all upcoming obligations; and
(ii) Fiscally sustainable as a going concern, that is, able to reasonably demonstrate its ability to service any debt and meet its financial obligations for the next fiscal year;

(~~d~~e) Failed to submit required reports to the authorized chartering entity governing the charter; or

(~~e~~f) Violated any provision of law.

(3) A charter may be revoked by the authorized chartering entity if the public charter school has failed to cure a defect after receiving reasonable notice and having had a reasonable opportunity to cure the defect. Revocation may not occur until the public charter school has been afforded a public hearing and a reasonable opportunity to cure the defect, unless the authorized chartering entity reasonably determines that the continued operation of the public charter school presents an imminent public safety issue, in which case the charter may be revoked immediately. Public hearings shall be conducted by the governing authorized chartering entity, or such other person or persons appointed by the authorized chartering entity to conduct public hearings and receive evidence as a contested case in accordance with section 67-5242, Idaho Code. Reasonable notice and opportunity to reply shall include, at a minimum, written notice setting out the basis for consideration of revocation, a period of not less than thirty (30) days within which the public charter school can reply in writing, and a public hearing within thirty (30) days of the receipt of the written reply.

(4) A decision to revoke a charter or to deny a revision of a charter may be appealed directly to the state board of education. With respect to such appeal, the state board of education shall substantially follow the procedure as provided in section 33-5207(5)(b), Idaho Code. In the event the state board of education reverses a decision of revocation, the public charter school subject to such action shall then be placed under the chartering authority of the commission.

Approved March 25, 2008.

CHAPTER 252
(H.B. No. 400)

AN ACT

RELATING TO THE LIQUOR ACCOUNT; AMENDING SECTION 23-404, IDAHO CODE, TO INCREASE THE MONEYS TO BE TRANSFERRED ANNUALLY FROM THE LIQUOR ACCOUNT TO THE COMMUNITY COLLEGE ACCOUNT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 23-404, Idaho Code, be, and the same is hereby amended to read as follows:

23-404. DISTRIBUTION OF MONEYS IN LIQUOR ACCOUNT. (1) The moneys received into the liquor account shall be transferred or appropriated as follows:

(a) An amount of money equal to the actual cost of purchase of alcoholic liquor and payment of expenses of administration and operation of the dispensary, as determined by the superintendent and certified quarterly to the state controller, shall be transferred back to the dispensary; provided, that the amount so transferred

back for administration and operation of the dispensary shall not exceed the amount authorized to be expended by regular appropriation authorization.

(b) From fiscal year 2006 through fiscal year 2009, forty percent (40%) of the balance remaining after transferring the amounts authorized by paragraph (a) of this subsection shall be transferred or appropriated pursuant to this paragraph (b). Beginning in fiscal year 2010 the percentage transferred pursuant to this paragraph (b) shall increase to forty-two percent (42%) with an increase of two percent (2%) for each subsequent fiscal year thereafter until fiscal year 2014 when such percentage shall be fifty percent (50%).

(i) For fiscal year 2006 and through fiscal year 2009, one million eight hundred thousand dollars ($1,800,000) shall be appropriated and paid to the cities and counties as set forth in paragraphs (c)(i) and (c)(ii) of this subsection;

(ii) Two million eighty thousand dollars ($2,080,000) shall be transferred annually to the substance abuse treatment fund, which is created in section 23-408, Idaho Code;

(iii) ~~Three~~ Six hundred thousand dollars ($~~3~~600,000) shall be transferred annually to the community college account, created ~~by~~ in section 33-2139, Idaho Code;

(iv) One million two hundred thousand dollars ($1,200,000) shall be transferred annually to the public school income fund, as defined in section 33-903, Idaho Code;

(v) Six hundred fifty thousand dollars ($650,000) shall be transferred annually to the cooperative welfare account in the dedicated fund;

(vi) Six hundred eighty thousand dollars ($680,000) shall be transferred annually to the drug court, mental health court and family court services fund; ~~and~~

(vii) Four hundred forty thousand dollars ($440,000) shall be transferred annually to the drug and mental health court supervision fund which is created in section 23-409, Idaho Code; and

(viii) The balance shall be transferred to the general fund.

(c) The remainder of the moneys received in the liquor account shall be appropriated and paid as follows:

(i) Forty percent (40%) of the balance remaining after the transfers authorized by paragraphs (a) and (b) of this subsection have been made is hereby appropriated to and shall be paid to the several counties. Each county shall be entitled to an amount in the proportion that liquor sales through the dispensary in that county during the state's previous fiscal year bear to total liquor sales through the dispensary in the state during the state's previous fiscal year, except that no county shall be entitled to an amount less than that county received in distributions from the liquor account during the state's fiscal year 1981.

(ii) Sixty percent (60%) of the balance remaining after the transfers authorized by paragraphs (a) and (b) of this subsection have been made is hereby appropriated to and shall be paid to the several cities as follows:

1. Ninety percent (90%) of the amount appropriated to the cities shall be distributed to those cities which have a liquor store or distribution station located within the

corporate limits of the city. Each such city shall be entitled to an amount in the proportion that liquor sales through the dispensary in that city during the state's previous fiscal year bear to total liquor sales through the dispensary in the state during the state's previous fiscal year, except that no city shall be entitled to an amount less than that city received in distributions from the liquor account during the state's fiscal year 1981;

2. Ten percent (10%) of the amount appropriated to the cities shall be distributed to those cities which do not have a liquor store or distribution station located within the corporate limits of the city. Each such city shall be entitled to an amount in the proportion that that city's population bears to the population of all cities in the state which do not have a liquor store or distribution station located within the corporate limits of the city, except that no city shall be entitled to an amount less than that city received in distributions from the liquor account during the state's fiscal year 1981.

(2) All transfers and distributions shall be made periodically, but not less frequently than quarterly but, the apportionments made to any county or city, which may during the succeeding three (3) year period be found to have been in error either of computation or transmittal, shall be corrected during the fiscal year of discovery by a reduction of apportionments in the case of over-apportionment or by an increase of apportionments in the case of under-apportionment. The decision of the superintendent on entitlements of counties and cities shall be final, and shall not be subject to judicial review.

Approved March 25, 2008.

CHAPTER 253
(H.B. No. 470, As Amended in the Senate)

AN ACT

RELATING TO LOCAL ECONOMIC DEVELOPMENT ACT; AMENDING SECTION 50-2908, IDAHO CODE, TO PROVIDE FOR THE APPLICATION OF THE CURRENT EQUALIZED ASSESSED VALUATION TO BE USED FOR CALCULATING CERTAIN TAX RATES, TO PROVIDE FOR ALLOCATION OF TAXES LEVIED BY THE TAXING DISTRICT TO SATISFY SPECIFIED OBLIGATIONS AND TO PROVIDE AN EXCEPTION FOR TAKING INTO CONSIDERATION THE EQUALIZED ASSESSED VALUATION OF SPECIFIED TAXABLE PROPERTY IN FIXING ANY TAX LEVY; AMENDING SECTION 63-803, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE MEANING OF "TAXABLE PROPERTY"; AMENDING SECTION 63-811, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE MEANING OF "TAXABLE PROPERTY"; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 50-2908, Idaho Code, be, and the same is hereby amended to read as follows:

50-2908. DETERMINATION OF TAX LEVIES -- CREATION OF SPECIAL FUND. (1) For purposes of calculating the rate at which taxes shall be levied by or for each taxing district in which a revenue allocation area is located, the county commissioners shall, with respect to the taxable property located in such revenue allocation area, use the equalized assessed value of such taxable property as shown on the base assessment roll rather than on the current equalized assessed valuation of such taxable property, except the current equalized assessed valuation shall be used for calculating the tax rate for:

(a) Levies for refunds and credits pursuant to section 63-1305, Idaho Code, and any judgment pursuant to section 33-802(1), Idaho Code, certified after December 31, 2007;

(b) Levies permitted pursuant to section 63-802(3), Idaho Code, certified after December 31, 2007;

(c) Levies for voter approved general obligation bonds of any taxing district and plant facility reserve fund levies passed after December 31, 2007;

(d) Levies set forth in paragraphs (1)(a) through (c) of this subsection, first certified prior to December 31, 2007, when the property affected by said levies is included within the boundaries of a revenue allocation area by a change in the boundaries of either the revenue allocation area or any taxing district after December 31, 2007; and

(e) School levies for supplemental maintenance and operation pursuant to section 33-802(3), Idaho Code, approved after December 31, 2007, or in the case of charter school districts any supplemental levy that does not exceed two (2) years in duration.

(2) With respect to each such taxing district, the tax rate calculated under subsection (1) of this section shall be applied to the current equalized assessed valuation of all taxable property in the taxing district, including the taxable property in the revenue allocation area. The tax revenues thereby produced shall be allocated as follows:

(a) To the taxing district shall be allocated and shall be paid by the county treasurer:

(i) All taxes levied by the taxing district or on its behalf on taxable property located within the taxing district but outside the revenue allocation area; ~~and~~

(ii) A portion of the taxes levied by the taxing district or on its behalf on the taxable property located within the revenue allocation area, which portion is the amount produced by applying the taxing district's tax rate determined under subsection (1) of this section to the equalized assessed valuation, as shown on the base assessment roll, of the taxable property located within the revenue allocation area; and

(iii) All taxes levied by the taxing district to satisfy obligations specified in subsection (1)(a) through (e) of this section.

(b) To the urban renewal agency shall be allocated the balance, if any, of the taxes levied on the taxable property located within the revenue allocation area.

(3) Upon enactment of an ordinance adopting a revenue allocation financing provision as part of an urban renewal plan, the urban renewal agency shall create a special fund or funds to be used for the purposes enumerated in this chapter. The revenues allocated to the urban renewal

agency pursuant to this chapter, shall be paid to the agency by the treasurer of the county in which the revenue allocation district is located and shall be deposited by the agency into one (1) or more of such special funds. The agency may, in addition, deposit into such special fund or funds such other income, proceeds, revenues and funds it may receive from sources other than the revenues allocated to it under subsection (2)(b) of this section.

(4) For the purposes of section 63-803, Idaho Code, during the period when revenue allocation under this chapter is in effect, and solely with respect to any taxing district in which a revenue allocation area is located, the county commissioners shall, in fixing any tax levy other than the levy specified in subsection (1)(a) through (e) of this section, take into consideration the equalized assessed valuation of the taxable property situated in the revenue allocation area as shown in the base assessment roll, rather than the current equalized assessed value of such taxable property.

(5) For all other purposes, including, without limitation, for purposes of sections 33-802, 33-1002 and 63-1313, Idaho Code, reference in the Idaho Code to the term "market value for assessment purposes" (or any other such similar term) shall mean market value for assessment purposes as defined in section 63-208, Idaho Code.

SECTION 2. That Section 63-803, Idaho Code, be, and the same is hereby amended to read as follows:

63-803. CERTIFICATION OF BUDGETS IN DOLLARS. (1) Whenever any taxing district is required by law to certify to any county treasurer, county auditor, county assessor, county commissioners or to any other county officer, any property tax levy, upon property located within said district, such certification shall, notwithstanding any other provision of the law applicable to any such district, be made at the time and in the manner hereinafter provided.

(2) The county auditor shall inform each of the taxing districts within his county of the taxable value of that district as soon as such value is known to the auditor, whether the value comes from the appraisal and assessment of real and personal property, or from allocation of the taxable value of operating property, or from other sources.

(3) Using the taxable value of the district, the council, trustees, board or other governing body of any taxing district shall certify the total amount required from a property tax upon property within the district to raise the amount of money fixed by their budget as previously prepared or approved. The amount of money so determined shall be certified in dollars to the appropriate county commissioners. Any taxing unit, except regional airport authorities, located in more than one (1) county shall divide its dollar budget for certification to the separate counties by multiplying the amount of such budget by a fraction, the numerator of which shall be the total taxable value of all property in such taxing unit within the county to which such certification is to be made, and the denominator of which shall be the total taxable value of property in such taxing unit in all such counties. Budget certification to the participating counties of regional airport authorities shall be made in the manner prescribed in section 21-807(10), Idaho Code. Taxable value shall be certified by the county auditor of each affected county to such taxing unit and such certification shall be used in this for-

mula. Except as provided in section 33-805, Idaho Code, relating to school emergency fund levies, the certification to the county commissioners required in this section shall be made not later than the Thursday prior to the second Monday in September, unless, upon application therefor, the county commissioners grant an extension of not more than seven (7) working days. After receipt of this certification, the county commissioners shall make a tax levy as a percent of taxable value of all property in the taxing district, which when applied to the tax rolls, will meet the budget requirements certified by such taxing districts.

(4) Except as provided in subsection (1)(a) through (e) of section 50-2908, Idaho Code, fFor the purpose of this section, "taxable value" shall mean the portion of the equalized assessed value, less any exemptions and the value that exceeds the value of the base assessment roll for the portion of any taxing district within a revenue allocation area of an urban renewal district, located within each taxing district which certifies a budget to be raised from a property tax levy. When the county auditor is notified of revenues sufficient to cover expenses as provided in section 50-2903(5), Idaho Code, taxable value shall also include the value that exceeds the value of the base assessment roll for the portion of any taxing district within a revenue allocation area. For each taxing district, taxable value shall include the value from the property and operating property rolls for the current year and subsequent and missed property rolls for the prior year or the best estimate of the subsequent and missed property rolls for the current year.

SECTION 3. That Section 63-811, Idaho Code, be, and the same is hereby amended to read as follows:

63-811. COMPUTATION OF PROPERTY TAXES -- DUTY OF COUNTY AUDITOR. (1) The county auditor must cause to be computed the amount of the local property taxes levied on the total of the taxable value as entered on the property and operating property rolls, and must deliver the property and operating property rolls to the tax collector on or before the first Monday of November.

(2) The county auditor must cause to be computed the amount of the local property taxes levied on the total of the taxable value as entered on the subsequent property roll, and must deliver the subsequent property roll to the tax collector as soon as possible, without delay, after the first Monday of December.

(3) The county auditor must cause to be computed the amount of the state property tax and the amount of the local property taxes levied on the total taxable value as entered on the missed property roll, and must deliver the missed property roll to the tax collector as soon as possible, without delay, after the first Monday of March of the year following the year in which the assessment was entered on the missed property roll.

(4) Except as provided in subsection (1)(a) through (e) of section 50-2908, Idaho Code, fFor the purpose of this section, "taxable value" shall mean the portion of the equalized assessed value, less any exemptions and the value that exceeds the value of the base assessment roll for the portion of any taxing district within a revenue allocation area of an urban renewal district, located within each taxing district which certifies a budget to be raised from a property tax levy.

(5) The county auditor, at the time of delivery to the county tax

collector of the property roll, subsequent property roll, missed property roll or operating property roll with all property taxes computed, must subscribe an affidavit to such roll that he has to the best of his knowledge and ability computed the proper amount of property taxes due, and recorded such orders of the board of equalization as have been made and has made no other changes.

(6) Failure of the auditor to make the affidavit shall not affect the validity of any entry on the roll. The making of such affidavit, however, is declared to be a duty pertaining to the office of the county auditor. In every case where the said affidavit is omitted from the real property assessment roll, completed and delivered as aforesaid, the board of county commissioners must require the county auditor to make the same, and upon refusal or neglect of such county auditor to make and subscribe to such affidavit forthwith, the chairman of the said board must immediately file in the district court in the county, an information in writing, verified by his oath, charging such county auditor with refusal or neglect to perform the official duties pertaining to his office, and thereupon he must be proceeded against as in such cases provided by law.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2008.

Approved March 25, 2008.

CHAPTER 254
(H.B. No. 476)

AN ACT

RELATING TO PUBLIC WORKS CONTRACTORS; AMENDING SECTION 54-1904, IDAHO CODE, TO PROVIDE FOR A CLASS UNLIMITED LICENSE, TO PROVIDE FOR THE QUALIFICATIONS FOR A CLASS UNLIMITED LICENSE, TO REVISE THE QUALIFICATIONS FOR CERTAIN OTHER CLASSES OF LICENSES, TO PROVIDE THAT SPECIFIED BIDS, WITH AN EXCEPTION, MUST NOT EXCEED THE ESTIMATED COST OR BID LIMIT OF THE LICENSE HELD, TO REQUIRE THAT THE AGGREGATE TOTAL OF BIDS INCLUDE ALL BIDS OF SUBCONTRACTORS, TO PROVIDE THAT SUBCONTRACTOR BIDS MUST NOT BE CONSIDERED A SEPARATE ITEM FOR THE PURPOSE OF COMPUTING THE BID ON A GIVEN PUBLIC WORKS PROJECT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 54-1904, Idaho Code, be, and the same is hereby amended to read as follows:

54-1904. CLASSES OF LICENSES -- RIGHTS GRANTED UNDER LICENSES -- FEES. (1) There shall be ~~six~~ seven (6~~7~~) classes of licenses issued under the provisions of this chapter which are hereby designated as Classes Unlimited, AAA, AA, A, B, C and D, the maximum fee for which shall be as hereinafter specified. Each applicant for a license shall specify the class of license applied for in his application.

(2) For the purpose of licensing public works contractors under this chapter the board may adopt rules necessary to determine the classification according to their responsibility, and the type and scope of the operations of a licensed contractor to those in which he is classified and qualified to engage as in this chapter provided.

(3) The license classes shall be as follows:

(a) Class "Unlimited" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of more than five million dollars ($5,000,000) may, upon application and payment of a license fee not to exceed six hundred dollars ($600), be granted a Class "Unlimited" license and be so classified by the board in accordance with the provisions of this chapter. The holder of a Class "Unlimited" license shall be entitled to engage in the public works contracting business in this state as provided in said license. The renewal fee for a Class "Unlimited" license shall not exceed six hundred dollars ($600). An applicant requesting a Class "Unlimited" license in heavy, highway, specialty or building construction shall have a minimum net worth of one million dollars ($1,000,000) with six hundred thousand dollars ($600,000) in working capital.

(b) Class "AAA" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of not more than ~~three~~ five million dollars ($~~3~~5,000,000) may, upon his application and the payment of a license fee not to exceed five hundred dollars ($500), be granted a Class "AAA" license and be so classified by the board in accordance with the provisions of this chapter. The holder of a Class "AAA" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "AAA" license shall not exceed five hundred dollars ($500).

(c) Class "AA" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of not more than three million dollars ($3,000,000) may, upon his application and the payment of a license fee not to exceed four hundred dollars ($400), be granted a Class "AA" license and be so classified by the board in accordance with the provisions of this chapter. The holder of a Class "AA" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "AA" license shall not exceed four hundred dollars ($400).

(d) Class "A" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of not more than one million two hundred fifty thousand dollars ($1,~~00~~250,000) may, upon his application and the payment of a license fee not to exceed three hundred dollars ($300), be granted a Class "A" license and be so classified by the board in accordance with the provisions of this chapter. The holder of a Class "A" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "A" license shall not exceed three hundred dollars ($300).

(e) Class "B" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of not more than ~~five~~ six hundred thousand dollars

($~~5~~600,000), may, upon his application and the payment of a license fee not to exceed one hundred fifty dollars ($150) be granted a Class "B" license and be so classified by the board in accordance with the provisions of this chapter. The holder of a Class "B" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "B" license shall not exceed one hundred fifty dollars ($150).

(f) Class "C" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of not more than ~~one~~ two hundred thousand dollars ($~~1~~200,000), may, upon his application and the payment of a license fee not to exceed one hundred dollars ($100), be granted a Class "C" license and be so classified by the board in accordance with the provisions of this chapter. The holder of a Class "C" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "C" license shall not exceed one hundred dollars ($100).

(g) Class "D" license. Any contractor whose qualifications, ability and responsibility to execute contracts for public works involving an estimated cost of not more than fifty thousand dollars ($50,000), may, upon his application and the payment of a license fee not to exceed fifty dollars ($50.00), be granted a Class "D" license and be so classified by the board in accordance with the provisions of this chapter. The holder of a Class "D" license shall be entitled to engage in the public works contracting business in the state as provided in said license. The renewal fee for a Class "D" license shall not exceed fifty dollars ($50.00).

(4) The board shall be vested with the power to fix annually the amount of the original and renewal license fees for each class of license for the ensuing license year. The amount of the license fee so fixed shall not exceed the maximum fee set forth in this section.

(5) Each license issued by the administrator shall clearly indicate the type and scope of work for which the licensee is qualified and licensed. The holder of the license shall be permitted to submit proposals for and perform only those types of work specified in each license. The administrator may extend the permissible type or scope of work to be done under any license when it is determined by the administrator that the applicant meets all of the requirements of this chapter to qualify him to do such other work.

(6) The total of any single bid on a given public works project, or the aggregate total of any split bids, or the aggregate of any base bid and any alternate bid items, or the aggregate total of any separate bid by a licensee of any class, except Class "Unlimited," shall not exceed the estimated cost or bid limit of the class of license held by the licensee. The aggregate total of bids shall include all bids of subcontractors. Subcontractor bids shall not be considered a separate bid for the purposes of computing the bid on a given public works project.

Approved March 25, 2008.

CHAPTER 255
(H.B. No. 480)

AN ACT

RELATING TO INSTALLATION OF HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS; AMENDING SECTION 54-5001, IDAHO CODE, TO PROVIDE FOR REVISED CODE EDITIONS AND TO PERMIT THE IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD TO ADOPT REVISIONS AND LATER EDITIONS OF THESE CODES; AND AMENDING SECTION 54-5002, IDAHO CODE, TO REVISE AN EXCEPTION TO CERTIFICATE OF COMPETENCY REQUIREMENTS AND TO DEFINE A TERM.

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

SECTION 1. That Section 54-5001, Idaho Code, be, and the same is hereby amended to read as follows:

54-5001. DECLARATION OF POLICY. The purpose of this chapter is to ensure that installation of all heating, ventilation and air conditioning systems in the state of Idaho shall be in accordance with the 200~~3~~6 International Mechanical Code as published by the International Code Council, the 200~~3~~6 International Fuel Gas Code as published by the International Code Council, and parts V and VI of the 200~~3~~6 International Residential Code as published by the International Code Council, applicable to the industry and including amendments, revisions and later editions of these codes as adopted by the Idaho heating, ventilation and air conditioning board. Nothing in this chapter shall require a local government to adopt or implement a mechanical inspection program unless such local government chooses to do so by an ordinance duly adopted. By January 1, 2005, local governments that issue mechanical permits and perform mechanical or fuel gas enforcement activities shall, by ordinance, adopt and enforce the codes as prescribed by this chapter.

SECTION 2. 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) ~~Agriculture~~ Farm buildings located outside the incorporated limits of any city; and a farm building is hereby defined to be an structure located on agricultural ~~unit on which the owner or occupant resides and from which the owner or occupant derives his principal income and livelihood~~ zoned property and designated and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products and includes sheds, barns, corrals or fences. This definition does not include a place for human habitation or a place of regu-

lar employment where agricultural products are extracted, processed, treated or packaged; a place used by the public; or conditioned livestock housing.

(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 39-4301, 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 39-4304, Idaho Code.

Approved March 25, 2008.

CHAPTER 256
(H.B. No. 512)

AN ACT

RELATING TO HEALTH AND SAFETY AND THE IDAHO ANATOMICAL GIFT ACT; AMENDING CHAPTER 34, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3401A, IDAHO CODE, TO PROVIDE FOR THE STORAGE AND TRANSPORT OF HUMAN BODIES OR HUMAN BODY PARTS, TO PROVIDE FOR DUTIES OF THE DEPARTMENT OF HEALTH AND WELFARE, TO AUTHORIZE RULES, TO PROVIDE FOR CIVIL ENFORCEMENT AND TO PROVIDE FOR PENALTIES.

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

SECTION 1. That Chapter 34, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-3401A, Idaho Code, and to read as follows:

39-3401A. STORAGE AND TRANSPORT OF HUMAN BODIES OR BODY PARTS -- DUTIES OF STATE DEPARTMENT OF HEALTH AND WELFARE -- ENFORCEMENT AND PENALTIES. (1) In addition to any other duties and responsibilities, the director of the department of health and welfare shall register facilities for the storage and/or transport of human bodies or human body parts which are intended for research or for educational purposes. The director shall require such facilities to certify that the human body, part or parts to be supplied did not come from a person who has tested positive for acquired immunodeficiency syndrome (AIDS), AIDS related complexes (ARC), or other manifestations of human immunodeficiency virus (HIV) infection, and that the test was negative for the presence of HIV antibodies or antigens, hepatitis or other communicable diseases as that term is defined in departmental administrative rule.

(2) All facilities referred to in this section shall provide to the department, on a form provided by the department, the following: a place of business, legal mailing address, and a description of the nature of the facility, including the mechanism or manner of acquisition, storage and transport of human bodies or human body parts.

(3) The board of health and welfare shall promulgate rules implementing the provisions of this section.

(4) The director may initiate a civil enforcement action through the attorney general as provided in this subsection. Civil enforcement actions shall be commenced and prosecuted in the district court in and for the county in which the alleged violation occurred, and may be brought against any person who is alleged to have violated any provision of this section or any rule or order that has become effective pursuant to this section. Such action may be brought to compel compliance with any provision of this section or with any rule or order promulgated hereunder. The director shall not be required to initiate or prosecute an administrative action before initiating a civil enforcement action.

(5) Any person determined in a civil enforcement action to have violated any provision of this section or any rule or order promulgated pursuant to this section shall be liable for a civil penalty not to exceed one thousand dollars ($1,000) per violation. The method of recovery of said penalty shall be by a civil enforcement action in the district court in and for the county where the violation occurred. All civil penalties collected under this section shall be paid into the general fund of the state.

Approved March 25, 2008.

CHAPTER 257
(H.B. No. 517, As Amended, As Amended in the Senate)

AN ACT

RELATING TO CONSUMER PROTECTION; AMENDING SECTION 48-608, IDAHO CODE, TO PROVIDE AN ENHANCED PENALTY FOR CERTAIN CONDUCT PERPETRATED AGAINST AN ELDERLY PERSON OR A DISABLED PERSON, TO PROVIDE PRIORITY FOR RESTITUTION, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 48-608, Idaho Code, be, and the same is hereby amended to read as follows:

48-608. LOSS FROM PURCHASE OR LEASE -- ACTUAL AND PUNITIVE DAMAGES. (1) Any person who purchases or leases goods or services and thereby suffers any ascertainable loss of money or property, real or personal, as a result of the use or employment by another person of a method, act or practice declared unlawful by this ~~act~~ chapter, may treat any agreement incident thereto as voidable or, in the alternative, may bring an action to recover actual damages or one thousand dollars ($1,000), whichever is the greater; provided, however, that in the case of a class action, the class may bring an action for actual damages or a total for the class that may not exceed one thousand dollars ($1,000), whichever

is the greater. Any such person or class may also seek restitution, an order enjoining the use or employment of methods, acts or practices declared unlawful under this chapter and any other appropriate relief which the court in its discretion may deem just and necessary. The court may, in its discretion, award punitive damages and may provide such equitable relief as it deems necessary or proper in cases of repeated or flagrant violations.

(2) An elderly person or a disabled person who brings an action under subsection (1) of this section shall, in addition to the remedies available under subsection (1) of this section, recover from the offending party an enhanced penalty of fifteen thousand dollars ($15,000) or treble the actual damages, whichever is greater.

(a) In order to recover the enhanced penalty, the court must find that the offending party knew or should have known that his conduct was perpetrated against an elderly or disabled person and that his conduct caused one (1) of the following:

(i) Loss or encumbrance of the elderly or disabled person's primary residence;

(ii) Loss of more than twenty-five percent (25%) of the elderly or disabled person's principal monthly income;

(iii) Loss of more than twenty-five percent (25%) of the funds belonging to the elderly or disabled person set aside by the elderly or disabled person for retirement or for personal or family care or maintenance;

(iv) Loss of more than twenty-five percent (25%) of the monthly payments that the elderly or disabled person receives under a pension or retirement plan; or

(v) Loss of assets essential to the health or welfare of the elderly or disabled person.

(b) If the court orders restitution under subsection (1) of this section for a pecuniary or monetary loss suffered by an elderly or disabled person, the court shall require that the restitution be paid by the offending party before he pays the enhanced penalty imposed by this subsection.

(c) In this subsection:

(i) "Disabled person" means a person who has an impairment of a physical, mental or emotional nature that substantially limits at least one (1) major life activity.

(ii) "Elderly person" means a person who is at least sixty-two (62) years of age.

(iii) "Major life activity" means self-care, walking, seeing, hearing, speaking, breathing, learning, performing manual tasks or being able to be gainfully employed.

(3) An action brought under subsection (1) of this section may be brought in the county in which the person against whom it is brought resides, has his principal place of business, or is doing business, or in the county where the transaction or any substantial portion thereof occurred.

(~~3~~4) Upon commencement of any action brought under this section, the clerk of the court shall, for informational purposes only, mail a copy of the complaint or other initial pleading to the attorney general and, upon entry of any judgment or decree in the action, shall mail a copy of such judgment or decree to the attorney general.

(~~4~~5) Costs shall be allowed to the prevailing party unless the

court otherwise directs. In any action brought by a person under this section, the court shall award, in addition to the relief provided in this section, reasonable attorney's fees to the plaintiff if he prevails. The court in its discretion may award attorney's fees to a prevailing defendant if it finds that the plaintiff's action is spurious or brought for harassment purposes only.

(~~5~~6) Any permanent injunction, judgment or order of the court made under section 48-606(1) through (3) or section 48-607, Idaho Code, shall be admissible as evidence in an action brought under this section ~~48-608,--Idaho--Code,~~ that the respondent used or employed a method, act or practice declared unlawful by this chapter.

Approved March 25, 2008.

CHAPTER 258
(H.B. No. 528, As Amended in the Senate)

AN ACT

RELATING TO HIGHWAY DISTRICT ELECTIONS; AMENDING SECTION 40-1305A, IDAHO CODE, TO PROVIDE THAT HIGHWAY DISTRICT ELECTIONS SHALL BE CONDUCTED IN ACCORDANCE WITH THE GENERAL LAWS OF THE STATE INCLUDING THE PROVISIONS OF CHAPTER 14, TITLE 34, IDAHO CODE; AND REPEALING SECTIONS 40-1305B, 40-1305D, 40-1305E, 40-1305F, 40-1305G, 40-1305H, 40-1305I, 40-1305J, 40-1305K, 40-1305L, 40-1305M, 40-1305N, 40-1305O, 40-1305P, 40-1305Q, 40-1305AA, 40-1305BB, 40-1305CC, 40-1305DD, 40-1305EE, 40-1305FF, 40-1305GG, 40-1305HH, 40-1305II, 40-1305JJ, 40-1305KK, 40-1305LL, 40-1305MM, 40-1305NN, 40-1305OO, 40-1305PP, 40-1305QQ, 40-1305RR AND 40-1305SS, IDAHO CODE, RELATING TO HIGHWAY DISTRICT ELECTIONS AS CONDUCTED AND ADMINISTERED ACCORDING TO HIGHWAY DISTRICT LAW.

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

SECTION 1. That Section 40-1305A, Idaho Code, be, and the same is hereby amended to read as follows:

40-1305A. ELECTION ADMINISTRATION. Highway district ~~commissioners shall have authority to administer highway district~~ elections shall be conducted in accordance with the ~~provisions of this chapter~~ general laws of the state, including the provisions of chapter 14, title 34, Idaho Code. The commissioners shall select polling places and appoint an election official and election judges and clerks and set their compensation. ~~In all matters not specifically covered by this chapter, the provisions of title 34, Idaho Code, shall govern the procedure for highway district elections.~~

Highway districts may contract with the county clerk to conduct all or part of the elections for a highway district. In the event of such a contract, the county clerk shall perform all necessary duties of the election official of a highway district including, but not limited to, notice of the filing deadline, notice of the election, and preparation of the election calendar.

SECTION 2. That Sections 40-1305B, 40-1305D, 40-1305E, 40-1305F, 40-1305G, 40-1305H, 40-1305I, 40-1305J, 40-1305K, 40-1305L, 40-1305M, 40-1305N, 40-1305O, 40-1305P, 40-1305Q, 40-1305AA, 40-1305BB, 40-1305CC, 40-1305DD, 40-1305EE, 40-1305FF, 40-1305GG, 40-1305HH, 40-1305II, 40-1305JJ, 40-1305KK, 40-1305LL, 40-1305MM, 40-1305NN, 40-1305OO, 40-1305PP, 40-1305QQ, 40-1305RR and 40-1305SS, Idaho Code, be, and the same are hereby repealed.

Approved March 25, 2008.

CHAPTER 259
(H.B. No. 541, As Amended)

AN ACT

RELATING TO CRIMES AND PUNISHMENTS AND VIOLATIONS OF NO CONTACT ORDERS; AMENDING SECTION 18-920, IDAHO CODE, TO PROVIDE FOR ENHANCED PENALTIES FOR CERTAIN VIOLATIONS OF NO CONTACT ORDERS AND TO DEFINE "SUBSTANTIALLY CONFORMING FOREIGN CRIMINAL VIOLATION."

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

SECTION 1. That Section 18-920, Idaho Code, be, and the same is hereby amended to read as follows:

18-920. VIOLATION OF NO CONTACT ORDER. (1) When a person is charged with or convicted of an offense under section 18-901, 18-903, 18-905, 18-907, 18-909, 18-911, 18-913, 18-915, 18-918, 18-919, 18-6710, 18-6711, 18-7905, 18-7906 or 39-6312, Idaho Code, or any other offense for which a court finds that a no contact order is appropriate, an order forbidding contact with another person may be issued. A no contact order may be imposed by the court or by Idaho criminal rule.

(2) A violation of a no contact order is committed when:

(a) A person has been charged or convicted under any offense defined in subsection (1) of this section; and

(b) A no contact order has been issued, either by a court or by an Idaho criminal rule; and

(c) The person charged or convicted has had contact with the stated person in violation of an order.

(3) A violation of a no contact order is punishable by a fine not exceeding one thousand dollars ($1,000) or by imprisonment in the county jail not to exceed one (1) year, or both. Any person who pleads guilty to or is found guilty of a violation of this section who previously has pled guilty to or been found guilty of two (2) violations of this section, or of any substantially conforming foreign criminal violation or any combination thereof, notwithstanding the form of the judgment or withheld judgment, within five (5) years of the first conviction, shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed five (5) years or by a fine not to exceed five thousand dollars ($5,000), or by both fine and imprisonment. No bond shall be set for this violation until the person charged is brought before the court which will set bond. Further, any such violation may result in the increase, revocation or modification of the bond set in the underlying charge for which the no contact order was imposed.

(4) A peace officer may arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated a no contact order issued under this section if the person restrained had notice of the order.

(5) For purposes of this section, a substantially conforming foreign criminal violation exists when a person has pled guilty to or been found guilty of a violation of any federal law or law of another state, or any valid county, city or town ordinance of another state, substantially conforming with the provisions of this section. The determination of whether a foreign criminal violation is substantially conforming is a question of law to be determined by the court.

Approved March 25, 2008.

CHAPTER 260
(H.B. No. 543, As Amended)

AN ACT

RELATING TO THE IDAHO EDUCATION NETWORK; STATING LEGISLATIVE FINDINGS; AMENDING SECTION 33-125, IDAHO CODE, TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PERFORM THE DUTIES ASSIGNED TO IT RELATING TO THE IDAHO EDUCATION NETWORK; AND AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5745D, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE "IDAHO EDUCATION NETWORK (IEN)," TO PROVIDE FOR ADMINISTRATIVE OVERSIGHT OF THE IDAHO EDUCATION NETWORK BY THE DEPARTMENT OF ADMINISTRATION, TO SPECIFY DUTIES OF THE DEPARTMENT OF ADMINISTRATION INCLUDING IMPLEMENTATION OF THE GOALS AND PLAN OF THE IDAHO EDUCATION NETWORK, TO SPECIFY DUTIES OF THE STATE DEPARTMENT OF EDUCATION, TO PROVIDE FOR MANAGEMENT OF SITE OPERATIONS AND TO CREATE THE IDAHO EDUCATION NETWORK FUND.

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

SECTION 1. LEGISLATIVE FINDINGS. The Legislature finds that:

(1) High-bandwidth connectivity is an essential component of education infrastructure in the 21st century;

(2) Idaho is behind in the use of high-bandwidth connectivity and technology to deliver educational opportunities to students and teachers;

(3) High-bandwidth connectivity and technology can enable advanced and specialized courses to be shared within or among school districts and allow students access to concurrent enrollment offered by higher education; and

(4) A common high-bandwidth connectivity and technology platform will enable scarce educational resources to be shared throughout the state.

SECTION 2. That Section 33-125, Idaho Code, be, and the same is hereby amended to read as follows:

33-125. STATE DEPARTMENT OF EDUCATION -- CREATION -- DUTIES. There is hereby established as an executive agency of the state board of education a department known as the state department of education. The

state superintendent shall serve as the executive officer of such department and shall have the responsibility for carrying out policies, procedures and duties authorized by law or established by the state board of education for all elementary and secondary school matters, and to administer grants for the promotion of science education as provided in sections 33-128 and 33-129, Idaho Code. The department shall perform the duties assigned to it as specified in section 67-5745D, Idaho Code, relating to the Idaho education network.

SECTION 3. That Chapter 57, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5745D, Idaho Code, and to read as follows:

67-5745D. IDAHO EDUCATION NETWORK. (1) The legislature finds that:

(a) Idaho does not have a statewide coordinated and funded high-bandwidth education network;

(b) Such a network will enable required and advanced courses, concurrent enrollment and teacher training to be deliverable to all public high schools through an efficiently-managed statewide infrastructure; and

(c) Aggregating and leveraging demand at the statewide level will provide overall benefits and efficiencies in the procurement of telecommunications services, including high-bandwidth connectivity, internet access, purchases of equipment, federal subsidy program expertise and other related services.

(2) As used in this section, "Idaho Education Network (IEN)" means the coordinated, statewide telecommunications distribution system for distance learning for each public school, including two-way interactive video, data, internet access and other telecommunications services for providing distance learning. The term also includes connections to each institution of higher education and other locations as necessary to facilitate distance education, teacher training and other related services.

(3) The department of administration shall provide administrative oversight for IEN.

(4) In performing the duties under this section, the department of administration shall consider the following goals to ensure that:

(a) Idaho will utilize technology to facilitate comparable access to educational opportunities for all students;

(b) Idaho will be a leader in the use of technology to deliver advanced high school curricula, concurrent college credit, and ongoing teacher training on an equitable basis throughout the state; and

(c) Idaho will leverage its statewide purchasing power for the IEN to promote private sector investment in telecommunications infrastructure that will benefit other technology applications such as telemedicine, telecommuting, telegovernment and economic development.

(5) In performing the duties under this section, subject to the availability of funds, the department of administration shall:

(a) Coordinate the development, outsourcing and implementation of a statewide network for education, which shall include high-bandwidth connectivity, two-way interactive video and internet access, using primarily fiber optic and other high-bandwidth transmission media;

(b) Consider statewide economic development impacts in the design

and implementation of the educational telecommunications infrastructure;

(c) Coordinate and support the telecommunications needs, other than basic voice communications of public education;

(d) Procure high-quality, cost-effective internet access and appropriate interface equipment to public education facilities;

(e) Procure telecommunications services and equipment on behalf of public education;

(f) Procure and implement technology and equipment for the delivery of distance learning;

(g) In conjunction with the state department of education, apply for state and federal funding for technology on behalf of IEN services;

(h) Procure telecommunications services and equipment for the IEN through an open and competitive bidding process;

(i) Work with the private sector to deliver high-quality, cost-effective services statewide; and

(j) Cooperate with state and local governmental and educational entities and provide leadership and consulting for telecommunications for education.

(6) The department of administration shall follow an implementation plan that:

(a) In the first phase, will connect each public high school with a scalable, high-bandwidth connection, including connections to each institution of higher education as necessary, thereby allowing any location on IEN to share educational resources with any other location;

(b) Upon completion of the first phase, shall provide that each public high school will be served with high-bandwidth connectivity, internet access and equipment in at least one (1) two-way interactive video classroom; and

(c) In subsequent phases, will evaluate and make recommendations to the legislature for:

(i) Connectivity to each elementary and middle school;

(ii) The addition of libraries to the IEN; and

(iii) The migration of state agency locations from current technology and services.

(7) Under the direction of the state superintendent of public instruction, the state department of education shall:

(a) Coordinate with the state board of education and school districts to distribute telecourses, teleconferences and other instructional and training services to and between public schools;

(b) Coordinate with the state board of education and institutions of higher education to distribute college credit telecourses, teleconferences and other instructional and training services;

(c) Act as a clearinghouse for the materials, courses, publications and other applicable information related to the requirements of this section; and

(d) Coordinate all e-rate funding applications for Idaho's school districts and implement e-rate funds, through the department of administration, for related services provided under the purview of the IEN.

(8) Educational institutions served by the IEN shall manage site operations under policy established by the department of administration.

(9) Idaho education network fund. There is hereby created in the state treasury the Idaho education network fund. Moneys in the fund shall consist of funds received from state appropriations, grants, federal moneys, donations or funds from any other source. Moneys in the fund may be expended, pursuant to appropriation, for implementation and ongoing costs of the Idaho education network. 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.

Approved March 25, 2008.

CHAPTER 261
(H.B. No. 549)

AN ACT

RELATING TO ADJUSTMENTS TO TAXABLE INCOME; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE THAT THE ADDITION TO TAXABLE INCOME WHEN TRANSFERRING MONEYS FROM IDAHO'S COLLEGE SAVINGS PLAN TO A QUALIFIED TUITION PROGRAM THAT IS OPERATED BY ANOTHER STATE IS LIMITED TO THE AMOUNT OF THE TOTAL CONTRIBUTIONS TO THE IDAHO INDIVIDUAL TRUST ACCOUNT OR SAVINGS ACCOUNT BY THE ACCOUNT OWNER IN THE TWELVE MONTHS PRECEDING THE DATE OF THE TRANSFER; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3022, Idaho Code, be, and the same is hereby amended to read as follows:

63-3022. ADJUSTMENTS TO TAXABLE INCOME. The additions and subtractions set forth in this section, and in sections 63-3022A through 63-3022Q, Idaho Code, are to be applied to the extent allowed in computing Idaho taxable income:

(a) Add any state and local taxes, as defined in section 164 of the Internal Revenue Code and, measured by net income, paid or accrued during the taxable year adjusted for state or local tax refunds used in arriving at taxable income.

(b) Add the net operating loss deduction used in arriving at taxable income.

(c) (1) A net operating loss for any taxable year commencing on and after January 1, 2000, shall be a net operating loss carryback not to exceed a total of one hundred thousand dollars ($100,000) to the two (2) immediately preceding taxable years. Any portion of the net operating loss not subtracted in the two (2) preceding years may be subtracted in the next twenty (20) years succeeding the taxable year in which the loss arises in order until exhausted. The sum of the deductions may not exceed the amount of the net operating loss deduction incurred. At the election of the taxpayer, the two (2) year carryback may be foregone and the loss subtracted from income received in taxable years arising in the next twenty (20) years succeeding the taxable year in which the loss arises in order until exhausted. The election shall be made as under section 172(b)(3) of

the Internal Revenue Code. An election under this subsection must be in the manner prescribed in the rules of the state tax commission and once made is irrevocable for the year in which it is made. The term "income" as used in this subsection (c) means Idaho taxable income as defined in this chapter as modified by section 63-3021(b)(2), (3) and (4), Idaho Code.

(2) Net operating losses incurred by a corporation during a year in which such corporation did not transact business in Idaho or was not included in a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, may not be subtracted. However, if at least one (1) corporation within a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, was transacting business in Idaho during the taxable year in which the loss was incurred, then the net operating loss may be subtracted. Net operating losses incurred by a person, other than a corporation, in activities not taxable by Idaho may not be subtracted.

(d) In the case of a corporation, add the amount deducted under the provisions of sections 243(a) and (c), 244, 245 and 246A of the Internal Revenue Code (relating to dividends received by corporations) as limited by section 246(b)(1) of said code.

(e) In the case of a corporation, subtract an amount determined under section 78 of the Internal Revenue Code to be taxable as dividends.

(f) Subtract the amount of any income received or accrued during the taxable year which is exempt from taxation by this state, under the provisions of any other law of this state or a law of the United States, if not previously subtracted in arriving at taxable income.

(g) For the purpose of determining the Idaho taxable income of the beneficiary of a trust or of an estate:

(1) Distributable net income as defined for federal tax purposes shall be corrected for the other adjustments required by this section.

(2) Net operating losses attributable to a beneficiary of a trust or estate under section 642 of the Internal Revenue Code shall be a deduction for the beneficiary to the extent that income from the trust or estate would be attributable to this state under the provisions of this chapter.

(h) In the case of an individual who is on active duty as a full-time officer, enlistee or draftee, with the armed forces of the United States, which full-time duty is or will be continuous and uninterrupted for one hundred twenty (120) consecutive days or more, deduct compensation paid by the armed forces of the United States for services performed outside this state. The deduction is allowed only to the extent such income is included in taxable income.

(i) In the case of a corporation, including any corporation included in a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, add any capital loss deducted which loss was incurred during any year in which such corporation did not transact business in Idaho. However, do not add any capital loss deducted if a corporation, including any corporation in a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, was transacting business in Idaho during the taxable year in which the loss was incurred. In the case of persons, other than corporations, add any capital loss deducted which was incurred in activities not taxable by Idaho

at the time such loss was incurred. In computing the income taxable to an S corporation or partnership under this section, deduction shall not be allowed for a carryover or carryback of a net operating loss provided for in subsection (c) of this section or a capital loss provided for in section 1212 of the Internal Revenue Code.

(j) In the case of an individual, there shall be allowed as a deduction from gross income either (1) or (2) at the option of the taxpayer:

(1) The standard deduction as defined in section 63, Internal Revenue Code.

(2) Itemized deductions as defined in section 63 of the Internal Revenue Code except state or local taxes measured by net income and general sales taxes as either is defined in section 164 of the Internal Revenue Code.

(k) Add the taxable amount of any lump sum distribution excluded from gross income for federal income tax purposes under the ten (10) year averaging method. The taxable amount will include the ordinary income portion and the amount eligible for the capital gain election.

(l) Deduct any amounts included in gross income under the provisions of section 86 of the Internal Revenue Code relating to certain social security and railroad benefits.

(m) In the case of a self-employed individual, deduct the actual cost of premiums paid to secure worker's compensation insurance for coverage in Idaho, if such cost has not been deducted in arriving at taxable income.

(n) In the case of an individual, deduct the amount contributed to a college savings program pursuant to chapter 54, title 33, Idaho Code, but not more than four thousand dollars ($4,000) per tax year. If the contribution is made on or before April 15, 2001, it may be deducted for tax year 2000 and an individual can make another contribution and claim the deduction according to the limits provided in this subsection during 2001 for tax year 2001, as long as the contribution is made on or before December 31, 2001.

(o) In the case of an individual, add the amount of a nonqualified withdrawal from an individual trust account or savings account established pursuant to chapter 54, title 33, Idaho Code, less any amount of such nonqualified withdrawal included in the individual's federal gross income pursuant to section 529 of the Internal Revenue Code.

(p) In the case of an individual, add the amount of a withdrawal from an individual trust account or savings account established pursuant to chapter 54, title 33, Idaho Code, transferred to a qualified tuition program, as defined in section 529 of the Internal Revenue Code, that is operated by a state other than Idaho. The addition provided in this subsection is limited to the amount of the total contributions to the Idaho individual trust account or savings account by the account owner in the twelve (12) months preceding the date of the transfer.

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, 2008.

Approved March 25, 2008.

CHAPTER 262
(H.B. No. 609)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Commission on the Arts the following amounts to be expended according to the designate expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
COMMISSION ON THE ARTS:				
FROM:				
General Fund	$356,500	$164,600	$430,000	$ 951,100
Miscellaneous Revenue Fund		85,900	16,300	102,200
Federal Grant Fund	295,000	108,800	291,700	695,500
TOTAL	$651,500	$359,300	$738,000	$1,748,800

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Commission on the Arts is authorized no more than eleven (11) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 25, 2008.

CHAPTER 263
(H.B. No. 610)

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 2009; ESTABLISHING AMOUNTS TO BE EXPENDED FOR SYSTEMWIDE PROGRAMS; DIRECTING THE STATE BOARD OF EDUCATION TO PROVIDE A SYSTEM OF REPORTING FACULTY AND STAFF TURNOVER; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for Boise State University, Idaho State University, Lewis-Clark State College, the University of Idaho, and the Office of the State Board of Education the following amount to be expended for the designated programs from the listed funds for the period July 1, 2008, through June 30, 2009:

FOR:	
General Education Programs	$422,849,500
FROM:	
General Fund	$285,151,500
Agricultural College Endowment Fund	794,000
Charitable Institutions Endowment Fund	753,600
Normal School Endowment Income Fund	2,534,100
Scientific School Endowment Income Fund	2,332,300
University Endowment Income Fund	2,181,000
Unrestricted Fund	105,406,700
Restricted Fund	23,550,300
Miscellaneous Revenue Fund	146,000
TOTAL	$422,849,500

SECTION 2. SYSTEMWIDE PROGRAMS. Of the amount appropriated from the General Fund in Section 1 of this act, an amount not to exceed $100,000 shall be used by the Office of the State Board of Education for systemwide needs; an amount not to exceed $1,440,000 may be used for the mission and goals of the Higher Education Research Council; an amount not to exceed $1,560,000 in one-time funds for competitive research grants to be awarded by the Higher Education Research Council; an amount not to exceed $1,485,000 may be awarded by the State Board of Education for instructional projects specifically designed to foster innovative learning approaches using technology, and to promote the Idaho Electronic Campus; and an amount not to exceed $90,000 may be used by the Office of the State Board of Education for expenses directly related to the formulation of a final recommendation for expanding undergraduate and graduate medical education opportunities.

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

SECTION 4. CARRYOVER AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for Boise State University, Idaho State University, the University of Idaho, Lewis-Clark State College, and the Office of the State Board of Education, any non-General Fund unexpended and unencumbered balances from fiscal year 2008, to be used for nonrecurring expenditures for the period July 1, 2008, through June 30, 2009.

Approved March 25, 2008.

CHAPTER 264
(H.B. No. 611)

AN ACT
APPROPRIATING MONEYS FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
OFFICE OF THE STATE BOARD OF EDUCATION:				
FROM:				
General Fund	$1,648,100	$3,391,400	$ 87,500	$ 5,127,000
Indirect Cost Recovery Fund	20,100			20,100
Federal Grant Fund	627,700	6,197,700	1,864,400	8,689,800
Miscellaneous Revenue Fund	7,500	123,200	10,200	140,900
TOTAL	$2,303,400	$9,712,300	$1,962,100	$13,977,800

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of the State Board of Education is authorized no more than twenty-eight (28) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 25, 2008.

CHAPTER 265
(H.B. No. 613)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; 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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General Fund	$ 537,100	$ 515,600		$ 25,300	$ 1,078,000
Administration and Accounting Services Fund	717,700	198,300	$ 53,000		969,000
Facilities Maintenance Fund	105,500	65,600			171,100
Agriculture in the Classroom Fund		38,500			38,500
TOTAL	$ 1,360,300	$ 818,000	$ 53,000	$ 25,300	$ 2,256,600
II. ANIMAL INDUSTRIES:					
FROM:					
General Fund	$ 1,630,400	$ 244,300	$ 80,100		$ 1,954,800
Agricultural Inspection Fund	40,500	9,700			50,200
Agricultural Fees - Livestock Disease Control Fund	582,600	269,700			852,300
Agricultural Fees - Dairy Inspection Fund	1,014,600	302,600	44,500		1,361,700
Agricultural Fees - Egg Inspection Fund	166,100	16,200			182,300
Agricultural Fees - Commercial Fisheries Fund	6,000	4,200			10,200
Seminars and Publications Fund		98,400			98,400
Federal Grant Fund	853,200	534,900	11,000	$ 333,200	1,732,300
TOTAL	$ 4,293,400	$1,480,000	$135,600	$ 333,200	$ 6,242,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. AGRICULTURAL RESOURCES:					
FROM:					
General Fund	$ 512,000	$ 459,100	$ 18,200		$ 989,300
Agricultural Smoke Management Fund	114,800	106,100			220,900
Agricultural Fees - Pesticides Fund	1,504,100	523,800	151,700		2,179,600
Federal Grant Fund	460,400	173,700			634,100
TOTAL	$ 2,591,300	$1,262,700	$169,900		$ 4,023,900
IV. PLANT INDUSTRIES:					
FROM:					
General Fund	$ 1,061,700	$ 472,100	$ 22,600	$4,957,600	$ 6,514,000
Agricultural Inspection Fund	1,147,500	285,700	7,500	111,100	1,551,800
Agricultural Fees - Commercial Feed and Fertilizer Fund	849,000	220,700	12,500		1,082,200
Agricultural Fees - Honey Advertising Fund	400	16,300			16,700
Quality Assurance Laboratory Services Fund	542,300	70,800	38,500		651,600
Federal Grant Fund	785,900	1,710,400	17,000	1,161,700	3,675,000
TOTAL	$ 4,386,800	$2,776,000	$ 98,100	$ 6,230,400	$13,491,300
V. AGRICULTURAL INSPECTIONS:					
FROM:					
General Fund	$ 657,300	$ 201,300			$ 858,600
Agricultural Inspection Fund	67,100	17,000		$ 3,700	87,800
Weights and Measures Inspection Fund	231,500	51,600			283,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Agricultural Fees - Organic Food Products Fund	98,100	31,200			129,300
Agricultural Fees - Fresh Fruit and Vegetable Inspection Fund	7,771,200	732,000	$159,500	$ 371,100	9,033,800
TOTAL	$ 8,825,200	$1,033,100	$159,500	$ 374,800	$10,392,600
VI. MARKETING AND DEVELOPMENT:					
FROM:					
General Fund	$ 589,800	$ 374,500	$ 3,000		$ 967,300
Agricultural Inspection Fund	25,000	10,300			35,300
Miscellaneous Revenue Fund		125,000			125,000
Seminars and Publications Fund		245,700			245,700
USDA Publications Fund		64,900			64,900
Rural Economic Development Integrated Freight Transportation Fund	10,000	20,000		$ 25,000	55,000
Agricultural Loans Fund	13,300	15,300		5,200	33,800
Federal Grant Fund	60,600	75,500		42,500	178,600
TOTAL	$ 698,700	$ 931,200	$ 3,000	$ 72,700	$ 1,705,600
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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VIII. SHEEP COMMISSION:					
FROM:					
General Fund	$ 63,700	$ 500			$ 64,200
Agricultural Fees - Sheep Industry Regulation Fund	67,000	40,100			107,100
TOTAL	$ 130,700	$ 40,600			$ 171,300
GRAND TOTAL	$22,286,400	$8,341,800	$619,100	$7,624,300	$38,871,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Agriculture is authorized no more than two hundred four and sixty-hundredths (204.60) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, 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 Department of Agriculture, for the period July 1, 2009, through June 30, 2010, 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 25, 2008.

CHAPTER 266
(H.B. No. 621)

AN ACT

APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO DATA WAREHOUSE ACTIVITIES.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
STATE DEPARTMENT OF EDUCATION:					
FROM:					
General Fund	$3,481,700	$ 3,727,200	$ 75,600	$ 24,600	$ 7,309,100
Driver's Education Fund	166,500	152,200	4,000	2,113,300	2,436,000
Public Instruction Fund	635,200	758,600	4,000	11,400	1,409,200
Federal Grant Fund	3,536,700	9,818,400	18,700		13,373,800
Indirect Cost Recovery Fund	600,500	226,700			827,200
Data Processing Services Fund		38,900			38,900
Miscellaneous Revenue Fund	272,100	86,900	7,800		366,800
TOTAL	$8,692,700	$14,808,900	$110,100	$2,149,300	$25,761,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the State Department of Education is authorized no more than one hundred twenty-five (125) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. Regarding the development of a longitudinal data warehouse for public education, it is the intent of the Legislature that the Superintendent of Public Instruction request the assistance of the Information Technology Resource Management Council (ITRMC) to review and provide input on the development of requests for proposals (RFP) and other data warehouse development activities.

Approved March 25, 2008.

CHAPTER 267
(H.B. No. 622)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 1, CHAPTER 304, LAWS OF 2007, TO REVISE THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MEDICAL ASSISTANCE SERVICES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 304, Laws of 2007, is hereby amended to read as follows:

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~~
	6,397,400	7,171,800			15,053,300
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~~			~~35,944,400~~
	11,379,400	22,575,600	122,100	1,638,600	35,715,700
TOTAL	$17,847,600	~~$32,940,200~~	$295,200	$ 2,949,600	$ ~~54,032,600~~
		33,283,200			54,375,600
II. DUAL ELIGIBLE INDIVIDUALS:					
FROM:					
General Fund				$ ~~63,284,900~~	$ ~~63,284,900~~
				58,024,300	58,024,300
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~~
				200,339,100	200,339,100
III. INDIVIDUALS WITH DISABILITIES:					
FROM:					
General Fund				$ ~~163,946,500~~	$ ~~163,946,500~~
				156,093,800	156,093,800
Idaho Health Insurance Access Card Fund				~~893,500~~	~~893,500~~
				1,000,800	1,000,800
Medical Assistance Fund				2,500	2,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare Fund (Dedicated)				~~35,979,600~~ 36,979,600	~~35,979,600~~ 36,979,600
Cooperative Welfare Fund (Federal)				357,524,900	357,524,900
TOTAL				$ ~~558,347,000~~ 551,601,600	$ ~~558,347,000~~ 551,601,600
IV. LOW-INCOME CHILDREN AND WORKING-AGE ADULTS:					
FROM:					
General Fund				$ ~~134,890,800~~ 130,624,600	$ ~~134,890,000~~ 130,624,600
Idaho Health Insurance Access Card Fund				~~1,717,400~~ 1,923,600	~~1,717,400~~ 1,923,600
Cooperative Welfare Fund (Dedicated)				37,085,400	37,085,400
Cooperative Welfare Fund (Federal)				301,244,500	301,244,500
TOTAL				$ ~~474,938,100~~ 470,878,100	$ ~~474,938,100~~ 470,878,100
GRAND TOTAL	$17,847,600	~~$32,940,200~~ 33,283,200	$295,200	~~$1,241,834,400~~ 1,225,768,400	~~$1,292,917,400~~ 1,277,194,400

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 25, 2008.

CHAPTER 268
(H.B. No. 625)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MEDICAL ASSISTANCE SERVICES FOR FISCAL YEAR 2009; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; REAPPROPRIATING 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; AND AUTHORIZING A TRANSFER OF CERTAIN MONEYS APPROPRIATED FOR TRUSTEE AND BENEFIT PAYMENTS.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MANAGEMENT:					
FROM:					
General Fund	$ 7,169,600	$ 9,881,600	$ 31,800	$ 1,311,000	$ 18,394,000
Idaho Health Insurance Access Card Fund		152,000			152,000
Cooperative Welfare Fund (Dedicated)		3,383,800			3,383,800
Cooperative Welfare Fund (Federal)	12,358,700	31,240,200	91,800	1,638,600	45,329,300
TOTAL	$19,528,300	$44,657,600	$123,600	$ 2,949,600	$ 67,259,100
II. DUAL ELIGIBLE INDIVIDUALS:					
FROM:					
General Fund				$ 116,503,400	$ 116,503,400
Cooperative Welfare Fund (Dedicated)				11,470,000	11,470,000
Cooperative Welfare Fund (Federal)				276,325,700	276,325,700
TOTAL				$ 404,299,100	$ 404,299,100
III. INDIVIDUALS WITH DISABILITIES:					
FROM:					
General Fund				$ 172,551,400	$ 172,551,400
Idaho Health Insurance Access Card Fund				876,900	876,900
Medical Assistance Fund				2,500	2,500
Cooperative Welfare Fund (Dedicated)				40,803,500	40,803,500
Cooperative Welfare Fund (Federal)				354,090,700	354,090,700
TOTAL				$ 568,325,000	$ 568,325,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. LOW-INCOME CHILDREN AND WORKING-AGE ADULTS:					
FROM:					
General Fund				$ 95,044,000	$ 95,044,000
Idaho Health Insurance Access Card Fund				2,484,600	2,484,600
Cooperative Welfare Fund (Dedicated)				39,842,700	39,842,700
Cooperative Welfare Fund (Federal)				229,991,300	229,991,300
TOTAL				$ 367,362,600	$ 367,362,600
GRAND TOTAL	$19,528,300	$44,657,600	$123,600	$1,342,936,300	$1,407,245,800

SECTION 2. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 3. REAPPROPRIATION OF THE COOPERATIVE WELFARE FUND. There is hereby reappropriated to the Department of Health and Welfare any unexpended and unencumbered balances in the Cooperative Welfare Fund as appropriated to the Dual Eligible Individuals Program, Individuals with Disabilities Program, and the Low-Income Children and Working-Age Adults Program for provider payments for fiscal year 2008, to be used for trustee and benefit payments for the period July 1, 2008, through June 30, 2009. 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 Program for fiscal year 2008, for the following purposes: 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, 2008, through June 30, 2009. 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, 2008, through June 30, 2009.

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 ninety (290) full-time equivalent positions for the Medical Assistance Services Program during the period July 1, 2008, through June 30, 2009. 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 2009.

Approved March 25, 2008.

CHAPTER 269
(H.B. No. 626)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION IN THE COMMUNITY HOSPITALIZATION PROGRAM FOR FISCAL YEAR 2009; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION IN THE STATE HOSPITAL NORTH PROGRAM FOR FISCAL YEAR 2009; 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 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE STATE HOSPITAL SOUTH PROGRAM; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; DIRECTING THE DEPARTMENT TO PURSUE CONTRACTS FOR COMMUNITY HOSPITALIZATION; AND DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED.

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 Hospital-

ization Program the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2008, through June 30, 2009:

COMMUNITY HOSPITALIZATION:

FROM:	
General Fund	$2,160,400
FOR:	
Trustee and Benefit Payments	$2,160,400

SECTION 2. There is hereby appropriated to the Department of Health and Welfare for psychiatric hospitalization in the State Hospital North Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$6,638,300	$1,259,400	$ 90,000	$19,100	$8,006,800
State Hospital North Endowment Income Fund	233,400	475,700	61,600	44,500	815,200
Cooperative Welfare Fund (Dedicated)	143,100				143,100
TOTAL	$7,014,800	$1,735,100	$151,600	$63,600	$8,965,100

SECTION 3. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than one hundred nine and thirty-nine hundredths (109.39) full-time equivalent positions for the State Hospital North Program during the period July 1, 2008, through June 30, 2009. Transfers of full-time equivalent positions between appropriated programs within the department are authorized and shall be reported in the budget prepared for the next fiscal year. Any full-time equivalent positions in excess of the department's total cap may be authorized only by the Governor and promptly reported to the Joint Finance-Appropriations Committee.

SECTION 4. There is hereby appropriated to the Department of Health and Welfare for psychiatric hospitalization in the State Hospital South Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$10,290,400	$1,721,900	$237,100	$307,900	$12,557,300
Mental Hospital Endowment Income Fund	1,132,600	126,100	70,300		1,329,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare Fund (Federal)	2,963,600	1,428,100		15,500	4,407,200
Cooperative Welfare Fund (Dedicated)	2,546,600	679,200	50,600	900	3,277,300
TOTAL	$16,933,200	$3,955,300	$358,000	$324,300	$21,570,800

SECTION 5. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than two hundred fifty-nine and twenty-two hundredths (259.22) full-time equivalent positions for the State Hospital South Program during the period July 1, 2008, through June 30, 2009. Transfers of full-time equivalent positions between appropriated programs within the department are authorized and shall be reported in the budget prepared for the next fiscal year. Any full-time equivalent positions in excess of the department's total cap may be authorized only by the Governor and promptly reported to the Joint Finance-Appropriations Committee.

SECTION 6. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 7. CONTRACT FOR COMMUNITY HOSPITALIZATION. The Department of Health and Welfare is hereby directed to pursue statewide or regional contracts for mental health hospitalization services. The current daily rates for hospitalization vary significantly regionally and from hospital to hospital. The Department of Health and Welfare is encouraged to actively manage the quality and cost of these services.

SECTION 8. 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 2009.

SECTION 9. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511(1), Idaho Code, appropriations made in Sections 2 and 4 of this act for trustee and benefit payments shall be used exclusively for trustee and benefit payments for the period July 1, 2008, through June 30, 2009.

Approved March 25, 2008.

CHAPTER 270
(H.B. No. 627)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SERVICE INTEGRATION PROGRAM FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; AND DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$ 826,300	$134,800	$1,400		$ 962,500
Cooperative Welfare Fund (Dedicated)				$ 65,000	65,000
Cooperative Welfare Fund (Federal)	749,600	116,000	1,200	700,000	1,566,800
TOTAL	$1,575,900	$250,800	$2,600	$765,000	$2,594,300

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, 2008, through June 30, 2009. 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 2009.

Approved March 25, 2008.

CHAPTER 271
(H.B. No. 628)

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Board of Tax Appeals in the Department of Revenue and Taxation the following amounts to be expended according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:	
Personnel Costs	$469,200
Operating Expenditures	138,400
TOTAL	$607,600
FROM:	
General Fund	$607,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Board of Tax Appeals is authorized no more than six (6) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 25, 2008.

CHAPTER 272
(H.B. No. 629)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2008; AND DECLARING AN EMERGENCY FOR SECTION 3 OF THIS ACT.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
Fish and Game Fund (Licenses)	$ 2,990,900	$ 1,481,900	$2,530,200	$ 50,000	$ 7,053,000
Fish and Game Fund (Other)		12,300			12,300
Fish and Game Set-aside Fund (Licenses)	200	34,300			34,500
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		7,600			7,600
Fish and Game Nonexpendable Trust Fund		3,500			3,500
Fish and Game Fund (Federal)	3,089,700	2,788,500	29,000		5,907,200
TOTAL	$ 6,080,800	$ 4,346,300	$2,559,200	$ 50,000	$13,036,300
II. ENFORCEMENT:					
FROM:					
Fish and Game Fund (Licenses)	$ 7,526,000	$ 2,007,300	$ 196,700		$ 9,730,000
Fish and Game Fund (Other)	138,400	24,000			162,400
Fish and Game Set-aside Fund (Other)		20,600			20,600
Fish and Game Expendable Trust Fund		21,400			21,400
TOTAL	$ 7,664,400	$ 2,073,300	$ 196,700		$ 9,934,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. FISHERIES:					
FROM:					
Fish and Game Fund (Licenses)	$ 3,505,000	$ 2,000,200	$ 248,500		$ 5,753,700
Fish and Game Fund (Other)	1,528,300	893,900	8,000		2,430,200
Fish and Game Set-aside Fund (Licenses)	194,600	243,400			438,000
Fish and Game Set-aside Fund (Other)	85,200	30,700			115,900
Fish and Game Expendable Trust Fund	94,400	61,100			155,500
Fish and Game Nonexpendable Trust Fund		33,400			33,400
Fish and Game Fund (Federal)	11,441,600	5,504,700	1,137,100		18,083,400
TOTAL	$16,849,100	$ 8,767,400	$1,393,600		$27,010,100
IV. WILDLIFE:					
FROM:					
Fish and Game Fund (Licenses)	$ 3,907,500	$ 3,312,400	$ 117,500		$ 7,337,400
Fish and Game Fund (Other)	330,500	594,800			925,300
Fish and Game Set-aside Fund (Other)	639,000	332,100			971,100
Fish and Game Expendable Trust Fund	403,500	300,200	19,000		722,700
Fish and Game Nonexpendable Trust Fund	11,300	2,300			13,600
Fish and Game Fund (Federal)	3,920,600	2,164,100			6,084,700
TOTAL	$ 9,212,400	$ 6,705,900	$ 136,500		$16,054,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. COMMUNICATIONS:					
FROM:					
Fish and Game Fund (Licenses)	$ 1,519,800	$ 414,000	$ 33,500		$ 1,967,300
Fish and Game Fund (Other)	88,500	8,300	95,000		191,800
Fish and Game Set-aside Fund (Other)	120,900	37,200			158,100
Fish and Game Expendable Trust Fund	11,500	6,100			17,600
Fish and Game Fund (Federal)	742,300	223,300	2,300		967,900
TOTAL	$ 2,483,000	$ 688,900	$ 130,800		$ 3,302,700
VI. ENGINEERING:					
FROM:					
Fish and Game Fund (Licenses)	$ 895,900	$ 72,800	$ 7,500		$ 976,200
VII. NATURAL RESOURCE POLICY:					
FROM:					
Fish and Game Fund (Licenses)	$ 762,900	$ 77,500	$ 19,500	$243,800	$ 1,103,700
Fish and Game Fund (Other)	213,200	16,700			229,900
Fish and Game Set-aside Fund (Other)	89,600	10,100			99,700
Fish and Game Fund (Federal)	1,623,500	300,900			1,924,400
TOTAL	$ 2,689,200	$ 405,200	$ 19,500	$243,800	$ 3,357,700
VIII. WINTER FEEDING AND HABITAT IMPROVEMENT:					
FROM:					
Fish and Game Fund (Licenses)	$ 496,800	$ 660,700	$ 5,500		$ 1,163,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Fish and Game Set-aside Fund (Licenses)	60,000	1,329,800	4,500		1,394,300
Expendable Big Game Depredation Fund				$407,600	407,600
TOTAL	$ 556,800	$ 1,990,500	$ 10,000	$407,600	$ 2,964,900
GRAND TOTAL	$46,431,600	$25,050,300	$4,453,800	$701,400	$76,637,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Fish and Game is authorized no more than five hundred twenty-eight (528) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, 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. In addition to the appropriation made in Section 1, Chapter 233, Laws of 2007, there is hereby appropriated to the Department of Fish and Game the following amount, to be expended for the specified program for improvements to the Eagle Fish Hatchery according to the designated expense class from the listed fund for the period July 1, 2007, through June 30, 2008:

FISHERIES:

FOR:

Capital Outlay $3,435,800

FROM:

Fish and Game Fund (Federal) $3,435,800

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

Approved March 25, 2008.

CHAPTER 273
(H.B. No. 635)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES.

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

SECTION 1. There is hereby appropriated to the 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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
IDAHO STATE CAPITOL COMMISSION:			
FROM:			
Capitol Endowment Income Fund		$327,200	$327,200
Permanent Building Fund	$126,900	56,100	183,000
TOTAL	$126,900	$383,300	$510,200

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, 2008, through June 30, 2009, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby reappropriated to the Department of Administration for the Idaho State Capitol Commission the unexpended and unencumbered balance of any funds appropriated by Section 1, Chapter 333, Laws of 2007, to be used for the period July 1, 2008, through June 30, 2009.

Approved March 25, 2008.

CHAPTER 274
(H.B. No. 422, As Amended in the Senate)

AN ACT

RELATING TO ENERGY EFFICIENT STATE BUILDINGS; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 29, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT, TO DEFINE TERMS AND TO PROVIDE REQUIREMENTS FOR MAJOR FACILITY PROJECTS; AND PROVIDING A SUNSET CLAUSE.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 29, Title 39, Idaho Code, and to read as follows:

CHAPTER 29
ENERGY EFFICIENT STATE BUILDINGS

39-2901. SHORT TITLE. This chapter shall be known and cited as the "Idaho Energy Efficient State Buildings Act."

39-2902. LEGISLATIVE FINDINGS AND INTENT. (1) The legislature finds that serious energy challenges face the state of Idaho and that the operation of Idaho state buildings consumes significant amounts of energy and electricity.

(2) The legislature finds that, with minimal if any additional cost, there is considerable potential for energy savings and operational cost savings in the operation of both new and renovated state buildings if they are designed and constructed to an energy savings target over and above the state building code requirements.

(3) The legislature finds that by adopting energy savings measures into the design and construction of state buildings the state has an opportunity to demonstrate leadership to the private sector and to local government and to provide both an environmental and a fiscal benefit for Idaho's citizens.

(4) It is the intent and established goal of the legislature to adopt an energy performance target, including operational cost savings, for state buildings and thereby reduce consumption of and dollars spent for energy by the state of Idaho, and to have the state agencies occupying such buildings document and report the costs of the buildings' design, construction and operation and the cost savings associated therewith.

39-2903. DEFINITIONS. As used in this chapter:

(1) "Full commissioning" means that a third-party commissioning authority has validated and documented that the building and its systems are designed, installed, tested and capable of being operated and maintained to perform in accordance with the design intent, including energy performance. The full commissioning process extends through all phases of the project, from conceptualization to occupancy and operation, with evaluation checks at each phase to ensure validation of the building's performance.

(2) "Idaho state building authority" means the Idaho state building authority as established in chapter 64, title 67, Idaho Code.

(3) "Major facility project" means:

(a) A building project constructed by a state agency or for occupancy or use by a state agency that is larger than five thousand (5,000) gross square feet of occupied or conditioned space as defined in the appropriate building code adopted by the Idaho building code board pursuant to chapter 41, title 39, Idaho Code; or

(b) A building renovation project constructed by a state agency or for occupancy or use by a state agency on an existing building that is larger than five thousand (5,000) gross square feet of occupied or conditioned space as defined in the appropriate building code adopted by the Idaho building code board pursuant to chapter 41, title 39, Idaho Code, and with a project cost greater than fifty percent (50%) of the assessed value of the existing building.

(4) "Operational cost savings" means that the savings of the operational costs of a major facility project constructed pursuant to section 39-2904(1), Idaho Code, over a period of ten (10) years, will equal or be more than the additional cost of construction of the building as required in section 39-3904, Idaho Code.

(5) "Permanent building fund advisory council" means the permanent building fund advisory council created in section 67-5710, Idaho Code.

(6) "State agency" means every state officer, department, division,

bureau, commission and board, including those in the legislative or judicial branch and public postsecondary educational institutions. With the exception of community college districts, for purposes of this chapter, "state agency" does not include a political subdivision as defined in section 67-2320(5), Idaho Code, or a public charter school as defined in section 33-5202A, Idaho Code.

39-2904. MAJOR FACILITY PROJECTS. (1) To the extent it is fiscally prudent and to the extent it is practical and feasible given the intended use of the building, all major facility projects receiving funding from the state general fund or the state permanent building fund or financed through the Idaho state building authority shall be designed, constructed and certified to meet a target of at least ten percent (10%) to thirty percent (30%) better efficiency than a building of equal size, function and orientation built on the same site to the requirements of then current state building codes as provided in section 39-4109, Idaho Code. Full commissioning shall be considered on all major facility projects.

(2) The provisions of subsection (1) of this section shall apply to major facility projects that have not entered the schematic design phase prior to the effective date of this chapter.

(3) Beginning in 2009, on or before December 1 of each year, the division of public works, in cooperation with each appropriate state agency, shall submit a report to the permanent building fund advisory council, the legislature and the governor. The report shall describe the ongoing implementation of this chapter with achieved energy efficiency data and supporting narrative for each major facility project designed, constructed or certified as provided in subsection (1) of this section during the previous year.

(4) The governor shall designate a state office or agency to provide technical assistance to the state agencies and the permanent building fund advisory council on the implementation of this chapter.

SECTION 2. The provisions of this act shall be null, void and of no force and effect on and after July 1, 2013.

Approved March 25, 2008.

CHAPTER 275
(H.B. No. 548)

AN ACT

RELATING TO THE STATE COLLEGE SAVINGS PROGRAM; AMENDING SECTION 33-5401, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 33-5402, IDAHO CODE, TO REVISE POWERS AND DUTIES OF THE STATE COLLEGE SAVINGS PROGRAM BOARD AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5404, IDAHO CODE, TO REVISE COLLEGE SAVINGS PROGRAM REQUIREMENTS; AMENDING SECTION 33-5407, IDAHO CODE, TO REVISE LIMITATIONS OF THE COLLEGE SAVINGS PROGRAM CHAPTER AND TO ALLOW POLICIES INSTEAD OF RULES; AND AMENDING CHAPTER 54, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5410, IDAHO CODE, TO PROVIDE PROCEDURES FOR UNCLAIMED ACCOUNTS.

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

SECTION 1. That Section 33-5401, Idaho Code, be, and the same is hereby amended to read as follows:

33-5401. DEFINITIONS. As used in this chapter, the following terms have the following meanings unless the context clearly denotes otherwise:

(1) "Account" means an individual trust account or savings account established as prescribed in this chapter.

(2) "Account owner" means the person or state or local government organization designated in the agreement governing the account as having the right to withdraw moneys from the account before the account is disbursed to or for the benefit of the designated beneficiary.

(3) "Board" means the state college savings program board created in section 33-5402, Idaho Code.

(4) "Designated beneficiary," except as provided in section 33-5404, Idaho Code, means, with respect to an account, the ~~person~~ individual designated at the time the account is opened as the ~~person~~ individual whose higher education expenses are expected to be paid from the account or, if this designated beneficiary is replaced in accordance with section 33-5404, Idaho Code, the replacement beneficiary.

(5) "Eligible educational institution" shall have the meaning provided in 26 U.S.C. section 529.

(6) "Financial institution" means any state bank, national bank, savings bank, savings and loan association, credit union, insurance company, brokerage firm or other similar entity that is authorized to do business in this state.

~~(6) "Higher education institution" means any of the following:~~

~~(a) An institution described in the higher education act of 1965 (P.L. 89-329; 79 Stat. 1219; 20 U.S.C. sections 1001 et seq.);~~

~~(b) An area vocational educational school as defined in 20 U.S.C. section 2471(4);~~

~~(c) An institution regulated by the state board of education.~~

(7) "Member of the family" shall have the meaning as provided in 26 U.S.C. section 529.

(8) "Nonqualified withdrawal" means an account withdrawal that is not one (1) of the following:

(a) A qualified withdrawal;

(b) A withdrawal made as the result of the death or disability of the designated beneficiary of an account;

(c) A withdrawal that is made on account of a scholarship as defined in 26 U.S.C. section 117 or an educational allowance as defined in 26 U.S.C. section 25A(g)(2);

(d) A rollover or change of the designated beneficiary.

(9) "Person" means an individual, a trust, an estate, a partnership, an association, a foundation, a guardianship, a corporation, or a custodian under the Idaho uniform transfers to minors act.

(10) "Program" means the college savings program established under this chapter.

(10~~1~~) "Qualified higher education expenses" shall have the meaning provided in 26 U.S.C. section 529(e)(3).

(11~~2~~) "Qualified withdrawal" means a withdrawal from an account to pay the qualified higher education expenses of the designated benefi-

ciary of the account, but only if the withdrawal is made in accordance with this chapter.

SECTION 2. That Section 33-5402, Idaho Code, be, and the same is hereby amended to read as follows:

33-5402. STATE COLLEGE SAVINGS PROGRAM BOARD -- COLLEGE SAVINGS PROGRAM -- POWERS AND DUTIES. There is hereby created the state college savings program board. The board shall consist of the state treasurer or his designee who shall serve as chair, the governor or designee, the state controller or designee, the attorney general or designee, the superintendent of public instruction or designee, and the secretary of state or designee. A quorum shall be necessary to transact business. Members of the board shall be compensated by their appointing entity. The state college savings program board shall:

(1) Develop and implement the program in a manner consistent with this chapter through the adoption of rules, guidelines and procedures;

(2) Retain professional services, if necessary, including accountants, auditors, consultants and other experts;

(3) Seek rulings and other guidance from the United States department of the treasury, the internal revenue service and the state tax commission relating to the program;

(4) Make changes to the program required for the participants in the program to obtain the federal income tax benefits or treatment provided by section 529 of the Internal Revenue Code of 1986, as amended~~.~~;

(5) Interpret, in rules, policies, guidelines and procedures, the provisions of this chapter broadly in light of its purpose and objectives;

(6) Charge, impose and collect administrative fees and service charges in connection with any agreement, contract or transaction relating to the program;

(7) Select the financial institution or institutions to act as the depository and manager of the program in accordance with this chapter;

(8) Enter into contracts, within the limit of funds available therefor, acquire services and personal property, and do and perform any acts that may be necessary in the administration of the program;

(9) Establish, in its discretion, a trust or other method of segregating the funds of participants in the program from the general funds of the state, the funds of the board and the funds of the members of the board;

(10) Administer the program and any trust established by the board as instrumentalities of the state under section 529 of the Internal Revenue Code of 1986, as amended, and the federal securities law, including the securities act of 1933, as amended, the trust indenture act of 1939, as amended, and the investment company act of 1940, as amended.

SECTION 3. That Section 33-5404, Idaho Code, be, and the same is hereby amended to read as follows:

33-5404. PROGRAM REQUIREMENTS. (1) The program shall be operated through the use of accounts. An account may be opened by any person who desires to save to pay the qualified higher education expenses of a person. Minors may open an account which cannot be disaffirmed pursuant to section 32-103, Idaho Code. A person may open an account by satisfying

each of the following requirements:

(a) Completing an application in the form prescribed by the board. The application shall include the following information:

(i) The name, address and social security number or employer identification number of the contributor;

(ii) The name, address and social security number of the account owner if the account owner is not the contributor;

(iii) The name, address and social security number of the designated beneficiary;

(iv) The certification relating to no excess contributions required by subsection (13) of this section;

(v) Any other information that the board may require;

(b) Paying the one-time application fee established by the board;

(c) Making the minimum contribution required by the board or by opening an account;

(d) Designating the type of account to be opened if more than one

(1) type of account is offered.

(2) Any person may make contributions to an account after the account is opened.

(3) Contributions to accounts may be made only in cash.

(4) Account owners may withdraw all or part of the balance from an account on sixty (60) days' notice, or a shorter period as may be authorized by the board, under rules prescribed by the board. ~~These rules--shall--include-provisions-that-will-generally-enable-the-board-or program-manager-to-determine-if-a-withdrawal--is--a--nonqualified--withdrawal--or--a-qualified-withdrawal.-The-rules-may,-but-need-not,-require one-(i)-or-more-of-the-following:~~

~~(a)--Account-owners-seeking-to-make-a-qualified-withdrawal-or--other withdrawal--that-is-not-a-nonqualified-withdrawal-shall-provide-certifications,-copies-of-bills-for-qualified-higher-education-expenses or-other-supporting-material;~~

~~(b)--Qualified-withdrawals-from-an-account-shall-be-made-only--by--a check-payable-as-designated-by-the-account-owner.~~

(5) An account owner may change the designated beneficiary of an account to an individual who is a member of the family of the former designated beneficiary in accordance with procedures established by the board.

(6) On the direction of an account owner, all or a portion of an account may be transferred to another account of which the designated beneficiary is a member of the family of the designated beneficiary of the transferee account.

(7) Changes in designated beneficiaries and rollovers under this section are not permitted if the changes or rollovers would violate either of the following provisions of this section relating to excess contributions or to investment choice.

(8) Each account shall be maintained separately from each other account under the program.

(9) Separate records and accounting shall be maintained for each account for each designated beneficiary.

(10) No contributor to, account owner of or designated beneficiary of any account may direct the investment of any contributions to an account or the earnings from the account.

(11) If the board terminates the authority of a financial institution to hold accounts and accounts must be moved from that financial

institution to another financial institution, the board shall select the financial institution and type of investment to which the balance of the account is moved unless the internal revenue service provides guidance stating that allowing the account owner to select among several financial institutions that are current contractors would not cause a plan to cease to be a qualified tuition program.

(12) Neither an account owner nor a designated beneficiary may use an interest in an account as security for a loan. Any pledge of an interest in an account is of no force and effect.

(13) The board shall adopt rules to prevent contributions on behalf of a designated beneficiary in excess of those necessary to pay the qualified higher education expenses of the designated beneficiaries. The rules shall address the following:

(a) Procedures for aggregating the total balances of multiple accounts established for a designated beneficiary;

(b) The establishment of a maximum total balance that may be held in accounts for a designated beneficiary;

(c) The board shall review the quarterly reports received from participating financial institutions and certify that the balance in all qualified tuition programs, as defined in section 529 of the Internal Revenue Code, of which that person is the designated beneficiary does not exceed the lesser of:

(i) A maximum college savings amount established by the board from time to time;

(ii) The cost in current dollars of qualified higher education expenses that the contributor reasonably anticipates the designated beneficiary will incur;

(d) Requirements that any excess balances with respect to a designated beneficiary be promptly withdrawn in a nonqualified withdrawal or rolled over to another account in accordance with this section.

(14) If there is any distribution from an account to any person or for the benefit of any person during a calendar year, the distribution shall be reported to the internal revenue service and the account owner or the designated beneficiary to the extent required by federal law.

(15) The financial institution shall provide statements to each account owner at least once each year within thirty-one (31) days after the twelve (12) month period to which they relate. The statement shall identify the contributions made during a preceding twelve (12) month period, the total contributions made through the end of the period, the value of the account as of the end of this period, distributions made during this period and any other matters that the board requires be reported to the account owner.

(16) Statements and information returns relating to accounts shall be prepared and filed to the extent required by federal or state tax law.

(17) A state or local government or organization described in section 501(c)(3) of the Internal Revenue Code may open and become the account owner of an account to fund scholarships for persons whose identity will be determined after an account is opened.

(18) In the case of any account described in subsection (17) of this section, the requirement that a designated beneficiary be designated when an account is opened does not apply and each person who receives an interest in the account as a scholarship shall be treated as a designated beneficiary with respect to the interest.

(19) Any social security numbers, addresses or telephone numbers of individual account holders and designated beneficiaries that come into the possession of the board are confidential, are not public records and shall not be released by the board.

SECTION 4. That Section 33-5407, Idaho Code, be, and the same is hereby amended to read as follows:

33-5407. LIMITATIONS OF CHAPTER. (1) Nothing in this chapter shall be construed to:

(a) Give any designated beneficiary any rights or legal interest with respect to an account unless the designated beneficiary is the account owner;

(b) Guarantee that a designated beneficiary will be admitted to an ~~higher~~ eligible education institution or be allowed to continue enrollment at or graduate from an ~~higher~~ eligible education institution located in this state after admission;

(c) Establish state residency for a person merely because the person is a designated beneficiary;

(d) Guarantee that amounts saved pursuant to the program will be sufficient to cover the qualified higher education expenses of a designated beneficiary.

(2) Nothing in this chapter establishes any obligation of this state or any agency or instrumentality of this state to guarantee for the benefit of any account owner, contributor to an account or designated beneficiary any of the following:

(a) The return of any amounts contributed to an account;

(b) The rate of interest or other return on any account;

(c) The payment of interest or other return on any account;

(d) Tuition rates or the cost of related higher education expenditures.

(3) Under ~~rules~~ policies adopted by the board, every contract, application, deposit slip or other similar document that may be used in connection with a contribution to an account shall clearly indicate that the account is not insured by this state and neither the principal deposited nor the investment return is guaranteed by this state.

SECTION 5. 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 33-5410, Idaho Code, and to read as follows:

33-5410. UNCLAIMED ACCOUNTS. Unclaimed accounts shall be subject to the provisions of section 14-506, Idaho Code. The date upon which the account owner is deemed to have last communicated that the owner is currently aware of his interest in the account shall not occur prior to the eighteenth birthday of the designated beneficiary.

Approved March 25, 2008.

CHAPTER 276
(S.B. No. 1469)

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 2009; APPROPRIATING MONEYS FROM THE IDAHO MILLENNIUM INCOME FUND TO THE STATE TREASURER FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2009; 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 $2,495,100 for the period July 1, 2008, through June 30, 2009:

(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) $750,000 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) $700,000 for the Physical Health Services Program in the Department of Health and Welfare. It is legislative intent that these funds shall be designated for nicotine replacement therapy, and that these funds shall not be used for local programs identified in the department's application proposal since they may duplicate other programs funded by the Millennium Income Fund.

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

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

(f) $31,100 to the Substance Abuse Prevention and Treatment Program in the Department of Health and Welfare for the Idaho Regional Drug Awareness Resource (RADAR) Network Center for dissemination of informational materials on drug and tobacco use prevention and cessation.

SECTION 2. There is hereby appropriated from the Idaho Millennium Income Fund to the State Treasurer $1,674,800 to be expended for trustee and benefit payments for the following programs for the period July 1, 2008, through June 30, 2009:

(a) $170,300 for the American Lung Association of Idaho for Teens Against Tobacco Use (T.A.T.U.) and Not-On-Tobacco (N-O-T) Programs.

(b) $68,700 for the Boys and Girls Clubs of Idaho for the Positive Action Program.

(c) $141,500 for Idaho Drug Free Youth for the i2i Program.

(d) $94,200 for Drug Free Idaho, Inc. for the Parents and Youth Against Drug Abuse (PAYADA) Program.

(e) $1,000,000 for Idaho Meth Project for a drug prevention media campaign.

(f) $200,100 for Easter Seals-Goodwill Northern Rocky Mountain for the Women's Re-entry Initiative.

SECTION 3. Notwithstanding any other provision of law to the contrary, on June 30, 2009, 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 25, 2008.

CHAPTER 277
(H.B. No. 614)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND REAPPROPRIATING CERTAIN FUNDS FOR CAPITAL OUTLAY.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES DIVISION:					
FROM:					
General Fund	$ 1,864,700	$ 415,800	$ 97,000		$ 2,377,500
Indirect Cost Recovery Fund	236,400	37,400			273,800
Parks and Recreation Fund	650,700	1,083,300		$ 105,000	1,839,000
Recreational Fuels Fund	423,700	48,900		2,118,700	2,591,300
Parks and Recreation Registration Fund	161,900	154,900		7,905,200	8,222,000
Miscellaneous Revenue Fund		17,600			17,600
Federal Grant Fund	5,100	7,600		1,553,900	1,566,600
TOTAL	$ 3,342,500	$1,765,500	$ 97,000	$11,682,800	$16,887,800
II. PARK OPERATIONS:					
FROM:					
General Fund	$ 4,844,300	$ 737,500	$ 165,900		$ 5,747,700
Indirect Cost Recovery Fund	41,500	2,400			43,900
Parks and Recreation Fund	1,935,400	1,766,800			3,702,200
Recreational Fuels Fund	304,200	153,300	1,469,000		1,926,500
Parks and Recreation Registration Fund	595,700	1,135,900	117,900	$ 215,000	2,064,500
Miscellaneous Revenue Fund	7,400	77,500			84,900
Public Recreation Enterprise Fund	212,000	801,400			1,013,400
Parks and Recreation Expendable Trust Fund	419,600	325,100			744,700
Federal Grant Fund	1,028,700	568,700	345,900	875,000	2,818,300
TOTAL	$ 9,388,800	$5,568,600	$ 2,098,700	$ 1,090,000	$18,146,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. CAPITAL DEVELOPMENT:					
FROM:					
General Fund			$ 7,946,800		$ 7,946,800
Parks and Recreation Fund			245,000		245,000
Recreational Fuels Fund			843,000		843,000
Parks and Recreation Expendable Trust Fund			510,000		510,000
Federal Grant Fund			327,000		327,000
TOTAL			$ 9,871,800		$ 9,871,800
GRAND TOTAL	$12,731,300	$7,334,100	$12,067,500	$12,772,800	$44,905,700

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Parks and Recreation is authorized no more than one hundred sixty-two and twenty-five hundredths (162.25) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, 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 2008 are hereby reappropriated for capital outlay in that program for the period July 1, 2008, through June 30, 2009.

Approved March 25, 2008.

CHAPTER 278
(S.B. No. 1398, As Amended)

AN ACT

RELATING TO CIGARETTES; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 89, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR CIGARETTE TEST METHOD AND PERFORMANCE STANDARDS, TO PROVIDE FOR REPORTING, TO PROVIDE FOR A MANUFACTURER'S CERTIFICATION, TO PROVIDE FOR A CERTIFICATION FEE, TO PROVIDE FOR THE REDUCED CIGARETTE IGNITION PROPENSITY AND FIREFIGHTER PROTECTION ACT ENFORCEMENT FUND, TO PROVIDE FOR RETESTING OF ALTERED CIGARETTES, TO PROVIDE FOR MARKING OF CIGARETTE PACKAGING,

TO PROVIDE FOR PENALTIES AND ENFORCEMENT, TO PROVIDE RULEMAKING AUTHORITY, TO PROVIDE FOR INSPECTION, TO PROVIDE FOR THE REDUCED CIGARETTE IGNITION PROPENSITY AND FIREFIGHTER PROTECTION ACT FUND, TO PROVIDE FOR MANUFACTURING AND SALE OF CIGARETTES OUTSIDE OF THE STATE AND TO PROVIDE FOR FEDERAL PREEMPTION; PROVIDING FOR LOCAL REGULATION; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 89, Title 39, Idaho Code, and to read as follows:

CHAPTER 89
REDUCED CIGARETTE IGNITION PROPENSITY

39-8901. SHORT TITLE. This act may be known and cited as the "Reduced Cigarette Ignition Propensity and Firefighter Protection Act."

39-8902. DEFINITIONS. As used in this chapter:

(1) "Agent" means any person authorized by the state tax commission to purchase and affix stamps on packages of cigarettes.

(2) "Cigarette" means any roll for smoking, whether made wholly or in part of tobacco or any other substance, irrespective of size or shape, and whether or not such tobacco or substance is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material, other than tobacco.

(3) "Manufacturer" means:

(a) Any entity that manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured or produced anywhere that the manufacturer intends to be sold in this state, including cigarettes intended to be sold in the United States through an importer; or

(b) The first purchaser anywhere that intends to resell in the United States cigarettes manufactured anywhere that the original manufacturer or maker does not intend to be sold in the United States; or

(c) Any entity that becomes a successor of an entity described in paragraph (a) or (b) of this subsection.

(4) "Quality control and quality assurance program" means the laboratory procedures implemented to ensure that operator bias, systematic and nonsystematic methodological errors, and equipment-related problems do not affect the results of the testing. The program ensures that the testing repeatability remains within the required repeatability values stated in section 39-8903(1)(f), Idaho Code, for all test trials used to certify cigarettes in accordance with this chapter.

(5) "Repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall ninety-five percent (95%) of the time.

(6) "Retail dealer" means any person, other than a manufacturer or wholesale dealer, engaged in selling cigarettes or tobacco products.

(7) "Sale" means any transfer of title or possession or both, exchange or barter, conditional or otherwise, in any manner or by any

means whatever or any agreement therefor. In addition to cash and credit sales, the giving of cigarettes as samples, prizes or gifts, and the exchanging of cigarettes for any consideration other than money, are considered sales.

(8) "Wholesale dealer" means any person other than a manufacturer who sells cigarettes or tobacco products to retail dealers or other persons for purposes of resale, and any person who owns, operates or maintains one (1) or more cigarette or tobacco product vending machines in, at or upon premises owned or occupied by any other person.

39-8903. TEST METHOD AND PERFORMANCE STANDARD. (1) Except as provided in subsection (7) of this section, no cigarettes may be sold or offered for sale in this state or offered for sale or sold to persons located in this state unless the cigarettes have been tested in accordance with the test method and meet the performance standard specified in this section, a written certification has been filed by the manufacturer with the state fire marshal in accordance with section 39-8904, Idaho Code, and the cigarettes have been marked in accordance with section 39-8905, Idaho Code.

(a) Testing of cigarettes shall be conducted in accordance with the American society of testing and materials (ASTM) standard E2187-04, "standard test method for measuring the ignition strength of cigarettes."

(b) Testing shall be conducted on ten (10) layers of filter paper.

(c) No more than twenty-five percent (25%) of the cigarettes tested in a test trial in accordance with this section shall exhibit full-length burns. Forty (40) replicate tests shall comprise a complete test trial for each cigarette tested.

(d) The performance standard required in this section shall only be applied to a complete test trial.

(e) Written certifications shall be based upon testing conducted by a laboratory that has been accredited pursuant to standard ISO/IEC 17025 of the international organization for standardization (ISO), or other comparable accreditation standard required by the state fire marshal.

(f) Laboratories conducting testing in accordance with this section shall implement a quality control and quality assurance program that includes a procedure that will determine the repeatability of the testing results. The repeatability value shall be no greater than 0.19.

(g) This section does not require additional testing if cigarettes are tested consistent with this chapter for any other purpose.

(h) Testing performed or sponsored by the state fire marshal to determine a cigarette's compliance with the performance standard required in this section shall be conducted in accordance with this section.

(2) Each cigarette listed in a certification submitted pursuant to section 39-8904, Idaho Code, that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard set forth in this section shall have at least two (2) nominally identical bands on the paper surrounding the tobacco column. At least one (1) complete band shall be located at least fifteen (15) millimeters from the lighting end of the cigarette. For cigarettes on which the bands are positioned by design, there shall be at least two (2) bands fully

located at least fifteen (15) millimeters from the lighting end and ten (10) millimeters from the filter end of the tobacco column, or ten (10) millimeters from the labeled end of the tobacco column for nonfiltered cigarettes.

(3) A manufacturer of a cigarette that the state fire marshal determines cannot be tested in accordance with the test method prescribed in paragraph (1)(a) of this section shall propose a test method and performance standard for the cigarette to the state fire marshal. Upon approval of the proposed test method and a determination by the state fire marshal that the performance standard proposed by the manufacturer is equivalent to the performance standard prescribed in paragraph (1)(c) of this section, the manufacturer may employ that test method and performance standard to certify the cigarette pursuant to section 39-8904, Idaho Code. If the state fire marshal determines that another state has enacted reduced cigarette ignition propensity standards that include a test method and performance standard that are the same as those contained in this chapter, and the state fire marshal finds that the officials responsible for implementing those requirements have approved the proposed alternative test method and performance standard for a particular cigarette proposed by a manufacturer as meeting the fire safety standards of that state's law or regulation under a legal provision comparable to this section, then the state fire marshal shall authorize that manufacturer to employ the alternative test method and performance standard to certify that cigarette for sale in this state, unless the state fire marshal demonstrates a reasonable basis why the alternative test should not be accepted under this chapter. All other applicable requirements of this section shall apply to the manufacturer.

(4) Each manufacturer shall maintain copies of the reports of all tests conducted on all cigarettes offered for sale for a period of three (3) years, and shall make copies of these reports available to the state fire marshal and the attorney general upon written request. Any manufacturer who fails to make copies of these reports available within sixty (60) days of receiving a written request shall be subject to a civil penalty not to exceed ten thousand dollars ($10,000) for each day after the sixtieth day that the manufacturer does not make the copies available.

(5) The state fire marshal may adopt a subsequent ASTM standard test method for measuring the ignition strength of cigarettes upon a finding that the subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with ASTM standard E2187-04 and the performance standard in subsection (1)(c) of this section.

(6) The state fire marshal shall review the effectiveness of this section and report the state fire marshal's findings every three (3) years to the legislature and, if appropriate, make recommendations for legislation to improve the effectiveness of this chapter. The report and legislative recommendations shall be submitted no later than June 30 following the conclusion of each three (3) year period.

(7) The requirements of subsection (1) of this section shall not prohibit:

(a) Wholesale or retail dealers from selling their existing inventory of cigarettes on or after the effective date of this chapter if

the wholesale or retail dealer can establish that state tax stamps were affixed to the cigarettes prior to the effective date and the wholesale or retail dealer can establish that the inventory was purchased prior to the effective date in comparable quantity to the inventory purchased during the same period of the prior year; or

(b) The sale of cigarettes solely for the purpose of consumer testing. For purposes of this subsection, the term "consumer testing" means an assessment of cigarettes that is conducted by a manufacturer, or under the control and direction of a manufacturer, for the purpose of evaluating consumer acceptance of those cigarettes, utilizing only the quantity of cigarettes that is reasonably necessary for the assessment.

(8) This chapter shall be implemented in accordance with the implementation and substance of the New York fire safety standards for cigarettes.

39-8904. CERTIFICATION AND PRODUCT CHANGE. (1) Each manufacturer shall submit to the state fire marshal a written certification attesting that:

(a) Each cigarette listed in the certification has been tested in accordance with section 39-8903, Idaho Code; and

(b) Each cigarette listed in the certification meets the performance standard set forth in section 39-8903, Idaho Code.

(2) Each cigarette listed in the certification shall be described with the following information:

(a) Brand, or trade name on the package;

(b) Style, such as light or ultra light;

(c) Length in millimeters;

(d) Circumference in millimeters;

(e) Flavor, such as menthol or chocolate, if applicable;

(f) Filter or nonfilter;

(g) Package description, such as soft pack or box;

(h) Marking pursuant to section 39-8905, Idaho Code;

(i) The name, address and telephone number of the laboratory, if different than the manufacturer that conducted the test; and

(j) The date that the testing occurred.

(3) The certifications shall be made available to the attorney general for purposes consistent with this chapter and the state tax commission for purposes of ensuring compliance with this section.

(4) Each cigarette certified under this section shall be recertified every three (3) years.

(5) For each brand family listed in a certification, a manufacturer shall pay to the state fire marshal a one thousand dollar ($1000) fee. The fee paid shall apply to all cigarettes within the brand family certified and shall include any new cigarette certified within the brand family during the three (3) year certification period.

(6) All moneys collected as certification fees submitted by manufacturers shall be deposited in the state treasury to the credit of a special account in the state operating fund hereby created to be known as the "Reduced Cigarette Ignition Propensity and Firefighter Protection Act Enforcement Fund." The fund shall, in addition to any other moneys made available for that purpose, be available to the state fire marshal solely to support processing, testing, enforcement and oversight activities under this chapter.

(7) If a manufacturer has certified a cigarette pursuant to this section, and thereafter makes any change to the cigarette that is likely to alter its compliance with the reduced cigarette ignition propensity standards required in this chapter, that cigarette shall not be sold or offered for sale in this state until the manufacturer retests the cigarette in accordance with the testing standards set forth in section 39-8903, Idaho Code, and maintains records of that retesting as required by section 39-8903, Idaho Code. Any altered cigarette which does not meet the performance standard set forth in section 39-8903, Idaho Code, may not be sold in this state.

39-8905. MARKING OF CIGARETTE PACKAGING. (1) Cigarettes that are certified by a manufacturer in accordance with section 39-8904, Idaho Code, shall be marked to indicate compliance with the requirements of section 39-8903, Idaho Code. The marking shall be in eight (8) point type or larger and consist of:

(a) Modification of the product UPC code to include a visible mark printed at or around the area of the UPC code. The mark may consist of alphanumeric or symbolic characters permanently stamped, engraved, embossed or printed in conjunction with the UPC; or

(b) Any visible combination of alphanumeric or symbolic characters permanently stamped, engraved or embossed upon the cigarette package or cellophane wrap; or

(c) Printed, stamped, engraved or embossed text that indicates that the cigarettes meet the standards of this chapter.

(2) A manufacturer shall use only one (1) marking, and shall apply this marking uniformly for all packages including, but not limited to, packs, cartons and cases, and brands marketed by that manufacturer.

(3) The state fire marshal shall be notified as to the marking that is selected.

(4) Prior to the certification of any cigarette, a manufacturer shall present its proposed marking to the state fire marshal for approval. Upon receipt of the request, the state fire marshal shall approve or disapprove the marking offered, except that the state fire marshal shall approve:

(a) Any marking in use and approved for sale in another state; or

(b) The letters "FSC," which signify fire standards compliant, appearing in eight (8) point type or larger and permanently printed, stamped, engraved or embossed on the package at or near the UPC code.

Proposed markings shall be deemed approved if the state fire marshal fails to act within ten (10) business days of receiving a request for approval.

(5) No manufacturer shall modify its approved marking unless the modification has been approved by the state fire marshal in accordance with this section.

(6) Manufacturers certifying cigarettes in accordance with section 39-8904, Idaho Code, shall provide a copy of the certifications to all wholesale dealers and agents to which they sell cigarettes, and shall also provide sufficient copies of an illustration of the package marking utilized by the manufacturer pursuant to this section for each retail dealer to which the wholesale dealers or agents sell cigarettes. Wholesale dealers and agents shall provide a copy of these package markings received from manufacturers to all retail dealers to which they sell

cigarettes. Wholesale dealers, agents and retail dealers shall permit the state fire marshal, the state tax commission, the attorney general, and their employees to inspect markings of cigarette packaging marked in accordance with this section.

39-8906. PENALTIES. (1) A manufacturer, wholesale dealer, agent or any other person or entity who knowingly sells or offers to sell cigarettes, other than through retail sale, in violation of section 39-8903, Idaho Code, shall be subject to a civil penalty not to exceed one hundred dollars ($100) for each pack of the cigarettes sold or offered for sale; provided however, that in no case shall the penalty against that person or entity exceed one hundred thousand dollars ($100,000) during any thirty (30) day period.

(2) A retail dealer who knowingly sells or offers to sell cigarettes in violation of section 39-8903, Idaho Code, shall be subject to a civil penalty not to exceed one hundred dollars ($100) for each pack of the cigarettes sold or offered for sale; provided however, that in no case shall the penalty against that retail dealer exceed twenty-five thousand dollars ($25,000) during any thirty (30) day period.

(3) In addition to any penalty prescribed by law, any corporation, partnership, sole proprietor, limited partnership or association engaged in the manufacture of cigarettes that knowingly makes a false certification pursuant to section 39-8904, Idaho Code, shall be subject to a civil penalty of at least seventy-five thousand dollars ($75,000) and not to exceed two hundred fifty thousand dollars ($250,000) for each false certification.

(4) Any person violating any other provision in this chapter shall be subject to a civil penalty for a first offense not to exceed one thousand dollars ($1,000), and for a subsequent offense subject to a civil penalty not to exceed five thousand dollars ($5,000) for each violation.

(5) Any cigarettes that have been sold or offered for sale that do not comply with the performance standard required by section 39-8903, Idaho Code, shall be subject to forfeiture. Cigarettes forfeited pursuant to this subsection shall be destroyed; provided however, that prior to the destruction of any cigarettes forfeited pursuant to these provisions, the true holder of the trademark rights in the cigarette brand shall be permitted to inspect the cigarettes.

(6) In addition to any other remedy provided by law, the state fire marshal or attorney general may file an action in district court for a violation of this chapter, including petitioning for injunctive relief or to recover any costs or damages suffered by the state because of a violation of this chapter, including enforcement costs relating to the specific violation and attorney's fees. Each violation of this chapter or of rules adopted under this chapter constitutes a separate civil violation for which the state fire marshal or attorney general may obtain relief.

(7) Whenever any law enforcement personnel or duly authorized representative of the state fire marshal shall discover any cigarettes that have not been marked in the manner required in section 39-8905, Idaho Code, the personnel is hereby authorized and empowered to seize and take possession of the cigarettes. The cigarettes shall be turned over to the state tax commission, and shall be forfeited to the state. Cigarettes seized pursuant to this subsection shall be destroyed; provided however,

that prior to the destruction of any cigarettes seized pursuant to these provisions, the true holder of the trademark rights in the cigarette brand shall be permitted to inspect the cigarettes.

39-8907. IMPLEMENTATION. (1) The state fire marshal may promulgate rules pursuant to the provisions of chapter 52, title 67, Idaho Code, the administrative procedure act, necessary to effectuate the purposes of this chapter.

(2) The state tax commission in the regular course of conducting inspections of wholesale dealers, agents and retail dealers, as authorized under chapter 25, title 63, Idaho Code, may inspect the cigarettes to determine if the cigarettes are marked as required in section 39-8905, Idaho Code. If the cigarettes are not marked as required, the state tax commission shall notify the state fire marshal.

39-8908. INSPECTION. To enforce the provisions of this chapter, the attorney general, the state tax commission and the state fire marshal, their duly authorized representatives and other law enforcement personnel are hereby authorized to examine the books, papers, invoices and other records of any person in possession, control or occupancy of any premises where cigarettes are placed, stored, sold or offered for sale, as well as the stock of cigarettes on the premises. Every person in the possession, control or occupancy of any premises where cigarettes are placed, sold or offered for sale, is hereby directed and required to give the attorney general, the state tax commission and the state fire marshal, their duly authorized representatives and other law enforcement personnel the means, facilities and opportunity for the examinations authorized in this section.

39-8909. REDUCED CIGARETTE IGNITION PROPENSITY AND FIREFIGHTER PROTECTION ACT FUND. All moneys collected as civil penalties under section 39-8906, Idaho Code, shall be deposited in the state treasury to the credit of a special account in the state operating fund hereby created to be known as the "Reduced Cigarette Ignition Propensity and Firefighter Protection Act Fund." The moneys shall be deposited to the credit of the fund and shall, in addition to any other moneys made available for that purpose, be made available to the state fire marshal to support fire safety and prevention programs.

39-8910. SALE OUTSIDE OF IDAHO. Nothing in this chapter shall be construed to prohibit any person or entity from manufacturing or selling cigarettes that do not meet the requirements of section 39-8903, Idaho Code, if the cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States and that person or entity has taken reasonable steps to ensure that the cigarettes will not be sold or offered for sale to persons located in this state.

39-8911. PREEMPTION. This chapter shall be repealed if a federal reduced cigarette ignition propensity standard that preempts this chapter is adopted and becomes effective.

SECTION 2. LOCAL REGULATION. Notwithstanding any other provision of law, the local governmental units of this state may neither enact nor enforce any ordinance or other local law or regulation conflicting with,

or preempted by, any provision of this chapter or with any policy of this state expressed by this chapter, whether that policy be expressed by inclusion of a provision in this chapter or by exclusion of that subject from this chapter.

SECTION 3. Section 1 of this act shall be in full force and effect on and after the first day of the thirteenth month after passage and approval. Section 2 of this act shall be in full force and effect on and after July 1, 2008.

Approved March 27, 2008.

CHAPTER 279
(H.B. No. 636)

AN ACT

APPROPRIATING MONEYS TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 2009; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES FROM THE PERMANENT BUILDING FUND; AND REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES FROM THE PERMANENT BUILDING FUND.

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

SECTION 1. There is hereby appropriated to the Legislative Council the following amounts to be expended from the listed funds for the period July 1, 2008, through June 30, 2009:

A. LEGISLATIVE SERVICES OFFICE:

FROM:	
General Fund	$4,729,700
Permanent Building Fund	514,900
Miscellaneous Revenue Fund	44,800
Professional Services Fund	1,282,200
TOTAL	$6,571,600

B. LEGISLATIVE TECHNOLOGY:

FROM:	
~~*General Fund~~	~~$ 274,000*~~

C. OFFICE OF PERFORMANCE EVALUATIONS:

FROM:	
General Fund	$ 822,200
GRAND TOTAL	$7,667,800

SECTION 2. There is hereby reappropriated to the Legislative Council the unexpended and unencumbered balance of any appropriation contained in Section 1, Chapter 153, Laws of 2007, to be used for nonrecurring expenditures for the period July 1, 2008, through June 30, 2009.

SECTION 3. There is hereby reappropriated to the Legislative Council for capitol restoration and renovation, the unexpended and unencumbered balance of the Permanent Building Fund appropriated in Section 5, Chapter 153, Laws of 2007, for the period July 1, 2008, through June 30, 2009.

SECTION 4. There is hereby reappropriated to the Legislative Council the unexpended and unencumbered balance of the Permanent Building Fund appropriated for the Legislative Services Office in Sections 4 and 6, Chapter 455, Laws of 2006, for the period July 1, 2008, through June 30, 2009.

Approved with line item veto March 27, 2008.

* **The item in Section 1 was line item vetoed as indicated.**

CHAPTER 280
(S.B. No. 1479)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED FUND BALANCES.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
State Regulatory Fund	$9,189,300	$2,791,800	$826,300	$12,807,400
Miscellaneous Revenue/ Industrial Safety Fund	343,900	192,900	41,700	578,500
Miscellaneous Revenue/ Logging Fund	335,600	95,900	33,300	464,800
Miscellaneous Revenue/ Building Bureau NCSBCS Fund	5,800	6,100		11,900
Miscellaneous Revenue Energy Program Fund	18,700	15,900		34,600
Federal Grant Fund	38,600	20,800	2,900	62,300
TOTAL	$9,931,900	$3,123,400	$904,200	$13,959,500

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, 2008, through June 30, 2009, 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, 2007, through June 30, 2008, for licensing software to be used for nonrecurring expenditures for the purchase of licensing software for the period July 1, 2008, through June 30, 2009.

Approved March 27, 2008.

CHAPTER 281
(S.B. No. 1480)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Office of Energy Resources the following amounts to be expended from the listed funds for the period July 1, 2008, through June 30, 2009:

FROM:	
General Fund	$ 42,500
Indirect Cost Recovery Fund	233,900
Miscellaneous Revenue Fund	922,800
Petroleum Price Violation Fund	1,008,700
Federal Grant Fund	908,700
TOTAL	$3,116,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of Energy Resources is authorized no more than eighteen (18) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 27, 2008.

CHAPTER 282
(S.B. No. 1481)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2008; AND DECLARING AN EMERGENCY FOR SECTION 3 OF THIS ACT.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General Fund	$584,900	$117,900	$702,800
Federal Grant Fund	127,400	118,700	246,100
Miscellaneous Revenue Fund		9,800	9,800
TOTAL	$712,300	$246,400	$958,700

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, 2008, through June 30, 2009, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 214, Laws of 2007, there is hereby appropriated to the Office of the Governor for the Human Rights Commission the following amount to be expended according to the designated expense class from the listed funds for the period July 1, 2007, through June 30, 2008:

FOR:	
Operating Expenditures	$12,000
FROM:	
General Fund	$ 3,600
Federal Grant Fund	3,600
Miscellaneous Revenue Fund	4,800
TOTAL	$12,000

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

Approved March 27, 2008.

CHAPTER 283
(S.B. No. 1482)

AN ACT

APPROPRIATING MONEYS TO THE SOIL CONSERVATION COMMISSION FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Soil Conservation Commission in the Department of Agriculture the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$1,582,400	$1,010,500	$7,500	$1,885,200	$4,485,600
Resource Conservation and Rangeland Development Fund		101,600			101,600
Clean Water Revolving Loan Fund (SCC)		30,000			30,000
Federal Grant Fund	202,000	245,000		76,400	523,400
TOTAL	$1,784,400	$1,387,100	$7,500	$1,961,600	$5,140,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Soil Conservation Commission is authorized no more than twenty-four (24) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 27, 2008.

CHAPTER 284
(S.B. No. 1483)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2009; 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; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USE OF THE WATER POLLUTION CONTROL 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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:					
FROM:					
General Fund	$ 1,742,000	$ 1,674,300	$191,000		$ 3,607,300
Air Quality Permitting Fund	203,700	236,000			439,700
Public Water System Supervision Fund	335,900	50,600	3,000		389,500
Water Pollution Control Fund	68,400	18,200			86,600
Department of Environmental Quality Fund (Receipts)	237,100	19,900	3,000		260,000
Department of Environmental Quality Fund (Federal)	2,014,400	1,658,800	13,500		3,686,700
TOTAL	$ 4,601,500	$ 3,657,800	$210,500		$ 8,469,800
II. AIR QUALITY:					
FROM:					
General Fund	$ 2,507,500	$ 538,400	$596,800		$ 3,642,700
Air Quality Permitting Fund	1,221,500	246,200	7,500	$ 40,000	1,515,200
Department of Environmental Quality Fund (Receipts)	88,700	173,100			261,800
Department of Environmental Quality Fund (Federal)	1,251,800	323,200	21,500	41,400	1,637,900
TOTAL	$ 5,069,500	$ 1,280,900	$625,800	$ 81,400	$ 7,057,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. WATER QUALITY:					
FROM:					
General Fund	$ 5,431,500	$ 1,550,500	$ 16,500	$1,494,800	$ 8,493,300
Public Water System Supervision Fund	977,300	162,700	6,000	336,500	1,482,500
Water Pollution Control Fund	214,400	20,200		101,900	336,500
Department of Environmental Quality Fund (Receipts)	259,000	87,900	3,000	51,600	401,500
Department of Environmental Quality Fund (Federal)	4,132,300	1,740,200	34,500	2,683,200	8,590,200
TOTAL	$11,014,500	$ 3,561,500	$ 60,000	$4,668,000	$19,304,000
IV. COEUR D'ALENE BASIN COMMISSION:					
FROM:					
General Fund	$ 100,700	$ 10,200	$ 1,500		$ 112,400
Environmental Remediation Fund (Basin)	65,300	15,400			80,700
Department of Environmental Quality Fund (Federal)	14,900	1,453,400		$ 250,000	1,718,300
TOTAL	$ 180,900	$ 1,479,000	$ 1,500	$ 250,000	$ 1,911,400
V. WASTE MANAGEMENT AND REMEDIATION:					
FROM:					
General Fund	$ 2,583,000	$ 266,200	$ 12,000	$ 134,600	$ 2,995,800
Environmental Remediation Fund (Box)	26,900	76,500		25,500	128,900
Environmental Remediation Fund (Basin)	116,400	841,600			958,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Department of Environmental Quality Fund (Receipts)	356,800	439,300	1,500	51,800	849,400
Bunker Hill Trust Fund				300,000	300,000
Department of Environmental Quality Fund (Federal)	3,216,900	15,700,800	13,500	15,500	18,946,700
TOTAL	$ 6,300,000	$17,324,400	$ 27,000	$ 527,400	$24,178,800
VI. IDAHO NATIONAL LABORATORY OVERSIGHT:					
FROM:					
General Fund	$ 156,900	$ 8,700	$ 1,500		$ 167,100
Department of Environmental Quality Fund (Federal)	935,000	318,300	22,500	$ 596,900	1,872,700
TOTAL	$ 1,091,900	$ 327,000	$ 24,000	$ 596,900	$ 2,039,800
GRAND TOTAL	$28,258,300	$27,630,600	$948,800	$6,123,700	$62,961,400

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, 2008, through June 30, 2009, 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, 2008, through June 30, 2009.

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.

Approved March 27, 2008.

CHAPTER 285
(S.B. No. 1487)

AN ACT

RELATING TO APPROPRIATIONS; AMENDING SECTION 61-215, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN SALARY FOR MEMBERS OF THE PUBLIC UTILITIES COMMISSION; AMENDING SECTION 63-102, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN SALARY FOR MEMBERS OF THE STATE TAX COMMISSION; AMENDING SECTION 72-503, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN SALARY FOR MEMBERS OF THE INDUSTRIAL COMMISSION; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR COMMISSIONER SALARIES FOR FISCAL YEAR 2009; APPROPRIATING ADDITIONAL MONEYS TO THE STATE TAX COMMISSION FOR COMMISSIONER SALARIES FOR FISCAL YEAR 2009; AND APPROPRIATING ADDITIONAL MONEYS TO THE INDUSTRIAL COMMISSION FOR COMMISSIONER SALARIES FOR FISCAL YEAR 2009.

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

SECTION 1. That Section 61-215, Idaho Code, be, and the same is hereby amended to read as follows:

61-215. SALARIES OF PUBLIC UTILITIES COMMISSIONERS. Each member of the public utilities commission shall devote full time to the performance of his/her duties. Commencing on July 1, 200~~7~~8, the annual salary of members of the public utilities commission shall be ~~eighty-nine~~ ninety-two thousand ~~four~~ one hundred ~~eighty-three~~ sixty-seven dollars (~~$89,483~~92,167) and shall be paid from sources set by the legislature.

SECTION 2. That Section 63-102, Idaho Code, be, and the same is hereby amended to read as follows:

63-102. ORGANIZATION -- CHAIRMAN -- COMPENSATION -- QUORUM -- HEARINGS. (1) A member of the state tax commission shall be appointed by the governor, to serve at his pleasure, as chairman. Each member of the state tax commission shall devote full time to the performance of duties. Commencing on July 1, 200~~7~~8, the annual salary for members of the state tax commission shall be eighty~~-two~~five thousand ~~nine~~ four hundred ~~fifty-nine~~ forty-seven dollars (~~$82,959~~85,447).

(2) A majority of the state tax commission shall constitute a quorum for the transaction of business. The state tax commission may delegate to any member of the commission or to its employees, the power to make investigations and hold hearings at any place it may deem proper, and such other matters as will facilitate the operations of the commission.

(3) The chairman of the state tax commission shall delegate to each commissioner the responsibility for policy management and oversight of one (1) or more of the taxes collected and/or activities supervised or administered by the commission. The state tax commission shall perform the duties imposed upon it by law and shall adopt all rules by majority decision.

In any case in which the state tax commission sits as an appellate body upon an appeal from a tax decision from one (1) of the various administrative units subject to its supervision, the state tax commissioner charged with responsibility for policy management and oversight of the tax in controversy shall not vote upon the appeal but may advise the remaining members of the commission on the technical aspects of the problems before them.

(4) The chairman shall be the chief executive officer and administrative head of the state tax commission and shall be responsible for, or may assign responsibility for, all personnel, budgetary and/or fiscal matters of the state tax commission.

SECTION 3. That Section 72-503, Idaho Code, be, and the same is hereby amended to read as follows:

72-503. SALARY. Commencing July 1, 200~~7~~8, the annual salary of each member of the industrial commission shall be eighty-~~seven~~nine thousand ~~ninety-nine~~ seven hundred eleven dollars (~~$87,099~~$89,711). Industrial commissioner salaries shall be paid from sources set by the legislature. Each member of the industrial commission shall devote full time to the performance of his duties.

SECTION 4. In addition to any other appropriation made by law, there is hereby appropriated to the Public Utilities Commission, the following amount to be expended for commissioner salaries and benefit costs according to the designated expense class from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:	
Personnel Costs	$9,700
FROM:	
Public Utilities Commission Fund	$9,700

SECTION 5. In addition to any other appropriation made by law, there is hereby appropriated to the State Tax Commission in the Department of Revenue and Taxation the following amounts to be expended for commissioner salaries and benefits within the designated programs according to the designated expense class from the listed funds for the period July 1, 2008, through June 30, 2009:

I. GENERAL SERVICES:

FOR:	
Personnel Costs	$11,000
FROM:	
General Fund	$10,100
Administration Services for Transportation Fund	900
TOTAL	$11,000

II. AUDIT AND COLLECTIONS:	
FOR:	
Personnel Costs	$ 1,100
FROM:	
Multistate Tax Compact Fund	$ 500
Abandoned Property Trust - Unclaimed Property Fund	600
TOTAL	$ 1,100
GRAND TOTAL	$12,100

SECTION 6. In addition to any other appropriation made by law, there is hereby appropriated to the Industrial Commission, the following amount to be expended for commissioner salaries and benefit costs within the designated program according to the designated expense class from the listed fund for the period July 1, 2008, through June 30, 2009:

ADJUDICATION:	
FOR:	
Personnel Costs	$9,500
FROM:	
Industrial Administration Fund	$9,500

Approved March 27, 2008.

CHAPTER 286
(S.B. No. 1489)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING IDAHO TECHCONNECT TO REPORT TO THE JOINT FINANCE-APPROPRIATIONS COMMITTEE; DIRECTING IDAHO TECHCONNECT TO REPORT TO THE IDAHO DEPARTMENT OF COMMERCE; DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS TO THE BUSINESS AND JOBS DEVELOPMENT FUND; DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS TO THE MISCELLANEOUS REVENUE FUND; AND DECLARING AN EMERGENCY FOR SECTIONS 3, 4, 5 AND 6 OF THIS ACT.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMMERCE:					
FROM:					
General Fund	$2,479,600	$1,439,600	$30,000	$ 3,750,000	$ 7,699,200
Business and Jobs Development Fund				600,000	600,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Tourism and Promotion Fund	690,500	3,785,200	2,800	3,655,200	8,133,700
Miscellaneous Revenue Fund	129,900	157,400		400,000	687,300
Seminars and Publications Fund		378,200			378,200
Federal Grant Fund	512,600	246,500	2,800	15,620,800	16,382,700
TOTAL	$3,812,600	$6,006,900	$35,600	$24,026,000	$33,881,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Commerce is authorized no more than fifty-six (56) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, 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. It is legislative intent that Idaho TechConnect report to the Joint Finance-Appropriations Committee at the interim spring meeting. Items to report shall include, but are not limited to the following: all interactions with businesses dating back to fiscal year 2006; detailed information about those businesses, including the amount of time and money expended; how the money was used; and what those businesses have achieved as a result of this investment. The report detailing those accomplishments is to be provided to the Legislative Budget Office two weeks prior to the interim spring meeting of the Joint Finance-Appropriations Committee.

SECTION 4. It is legislative intent that Idaho TechConnect report quarterly to the Idaho Department of Commerce detailing the businesses that have received guidance from Idaho TechConnect, amounts of moneys spent, and other businesses that may be in need of help from Idaho TechConnect.

SECTION 5. Upon passage and approval of this act, or as soon thereafter as possible, the State Controller shall transfer the sum of $600,000 from the Incumbent Worker Training Revolving Loan Fund established in Section 2, Chapter 436, Laws of 2006, to the Business and Jobs Development Fund in the Department of Commerce. The maximum grant amount from these moneys shall be $200,000 per recipient.

SECTION 6. Upon passage and approval of this act, or as soon thereafter as possible, the State Controller shall transfer the sum of $400,000 from the Incumbent Worker Training Revolving Loan Fund estab-

lished in Section 2, Chapter 436, Laws of 2006, to the Miscellaneous Revenue Fund in the Department of Commerce.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3, 4, 5 and 6 this act shall be in full force and effect on and after passage and approval.

Approved March 27, 2008.

CHAPTER 287
(S.B. No. 1490)

AN ACT
APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the 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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMPENSATION:					
FROM:					
Industrial Administration Fund	$2,949,700	$1,282,000	$ 67,600	$1,103,100	$ 5,402,400
Peace Officer and Detention Disability Fund	24,100	3,800	3,900	160,000	191,800
Miscellaneous Revenue Fund		35,500			35,500
Federal Grant Fund	2,700	2,400			5,100
TOTAL	$2,976,500	$1,323,700	$ 71,500	$1,263,100	$ 5,634,800
II. REHABILITATION:					
FROM:					
Industrial Administration Fund	$2,999,000	$ 732,600	$105,800		$ 3,837,400
III. CRIME VICTIMS COMPENSATION:					
FROM:					
Crime Victims Compensation Fund	$ 716,600	$ 276,700	$ 25,700	$2,432,100	$ 3,451,100
Federal Grant Fund				879,300	879,300
TOTAL	$ 716,600	$ 276,700	$ 25,700	$3,311,400	$ 4,330,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. ADJUDICATION:					
FROM:					
Industrial Administration Fund	$1,653,300	$ 567,300	$ 24,900		$ 2,245,500
GRAND TOTAL	$8,345,400	$2,900,300	$227,900	$4,574,500	$16,048,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Industrial Commission is authorized no more than one hundred forty-one and one-half (141.5) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 27, 2008.

CHAPTER 288
(S.B. No. 1491)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING CERTAIN MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2009; PROVIDING LEGISLATIVE INTENT REGARDING CERTAIN EMPLOYEES; DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS TO THE MISCELLANEOUS REVENUE FUND; AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS TO THE GENERAL FUND.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. WAGE AND HOUR:			
FROM:			
General Fund	$444,300	$152,000	$ 596,300
Miscellaneous Revenue Fund	17,400	18,200	35,600
TOTAL	$461,700	$170,200	$ 631,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
II. EMPLOYMENT SERVICES:			
FROM:			
Miscellaneous Revenue Fund	$309,900	$134,200	$ 444,100
III. NURSING WORKFORCE CENTER:			
FROM:			
General Fund	$ 42,800	$135,300	$ 178,100
GRAND TOTAL	$814,400	$439,700	$1,254,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Labor is authorized no more than eleven and sixty-six hundredths (11.66) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, 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 out of the funds made available to the Department of Labor of the State of Idaho, pursuant to Section 903 of the federal Social Security Act, as amended, the sum of $2,500,000 for the payment of expenses incurred for the administration of the Unemployment Insurance and the Employment Service Programs. This appropriation is authorized and subject to the limitations of Section 72-1346(4), Idaho Code. This appropriation is for the period July 1, 2008, through June 30, 2009.

SECTION 4. It is legislative intent that Reed Act moneys appropriated in Section 3 of this act, shall expressly be used to retain employees in tax collection and claims investigation.

SECTION 5. On July 1, 2008, or as soon thereafter as possible, the State Controller shall transfer $25,000 from the Incumbent Worker Training Revolving Loan Fund to the Miscellaneous Revenue Fund within the Department of Labor.

SECTION 6. On July 1, 2008, or as soon thereafter as possible, the State Controller shall transfer the balance of the Incumbent Worker Training Revolving Loan Fund to the General Fund.

Approved March 27, 2008.

CHAPTER 289
(S.B. No. 1492)

AN ACT
APPROPRIATING MONEYS FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the 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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. RENAL DISEASE SERVICES:					
General Fund	$ 74,500	$ 54,600		$ 535,800	$ 664,900
II. EPILEPSY SERVICES:					
General Fund				$ 70,300	$ 70,300
III. COMMUNITY SUPPORTED EMPLOYMENT:					
General Fund	$ 124,800	$ 26,000		$ 4,170,400	$ 4,321,200
IV. VOCATIONAL REHABILITATION:					
General Fund	$1,611,700	$ 270,500	$ 17,700	$ 1,564,600	$ 3,464,500
Rehabilitation Revenue and Refunds Fund				634,100	634,100
Miscellaneous Revenue Fund				918,900	918,900
Federal Grant Fund	7,057,800	1,172,200	193,900	6,797,200	15,221,100
TOTAL	$8,669,500	$1,442,700	$211,600	$ 9,914,800	$20,238,600
GRAND TOTAL	$8,868,800	$1,523,300	$211,600	$14,691,300	$25,295,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Division of Vocational Rehabilitation is authorized no more than one hundred fifty-one (151) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 27, 2008.

CHAPTER 290
(S.B. No. 1493)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2009; 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 PUBLIC WORKS; DIRECTING THE TRANSFER OF MONEYS ON OR AFTER JULY 1, 2008; DIRECTING THE TRANSFER OF MONEYS ON OR AFTER JANUARY 1, 2009; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR PUBLIC WORKS FOR FISCAL YEAR 2008; AND DECLARING AN EMERGENCY FOR SECTION 7 OF THIS ACT.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. DIRECTOR'S OFFICE:				
FROM:				
General Fund	$ 234,700	$ 62,600	$ 1,300	$ 298,600
Industrial Special Indemnity Fund	197,300	110,000	1,900	309,200
Indirect Cost Recovery Fund	536,300	267,500		803,800
Administration and Accounting Services Fund	28,200			28,200
TOTAL	$ 996,500	$ 440,100	$ 3,200	$ 1,439,800
II. INFORMATION TECHNOLOGY & COMMUNICATIONS:				
FROM:				
General Fund	$ 630,500	$ 760,600	$ 154,500	$ 1,545,600
Indirect Cost Recovery Fund	456,100	69,900		526,000
Administration and Accounting Services Fund	472,100	569,000	3,900	1,045,000
TOTAL	$1,558,700	$ 1,399,500	$ 158,400	$ 3,116,600
III. PUBLIC WORKS:				
FROM:				
General Fund		$ 600,300		$ 600,300
Permanent Building Fund	$1,970,900	758,600	$ 17,800	2,747,300
Administration and Accounting Services Fund	1,687,600	6,729,400	17,500	8,434,500
TOTAL	$3,658,500	$ 8,088,300	$ 35,300	$11,782,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
IV. PURCHASING:				
FROM:				
General Fund	$ 899,600	$ 190,200	$ 12,900	$ 1,102,700
Federal Surplus Property Revolving Fund	193,100	257,300	18,400	468,800
Administration and Accounting Services Fund	801,200	1,093,800	140,900	2,035,900
TOTAL	$1,893,900	$ 1,541,300	$ 172,200	$ 3,607,400
V. ADMINISTRATIVE RULES:				
FROM:				
Administrative Code Fund	$ 233,400	$ 333,000	$ 2,400	$ 568,800
VI. INFORMATION TECHNOLOGY RESOURCE MANAGEMENT COUNCIL:				
FROM:				
General Fund	$ 74,000			$ 74,000
Administration and Accounting Services Fund	347,000	$ 328,300	$ 3,200	678,500
TOTAL	$ 421,000	$ 328,300	$ 3,200	$ 752,500
VII. OFFICE OF INSURANCE MANAGEMENT:				
FROM:				
Employee Group Insurance Fund	$ 305,600	$ 451,700	$ 3,400	$ 760,700
Retained Risk Fund	503,200	225,400	4,600	733,200
TOTAL	$ 808,800	$ 677,100	$ 8,000	$ 1,493,900
VIII. BOND PAYMENT:				
FROM:				
General Fund		$ 2,881,400	$ 2,190,000	$ 5,071,400
Permanent Building Fund		10,173,200	19,646,800	29,820,000
Administration and Accounting Services Fund		422,200	233,000	655,200
TOTAL		$13,476,800	$22,069,800	$35,546,600
GRAND TOTAL	$9,570,800	$26,284,400	$22,452,500	$58,307,700

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Administration is authorized no more than one hundred fifty-three and one-tenth (153.1) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, 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 for Capitol restoration and renovation, as provided in Sections 4 and 6, Chapter 455, Laws of 2006, and Section 1, Chapter 332, Laws of 2007, to be used for Capitol restoration and renovation for the period July 1, 2008, through June 30, 2009.

SECTION 5. The State Controller is hereby directed to transfer on July 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 6. The State Controller is hereby directed to transfer on January 1, 2009, 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. In addition to the appropriation made in Section 1, Chapter 332, Laws of 2007, there is hereby appropriated to the Department of Administration for Public Works $200,000 from the General Fund for operating expenditures for the period July 1, 2007, through June 30, 2008.

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

Approved March 27, 2008.

CHAPTER 291
(S.B. No. 1494)

AN ACT
APPROPRIATING MONEYS FOR COMMUNITY COLLEGE SUPPORT FOR FISCAL YEAR 2009; AND DIRECTING THE ALLOCATION OF CERTAIN FUNDS.

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

SECTION 1. There is hereby appropriated to the State Board of Education for Community College Support the following amount to be expended according to the designated expense class from the listed funds for the period July 1, 2008, through June 30, 2009:

FOR:	
Trustee and Benefit Payments	$29,966,400
FROM:	
General Fund	$29,666,400
Community College Fund	300,000
TOTAL	$29,966,400

SECTION 2. The General Fund moneys appropriated in Section 1 of this act shall be allocated as follows: (1) $5,000,000 to the College of Western Idaho; and (2) the remainder pursuant to the formula as agreed to and set forth in the 2006 document entitled "College of Southern Idaho and North Idaho College: State General Fund Distribution Process." The community college fund moneys appropriated in Section 1 of this act shall be allocated evenly among the three community colleges.

Approved March 27, 2008.

CHAPTER 292
(S.B. No. 1495)

AN ACT

APPROPRIATING MONEYS FOR THE HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR THE SEVERAL DESIGNATED PROGRAMS; AND SETTING CONDITIONS FOR REAPPROPRIATION.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho and the State Board of Education the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. WOI VETERINARY EDUCATION:				
FROM:				
General Fund	$ 558,900	$1,215,300		$ 1,774,200
Restricted Fund			$ 100,000	100,000
TOTAL	$ 558,900	$1,215,300	$ 100,000	$ 1,874,200
II. WWAMI MEDICAL EDUCATION:				
FROM:				
General Fund	$ 731,900	$ 82,100	$2,564,400	$ 3,378,400
Unrestricted Fund (Uncontrolled)	22,600	150,000	168,600	341,200
TOTAL	$ 754,500	$ 232,100	$2,733,000	$ 3,719,600
III. IDAHO DENTAL EDUCATION:				
FROM:				
General Fund	$ 247,100	$ 15,000	$ 947,200	$ 1,209,300
Unrestricted Fund	122,900	10,000		132,900
TOTAL	$ 370,000	$ 25,000	$ 947,200	$ 1,342,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. UNIVERSITY OF UTAH MEDICAL EDUCATION:				
FROM:				
General Fund			$1,143,600	$ 1,143,600
V. FAMILY PRACTICE RESIDENCIES:				
FROM:				
General Fund	$ 474,500	$ 272,800	$ 888,400	$ 1,635,700
VI. WICHE:				
FROM:				
General Fund			$ 236,800	$ 236,800
VII. PSYCHIATRY RESIDENCY:				
FROM:				
General Fund			$ 81,900	$ 81,900
GRAND TOTAL	$2,157,900	$1,745,200	$6,130,900	$10,034,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, there is authorized no more than twenty and thirty-nine hundredths (20.39) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the WOI Veterinary Education Program, WWAMI Medical Education Program, Idaho Dental Education Program and Family Practice Residencies Program as specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby reappropriated to the Board of Regents of the University of Idaho and the State Board of Education for the WOI Veterinary Education Program, WWAMI Medical Education Program, Idaho Dental Education Program, University of Utah Medical Education Program, Family Practice Residencies Program, the WICHE Program and the Psychiatry Residency Program subject to the provisions of Section 4 of this act, the unexpended and unencumbered balance of any appropriation contained in Section 1, Chapter 156, Laws of 2007, to be used for nonrecurring expenditures, for the period July 1, 2008, through June 30, 2009.

SECTION 4. The reappropriation for the General Fund moneys granted in Section 3 of this act shall be subject to the following provisions:

(1) If the unexpended and unencumbered balance in the General Fund on June 30, 2008, is zero, the reappropriation for the General Fund moneys in Section 3 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Fund on June 30, 2008, is greater than zero but less than the total General Fund reappropriation authority granted to all state agencies, that

amount reappropriated in Section 3 of this act shall be in the proportion that the reappropriation for the Board of Regents of the University of Idaho and the State Board of Education bears to the total General Fund reappropriation authority granted to all state agencies.

Approved March 27, 2008.

CHAPTER 293
(S.B. No. 1496)

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AUTHORIZING FUND DEPOSITS; DIRECTING THAT THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND ONLY OPERATE THE NECESSARY NUMBER OF COTTAGES; DIRECTING THAT THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND PROVIDE CERTAIN INFORMATION TO THE LEGISLATURE; AND DIRECTING THAT THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND ENTER INTO CERTAIN AGREEMENTS WITH ENTITIES THAT USE CAMPUS FACILITIES.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. CAMPUS OPERATIONS:				
FROM:				
General Fund	$4,606,200	$ 753,200	$33,300	$5,392,700
Idaho School for the Deaf and the Blind Income Fund		94,200		94,200
Federal Grant Fund	38,900	113,800		152,700
Miscellaneous Revenue Fund	4,100	91,800		95,900
TOTAL	$4,649,200	$1,053,000	$33,300	$5,735,500
II. OUTREACH SERVICES:				
FROM:				
General Fund	$2,825,100	$ 234,900	$51,000	$3,111,000
GRAND TOTAL	$7,474,300	$1,287,900	$84,300	$8,846,500

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho School for the Deaf and the Blind is authorized no more than ninety-three and seventy-four hundredths (93.74) full-time equivalent positions at any point during the period July 1, 2008, through June 30,

2009, 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 324, Laws of 2007, in a contingency reserve fund created pursuant to Section 33-3409, Idaho Code.

SECTION 4. The Idaho School for the Deaf and the Blind shall not operate any residential cottages beyond those necessary to provide single-gender accommodations for students attending from locations that are too distant to participate in the campus day program. If an additional cottage is necessary, the Idaho School for the Deaf and the Blind shall report to the Legislature the justification and costs for the additional cottage. Additionally, priority for placement of students into cottages shall be for those students under the age of 18 years and the Idaho School for the Deaf and the Blind staff shall actively seek community placement for students 18 years of age and older.

SECTION 5. To better understand the student population at the Idaho School for the Deaf and the Blind, the school shall report to the Legislature no later than September 30, 2008, the following information by student: age, gender, physical disability, any mental health diagnosis, any cognitive disability, home region, and current admittance qualifications to the school. Student names shall be excluded from the information provided.

SECTION 6. The Idaho School for the Deaf and the Blind shall enter into an agreement, including a schedule of fees, to cover the costs of general maintenance and utilities, with entities that use campus facilities on a regular or ongoing basis.

Approved March 27, 2008.

CHAPTER 294
(S.B. No. 1374, As Amended in the House)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1107, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CONTROL OF DEPREDATION OF BLACK BEAR, MOUNTAIN LION AND PREDATORS AND TO PROVIDE FOR THE CONTROL OF DEPREDATION OF WOLVES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-1107, Idaho Code, be, and the same is hereby amended to read as follows:

36-1107. WILD ANIMALS AND BIRDS DAMAGING PROPERTY. Other provisions of this title notwithstanding, any person may control, trap, and/or remove any wild animals or birds or may destroy the houses, dams, or

other structures of furbearing animals for the purpose of protecting property from the depredations thereof as hereinafter provided.

The director may delegate any of the authority conferred by this section to any other employee of the department.

(a) Director to Authorize Removal of Wildlife Causing Damage. Except for antelope, elk, deer or moose when any other wildlife, protected by this title, is doing damage to or is destroying any property, including water rights, or is likely to do so, the owner or lessee thereof may make complaint and report the facts to the director or his designee who shall investigate the conditions complained of. In the case of water rights, the director shall request an investigation by the director of the department of water resources of the conditions complained of. The director of the department of water resources shall request a recommendation from the local water master, if any, and upon such examination, shall certify to the director of the department of fish and game whether said wildlife, or houses, dams or other structures erected by said wildlife is injuring or otherwise adversely impacting water rights. If it appears that the complaint is well-founded and the property of such complainant is being or is likely to be damaged or destroyed by any such wildlife protected under this title, the director may:

1. Send a representative onto the premises to control, trap, and/or remove such protected wildlife as will stop the damage to said property. Any animals or birds so taken shall remain the property of the state and shall be turned over to the director.

2. Grant properly safeguarded permission to the complainant to control, trap and/or remove such protected wildlife or to destroy any houses, dams, or other structures erected by said animals or birds. Any protected wildlife so taken shall remain the property of the state and shall be turned over to the director.

3. Whenever deemed to be in the public interest, authorize or cause the removal, modification or destruction of any dam, house, structure or obstruction erected by any furbearing animals. The director shall have authority to enter upon all lands, both public and private, as necessary, to control, trap or remove such animals, or to so remove, modify or destroy such dam, house, structure or obstruction that is injuring or otherwise adversely impacting water rights, or to require the landowner to do so. The director shall make a reasonable effort to contact any private landowner to schedule a date and approximate time for the removal, modification or destruction. No liability whatever shall accrue to the department or the director by reason of any direct or indirect damage arising from such entry upon land, destruction, removal or modification.

4. Issue a permit to any bona fide owner or lessee of property which is being actually and materially damaged by furbearing animals, to trap or kill or to have trapped or killed such animals on his own or leased premises. Such permit may be issued without cost to a landholder applicant and shall designate therein the number of furbearing animals that may be trapped or killed, the name of the person who the landowner has designated to take such furbearers and the valid trapping license number of the taker. Furbearers so taken shall be the property of the taker. Beaver so taken shall be handled in the manner provided in section 36-1104, Idaho Code. The term "premises" shall be construed to include any irrigation ditch or

right-of-way appurtenant to the land for which said permit is issued.

(b) Control of Depredation of Black Bear, Mountain Lion, and Predators. Black bear, mountain lion, and predators may be disposed of by livestock owners, their employees, agents and animal damage control personnel when same are molesting or attacking livestock and it shall not be necessary to obtain any permit from the department. Mountain lion so taken shall be reported to the director within ten (10) days of being taken. Livestock owners may take steps they deem necessary to protect their livestock.

(c) Control of Depredation of Wolves. Wolves may be disposed of by livestock or domestic animal owners, their employees, agents and animal damage control personnel when the same are molesting or attacking livestock or domestic animals and it shall not be necessary to obtain any permit from the department. Wolves so taken shall be reported to the director within seventy-two (72) hours, with additional reasonable time allowed if access to the site where taken is limited. Wolves so taken shall remain the property of the state. Livestock and domestic animal owners may take all nonlethal steps they deem necessary to protect their property. A permit must be obtained from the director to control wolves not molesting or attacking livestock or domestic animals. Control is also permitted by owners, their employees and agents pursuant to the Idaho department of fish and game harvest rules. For the purposes of this subsection (c), "molesting" shall mean the actions of a wolf that are annoying, disturbing or persecuting, especially with hostile intent or injurious effect, or chasing, driving, flushing, worrying, following after or on the trail of, or stalking or lying in wait for, livestock or domestic animals.

(d) Taking of Muskrats in Irrigation Systems Authorized. Muskrats may be taken at any time in or along the banks of irrigation ditches, canals, reservoirs or dams, by the owners, their employees, or those in charge of said irrigation ditches or canals.

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, 2008.

CHAPTER 295
(S.B. No. 1393)

AN ACT

RELATING TO LABOR; AMENDING TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 27, TITLE 44, IDAHO CODE, TO PROVIDE FOR AGREEMENTS AND COVENANTS TO PROTECT EMPLOYERS' LEGITIMATE BUSINESS INTERESTS, TO DEFINE TERMS, TO PROVIDE THAT A COURT MAY LIMIT OR MODIFY CERTAIN AGREEMENTS AND TO PROVIDE FOR ENFORCEMENT, TO PROVIDE THAT CERTAIN RESTRICTIONS OF DIRECT COMPETITION SHALL NOT EXCEED A SPECIFIED PERIOD OF TIME AND TO PROVIDE REBUTTABLE PRESUMPTIONS.

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

SECTION 1. That Title 44, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 27, Title 44, Idaho Code, and to read as follows:

CHAPTER 27
AGREEMENTS AND COVENANTS PROTECTING
LEGITIMATE BUSINESS INTERESTS

44-2701. AGREEMENTS AND COVENANTS PROTECTING LEGITIMATE BUSINESS INTERESTS. A key employee or key independent contractor may enter into a written agreement or covenant that protects the employer's legitimate business interests and prohibits the key employee or key independent contractor from engaging in employment or a line of business that is in direct competition with the employer's business after termination of employment, and the same shall be enforceable, if the agreement or covenant is reasonable as to its duration, geographical area, type of employment or line of business, and does not impose a greater restraint than is reasonably necessary to protect the employer's legitimate business interests.

44-2702. DEFINITIONS. For purposes of this section, the following terms shall have the following meanings:

(1) "Key employees" and "key independent contractors" shall include those employees or independent contractors who, by reason of the employer's investment of time, money, trust, exposure to the public, or exposure to technologies, intellectual property, business plans, business processes and methods of operation, customers, vendors or other business relationships during the course of employment, have gained a high level of inside knowledge, influence, credibility, notoriety, fame, reputation or public persona as a representative or spokesperson of the employer, and as a result, have the ability to harm or threaten an employer's legitimate business interests.

(2) "Legitimate business interests" shall include, but not be limited to, an employer's goodwill, technologies, intellectual property, business plans, business processes and methods of operation, customers, customer lists, customer contacts and referral sources, vendors and vendor contacts, financial and marketing information, and trade secrets as that term is defined by chapter 8, title 48, Idaho Code.

44-2703. CONSTRUCTION AND ENFORCEMENT. To the extent any such agreement or covenant is found to be unreasonable in any respect, a court shall limit or modify the agreement or covenant as it shall determine necessary to reflect the intent of the parties and render it reasonable in light of the circumstances in which it was made and specifically enforce the agreement or covenant as limited or modified.

44-2704. RESTRICTION OF DIRECT COMPETITION -- REBUTTABLE PRESUMPTIONS. (1) Under no circumstances shall a provision of such agreement or covenant, as set forth herein, establish a postemployment restriction of direct competition that exceeds a period of eighteen (18) months from the time of the key employee's or key independent contractor's termination unless consideration, in addition to employment or continued employment, is given to a key employee or key independent contractor. Nothing in this chapter shall be construed to limit a party's ability to

otherwise protect trade secrets or other information deemed proprietary or confidential.

(2) It shall be a rebuttable presumption that an agreement or covenant with a postemployment term of eighteen (18) months or less is reasonable as to duration.

(3) It shall be a rebuttable presumption that an agreement or covenant is reasonable as to geographic area if it is restricted to the geographic areas in which the key employee or key independent contractor provided services or had a significant presence or influence.

(4) It shall be a rebuttable presumption that an agreement or covenant is reasonable as to type of employment or line of business if it is limited to the type of employment or line of business conducted by the key employee or key independent contractor while working for the employer.

(5) It shall be a rebuttable presumption that an employee or independent contractor who is among the highest paid five percent (5%) of the employer's employees or independent contractors is a "key employee" or a "key independent contractor." To rebut such presumption, an employee or independent contractor must show that it has no ability to adversely affect the employer's legitimate business interests.

Approved March 28, 2008.

CHAPTER 296
(S.B. No. 1394)

AN ACT

RELATING TO INSURANCE; AMENDING SECTIONS 41-2210 AND 41-3216, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS SHALL BE PERMITTED TO REMAIN ON CERTAIN CONTRACTS; AMENDING SECTION 41-3436, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS SHALL BE PERMITTED TO REMAIN ON CERTAIN CONTRACTS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTIONS 41-4023 AND 41-4124, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS SHALL BE PERMITTED TO REMAIN ON CERTAIN PLANS.

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

SECTION 1. That Section 41-2210, Idaho Code, be, and the same is hereby amended to read as follows:

41-2210. REQUIRED PROVISION IN GROUP AND BLANKET POLICIES. (1) Any group disability insurance contract or blanket disability insurance contract, delivered or issued for delivery in this state which provides coverage for injury or sickness for newborn dependent children of subscribers or other members of the covered group, shall provide coverage for such newborn children, including adopted newborn children that are placed with the adoptive subscriber or other member of the covered group within sixty (60) days of the adopted child's date of birth, from and after the moment of birth. Coverage under the contract for an adopted newborn child placed with the adoptive subscriber or other member of the covered group more than sixty (60) days after the birth of the adopted

child shall be from and after the date the child is so placed. Coverage provided in accord with this section shall include, but not be limited to, coverage for congenital anomalies. For the purposes of this section, "child" means an individual who has not attained age eighteen (18) years as of the date of the adoption or placement for adoption. For the purposes of this section, "placed" shall mean physical placement in the care of the adoptive subscriber or other member of the covered group, or in those circumstances in which such physical placement is prevented due to the medical needs of the child requiring placement in a medical facility, it shall mean when the adoptive subscriber or other member of the covered group signs an agreement for adoption of such child and signs an agreement assuming financial responsibility for such child. Prior to legal finalization of adoption, the coverage required under the provisions of this subsection (1) as to a child placed for adoption with a subscriber or other member of the covered group continues in the same manner as it would with respect to a naturally born child of the subscriber or other member of the covered group until the first to occur of the following events:

(a) Date the child is removed permanently from that placement and the legal obligation terminates; or

(b) The date the subscriber or other member of the covered group rescinds, in writing, the agreement of adoption or agreement assuming financial responsibility.

(2) An insurer shall not restrict coverage under a group disability insurance contract or a blanket disability insurance contract of any dependent child adopted by a participant or beneficiary, or placed with a participant or beneficiary for adoption, solely on the basis of a preexisting condition of a child at the time the child would otherwise become eligible for coverage under the plan, if the adoption or placement for adoption occurs while the participant or beneficiary is eligible for coverage under the plan.

(3) Any group disability insurance contract or blanket disability insurance contract delivered or issued for delivery in this state shall provide that an unmarried child under the age of twenty-one (21) years or an unmarried child who is a full-time student under the age of twenty-five (25) years and who is financially dependent upon the parent shall be permitted to remain on the parent's or parents' contract. Further, any unmarried child of any age who is medically certified as disabled and financially dependent upon the parent is permitted to remain on the parent's or parents' contract.

(4) No policy of disability insurance which provides maternity benefits for a person covered continuously from conception shall be issued, amended, delivered, or renewed in this state on or after January 1, 1977, if it contains any exclusion, reduction, or other limitations as to coverage, deductibles, or coinsurance provisions, as to involuntary complications of pregnancy, unless such provisions apply generally to all benefits paid under the policy. If a fixed amount is specified in such policy for surgery, the fixed amounts for surgical procedures involving involuntary complications of pregnancy shall be commensurate with other fixed amounts payable for procedures of comparable difficulty and severity. In a case where a fixed amount is payable for maternity benefits, involuntary complications of pregnancy shall be deemed an illness and entitled to benefits otherwise provided by the policy. Where the policy contains a maternity deductible, the maternity deductible

shall apply only to expenses resulting from normal delivery and cesarean section delivery; however, expenses for cesarean section delivery in excess of the deductible shall be treated as expenses for any other illness under the policy. This section shall apply to all disability policies except any group disability policy made subject to an applicable collective-bargaining agreement in effect before January 1, 1977.

For purposes of this section, involuntary complications of pregnancy shall include, but not be limited to, puerperal infection, eclampsia, cesarean section delivery, ectopic pregnancy, and toxemia.

All policies subject to this section and issued, amended, delivered, or renewed in this state on or after January 1, 1977, shall be construed to be in compliance with this section, and any provision in any such policy which is in conflict with this section shall be of no force or effect.

(4<u>5</u>) From and after January 1, 1998, no policy of disability insurance which provides medical expense maternity benefits, shall restrict benefits for any hospital length of stay in connection with childbirth for the mother or newborn child in a manner that would be in conflict with the newborns' and mothers' health protection act of 1996.

SECTION 2. That Section 41-3216, Idaho Code, be, and the same is hereby amended to read as follows:

41-3216. BENEFITS. (1) A society may provide the following contractual benefits in any form:

(a) Death benefits;

(b) Endowment benefits;

(c) Annuity benefits;

(d) Temporary or permanent disability benefits;

(e) Hospital, medical or nursing benefits; and

(f) Monument or tombstone benefits to the memory of deceased members; and

(g) Such other benefits as authorized for life insurers and which are not inconsistent with this chapter.

(2) A society shall specify in its rules those persons who may be issued, or covered by, the contractual benefits in subsection (1) of this section, consistent with providing benefits to members and their dependents. A society may provide benefits on the lives of children under the minimum age for adult membership upon application of an adult person.

<u>(3) Any society contract relating to hospital, medical or nursing benefits delivered or issued for delivery in this state shall provide that an unmarried child under the age of twenty-one (21) years or an unmarried child who is a full-time student under the age of twenty-five (25) years and who is financially dependent upon the parent shall be permitted to remain on the parent's or parents' contract. Further, any unmarried child of any age who is medically certified as disabled and financially dependent upon the parent is permitted to remain on the parent's or parents' contract.</u>

SECTION 3. That Section 41-3436, Idaho Code, be, and the same is hereby amended to read as follows:

41-3436. DEPENDENT'S COVERAGE -- DEPENDENT'S TERMINATION OF COVERAGE, DISABILITY AND DEPENDENCY PROOF AND APPLICATION. (1) Any subscriber contract delivered or issued for delivery in this state shall provide that an unmarried child under the age of twenty-one (21) years or an unmarried child who is a full-time student under the age of twenty-five (25) years and who is financially dependent upon the parent shall be permitted to remain on the parent's or parents' contract. Further, any unmarried child of any age who is medically certified as disabled and financially dependent upon the parent is permitted to remain on the parent's or parents' contract.

(2) There shall be a provision that a subscriber's contract delivered or issued for delivery in this state more than one hundred twenty (120) days after the effective date of this act under which coverage of a dependent of a subscriber terminates at a specified age shall, with respect to an unmarried child who is incapable of self-sustaining employment by reason of mental retardation or physical handicap and who became so incapable prior to attainment of the limiting age and who is chiefly dependent upon such member for support and maintenance, not ~~so~~ to terminate while the contract remains in force and the dependent remains in such condition, if the member has within thirty-one (31) days of such dependent's attainment of the limiting age submitted proof of such dependent's incapacity as described herein. The service corporation may require at reasonable intervals during the two (2) years following the child's attainment of the limiting age subsequent proof of the child's disability and dependency. After the two (2) year period, such subsequent proof may not be required more than ~~one~~ once each year.

SECTION 4. That Section 41-4023, Idaho Code, be, and the same is hereby amended to read as follows:

41-4023. COVERAGE FROM MOMENT OF BIRTH -- COMPLICATIONS OF PREGNANCY. (1) Every self-funded plan issued in this state or providing coverage to any covered family residing within this state, shall contain a provision granting immediate accident and sickness coverage, from and after the moment of birth, to each newborn child or infant of any covered family covered, including a newborn child placed with the adoptive covered family within sixty (60) days of the adopted child's date of birth. Coverage under the self-funded plan for an adopted newborn child placed with the adoptive covered family more than sixty (60) days after the birth of the adopted child shall be from and after the date the child is so placed. Coverage provided in accordance with this section shall include, but not be limited to, coverage for congenital anomalies. For the purposes of this section, "child" means an individual who has not reached eighteen (18) years of age as of the date of the adoption or placement for adoption. For the purposes of this section, "placed" shall mean physical placement in the care of the adoptive covered family, or in those circumstances in which such physical placement is prevented due to the medical needs of the child requiring placement in a medical facility, it shall mean when the adoptive covered family signs an agreement for adoption of such child and signs an agreement assuming financial responsibility for such child. Prior to legal finalization of adoption, the coverage required under the provisions of this subsection (1) as to a child placed for adoption with a covered family continues in the same manner as it would with respect to a naturally born child of the

covered family until the first to occur of the following events:

(a) Date the child is removed permanently from that placement and the legal obligation terminates; or

(b) The date the covered family rescinds, in writing, the agreement of adoption or agreement assuming financial responsibility. No such plan may be issued or amended if it contains any disclaimer, waiver, or other limitation of coverage relative to the coverage or insurability of newborn or adopted children or infants of a covered family covered from and after the moment of birth that is inconsistent with the provisions of this section.

(2) Neither the plan trustee or employer nor an insurer shall restrict coverage under a self-funded plan of any dependent child adopted by a participant or beneficiary, or placed with a participant or beneficiary for adoption, solely on the basis of a preexisting condition of the child at the time the child would otherwise become eligible for coverage under the plan, if the adoption or placement for adoption occurs while the participant or beneficiary is eligible for coverage under the plan.

(3) No self-funded plan which provides maternity benefits for a person covered continuously from conception shall be issued, amended, delivered, or renewed in this state on or after January 1, 1977, if it contains any exclusion, reduction, or other limitations as to coverage, deductibles, or coinsurance provisions as to involuntary complications of pregnancy, unless such provisions apply generally to all benefits paid under the plan. If a fixed amount is specified in such plan for surgery, the fixed amounts for surgical procedures involving involuntary complications of pregnancy shall be commensurate with other fixed amounts payable for procedures of comparable difficulty and severity. In a case where a fixed amount is payable for maternity benefits, involuntary complications of pregnancy shall be deemed an illness and entitled to benefits otherwise provided by the plan. Where the plan contains a maternity deductible, the maternity deductible shall apply only to expenses resulting from normal delivery and cesarean section delivery; however, expenses for cesarean section delivery in excess of the deductible shall be treated as expenses for any other illness under the plan. This subsection shall apply to all self-funded plans except any such plan made subject to an applicable collective-bargaining agreement in effect before January 1, 1977.

For purposes of this subsection, involuntary complications of pregnancy shall include, but not be limited to, puerperal infection, eclampsia, cesarean section delivery, ectopic pregnancy, and toxemia.

All plans subject to this subsection and issued, amended, delivered, or renewed in this state on or after January 1, 1977, shall be construed to be in compliance with this section, and any provision in any such plan which is in conflict with this section shall be of no force or effect.

(4) From and after January 1, 1998, no self-funded plan that provides maternity benefits shall restrict benefits for any hospital length of stay in connection with childbirth for the mother or newborn child in a manner that would be in conflict with the newborns' and mothers' health protection act of 1996.

(5) Any self-funded group disability plan or blanket disability plan delivered or issued for delivery in this state shall provide that an unmarried child under the age of twenty-one (21) years or an unmar-

ried child who is a full-time student under the age of twenty-five (25) years and who is financially dependent upon the parent shall be permitted to remain on the parent's or parents' plan. Further, any unmarried child of any age who is medically certified as disabled and financially dependent upon the parent is permitted to remain on the parent's or parents' plan.

SECTION 5. That Section 41-4124, Idaho Code, be, and the same is hereby amended to read as follows:

41-4124. SERVICES PROVIDED BY GOVERNMENTAL ENTITIES. (1) From and after July 1, 2006, no joint public agency self-funded plan shall be issued in Idaho which excludes from coverage services rendered the subscriber while a resident in an Idaho state institution, provided the services to the subscriber would be covered by the contract if rendered to him outside an Idaho state institution.

(2) From and after July 1, 2006, no joint public agency self-funded plan may contain any provision denying or reducing benefits otherwise provided under the policy for the reason that the person insured is receiving health or mental health care or developmental services provided by the department of health and welfare, whether or not the department of health and welfare bases its charges for such services on the recipient's ability to pay. Provided, nothing in this section shall prevent the issuance of a contract which excludes or reduces benefits where the charge level or amount of the charge levied by a governmental entity for such services would vary or be affected in any way by the existence of coverage under a joint public agency self-funded plan.

(3) Any joint public agency self-funded plan delivered or issued for delivery in this state shall provide that an unmarried child under the age of twenty-one (21) years or an unmarried child who is a full-time student under the age of twenty-five (25) years and who is financially dependent upon the parent shall be permitted to remain on the parent's or parents' plan. Further, any unmarried child of any age who is medically certified as disabled and financially dependent upon the parent is permitted to remain on the parent's or parents' plan.

Approved March 28, 2008.

CHAPTER 297
(S.B. No. 1395)

AN ACT

RELATING TO THE IDAHO INDIVIDUAL HIGH RISK REINSURANCE POOL; AMENDING SECTION 41-5501, IDAHO CODE, TO REVISE DEFINITIONS; AND AMENDING SECTION 41-5510, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO PROVIDE FOR COVERAGE FOR CERTAIN ELIGIBLE PERSONS AND TO PROVIDE FOR EXCEPTIONS.

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

SECTION 1. That Section 41-5501, Idaho Code, be, and the same is hereby amended to read as follows:

41-5501. DEFINITIONS. As used in this chapter:

(1) "Agent" means a producer as defined in section 41-1003(8), Idaho Code.

(2) "Board" means the board of directors of the Idaho high risk individual reinsurance pool established in this chapter and the Idaho small employer reinsurance program established in section 41-4711, Idaho Code.

(3) "Carrier" means any entity that provides, or is authorized to provide, health insurance in this state. For purposes of this chapter, carrier includes an insurance company, any other entity providing reinsurance including excess or stop loss coverage, a hospital or professional service corporation, a fraternal benefit society, a managed care organization, any entity providing health insurance coverage or benefits to residents of this state as certificate holders under a group policy issued or delivered outside of this state, and any other entity providing a plan of health insurance or health benefits subject to state insurance regulation.

(4) "Dependent" means a spouse, an unmarried child under the age of twenty-one (21) years, an unmarried child who is a full-time student under the age of twenty-five (25) years and who is financially dependent upon the parent, and an unmarried child of any age who is medically certified as disabled and dependent upon the parent.

(5) "Director" means the director of the department of insurance of the state of Idaho.

(6) "Eligible individual" means:

(a) An Idaho resident individual or dependent of an Idaho resident who is under the age of sixty-five (65) years, is not eligible for coverage under a group health plan, part A or part B of title XVIII of the social security act (medicare), or a state plan under title XIX (medicaid) or any successor program, and who does not have other health insurance coverage; or

(b) An individual who is legally domiciled in Idaho on the date of application to the pool and is eligible for the credit for health insurance costs under section 35 of the Internal Revenue Code of 1986; or

(c) An Idaho resident individual or a dependent of an Idaho resident who is a federally eligible individual (one who meets the eligibility criteria set forth in the federal health insurance portability and accountability act of 1996 Public Law 104-191, Sec. 2741(b) (HIPAA)).

Coverage under a basic, standard, catastrophic A, catastrophic B, or HSA compatible health benefit plan shall not be available to any individual who is covered under other health insurance coverage, except as provided in section 41-5510(4), Idaho Code. For purposes of this chapter, to be eligible, an individual must also meet the requirements of section 41-5510, Idaho Code.

(7) "Health benefit plan" means any hospital or medical policy or certificate, any subscriber contract provided by a hospital or professional service corporation, or health maintenance organization subscriber contract. Health benefit plan does not include policies or certificates of insurance for specific disease, hospital confinement indemnity, accident-only, credit, dental, vision, medicare supplement, long-term care, or disability income insurance, student health benefits only, coverage issued as a supplement to liability insurance, worker's compen-

sation or similar insurance, automobile medical payment insurance, or nonrenewable short-term coverage issued for a period of twelve (12) months or less.

(8) "Individual basic health benefit plan" means a lower cost health benefit plan developed pursuant to section 41-5511, Idaho Code.

(9) "Individual carrier" means a carrier that offers health benefit plans covering eligible individuals and their dependents.

(10) "Individual catastrophic A health benefit plan" means a higher limit health benefit plan developed pursuant to section 41-5511, Idaho Code.

(11) "Individual catastrophic B health benefit plan" means a health benefit plan offering limits higher than a catastrophic A health benefit plan developed pursuant to section 41-5511, Idaho Code.

(12) "Individual HSA compatible health benefit plan" means a health savings account compatible health benefit plan developed pursuant to section 41-5511, Idaho Code.

(13) "Individual standard health benefit plan" means a health benefit plan developed pursuant to section 41-5511, Idaho Code.

(14) "Plan" or "pool plan" means the individual basic, standard, catastrophic A, catastrophic B, or HSA compatible health benefit plan established pursuant to section 41-5511, Idaho Code.

(15) "Plan of operation" means the plan of operation of the individual high risk reinsurance pool established pursuant to this chapter.

(16) "Pool" means the Idaho high risk reinsurance pool.

(17) "Premium" means all moneys paid by an individual and eligible dependents as a condition of receiving coverage from a carrier, including any fees or other contributions associated with the health benefit plan.

(18) "Qualifying previous coverage" and "qualifying existing coverage" mean benefits or coverage provided under:

(a) Medicare or medicaid, civilian health and medical program for uniformed services (CHAMPUS), the Indian health service program, a state health benefit risk pool, or any other similar publicly sponsored program; or

(b) Any group or individual health insurance policy or health benefit arrangement whether or not subject to the state insurance laws, including coverage provided by a managed care organization or a fraternal benefit society.

(19) "Reinsurance premium" means the premium set by the board pursuant to section 41-5506, Idaho Code, to be paid by a reinsuring carrier for plans issued under the pool.

(20) "Reinsuring carrier" means a carrier participating in the individual high risk reinsurance pool established by this chapter.

(21) "Restricted network provision" means any provision of a health benefit plan that conditions the payment of benefits, in whole or in part, on the use of health care providers that have entered into a contractual arrangement with the carrier to provide health care services to covered individuals.

SECTION 2. That Section 41-5510, Idaho Code, be, and the same is hereby amended to read as follows:

41-5510. ELIGIBILITY. (1) Any eligible individual ~~eligible~~ person, who is and continues to be a resident shall be eligible for coverage

under an individual basic, standard, catastrophic A, catastrophic B, and HSA compatible health benefit plan if evidence is provided that:

(a) Such person has been rejected by one (1) individual carrier on the basis of health status or claims experience; or

(b) An individual carrier refuses to issue a health benefit plan providing coverage substantially similar to coverage offered under an equivalent pool plan except at a rate exceeding the rate for the pool plan; or

(c) Such person is a federally eligible individual; or

(d) Such person is legally domiciled in Idaho on the date of application to the pool and is eligible for the credit for health insurance costs under section 35 of the Internal Revenue Code of 1986. In addition, if such person maintained creditable health insurance coverage for an aggregate period of three (3) months as of the date on which the individual seeks to enroll in pool coverage, not counting any period prior to a sixty-three (63) day break in coverage:

(i) The preexisting condition limitation set forth in section 41-5208, Idaho Code, shall not apply; and

(ii) The requirement for exhaustion of any available coverage under title X of the consolidated omnibus budget reconciliation act of 1986, public law 99-272 (COBRA) or state continuation benefits is waived.

(2) A rejection or refusal by a carrier offering only stop loss, excess of loss or reinsurance coverage with respect to an applicant under subsection (1) of this section shall not constitute sufficient evidence for purposes of subsection (1) of this section.

(3) Each resident dependent of a person who is eligible for coverage under the pool shall also be eligible for coverage under the pool.

(4) Any eligible individual person meeting the eligibility requirements of subsection (1), (2) or (3) of this section shall be eligible for coverage under a pool plan even though the person has existing coverage under other health insurance or under a group health plan provided: (a) there is a reasonable probability that the lifetime benefit maximum of the existing coverage will be exceeded within ninety (90) days; and (b) the lifetime benefit maximum under the existing coverage is at least five hundred thousand dollars ($500,000). In all cases, coverage under a pool plan is secondary to the existing coverage and all other insurance.

(5) A person shall not be eligible for coverage under a pool plan if:

(a) The person is not a federally eligible individual and, except as provided otherwise in subsection (4) of this section, has or obtains health insurance coverage substantially similar to or more comprehensive than a pool plan, or would be eligible to have such coverage at a rate not exceeding the rate for the pool plan if the person elected to obtain it;

(b) The person is determined to be eligible for health care benefits under medicaid;

(c) The person has previously terminated pool plan coverage unless twelve (12) months have lapsed since such termination; provided however, that this provision shall not apply with respect to an applicant who is a federally eligible individual;

(d) The person is an inmate or resident of a state or other public institution, or a state, local or private correctional facility;

provided however, that this provision shall not apply with respect to an applicant who is a federally eligible individual.

(~~5~~6) Notwithstanding any other provision of this chapter, eligibility for continuation of coverage under COBRA shall not render a person ineligible for coverage under a pool plan.

(~~6~~7) Coverage shall cease:

(a) On the first day of the month following the date a person is no longer a resident of this state;

(b) On the first day of the month following the date a person requests coverage to end;

(c) Upon the death of the covered person;

(d) At the option of the board, thirty (30) days after the plan makes any inquiry concerning the person's eligibility or place of residence to which the person does not reply.

(~~7~~8) A person who ceases to meet the eligibility requirements of this section may be terminated on the first day of the month following the date when the individual becomes ineligible.

Approved March 28, 2008.

CHAPTER 298
(S.B. No. 1401)

AN ACT

RELATING TO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2083, IDAHO CODE, TO REVISE DEFINITIONS.

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

SECTION 1. That Section 54-2083, Idaho Code, be, and the same is hereby amended to read as follows:

54-2083. DEFINITIONS. As used in sections 54-2082 through 54-2097, Idaho Code:

(1) "Adverse material fact" means a fact that would significantly affect the desirability or value of the property to a reasonable person or which establishes a reasonable belief that a party to the transaction is not able to or does not intend to complete that party's obligations under a real estate contract.

(2) "Agency representation" or "representation" means the statutory agency relationship between a client and a brokerage in a regulated real estate transaction with respect to which the duties defined in section 54-2087, Idaho Code, are applicable. See also "representation."

(3) "Assigned agent" means, where a brokerage is representing more than one (1) party to the transaction as a limited dual agent as provided in section 54-2088, Idaho Code, the sales associate assigned by the brokerage to act on behalf of one (1) client and to represent solely that client consistent with the applicable duties set forth in section 54-2087, Idaho Code. The designated broker shall not act as an assigned agent of the brokerage.

(4) "Brokerage" means a licensed designated broker, the licensed real estate business represented by that broker and its associated licensees.

(5) "Client" means a buyer or seller, or a prospective buyer or seller, or both who have entered into an express written contract or agreement with a brokerage for agency representation in a regulated real estate transaction.

(6) "Confidential client information" means information gained from or about a client that:

(a) Is not a matter of public record;

(b) The client has not disclosed or authorized to be disclosed to third parties;

(c) If disclosed, would be detrimental to the client; and

(d) The client would not be personally obligated to disclose to another party to the transaction. Information which is required to be disclosed by statute or rule or where the failure to disclose would constitute fraudulent misrepresentation is not confidential client information within the provisions of sections 54-2082 through 54-2097, Idaho Code. Information generally disseminated in the marketplace~~, including "sold" prices of property,~~ is ~~also~~ not confidential client information within the provisions of such sections. A "sold" price of real property is also not confidential client information within the provisions of such sections.

(7) "Customer" means a buyer or seller, or prospective buyer or seller, who is not represented in an agency relationship in a regulated real estate transaction.

(8) "Customer services agreement" or "compensation agreement" means an agreement between a real estate brokerage and a customer for the provision of any real estate services for which the brokerage has the right to be compensated by the customer.

(9) "Designated broker" means an individual who is licensed as a real estate broker in Idaho and who is designated by the brokerage company to be responsible for the supervision of the brokerage company and the activities of any associated licensees in accordance with this chapter.

(10) "Idaho real estate license law and rules" means chapter 20, title 54, Idaho Code, and all administrative rules promulgated thereunder.

(11) "Limited dual agent" means a brokerage that is representing both a buyer and a seller as clients in a regulated real estate transaction, as provided in section 54-2088, Idaho Code.

(12) "Ministerial acts" means reasonably necessary and customary acts typically performed by real estate licensees in assisting a transaction to its closing or conclusion.

(13) "Nonagent" means a brokerage and its licensees working with or assisting a buyer or seller as a customer to which the duties provided in section 54-2086, Idaho Code, are applicable.

(14) "Regulated real estate transaction" means those real estate transactions for which a real estate license is required under chapter 20, title 54, Idaho Code.

(15) "Representation" or "brokerage representation" or "represented" means the statutory agency relationship between a client and a brokerage in a regulated real estate transaction with respect to which the duties provided in section 54-2087, Idaho Code, are applicable.

(16) "Representation agreement" or "contract for representation" means a written agreement between a buyer, seller, or both, and a real estate brokerage for agency representation in a regulated real estate transaction. A representation agreement under this chapter can only be made in writing, and cannot be made orally or by assumption or implication.

(17) "Sales associate" means a salesperson or an associate broker licensed under and associated with a designated broker.

Approved March 28, 2008.

CHAPTER 299
(S.B. No. 1420, As Amended)

AN ACT

RELATING TO IMMUNITY FOR USE OF AUTOMATED EXTERNAL DEFIBRILLATOR; AMENDING SECTION 5-337, IDAHO CODE, TO REVISE THE REQUIREMENTS FOR THOSE PERSONS OR ENTITIES WHO ACQUIRE A DEFIBRILLATOR AS A RESULT OF A PRESCRIPTION, TO PROVIDE IMMUNITY FOR ANY CIVIL DAMAGES RESULTING FROM CERTAIN REASONABLE ACTS OR OMISSIONS, AND TO REVISE IMMUNITIES.

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

SECTION 1. That Section 5-337, Idaho Code, be, and the same is hereby amended to read as follows:

5-337. IMMUNITY FOR USE OF AUTOMATED EXTERNAL DEFIBRILLATOR (AED). (1) As used in this section, "defibrillator" means an "automated external defibrillator (AED)" which has been prescribed by a physician or osteopath licensed pursuant to chapter 18, title 54, Idaho Code.

(2) In order to promote public health and safety:

(a) A person or entity who acquires a defibrillator as a result of a prescription shall ensure that:

(i) Expected defibrillator users receive training in its use and care equivalent to the CPR and AED training of the American heart association, the American red cross or similar entities;

(ii) The defibrillator is maintained and tested <u>by the owner</u> according to the manufacturer's operational guidelines;

(iii) There is involvement of a licensed physician in the ~~site's~~ <u>owner's</u> program to ensure compliance with requirements for training, notification, maintenance and guidelines for use;

(iv) Any person who renders emergency care or treatment to a person in cardiac arrest by using a defibrillator must activate the emergency medical services system as soon as possible, and must report any clinical use of the defibrillator to the prescribing physician.

(b) Any person or entity who acquires a defibrillator as a result of a prescription shall notify an agent of the emergency communications system or emergency vehicle dispatch center of the existence, location and type of defibrillator.

(3) <u>(a) Any person who reasonably renders emergency care using a defibrillator, without remuneration or expectation of remuneration, at</u>

the scene of an accident or emergency to a victim of the accident or emergency shall not be liable for any civil damages resulting from the person's acts or omissions.

(b) No cause of action shall be maintained against a licensed physician, osteopath, physician assistant, nurse practitioner, or nurse, or against an emergency medical technician, fireman, peace officer, ambulance attendant or other person trained to use a defibrillator, or against a person or entity who acquires or maintains a defibrillator which arises from the ~~good--faith~~ reasonable use of a defibrillator in an emergency setting and no cause of action shall be maintained against the physician or osteopath who wrote the prescription for the defibrillator if the prescription was written in good faith.

(c) This immunity from civil liability does not apply if the acts or omissions amount to gross negligence or willful or wanton or reckless misconduct.

(d) The protection afforded within paragraph (a) of this subsection is applicable to a person or entity who acquires or maintains a defibrillator if such person or entity complies with the maintenance requirements set forth in subsection (2)(a)(ii) of this section.

(4) A defibrillator acquired pursuant to a prescription and possessed in compliance with subsection (2) of this section is exempt from the provisions of chapter 10, title 56, Idaho Code.

Approved March 28, 2008.

CHAPTER 300
(S.B. No. 1422, As Amended)

AN ACT

RELATING TO CRIMES AND PUNISHMENTS; AMENDING SECTION 18-4004A, IDAHO CODE, TO PROVIDE THAT THE PROSECUTING ATTORNEY FILE NOTICE TO SEEK THE DEATH PENALTY WITHIN SIXTY DAYS AFTER ENTRY OF A DEFENDANT'S PLEA AND TO PROVIDE FOR EXTENSION OF TIME FOR FILING OF NOTICE.

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

SECTION 1. That Section 18-4004A, Idaho Code, be, and the same is hereby amended to read as follows:

18-4004A. NOTICE OF INTENT TO SEEK DEATH PENALTY. (1) A sentence of death shall not be imposed unless the prosecuting attorney filed written notice of intent to seek the death penalty with the court and served the notice upon the defendant or his attorney of record no later than ~~thirty~~ sixty (~~30~~60) days after entry of a plea. Any notice of intent to seek the death penalty shall include a listing of the statutory aggravating circumstances that the state will rely on in seeking the death penalty. The state may amend its notice upon a showing of good cause at any time prior to trial. A notice of intent to seek the death penalty may be withdrawn at any time prior to the imposition of sentence. However, upon a showing of good cause, and a stipulation by the state and the defendant and his attorney of record the court may extend the time for the

filing of the notice of intent to seek the death penalty for a reasonable period of time.

(2) In the event that the prosecuting attorney does not file a notice of intent to seek the death penalty or otherwise puts the court on notice that the state does not intend to seek the death penalty, the court shall inform potential jurors at the outset of jury selection that the death penalty is not a sentencing option for the court or the jury.

Approved March 28, 2008.

CHAPTER 301
(S.B. No. 1424)

AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-2504, IDAHO CODE, TO PROVIDE FOR PRELIMINARY STUDIES RELATING TO THE FEASIBILITY, COSTS AND EXPENSES OF PROPOSED LOCAL IMPROVEMENT DISTRICTS, TO PROVIDE FOR THE COSTS OF PRELIMINARY STUDIES AND TO PROVIDE THAT PETITIONS FOR LOCAL IMPROVEMENT DISTRICTS SHALL INCLUDE CERTAIN ACKNOWLEDGMENTS; AMENDING SECTION 43-2506, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PUBLICATION OF NOTICES OF INTENTION REGARDING THE CREATION OF LOCAL IMPROVEMENT DISTRICTS; AMENDING SECTION 43-2507, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CONTINUATION OF HEARINGS FOR THE CONSIDERATION OF PROTESTS REGARDING THE CREATION OF LOCAL IMPROVEMENT DISTRICTS AND TO PROVIDE FOR THE RECOMMENCEMENT OF INITIATION OF LOCAL IMPROVEMENT DISTRICTS; AND AMENDING SECTION 43-2511, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PUBLICATION OF NOTICES OF HEARING REGARDING ASSESSMENT ROLLS.

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

SECTION 1. That Section 43-2504, Idaho Code, be, and the same is hereby amended to read as follows:

43-2504. INITIATION OF ORGANIZATION OF LOCAL IMPROVEMENT DISTRICT. The organization of any local improvement district herein provided for may be initiated upon a petition signed by not less than sixty percent (60%) of the owners of property subject to assessment within such local improvement district, or by resolution of the board adopted by an affirmative vote of a majority of the members of the full board at a regular or special meeting thereof. The terms of a petition shall include a description of the boundaries of a proposed local improvement district, the improvements to be made and the property to be assessed.

The board may, in its discretion, authorize a preliminary study to determine the feasibility and costs and expenses of a proposed local improvement district and pay for such study out of the general fund of the district. In the event the local improvement district is formed, the cost of the study may be included in the cost of the local improvement district and added to the assessment roll. In the event the local improvement district is not formed, for any reason, the board may authorize the cost of the study to be added to the general assessment rolls of the district as to the property within the proposed local improvement district.

In the alternative, the board may, in its discretion, as a condition of the board proceeding further with the formation of the local improvement district, require the petitioners to provide to the district a deposit in an amount determined in the board's discretion to pay for a preliminary study of the proposed local improvement district to determine the feasibility and costs and expenses of the project.

The petition shall include an acknowledgment by the petitioners that the district may require the petitioners to provide to the district a deposit in an amount determined in the board's discretion to pay for a preliminary study or that the board may, in its discretion, authorize the cost of the study to be paid out of the general fund of the district, with the cost of the study to be included in the cost of the local improvement district and added to the assessment roll if one is formed or to be added to the general assessment rolls of the district as to the property within the proposed local improvement district if the local improvement district is not formed.

SECTION 2. That Section 43-2506, Idaho Code, be, and the same is hereby amended to read as follows:

43-2506. NOTICE OF INTENTION AND HEARING. The notice of intention shall be published in the official newspaper of the district. If the district is located in more than one (1) county, the notice of intention may be published only in the county where the property to be assessed in the proposed local improvement district is located. Publication shall be in three (3) consecutive issues if a daily newspaper, or in two (2) issues if a weekly newspaper or in case no newspaper is published in such district then by posting for five (5) days in three (3) public places within the proposed local improvement district. A copy of such notice shall be mailed to each owner of property, if known, or his agent, if known, within the limits of the proposed local improvement district, addressed to such person at his post office address if known, or if unknown, to a post office in the district where the improvement is to be made. Ownership of property shall be determined as of the date of the adoption of the resolution of intent to create. The hearing shall take place not less than ten (10) days from the date of the first of said publications or postings or the date of said mailing, whichever is later.

SECTION 3. That Section 43-2507, Idaho Code, be, and the same is hereby amended to read as follows:

43-2507. PROTESTS AND HEARINGS. Any owner of property to be assessed in the proposed local improvement district described in the notice of intention shall have the right, in advance of the hearing, to file, in writing, a protest to the creation of the district or making any other objections in relation thereto. At the date, time and place specified in the notice of intention the board shall, in open and public session, consider all protests which have been filed in writing in advance of the hearing, and the hearing may be adjourned ~~from time to time~~ one (1) or more times at the discretion of the board to a fixed future time and place for the same, by publicly announcing at the hearing the continued date and time for such hearing, until all such protests have been heard. No further or additional notice of any kind

shall be required. At any continued hearing, the board shall not consider any protests that were filed after the original hearing date. The decision of the board as to all protests shall be conclusive and final, and if it should so determine, the board may delete any improvements on any property which had originally been contemplated in the said notice. If owners of more than two-thirds (2/3) of the property to be assessed protest any of the proposed improvements which affect their property, the board shall not proceed further with the work so protested unless a majority of the members of the full board shall vote to proceed with such work. The vote on the hereinafter mentioned resolution creating the local improvement district shall constitute the vote as to whether or not the board will proceed. Any property owner who fails to file a protest within the time specified, or having filed one withdraws said protest, shall be deemed to have waived any objection to the creation of the local improvement district, the making of the improvements, and the inclusion of his property in the local improvement district. Such waiver shall not preclude his right to object to the amount of the assessment at the later hearing provided for such purpose.

In cases where written protests are filed and sixty percent (60%) of the owners or the owners of two-thirds (2/3) of the lots and lands within such proposed local improvement district have signed such protest, the board shall not be allowed to proceed with the creation of the local improvement district for a period of one hundred eighty (180) days. ~~During this one hundred eighty (180) day period, the city council shall act as a review board for as much of the proposed local improvement district as is situated within the boundaries of any city, and the board of county commissioners shall act as a review board for that portion of the proposed local improvement district as is situated within the unincorporated portion of the county. As a review board, the city council or board of county commissioners shall review the record of the proposal, including conformance with procedural provisions of law. The city council or board of county commissioners shall also evaluate the necessity or desirability of the proposed local improvement district, and shall take into consideration the creation of the proposed local improvement district as it relates to the financial impact of the creation and implementation of the objectives of the proposed local improvement district upon the property owners within the proposed local improvement district, especially in light of projects recently undertaken or contemplated for the near future within the district.~~

~~After its evaluation, the city council shall approve, modify or reject the proposal for the creation of a local improvement district for as much of the proposed district as is situated within the boundaries of the city, and the board of county commissioners shall approve, modify or reject the proposal for the creation of a local improvement district for as much of the proposed district as is situated within the unincorporated portion of the county~~ After expiration of the one hundred eighty (180) day period, the district may recommence the initiation of a local improvement district as originally proposed or as modified as provided in this chapter.

SECTION 4. That Section 43-2511, Idaho Code, be, and the same is hereby amended to read as follows:

43-2511. NOTICE OF HEARING ON ASSESSMENT ROLL. After the board fixes the time and place for said hearing on the assessment roll, the secretary of the district shall give notice by publication in the official newspaper of such district. If the district is located in more than one (1) county, the notice may be published only in the county where the property to be assessed is located. Publication shall be in three (3) successive issues if published in a daily newspaper, or by publication in two (2) issues if published in a weekly newspaper, the first of which publication shall be at least fifteen (15) days before the date fixed for hearing objections to said assessment roll, that such assessment roll is on file in his office. The notice shall further state the date, time and place at which the board will hear and consider objections to the assessment roll by the parties aggrieved by such assessments. The secretary shall, not less than fifteen (15) days before the date fixed for hearing objections to said assessment roll, mail a substantially similar notice to each owner of property if known, or his agent if known, within the limits of the local improvement district, addressed to such person at his post office address if known, or if unknown, to the post office in such district where the improvement is to be made. The mailed notice shall also state the amount of the individual assessment and that at the specified time and place the board will hold a hearing to hear and determine all objections to the regularity of the proceedings in making such assessment, the correctness of the assessment, and the amount levied on the particular lot or parcel in relation to the benefits accruing thereon and in relation to the proper proportionate share of the total cost of the improvements in the project. It shall further state that each owner of property within the district is given notice that in revising the assessment roll at or after the hearing, the board may increase any assessment or assessments up to twenty percent (20%) of the original amount thereof without giving further notice and holding a new hearing thereon. The owner or owners of any property which is assessed in such assessment roll, whether named or not in such roll, may, before the date and time fixed for the hearing, file with the secretary his objections in writing to said assessment.

Approved March 28, 2008.

CHAPTER 302
(S.B. No. 1432)

AN ACT

RELATING TO COMPENSATION TO COUNTIES FOR SERVICES TO THE STATE; AMENDING SECTION 31-2219, IDAHO CODE, TO PROVIDE THAT IN INSTANCES WHERE THE SHERIFF OR OTHER COUNTY OFFICER PERFORMS A SERVICE ON BEHALF OF THE PEOPLE OF THE STATE, THE CLAIM FOR COMPENSATION SHALL BE FILED WITH THE BOARD OF EXAMINERS AND IF APPROVED PAID BY THE DEPARTMENT OF CORRECTION TO THE TREASURER OF THE COUNTY OF THE SHERIFF OR OTHER OFFICER WHO PERFORMED THE SERVICE.

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

SECTION 1. That Section 31-2219, Idaho Code, be, and the same is hereby amended to read as follows:

31-2219. COMPENSATION FOR SERVICES TO STATE. When the sheriff or other officer is legally required to perform a service ~~in~~ on behalf of the people of this state, which is not chargeable to his county or private person, his account and claim for compensation ~~therefor~~ must be filed with the board of examiners, who shall consider and, if appropriate, approve and submit the same ~~and report thereon to the legislature, at its first session after the rendition of such service, for its action. The board of examiners shall request an appropriation for such claim. If the legislature appropriates funds for such claim, the amount shall be paid by the board of examiners~~ to the Idaho department of correction who shall pay the claim to the treasurer of the county of the sheriff or other officer who performed the services.

Approved March 28, 2008.

CHAPTER 303
(S.B. No. 1433, As Amended)

AN ACT

RELATING TO FLOATING HOMES; AMENDING SECTION 55-2708, IDAHO CODE, TO PROVIDE FOR REASONABLE RENTAL RATES, TO PROVIDE FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A CHANGE IN RENT IS REASONABLE AND TO PROVIDE A PROCEDURE FOR ARBITRATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 55-2708, Idaho Code, be, and the same is hereby amended to read as follows:

55-2708. ADJUSTMENTS TO RENT, SERVICES, UTILITIES OR RULES -- FEES. (1) A landlord may increase or decrease rents only after ninety (90) days' written notice to the tenants.

(2) Rental rates shall at all times be reasonable. Factors to be considered in determining whether a change in rent is reasonable are as follows:

(a) The rent provided in previous and current rental agreements between the landlord and tenant;

(b) The rent charged by comparable marinas, taking into account such factors as location, facilities, condition, services and other relevant factors;

(c) The landlord's costs associated with owning, controlling and maintaining the marina, including the uplands, to the extent reasonably necessary to support the marina facilities which serve the floating home, moorage area and the landlord's need for realizing a reasonable rate of return over such costs;

(d) The availability and costs of alternative long-term float home moorage sites;

(e) The need to maintain price stability in a market restricted by state regulation of navigable waters and limited availability of float home moorage sites;

(f) The opportunity costs, if any, borne by the landlord by not converting the floating home marina, including uplands, to other uses; and

(g) Any other circumstances justifying a rental rate.

(3) If twenty-five percent (25%) or more of the tenants within a marina, or the the marina owner, assert that a moorage rental increase is unreasonable under any circumstances, the dispute shall be resolved by arbitration. The tenants must appoint a single party to act as their agent in the arbitration proceeding.

(a) The tenants' agent and the marina owner shall mutually agree upon one (1) or more arbitrators. If the parties cannot mutually agree upon one (1) or more arbitrators, the parties may petition the district court in the judicial district in which the marina in question is situated, which shall appoint an arbitrator or panel of arbitrators for the parties.

(b) In determining what constitutes a reasonable increase in a moorage rental rate the arbitrator shall consider and make written findings on each of the factors set forth in subsection (2) of this section.

(c) The arbitrator shall afford any party to the arbitration an opportunity to be heard, if requested, as provided herein.

(i) A hearing may be requested by a party requesting arbitration by including the request for hearing in the request for arbitration;

(ii) Other parties to the arbitration may request a hearing within five (5) business days after service upon them of the request for arbitration;

(iii) The hearing may be informal in nature provided the arbitrator adopts a hearing procedure that reasonably affords each party to the arbitration an opportunity to be heard;

(iv) The arbitrator shall issue written findings and conclusions within sixty (60) days of the appointment of the arbitrator, unless such time is extended by the written stipulation of the parties or upon a finding by the arbitrator that additional time is reasonably required;

(v) The costs of arbitration and the fees of the arbitrator shall be paid one-half (1/2) by the tenants and one-half (1/2) by the marina owner.

(4) Except as provided herein, rental increases shall be uniform throughout the floating home marina. Notwithstanding the foregoing provision:

(a) When rents within a floating home marina are structured by reason of slip or floating home size, amenities, slip location or otherwise, rental increases shall be uniform among all floating homes in the same rent tier; and

(b) A rental agreement may include an escalation clause for a pro rata share of any increase or decrease in the floating home marina's property taxes, utility assessments or other services as included in the monthly rental charge, after the effective date of such a change.

(3~~5~~) No fees may be charged except for rent, services and utilities actually provided.

(4~~6~~) No fees can be charged for services unless the services are listed in the rental agreement or unless ninety (90) days' notice is given.

(5~~7~~) A tenant shall not be charged a fee for the enforcement of any of the rules and regulations of the floating home marina, except as pro-

vided in the rental agreement or rules and regulations of the floating home marina.

(~~6~~8) Unless the tenant specifically requests the service from the landlord in writing, a tenant shall not be charged a fee for entry, installation, hookup or improvements as a condition of tenancy except for an actual fee or cost imposed by a local governmental ordinance or requirement directly related to the occupancy of the specific moorage site where the floating home is located and incurred as a portion of the development of the floating home marina as a whole. However, reasonable improvements and maintenance requirements may be included in the floating home marina rules and regulations. The landlord shall not require a tenant or prospective tenant to purchase, rent or lease goods or services for improvements from any person, company or corporation.

(~~7~~9) Where the landlord provides master meter utilities to a tenant, the cost of the utilities must be separately stated each billing period along with the opening and closing meter readings. The landlord must also post the current rates charged by the utility in at least one (1) conspicuous place in the floating home marina.

(~~8~~10) The landlord shall maintain year round facilities for garbage and trash disposal from the floating home marina.

(~~9~~11) The landlord shall maintain entry lights and common area lighting, if any, in good working order.

(~~10~~2) The landlord shall not prevent the ingress or egress to watercraft moorage contained within a floating home.

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, 2008.

CHAPTER 304
(S.B. No. 1441)

AN ACT

RELATING TO UNIFORMITY OF FIREARMS REGULATION; REPEALING SECTIONS 31-872 AND 50-343, IDAHO CODE, RELATING TO REGULATION OF FIREARMS BY COUNTIES AND CITIES; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3302J, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE FOR PREEMPTION OF ALL REGULATION OF FIREARMS BY A COUNTY, CITY, AGENCY, BOARD OR ANY OTHER POLITICAL SUBDIVISION OF THIS STATE WITH EXCEPTIONS, TO PROVIDE FOR APPLICATION AND PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Sections 31-872 and 50-343, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Chapter 33, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-3302J, Idaho Code, and to read as follows:

18-3302J. PREEMPTION OF FIREARMS REGULATION. (1) The legislature finds that uniform laws regulating firearms are necessary to protect the individual citizen's right to bear arms guaranteed by amendment 2 of the United States Constitution and section 11, article I of the constitution of the state of Idaho. It is the legislature's intent to wholly occupy the field of firearms regulation within this state.

(2) Except as expressly authorized by state statute, no county, city, agency, board or any other political subdivision of this state may adopt or enforce any law, rule, regulation, or ordinance which regulates in any manner the sale, acquisition, transfer, ownership, possession, transportation, carrying or storage of firearms or any element relating to firearms and components thereof, including ammunition.

(3) A county may adopt ordinances to regulate, restrict or prohibit the discharge of firearms within its boundaries. Ordinances adopted under this subsection may not apply to or affect:

(a) A person discharging a firearm in the lawful defense of person or persons or property;

(b) A person discharging a firearm in the course of lawful hunting;

(c) A landowner and guests of the landowner discharging a firearm, when the discharge will not endanger persons or property;

(d) A person lawfully discharging a firearm on a sport shooting range as defined in section 55-2604, Idaho Code; or

(e) A person discharging a firearm in the course of target shooting on public land if the discharge will not endanger persons or property.

(4) A city may adopt ordinances to regulate, restrict or prohibit the discharge of firearms within its boundaries. Ordinances adopted under this subsection may not apply to or affect:

(a) A person discharging a firearm in the lawful defense of person or persons or property; or

(b) A person lawfully discharging a firearm on a sport shooting range as defined in section 55-2604, Idaho Code.

(5) This section shall not be construed to affect:

(a) The authority of the department of fish and game to make rules or regulations concerning the management of any wildlife of this state, as set forth in section 36-104, Idaho Code;

(b) The authority of counties and cities to regulate the location and construction of sport shooting ranges, subject to the limitations contained in chapter 26, title 55, Idaho Code; and

(c) The authority of the board of regents of the university of Idaho, the boards of trustees of the state colleges and universities, the board of professional-technical education and the boards of trustees of each of the community colleges established under chapter 21, title 33, Idaho Code, to regulate in matters relating to firearms.

(6) The provisions of this section are hereby declared to be severable. And if any provision is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this section.

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 28, 2008.

CHAPTER 305
(S.B. No. 1443)

AN ACT

RELATING TO POWERS AND DUTIES OF BOARDS OF TRUSTEES OF SCHOOL DISTRICTS; AMENDING SECTION 33-520, IDAHO CODE, TO PROVIDE THAT SCHOOL DISTRICT BOARDS OF TRUSTEES SHALL ADOPT POLICIES PERMITTING THE SELF-ADMINISTRATION OF MEDICATION, ADMINISTERED BY WAY OF AN EPINEPHRINE AUTO-INJECTOR, BY PUPILS.

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

SECTION 1. That Section 33-520, Idaho Code, be, and the same is hereby amended to read as follows:

33-520. POLICY GOVERNING MEDICAL INHALERS OR EPINEPHRINE AUTO-INJECTORS. (1) The board of trustees of each school district, including charter districts, shall adopt a policy by September 1, 2004~~8~~, permitting the self-administration of medication administered by way of a metered-dose inhaler by a pupil for asthma or other potentially life-threatening respiratory illness or by way of an epinephrine auto-injector for severe allergic reaction (anaphylaxis).

(2) As used in this section:

(a) "Medication" means an epinephrine auto-injector, a metered-dose inhaler or a dry powder inhaler ~~to alleviate asthmatic symptoms,~~ prescribed by a physician and having an individual label; and

(b) "Self-administration" means a student's use of medication pursuant to prescription or written direction from a physician.

(3) A student who is permitted to self-administer ~~asthma~~ medication pursuant to this section shall be permitted to possess and use a prescribed inhaler or epinephrine auto-injector at all times.

(4) Nothing in this section shall be construed to prevent a school district from requiring pupils to maintain current duplicate prescription medications with the school nurse or, in the absence of such nurse, with the school administrator.

Approved March 28, 2008.

CHAPTER 306
(S.B. No. 1446)

AN ACT

RELATING TO REPORTING BY LOBBYISTS; AMENDING SECTION 67-6602, IDAHO CODE, TO REVISE DEFINITIONS; REPEALING SECTION 67-6619, IDAHO CODE, RELATING TO REPORTING BY LOBBYISTS; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6619, IDAHO CODE, TO

PROVIDE PROCEDURES, TIMELINES AND CONTENTS REQUIRED FOR REPORTS BY LOBBYISTS TO THE SECRETARY OF STATE; AND AMENDING SECTION 18-1356, IDAHO CODE, TO PROVIDE APPLICATION TO EXECUTIVE OFFICIALS, TO PROVIDE AN EXCEPTION FOR BENEFITS RECEIVED AS A RESULT OF LOBBYING ACTIVITIES THAT ARE DISCLOSED IN REPORTS TO THE SECRETARY OF STATE AND TO PROVIDE NONAPPLICATION.

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

SECTION 1. That Section 67-6602, Idaho Code, be, and the same is hereby amended to read as follows:

67-6602. DEFINITIONS. As used in this chapter, the following terms have the following meanings:

(a) "Candidate" means an individual who has taken affirmative action to seek nomination or election to public office. An individual shall be deemed to have taken affirmative action to seek such nomination or election to public office when he first:

(1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(2) Announces publicly or files for office.

(3) For purposes of this chapter, an incumbent shall be presumed to be a candidate in the subsequent election for his or her office. Contributions received by an incumbent candidate shall not be in excess of the prescribed contribution limits for the subsequent election by which the incumbent candidate's name would first appear on the ballot. An incumbent shall no longer be a candidate for his or her office after the deadline for the filing of a declaration of candidacy to first appear on the ballot for that office has expired.

(b) "Compensation" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to do any of the foregoing, for services rendered or to be rendered, but does not include reimbursement of expenses if such reimbursement does not exceed the amount actually expended for such expenses and is substantiated by an itemization of such expenses.

(c) "Contribution" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, subscription or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution, in support of or in opposition to any candidate, political committee or measure. Such term also includes personal funds or other property of a candidate or members of his household expended or transferred to cover expenditures incurred in support of such candidate but does not include personal funds used to pay the candidate filing fee. Such term also includes the rendering of personal and professional services for less than full consideration, but does not include ordinary home hospitality or the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers or advisors or incidental expenses not in excess of twenty-five dollars ($25.00) personally paid for by any volunteer campaign worker. "Part-time" services for the purposes of this definition, means services in addition to regular full-time employment, or, in the case of an unem-

ployed person or persons engaged in part-time employment, services rendered without compensation or reimbursement of expenses from any source other than the candidate or political committee for whom such services are rendered. For the purposes of this act, contributions, other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution.

(d) "Election" means any general, special or primary election.

(e) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a measure.

(f) (1) "Electioneering communication" means any communication broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, or telephone calls made to personal residences, or otherwise distributed that:

(i) Unambiguously refers to any candidate; and

(ii) Is broadcasted, printed, mailed, delivered, made or distributed within thirty (30) days before a primary election or sixty (60) days before a general election; and

(iii) Is broadcasted to, printed in a newspaper, distributed to, mailed to or delivered by hand to, telephone calls made to, or otherwise distributed to an audience that includes members of the electorate for such public office.

(2) "Electioneering communication" does not include:

(i) Any news articles, editorial endorsements, opinion or commentary, writings, or letter to the editor printed in a newspaper, magazine, or other periodical not owned or controlled by a candidate or political party;

(ii) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(iii) Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;

(iv) Any communication which refers to any candidate only as part of the popular name of a bill or statute;

(v) A communication which constitutes an expenditure or an independent expenditure under this chapter.

(g) "Executive official" means:

(1) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general, ~~and~~ superintendent of public instruction <u>and any deputy or staff member of one (1) of those individuals who, within the course and scope of his or her employment, is directly involved in major policy influencing decisions for the office;</u>

(2) A state department or agency director, deputy director, division administrator or bureau chief as established and enumerated in sections 67-2402 and 67-2406, Idaho Code;

(3) The membership and the executive or chief administrative officer of any board or commission that is authorized to make rules or conduct rulemaking activities pursuant to section 67-5201, Idaho Code;

(4) The membership and the executive or chief administrative officer of any board or commission that governs any of the state departments enumerated in section 67-2402, Idaho Code, not including public school districts;

(5) The membership and the executive or chief administrative officer of the Idaho public utilities commission, the Idaho industrial commission, and the Idaho state tax commission; and

(6) The members of the governing board of the state insurance fund, and the members of the governing board and the executive or chief administrative officer of the Idaho housing and finance association, the Idaho energy resources authority, and the Idaho state building authority.

(h) "Expenditure" includes any payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

(i) "Independent expenditure" means any expenditure by a person for a communication expressly advocating the election, passage or defeat of a clearly identified candidate or measure that is not made with the cooperation or with the prior consent of, or in consultation with, or at the consent of, or in consultation with, or at the request of a suggestion of, a candidate or any agent or authorized committee of the candidate or political committee supporting or opposing a measure. As used in this subsection, "expressly advocating" means any communication containing a message advocating election, passage or defeat including, but not limited to, the name of the candidate or measure, or expression such as "vote for," "elect," "support," "cast your ballot for," "vote against," "defeat" or "reject."

(j) "Lobby" and "lobbying" each means attempting through contacts with, or causing others to make contact with, members of the legislature or legislative committees or an executive official, to influence the approval, modification or rejection of any legislation by the legislature of the state of Idaho or any committee thereof or by the governor~~, and~~ or to develop or maintain relationships with, promote goodwill with, or entertain members of the legislature or executive officials. "Lobby" and "lobbying" shall also mean communicating with an executive official for the purpose of influencing the consideration, amendment, adoption or rejection of any rule or rulemaking as defined in section 67-5201, Idaho Code, or any ratemaking decision, procurement, contract, bid or bid process, financial services agreement, or bond issue. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization; and provided that neither "lobby" nor "lobbying" includes communicating with an executive official for the purpose of carrying out ongoing negotiations following the award of a bid or a contract, communications involving ongoing legal work and negotiations conducted by and with attorneys for executive agencies, interactions between parties in litigation or other contested matters, or communications among and between members of the legislature and executive officials and their employees, or by state

employees while acting in their official capacity or within the course and scope of their employment.

(k) "Lobbyist" includes any person who lobbies.

(l) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed, directly or indirectly, and all persons by whom he is compensated for acting as a lobbyist.

(m) "Measure" means any proposal, to be voted statewide, submitted to the people for their approval or rejection at an election, including any initiative, referendum or revision of or amendment to the state constitution. An initiative or referendum proposal shall be deemed a measure when the attorney general reviews it and gives it a ballot title.

(n) "Nonbusiness entity" means any group (of two (2) or more individuals), corporation, association, firm, partnership, committee, club or other organization which:

(1) Does not have as its principal purpose the conduct of business activities for profit; and

(2) Received during the preceding calendar year contributions, gifts or membership fees, which in the aggregate exceeded ten percent (10%) of its total receipts for such year.

(o) "Person" means an individual, corporation, association, firm, partnership, committee, political party, club or other organization or group of persons.

(p) "Political committee" means:

(1) Any person specifically designated to support or oppose any candidate or measure; or

(2) Any person who receives contributions and makes expenditures in an amount exceeding five hundred dollars ($500) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures. Any entity registered with the federal election commission shall not be considered a political committee for purposes of this chapter.

(3) A county, district or regional committee of a recognized political party shall not be considered a political committee for the purposes of this chapter unless such party committee has expenditures exceeding five thousand dollars ($5,000) in a calendar year.

(q) "Political treasurer" means an individual appointed by a candidate or political committee as provided in section 67-6603, Idaho Code.

(r) "Public office" means any state office or position, state senator, state representative, and judge of the district court that is filled by election.

SECTION 2. That Section 67-6619, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 66, 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 67-6619, Idaho Code, and to read as follows:

67-6619. REPORTING BY LOBBYISTS. (1) Any lobbyist registered under section 67-6617, Idaho Code, shall file with the secretary of state an annual report of his lobbying activities signed by both the lobbyist and the lobbyist's employer or employers. The reports shall be made in the form and manner prescribed by the secretary of state and shall be filed on January 31 of each year. In addition to the annual report, while the

legislature is in session, every registered lobbyist shall file interim monthly periodic reports for each month or portion thereof that the legislature is in session, which reports need to be signed only by the lobbyist and which shall be filed within fifteen (15) days of the first day of the month for the activities of the month just past, provided however, that any lobbyist covered under this chapter whose lobbying activities are confined only to executive officials shall be required to file interim periodic reports semiannually on January 31 and July 31, which reports need to be signed by the lobbyist and the lobbyist's employer or employers.

(2) Each annual, semiannual and monthly periodic report shall contain:

(a) The total of all expenditures made or incurred on behalf of such lobbyist by the lobbyist's employer or employers, not including payments made directly to the lobbyist, during the period covered by the report. The totals shall be segregated according to financial category including, but not limited to: entertainment, food and refreshment, honoraria, travel, lodging, advertising and other like expenditures. Reimbursed personal living and travel expenses of a lobbyist made or incurred directly or indirectly for any lobbying purpose need not be reported.

(b) The name of any legislator or executive official to whom or for whose benefit on any one (1) occasion, an expenditure in excess of: (i) seventy-five dollars ($75.00) per person from 2008 through December 31, 2010, and (ii) in excess of one hundred dollars ($100) per person on and after January 1, 2011, for the purpose of lobbying, is made or incurred and the date, name of payee, purpose and amount of such expenditure. Expenditures for the benefit of the members of the household of a legislator or executive official shall also be itemized if such expenditure exceeds the amount listed in this subsection.

(c) In the case of a lobbyist employed by more than one (1) employer, the proportionate amount of such expenditures in each category made or incurred on behalf of each of his employers.

(d) The subject matter of proposed legislation and the number of each senate or house bill, resolution, memorial or other legislative activity or any rule, ratemaking decision, procurement, contract, bid or bid process, financial services agreement or bond in which the lobbyist has been engaged in supporting or opposing during the reporting period; provided that in the case of appropriations bills, the lobbyist shall enumerate the specific section or sections which he supported or opposed.

(e) The itemization threshold in subsection (2)(b) of this section shall be adjusted biennially by directive of the secretary of state, using consumer price index data compiled by the United States department of labor.

SECTION 4. That Section 18-1356, Idaho Code, be, and the same is hereby amended to read as follows:

18-1356. GIFTS TO PUBLIC SERVANTS BY PERSONS SUBJECT TO THEIR JURISDICTION. (1) Regulatory and law enforcement officials. No public servant in any department or agency exercising regulatory functions, or conducting inspections or investigations, or carrying on civil or crimi-

nal litigation on behalf of the government, or having custody of prisoners, shall solicit, accept or agree to accept any pecuniary benefit from a person known to be subject to such regulation, inspection, investigation or custody, or against whom such litigation is known to be pending or contemplated.

(2) Officials concerned with government contracts and pecuniary transactions. No public servant having any discretionary function to perform in connection with contracts, purchases, payments, claims or other pecuniary transactions of the government shall solicit, accept or agree to accept any pecuniary benefit from any person known to be interested in or likely to become interested in any such contract, purchase, payment, claim or transaction.

(3) Judicial and administrative officials. No public servant having judicial or administrative authority and no public servant employed by or in a court or other tribunal having such authority, or participating in the enforcement of its decisions, shall solicit, accept or agree to accept any pecuniary benefit from a person known to be interested in or likely to become interested in any matter before such public servant or a tribunal with which he is associated.

(4) Legislative and executive officials. No legislator or public servant ~~employed by the legislature or by any committee or agency thereof~~ shall solicit, accept or agree to accept any pecuniary benefit in return for action on a bill, legislation, proceeding or official transaction from any person known to be interested in a bill, legislation, official transaction or proceeding~~, pending or contemplated before the legislature or any committee or agency thereof~~.

(5) Exceptions. This section shall not apply to:

(a) fees prescribed by law to be received by a public servant, or any other benefit for which the recipient gives legitimate consideration or to which he is otherwise legally entitled; or

(b) gifts or other benefits conferred on account of kinship or other personal, professional or business relationship independent of the official status of the receiver; or

(c) trivial benefits not to exceed a value of fifty dollars ($50.00) incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality; or

(d) benefits received as a result of lobbying activities that are disclosed in reports required by chapter 66, title 67, Idaho Code. This exception shall not apply to any activities prohibited by subsections (1) through (4) of this section.

(6) Offering benefits prohibited. No person shall knowingly confer, or offer or agree to confer, any benefit prohibited by the foregoing subsections.

(7) Grade of offense. An offense under this section is a misdemeanor and shall be punished as provided in this chapter.

Approved March 28, 2008.

CHAPTER 307
(S.B. No. 1450)

AN ACT

RELATING TO SCHOOL DISTRICT REAL AND PERSONAL PROPERTY; AMENDING SECTION 33-601, IDAHO CODE, TO PROVIDE FOR THE TRANSFER OR CONVEYANCE OF ANY REAL OR PERSONAL PROPERTY OWNED BY A SCHOOL DISTRICT TO THE IDAHO HOUSING AND FINANCE ASSOCIATION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-601, Idaho Code, be, and the same is hereby amended to read as follows:

33-601. REAL AND PERSONAL PROPERTY -- ACQUISITION, USE OR DISPOSAL OF SAME. The board of trustees of each school district shall have the following powers and duties:

(1~~.~~) To rent to or from others, school buildings or other property used, or to be used, for school purposes.

(2~~.~~) To contract for the construction, repair, or improvement of any real property, or the acquisition, purchase or repair of any equipment, or other personal property necessary for the operation of the school district.

Except for the purchase of curricular materials as defined in section 33-118A, Idaho Code, such contract shall be executed in accordance with the provisions of chapter 28, title 67, Idaho Code.

(3~~.~~) To designate and purchase any real property necessary for school purposes or in the operation of the district, or remove any building, or dispose of any real property. Prior to, but not more than one (1) year prior to, any purchase or disposal of real property, the board shall have such property appraised by an appraiser certified in the state of Idaho, which appraisal shall be entered in the records of the board of trustees, and shall be used to establish the value of the real property. The board of trustees shall determine the size of the site necessary for school purposes. The site shall be located within the incorporated limits of any city within the district; provided, however, that if the board finds that it is not in the best interests of the electors and the students of the district to locate the site within the incorporated limits of a city, the board, by duly adopted resolution setting forth the reasons for its finding, may designate a site located elsewhere within the district. In elementary school districts, except upon removal for highway purposes, a site may be designated or changed only after approval of two-thirds (2/3) or more of the electors voting at the annual meeting.

(4~~.~~) (a) To convey, except as provided by paragraph (b) of this subsection, by deed, bill of sale, or other appropriate instrument, all of the estate and interest of the district in any property, real or personal. In elementary school districts, except such conveyance as is authorized by subsection (6~~.~~) of this section, any of the transactions authorized in this subsection shall be subject to the approval of two-thirds (2/3) or more of the electors voting at the annual meeting.

Prior to such sale or conveyance, the board shall have the property appraised pursuant to this section, which appraisal shall be entered in the records of the board of trustees. The property may be sold at public auction or by sealed bids, as the board of trustees shall determine, to the highest bidder. Such property may be sold for cash or for such terms and conditions as the board of trustees shall determine for a period not exceeding ten (10) years, with the annual rate of interest on all deferred payments not less than seven percent (7%) per annum. The title to all property sold on contract shall be retained in the name of the school district until full payment has been made by the purchaser, and title to all property sold under a note and mortgage or deed of trust shall be transferred to the purchaser at the point of sale under the terms and conditions of the mortgage or deed of trust as the board of trustees shall determine. Notice of the time and the conditions of such sale shall be published twice, and proof thereof made, in accordance with subsections g. and h. of section 33-402, Idaho Code, except that when the appraised value of the property is less than one thousand dollars ($1,000), one (1) single notice by publication shall be sufficient and the property shall be sold by sealed bids or at public auction.

The board of trustees may accept the highest bid, may reject any bid, or reject all bids. If the real property was donated to the school district the board may, within a period of one (1) year from the time of the appraisal, sell the property without additional advertising or bidding. Otherwise, the board of trustees must have new appraisals made and again publish notice for bids, as before. If, thereafter, no satisfactory bid is made and received, the board may proceed under its own direction to sell and convey the property. In no case shall any real property of the school district be sold for less than its appraisal.

The board of trustees may sell personal property, with an estimated value of less than one thousand dollars ($1,000), without appraisal, by sealed bid or at public auction, provided that there has been not less than one (1) published advertisement prior to the sale of said property. If the property has an estimated value of less than five hundred dollars ($500), the property may be disposed of in the most cost-effective and expedient manner by an employee of the district empowered for that purpose by the board, provided however, such employee shall notify the board prior to disposal of said property.

(b) Real and personal property may be exchanged hereunder for other property. Provided, however, that aside from the provisions of this paragraph, any school district may by a vote of one-half (1/2) plus one (1) of the members of the full board of trustees, by resolution duly adopted, authorize the transfer or conveyance of any real or personal property owned by such school district to the government of the United States, any city, county, the state of Idaho, any hospital district organized under chapter 13, title 39, Idaho Code, any other school district, the Idaho housing and finance association, any library district, any community college district, or any recreation district, with or without any consideration accruing to the school district, when in the judgment of the board of trustees it is for the interest of such school district that said transfer or con-

veyance be made. Prior to any transfer or conveyance of any real or personal property pursuant to this paragraph (4~~.~~)(b), the board shall have the property appraised by an appraiser certified in the state of Idaho, which appraisal shall be entered in the records of the board of trustees, and shall be used to establish the value of the real or personal property.

(5~~.~~) To enter into contracts with any city located within the boundaries of the school district for the joint purchase, construction, development, maintenance and equipping of playgrounds, ball parks, swimming pools, and other recreational facilities upon property owned either by the school district or the city.

(6~~.~~) To convey rights-of-way and easements for highway, public utility, and other purposes over, upon or across any school property and, when necessary to the use of such property for any such purpose, to authorize the removal of school buildings to such new location, or locations, as shall be determined by the board of trustees, and such removal shall be made at no cost or expense to the school district.

(7~~.~~) To authorize the use of any school building of the district as a community center, or for any public purpose, and to establish a policy of charges, if any, to be made for such use.

(8~~.~~) To exercise the right of eminent domain under the provisions of chapter 7, title 7, Idaho Code, for any of the uses and purposes provided in section 7-701, Idaho Code.

(9~~.~~) If there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, or it is necessary to do emergency work to safeguard life, health or property, the board of trustees may pass a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. Upon adoption of the resolution, the board may expend any sum required in the emergency without compliance with this section.

SECTION 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, 2008.

CHAPTER 308
(S.B. No. 1477)

AN ACT
APPROPRIATING MONEYS FOR THE IDAHO WOMEN'S COMMISSION FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Idaho Women's Commission the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General Fund	$18,900	$12,400	$31,300
Miscellaneous Revenue Fund		6,800	6,800
TOTAL	$18,900	$19,200	$38,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho Women's Commission is authorized no more than thirty-six hundredths (0.36) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 28, 2008.

CHAPTER 309
(S.B. No. 1478)

AN ACT

APPROPRIATING MONEYS FOR THE STATE LIQUOR DISPENSARY FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; TRANSFERRING MONEYS FROM THE LIQUOR CONTROL FUND TO THE LIQUOR WAREHOUSE REMODEL FUND; AND DECLARING AN EMERGENCY FOR SECTION 3 OF THIS ACT.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the State Liquor Dispensary the following amounts to be expended according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. DISPENSARY OPERATIONS:				
FROM:				
Liquor Control Fund	$10,272,100	$4,613,900	$ 808,700	$15,694,700
Liquor Warehouse Remodel Fund			3,245,400	3,245,400
TOTAL	$10,272,100	$4,613,900	$4,054,100	$18,940,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the State Liquor Dispensary is authorized no more than one hundred ninety-seven (197) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. On or before June 30, 2008, the State Controller, at the request of the director of the State Liquor Dispensary, shall transfer $3,245,400 from the Liquor Control Fund to the Liquor Warehouse Remodel Fund.

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

Approved March 28, 2008.

CHAPTER 310
(S.B. No. 1488)

AN ACT
APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the 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, 2008, through June 30, 2009:

I. ADMINISTRATION:	
FOR:	
Personnel Costs	$1,901,200
Operating Expenditures	709,500
Capital Outlay	35,800
Trustee and Benefit Payments	60,000
TOTAL	$2,706,500
FROM:	
General Fund	$2,706,500
II. COMMISSION ON UNIFORM LAWS:	
FOR:	
Operating Expenditures	$ 35,100
FROM:	
General Fund	$ 35,100
GRAND TOTAL	$2,741,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of the Secretary of State is authorized no more than thirty-one (31) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 28, 2008.

CHAPTER 311
(H.B. No. 448)

AN ACT

RELATING TO THE IDAHO ESCROW ACT; AMENDING SECTION 30-907, IDAHO CODE, TO CLARIFY GROUNDS FOR LICENSE APPLICATION DENIAL; AMENDING SECTION 30-914, IDAHO CODE, TO REVISE REQUIREMENTS REGARDING TRUST FUND ACCOUNTS; AMENDING SECTION 30-920, IDAHO CODE, TO REVISE REMEDIES; AND REPEALING SECTION 30-935, IDAHO CODE, RELATING TO INITIAL LICENSING AND COMPLIANCE.

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

SECTION 1. That Section 30-907, Idaho Code, be, and the same is hereby amended to read as follows:

30-907. DIRECTOR'S ISSUANCE OR DENIAL OF LICENSE. (1) The director shall receive and act upon all applications for licenses to engage in business as an escrow agency under this chapter. If the director finds that all requirements of statute and rule have been met and all applicable fees paid, and the applicant is not otherwise unqualified for licensure, the director shall issue a license to the applicant.

(2) An application for a license as an escrow agency shall be in writing and filed with the director in such form as is prescribed by the director, shall include such information as the director may reasonably require, and shall be verified on oath by the applicant. Such information shall be updated and filed with the director as necessary to keep the information current. The application for licensure shall be accompanied by an application fee of three hundred fifty dollars ($350). When an application for licensure is denied or withdrawn, the director shall retain all fees paid by the applicant.

(3) An application for an escrow agency license under this chapter may be denied if the director finds that:

(a) The escrow agency's business was or will be formed for any business other than legitimate escrow services, or proposes to use a name that is misleading or in conflict with the name of an existing licensee;

(b) Any incorporator, officer, director, member, general partner, employee or agent of the escrow agency applicant has been:

(i) Convicted of, or received a withheld judgment for, any felony; ~~or a misdemeanor involving dishonesty or moral turpitude;~~ or

(ii) Convicted of, or received a withheld judgment for, a misdemeanor involving dishonesty or moral turpitude; or

(iii) Committed any crime or act involving dishonesty, fraud or deceit, which crime or act is substantially related to the qualifications, functions or duties of a person engaged in an escrow business;

(c) There is no natural person possessing a minimum of three (3) years of supervisory experience in relation to an escrow business supervising each escrow agency office;

(d) The applicant or any officer, director, member, general partner, employee or agent of the applicant has demonstrated lack of fitness to transact escrow business;

(e) The applicant has made any false statement of a material fact in the application for a license; or

(f) The applicant, any officer, director, member, general partner or any person owning or controlling, directly or indirectly, ten percent (10%) or more of the outstanding equity securities of the applicant has violated any provision of this chapter or rules promulgated thereunder, or any similar regulatory scheme in this state or in any foreign jurisdiction.

SECTION 2. That Section 30-914, Idaho Code, be, and the same is hereby amended to read as follows:

30-914. ACCOUNTS TO BE MAINTAINED -- RECORDS OPEN TO INSPECTION -- RETENTION OF RECORDS -- TRUST ACCOUNT -- INTEREST ON ESCROW ACCOUNTS. (1) Each licensee shall maintain sufficient books, accounts and records readily accessible to the department for the department to determine at any time the licensee's financial condition, what duties and responsibilities the licensee has undertaken to perform and whether it is properly performing all such duties, and any other information considered necessary by the director to determine whether the licensee is operating in a safe, competent and lawful manner. The books, records and accounts shall be maintained in accordance with generally accepted accounting principles and sound business practice.

(2) For each individual escrow account, the licensee shall maintain the escrow agreement and all amendments, all instructions affecting the agreement, all related correspondence, and an individual ledger reflecting all activity pertinent to that account.

(3) Each licensee shall continuously maintain the following general accounts:

(a) A general ledger reflecting assets, liabilities, income, expenses and equity accounts;

(b) An escrow liability control ledger for all escrow accounts;

(c) A cash receipts and disbursements journal; and

(d) Copies of all receipts and disbursements used as a medium of posting to individual escrow accounts.

(4) (a) Every licensee shall keep a separate escrow trust fund account established at a financial institution ~~located in Idaho~~ approved by the director, in which shall be kept separate, distinct and apart and segregated from the licensee's own funds, all funds or moneys of clients which are being held in trust by the licensee pending the closing of an escrow transaction or the full performance of the escrow agreement. All trust funds shall be deposited not later than the first banking day following receipt thereof. Such funds, when deposited, shall be designated as "escrow accounts" or given some other appropriate designation indicating that the funds are not the funds of the licensee.

(b) Every licensee shall maintain all other assets or property received pursuant to an escrow in accordance with a written escrow agreement in a manner which will reasonably preserve and protect the property from loss, theft or damage, and which will otherwise comply with all duties and responsibilities of a fiduciary or bailee generally.

(5) The records referenced in this section shall be reconciled at least monthly.

(6) All records referenced in this section shall be maintained by the licensee for seven (7) years following the close of each account.

(7) Any interest received on funds deposited with an escrow agency in connection with an escrow must be paid over to the depositing party to the escrow and may not be transferred to an account of the escrow agency. This section shall not limit the right of the escrow agency to contract with the depositing party with respect to the interest received on the deposits by independent agreement.

SECTION 3. That Section 30-920, Idaho Code, be, and the same is hereby amended to read as follows:

30-920. REMEDIES. (1) Whenever it appears to the director that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order thereunder, is conducting its business in an unsafe and injurious manner, or that its capital or assets are impaired, the director may in his discretion:

(a) Order the person to cease and desist from the violation of any provision of this chapter, rule or order thereunder;

(b) Issue an order revoking or suspending the licensee's escrow agency license;

(c) After notice and the opportunity for a hearing, except as otherwise provided in this chapter, issue an order imposing a civil penalty not to exceed five thousand dollars ($5,000) for each violation of this chapter or any rule or order thereunder;

(d) After notice and the opportunity for a hearing, issue an order of restitution to any person for loss of money or property resulting from a violation of this chapter; and

(e) Issue an order, pursuant to section 67-5247, Idaho Code, impounding the accounts, including all operating and trust accounts, of any licensee or person required to be licensed under this chapter.

(2) In addition to such remedies, the director may bring an action in the fourth district court in and for Ada county or in such other court as the director deems appropriate. Upon a proper showing, the court may:

(a) ~~Grant~~ Issue a permanent or temporary injunction, restraining order, ~~followed by a preliminary injunction and a permanent injunction for the department or receiver to exercise control of, operate or liquidate an escrow agency's business in this state, or such other injunctive relief as appropriate; and~~ or declaratory judgment;

(b) Order other appropriate or ancillary relief, which may include:

(i) An asset freeze, accounting, writ of attachment, writ of general or specific execution, and appointment of a receiver or conservator, that may be the director, for the defendant or the defendant's assets;

(ii) Ordering the director to take charge and control of a defendant's property, including investment accounts and accounts in a financial institution, rents and profits; to collect debts; and to acquire and dispose of property;

(c) Issue an order of restitution to any person for loss of money or property resulting from a violation of this chapter; and

(d) Except as otherwise provided by this chapter, impose a civil penalty not to exceed five thousand dollars ($5,000) for each violation.

(3) The court may not require the director to post a bond.

SECTION 4. That Section 30-935, Idaho Code, be, and the same is hereby repealed.

Approved March 31, 2008.

CHAPTER 312
(H.B. No. 449)

AN ACT

RELATING TO REGULATED LENDERS; AMENDING SECTION 28-46-301, IDAHO CODE, TO EXEMPT LENDERS FROM LICENSING REQUIREMENTS IN CERTAIN SITUATIONS; AND AMENDING SECTION 28-46-302, IDAHO CODE, TO DELETE A PROVISION REGARDING DUAL LICENSES AND TO REVISE RESTRICTIONS ON BUSINESS LOCATIONS.

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

SECTION 1. That Section 28-46-301, Idaho Code, be, and the same is hereby amended to read as follows:

28-46-301. AUTHORITY TO MAKE REGULATED CONSUMER LOANS. (1) The administrator shall receive and act on all applications for licenses to make regulated consumer loans under this act. Applications shall be filed in the manner prescribed by the administrator and shall contain such information as the administrator may reasonably require. Unless a person is exempt under federal law or under this section or has first obtained a license from the administrator authorizing him to make regulated consumer loans, he shall not engage in the business of:

(a) Making regulated consumer loans; or

(b) Taking assignments of and undertaking direct collection of payments from or enforcement of rights against debtors arising from regulated consumer loans.

(2) Any "supervised financial organization," as defined in section 28-41-301(45), Idaho Code, or any person organized, chartered, or holding an authorization certificate under the laws of another state to engage in making loans and receiving deposits, including a savings, share, certificate, or deposit account and who is subject to supervision by an official or agency of the other state, shall be exempt from the licensing requirements of this section.

(3) Mortgage lenders licensed under the Idaho residential mortgage practices act, chapter 31, title 26, Idaho Code, shall be exempt from the licensing requirements of this section as to mortgage lending activities defined in chapter 31, title 26, Idaho Code.

SECTION 2. That Section 28-46-302, Idaho Code, be, and the same is hereby amended to read as follows:

28-46-302. LICENSE TO MAKE REGULATED CONSUMER LOANS. (1) The administrator shall receive and act on all applications for a license to do business as a regulated lender. Applications shall be filed in the manner prescribed by the administrator, shall contain such information as the administrator may reasonably require, shall be updated as necessary to keep the information current, and shall be accompanied by an application fee of three hundred fifty dollars ($350). When an application for licensure is denied or withdrawn, the administrator shall retain all fees paid by the applicant. The administrator may deny an application for a license if the administrator finds that:

(a) The financial responsibility, character, and fitness of the applicant, and of the officers and directors thereof (if the applicant is a corporation) are not such as to warrant belief that the business will be operated honestly and fairly within the purposes of this act;

(b) The applicant does not maintain at least thirty thousand dollars ($30,000) in liquid assets, as determined in accordance with generally accepted accounting principles, available for the purpose of making loans under this chapter;

(c) The applicant has had a license, substantially equivalent to a license under this chapter and issued by any state, denied, revoked or suspended under the law of such state;

(d) The applicant has filed an application for a license which is false or misleading with respect to any material fact;

(e) The application does not contain all of the information required by the administrator; or

(f) The application is not accompanied by an application fee of three hundred fifty dollars ($350).

(2) A licensee under this chapter shall meet the requirements of subsection (1) of this section at all times while licensed pursuant to this chapter. The administrator is empowered to conduct investigations as he may deem necessary, to enable him to determine the existence of the requirements set out in subsection (1) of this section.

(3) ~~The director may issue a license under this act to a mortgage lender licensed under chapter 31, title 26, Idaho Code, and who is engaged in the business described in subsection (1)(a) or (b) of section 28-46-301, Idaho Code. All provisions of this act, except subsections (1) and (2) of this section, shall apply to persons seeking a license pursuant to this subsection.~~

~~(4)~~ Upon written request, the applicant is entitled to a hearing on the question of his qualifications for a license if:

(a) The administrator has notified the applicant in writing that his application has been denied, or objections filed; or

(b) The administrator has not issued a license within sixty (60) days after the application for the license was filed.

If a hearing is held, the applicant and those filing objections shall reimburse, pro rata, the administrator for his reasonable and necessary expenses incurred as a result of the hearing. A request for a hearing may not be made more than fifteen (15) days after the administrator has mailed a writing to the applicant notifying him that the application has been denied and stating in substance the administrator's finding supporting denial of the application or that objections have been filed and the substance thereof.

(~~5~~4) The administrator may issue additional licenses to the same

licensee upon application by the licensee, in the manner prescribed by the administrator, and payment of the required application fee. A separate license shall be required for each place of business. Each license shall remain in full force and effect unless the licensee does not satisfy the renewal requirements of subsection (~~8~~7) of this section, or the license is relinquished, suspended or revoked.

(~~6~~5) No licensee shall change the location of any place of business, or consolidate, or close any locations, without giving the administrator at least fifteen (15) days' prior written notice. ~~No licensee shall change the location of any of his places of business to a location more than five (5) miles from the original location or outside the original municipality, if any.~~

(~~7~~6) A licensee shall not engage in the business of making regulated consumer loans at any place of business for which he does not hold a license nor shall he engage in business under any other name than that in the license.

(~~8~~7) On or before May 31 of each year, every licensee under this chapter shall pay a nonrefundable annual license renewal fee of one hundred fifty dollars ($150) per licensed location, and shall file with the administrator a renewal form containing such information as the administrator may require.

Approved March 31, 2008.

CHAPTER 313
(H.B. No. 450)

AN ACT

RELATING TO RESIDENTIAL MORTGAGE BROKERS; AMENDING SECTION 26-3102, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 26-3105, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 26-3108, IDAHO CODE, TO REVISE A PROVISION RELATING TO DENIAL OF MORTGAGE BROKER OR MORTGAGE LENDER LICENSE APPLICATIONS, TO ADD A PROVISION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF FINANCE TO ADOPT RULES RELATING TO PREREQUISITES FOR CERTAIN LICENSES; AMENDING SECTION 26-3108A, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS, TO DELETE PROVISIONS RELATING TO LOAN ORIGINATORS' ORIGINAL LICENSES AND DISPLAY OF LICENSES AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 26-3110, IDAHO CODE, TO DELETE A PROVISION REQUIRING LOAN ORIGINATOR LICENSEES TO MAINTAIN SURETY BONDS AND TO REVISE A PROVISION RELATING TO MORTGAGE BROKERS OR MORTGAGE LENDERS AND BOND FORFEITURE; AMENDING SECTION 26-3111, IDAHO CODE, TO REVISE THE LICENSE RENEWAL DATE AND ANNUAL REPORT FILING DATE FOR MORTGAGE BROKER AND MORTGAGE LENDER LICENSEES AND TO REVISE THE LICENSE RENEWAL DATE FOR LOAN ORIGINATOR LICENSEES; AND REPEALING SECTION 26-3116, IDAHO CODE, RELATING TO INITIAL LICENSING AND COMPLIANCE FOR THOSE ENGAGED IN MORTGAGE LENDING ACTIVITIES AND MORTGAGE BROKERING ACTIVITIES AND SECTION 26-3116A, IDAHO CODE, RELATING TO INITIAL LOAN ORIGINATOR LICENSING.

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

SECTION 1. That Section 26-3102, Idaho Code, be, and the same is hereby amended to read as follows:

26-3102. DEFINITIONS. As used in this chapter and in rules promulgated pursuant to this chapter:

(1) "Act" means this Idaho residential mortgage practices act.

(2) "Agent" means a person who acts with the consent and on behalf of a licensee, and is subject to the licensee's direct or indirect control, and may include an independent contractor.

(3) "Borrower" means the person who has applied for a residential mortgage loan from a licensee, or person required to be licensed, under this chapter, or on whose behalf the activities set forth in subsection (18), (19), or (20) of this section are conducted.

(4) "Department" means the department of finance of the state of Idaho.

(5) "Director" means the director of the department of finance.

(6) "Licensee" means a person licensed pursuant to this chapter to engage in the activities regulated by this act.

(7) "Mortgage lender" means any person, other than an exempt person, who makes residential mortgage loans to borrowers, and performs the activities described in subsection (18) of this section.

(8) "Mortgage broker" means any person, other than an exempt person, who performs the activities described in subsection (19) of this section with respect to a residential mortgage loan. For the purposes of this chapter, the term "mortgage broker" does not include persons who are mortgage lenders.

(9) "Loan originator" means any person, other than an exempt person, who performs the activities described in subsection (20) of this section with respect to a residential mortgage loan. For the purposes of this chapter, the term "loan originator" does not include persons who are mortgage brokers or mortgage lenders.

(10) "Mortgage brokerage agreement" means a written agreement in which a mortgage broker agrees to obtain a residential mortgage loan for the borrower or assist the borrower in obtaining a residential mortgage loan.

(11) "Person" means an individual, sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or other association of individuals, however organized.

(12) "Real estate settlement procedures act" means the act set forth in 12 U.S.C. section 2601 et seq., as ~~amended to and including January 1, 2005, or a subsequent date if so defined~~ identified by administrative rule.

(13) "Regulation X" means regulation X as promulgated by the U.S. department of housing and urban development and codified in 24 CFR part 3500 et seq., as ~~amended to and including January 1, 2005, or a subsequent date if so defined~~ identified by administrative rule.

(14) "Regulation Z" means regulation Z as promulgated by the board of governors of the federal reserve system and codified in 12 CFR part 226 et seq., as ~~amended to and including January 1, 2005, or a subsequent date if so defined~~ identified by administrative rule.

(15) "Residential mortgage loan" means a loan ~~made primarily for personal, family, or household use and~~ primarily secured by a security interest on residential real property located in this state.

(16) "Residential real property" means real property located in this state improved by a one (1) to four (4) family dwelling.

(17) "Truth in lending act" means the act set forth in 15 U.S.C. section 1601 et seq., as ~~amended to and including January 1, 2005, or a subsequent date if so defined~~ identified by administrative rule.

(18) "Mortgage lending activities" means for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly, accepting or offering to accept applications for residential mortgage loans, assisting or offering to assist in the preparation of an application for a residential mortgage loan.

(19) "Mortgage brokering activities" means for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly, accepting or offering to accept an application for a residential mortgage loan, assisting or offering to assist in the preparation of an application for a residential mortgage loan on behalf of a borrower, or negotiating or offering to negotiate the terms or conditions of a residential mortgage loan with any person making residential mortgage loans.

(20) "Loan origination activities" means for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly, engaging in any of the following activities while representing or acting on behalf of a mortgage broker or mortgage lender:

(a) Soliciting, accepting, or offering to accept an application for a residential mortgage loan;

(b) Assisting a borrower or offering to assist a borrower in the preparation of a residential mortgage loan application; or

(c) Negotiating or offering to negotiate the terms or conditions of a residential mortgage loan with a borrower.

SECTION 2. That Section 26-3105, Idaho Code, be, and the same is hereby amended to read as follows:

26-3105. POWERS AND DUTIES OF DIRECTOR. (1) In addition to any other duties imposed upon the director by law, the director shall:

(a) Administer and enforce the provisions and requirements of this chapter;

(b) Conduct investigations and issue subpoenas as necessary to determine whether a person has violated any provision of this chapter or rules promulgated under the authority of this chapter;

(c) Conduct examinations of the books and records of licensees and conduct investigations as necessary and proper for the enforcement of the provisions of this chapter and the rules promulgated under the authority of this chapter;

(d) Appoint a volunteer advisory board which shall consist of two (2) individuals who are mortgage lenders and two (2) individuals who are mortgage brokers;

(e) Pursuant to chapter 52, title 67, Idaho Code, issue orders and promulgate rules that, in the opinion of the director, are necessary to execute, enforce and effectuate the purposes of this chapter;

(f) Be authorized to set, by annual written notification to licensees, limits on the fees and charges which are set forth in subsections (1) and (2) of section 26-3113, Idaho Code;

(g) Require that all funds collected by the department under this chapter be deposited into the finance administrative account pursuant to section 67-2702, Idaho Code; and

(h) Review and approve forms used by licensees prior to their use as prescribed by the director.

(2) The legislature has determined that a uniform multistate administration of an automated licensing system for mortgage brokers, mortgage lenders and individual mortgage loan originators is consistent with both the public interest and the purposes of this chapter; therefore, for the sole purpose of participating in the establishment and implementation of a multistate automated licensing system for mortgage brokers, mortgage lenders and individual mortgage loan originators, the director is authorized:

(a) To modify by rule the license renewal dates set forth in section 26-3111(3) and (~~4~~5), Idaho Code;

(b) To establish by rule such new requirements as are necessary for the state of Idaho to participate in a multistate automated licensing system upon the director's finding that each new requirement is consistent with both the public interest and the purposes of this chapter; and

(c) To require a background investigation of each applicant for a mortgage broker, mortgage lender or loan originator license by means of fingerprint checks by the Idaho state police and the FBI for state and national criminal history record checks, commencing at such time as Idaho joins a multistate automated licensing system for mortgage brokers, mortgage lenders and individual mortgage loan originators pursuant to this subsection (2). The information obtained thereby may be used by the director to determine the applicant's eligibility for licensing under this chapter. The fee required to perform the criminal history record check shall be borne by the license applicant. Information obtained or held by the director pursuant to this subsection (2) shall be considered confidential personal information and shall be exempt from disclosure pursuant to section 9-340C(8) and (9), Idaho Code.

(3) Nothing in subsection (2) of this section shall authorize the director to require any individual or person exempt under section 26-3103, Idaho Code, or employees or agents of any such exempt individual or person, to submit information to, or to participate in, the uniform multistate licensing system.

SECTION 3. That Section 26-3108, Idaho Code, be, and the same is hereby amended to read as follows:

26-3108. LICENSE TO DO BUSINESS AS A MORTGAGE BROKER OR MORTGAGE LENDER. (1) The director shall receive and act on all applications for licenses to do business as a mortgage broker or mortgage lender. Applications shall be filed in the manner prescribed by the director, shall contain such information as the director may reasonably require, shall be updated as necessary to keep the information current, and shall be accompanied by an application fee of three hundred fifty dollars ($350). When an application for licensure is denied or withdrawn, the director shall retain all fees paid by the applicant.

(2) An application for license may be denied if the director finds that:

(a) The financial responsibility, character, and fitness of the license applicant, ~~and~~ or of the officers and directors thereof, if the applicant is a corporation, partners thereof if the applicant is

a partnership, members or managers thereof if the applicant is a limited liability company, and individuals designated in charge of the applicant's places of business, are not such as to warrant belief that the business will be operated honestly and fairly within the purposes of this chapter;

(b) The individual designated in charge of applicant's places of business does not have a minimum of three (3) years' experience in residential mortgage lending;

(c) The applicant has been convicted of any felony, or a misdemeanor involving any aspect of the financial services business, or a court has accepted a finding of guilt on the part of the applicant of any felony, or a misdemeanor involving any aspect of the financial services business;

(d) The applicant has had a license, substantially equivalent to a license under this chapter and issued by any state, denied, revoked or suspended under the law of such state;

(e) The applicant has filed an application for a license which is false or misleading with respect to any material fact;

(f) The applicant or any partner, officer, director, manager, member, employee or agent of the applicant has violated this chapter or any rule or order lawfully made pursuant to this chapter;

(g) The applicant or any partner, officer, director, manager, member, employee or agent of the applicant has violated any state or federal law, rule or regulation pertaining to the financial services industry; or

(h) The applicant has not provided information on the application as reasonably required by the director pursuant to subsection (1) of this section.

(3) The director is empowered to conduct investigations as he may deem necessary, to enable him to determine the existence of the requirements set out in subsection (2) of this section.

(4) The director may adopt rules to require, as a prerequisite to licensure, testing of loan originator license applicants and sole proprietor mortgage broker or mortgage lender license applicants who intend to engage in this state in the activities set forth in section 26-3102(20)(a), (b) or (c), Idaho Code.

(5) Upon written request, an applicant is entitled to a hearing on the question of his qualifications for a license if:

(a) The director has notified the applicant in writing that his application has been denied, or objections filed;

(b) The director has not issued a license within sixty (60) days after the application for the license was filed. If a hearing is held, the applicant and those filing objections shall reimburse, pro rata, the director for his reasonable and necessary expenses incurred as a result of the hearing. A request for hearing may not be made more than fifteen (15) days after the director has mailed a writing to the applicant notifying him that the application has been denied and stating in substance the director's finding supporting denial of the application or that objections have been filed and the substance thereof.

(56) Every licensee under this section shall maintain a home office licensed under this chapter as the licensee's principal location for the transaction of mortgage business. The director may, on application, issue additional branch licenses to the same licensee upon compliance

with all the provisions of this chapter governing the issuance of a single license. A separate license shall be required for each place of business from which mortgage brokering activities or mortgage lending activities are directly or indirectly conducted. The individual in charge of each place of business must satisfy the requirements of subsections (2)(b), (c) and (d) of this section. Each license under this section shall remain in full force and effect unless the licensee does not satisfy the renewal requirements of section 26-3111(3), Idaho Code, or the license is relinquished, suspended, or revoked; provided however, branch licenses shall be terminated upon the relinquishment or revocation of a home office license.

(6~~7~~) No licensee under this section shall change the location of any place of business, consolidate two (2) or more locations, or close any home office location, without giving the director at least fifteen (15) days' prior written notice. A licensee under this section shall give written notice to the director within three (3) business days of the closure of any branch location licensed under this chapter. Written notice of the closure of a home or branch office location shall include a detailed explanation of the disposition of all loan applications pending at the time of closure of the licensed location.

(7~~8~~) No licensee under this section shall engage in the business of making or brokering residential mortgage loans at any place of business for which he does not hold a license nor shall he engage in business under any other name than that on the license.

(8~~9~~) The director may suspend action upon a mortgage broker or mortgage lender license application pending resolution of any criminal charges before any court of competent jurisdiction against an applicant which could disqualify that applicant if convicted.

(9~~10~~) The director may suspend action upon a mortgage broker or mortgage lender license application pending resolution of any civil action or administrative proceeding against an applicant in which the civil action or administrative proceeding involves any aspect of a financial service business and the outcome of which could disqualify the applicant.

(10~~1~~) An applicant under this section shall make complete disclosure of all information required in the application, including information concerning officers, directors, partners, members, managers, employees or agents. An applicant, or an individual acting on behalf of the applicant, is not liable in any civil action other than a civil action brought by a governmental agency, related to an alleged untrue statement made pursuant to this section unless it is shown by clear and convincing evidence that:

(a) The applicant, or an individual acting on behalf of the applicant, knew at the time that the statement was made that it was false in any material respect; or

(b) The applicant, or an individual acting on behalf of the applicant, acted in reckless disregard as to the statement's truth or falsity.

(1~~1~~2) Each mortgage broker or mortgage lender licensed under this chapter shall display in plain view the certificate of licensure issued by the department in its principal office and in each branch office.

SECTION 4. That Section 26-3108A, Idaho Code, be, and the same is hereby amended to read as follows:

26-3108A. LICENSE TO DO BUSINESS AS A LOAN ORIGINATOR. (1) The director shall receive and act on all loan originator license applications. Applications shall be filed in the manner prescribed by the director, shall contain such information as the director may reasonably require, shall be updated as necessary to keep the information current, and shall be accompanied by an application fee of two hundred dollars ($200). When an application for licensure is denied or withdrawn, the director shall retain all fees paid by the applicant.

(2) An application for license may be denied if the director finds that:

(a) The financial responsibility, character, and fitness of the license applicant are not such as to warrant belief that the loan originator will operate honestly and fairly within the purposes of this chapter;

(b) The applicant has been convicted of any felony, or a misdemeanor involving any aspect of the financial services business, or a court has accepted a finding of guilt on the part of the applicant of any felony, or a misdemeanor involving any aspect of the financial services business;

(c) The applicant has had a license, substantially equivalent to a license under this chapter and issued by any state, denied, revoked or suspended under the law of such state;

(d) The applicant has filed an application for a license which is false or misleading with respect to any material fact;

(e) The applicant has violated this chapter or any rule or order lawfully made pursuant to this chapter;

(f) The applicant has violated any state or federal law, rule or regulation pertaining to mortgage brokering, mortgage lending, or loan origination activities set forth in section 26-3102, Idaho Code; or

(g) The applicant has not provided information on the application as reasonably required by the director pursuant to subsection (1) of this section.

(3) The director is empowered to conduct investigations as he may deem necessary, to enable him to determine the existence of the requirements set out in subsection (2) of this section.

(4) Upon written request, an applicant is entitled to a hearing on the question of his qualifications for a license if:

(a) The director has notified the applicant in writing that his application has been denied, or objections filed;

(b) The director has not issued a license within sixty (60) days after the application for the license was filed. If a hearing is held, the applicant and those filing objections shall reimburse, pro rata, the director for his reasonable and necessary expenses incurred as a result of the hearing. A request for hearing may not be made more than fifteen (15) days after the director has mailed a writing to the applicant notifying him that the application has been denied and stating in substance the director's finding supporting denial of the application or that objections have been filed and the substance thereof.

(5) A loan originator may transact business only for a mortgage

broker or mortgage lender licensed in accordance with the provisions of this chapter. ~~The original license issued by the department to a loan originator must be provided to and be maintained by the employing mortgage broker or mortgage lender at the mortgage broker's or lender's main office. A copy of the loan originator's license must be displayed at the office where that loan originator principally transacts business.~~

(6) Each license under this section shall remain in full force and effect unless the licensee does not satisfy the renewal requirements of section 26-3111(~~4~~5), Idaho Code, or the license is relinquished, suspended or revoked.

(7) A loan originator licensee under this chapter shall not engage in loan origination activities at any location that is not a licensed home or branch office location of the mortgage broker or mortgage lender he represents or is acting on behalf of, nor shall he engage in loan origination activities under any other name than that on the license.

(8) The director may suspend action upon a loan originator license application pending resolution of any criminal charges before any court of competent jurisdiction against an applicant which could disqualify that applicant if convicted.

(9) The director may suspend action upon a loan originator license application pending resolution of any civil action or administrative proceeding against an applicant, in which the civil action or administrative proceeding involves any aspect of a financial service business and the outcome of which could disqualify the applicant.

(10) An applicant under this section shall make complete disclosure of all information required in the application. An applicant, or an individual acting on behalf of the applicant, is not liable in any civil action other than a civil action brought by a governmental agency, related to an alleged untrue statement made pursuant to this section unless it is shown by clear and convincing evidence that:

(a) The applicant, or an individual acting on behalf of the applicant, knew at the time that the statement was made that it was false in any material respect; or

(b) The applicant, or an individual acting on behalf of the applicant, acted in reckless disregard as to the statement's truth or falsity.

SECTION 5. That Section 26-3110, Idaho Code, be, and the same is hereby amended to read as follows:

26-3110. SURETY BONDS AND CONTINUING EDUCATION. (1) All mortgage broker and mortgage lender licensees, with or without an office located in this state, shall maintain a surety bond to the state of Idaho in accordance with this section. The bond to be maintained shall be in the amount of twenty-five thousand dollars ($25,000). This amount shall be increased by additional sums of ten thousand dollars ($10,000) for each licensed branch office. The bond shall be a continuing obligation of the issuing surety. The surety's liability under the bond for any claims made thereunder either individually or in the aggregate shall in no event exceed the face amount of the bond issued. The bond shall be issued by a surety authorized to do business in the state of Idaho. The licensee shall place the bond, including any and all riders and endorsements executed subsequent to the effective date of the bond, on file with the department. In lieu of the bonds required by this section, a

certificate of deposit issued by an Idaho bank and made payable to the director may be provided to the director in the same principal amount as required for bonds. The interest on the certificate of deposit shall be payable to the licensee. The certificate of deposit shall be maintained at all times during which the licensee is authorized to conduct mortgage brokering or mortgage lending activities under this chapter, and must provide that it will remain in effect for at least three (3) years following discontinuance of operations unless released earlier by the director.

(2) ~~All loan originator licensees under this chapter, whether operating within or outside of the state of Idaho, shall maintain a surety bond to the state of Idaho in accordance with this section. The bond to be maintained shall be in the amount of ten thousand dollars ($10,000). The surety's liability under the bond for any claims made thereunder either individually or in the aggregate shall in no event exceed the face amount of the bond issued. The bond shall be issued by a surety authorized to do business in the state of Idaho. The licensee shall place the bond, including any and all riders and endorsements executed subsequent to the effective date of the bond, on file with the department. In lieu of the bond required by this section, a certificate of deposit issued by an Idaho bank and made payable to the director may be provided to the director in the same principal amount as required for a bond. The interest on the certificate of deposit shall be payable to the licensee. The certificate of deposit shall be maintained at all times during which the licensee is authorized to conduct loan origination activities under this chapter, and must provide that it will remain in effect for at least three (3) years following discontinuance of operations unless released earlier by the director.~~

~~(3)~~ In the event that a mortgage broker or mortgage lender licensee under this chapter, or any employee or agent of such licensee, has violated any of the provisions of this chapter or of a rule or order lawfully made pursuant to this chapter, or federal law or regulation pertaining to loan origination, mortgage lending or mortgage brokering activities set forth in section 26-3102, Idaho Code, and has damaged any person by such violation, then the bond shall be forfeited and paid by the surety to the state of Idaho for the benefit of any person so damaged.

(~~4~~3) (a) The director may adopt rules to require continuing education of licensees under this chapter for the purpose of enhancing the professional competence and the professional responsibility of all licensees. The rules may include, but shall not be limited to, criteria for the content of continuing education courses, the accreditation of continuing education sponsors and programs, the computation of continuing education credits, and general compliance with this subsection.

(b) Continuing professional education requirements shall be determined by the director, provided however, the requirements shall not exceed twenty (20) credit hours within a two (2) year period.

(c) The director may require accredited sponsors of continuing education programs to file information, in a manner prescribed by the director, regarding the contents and materials of proposed courses to satisfy the education requirements with the director for review and approval. The director may set fees for the initial and continuing review of courses for which credit hours will be granted. The

initial filing fee for review of materials shall not exceed five hundred dollars ($500) and the fee for continued review shall not exceed two hundred fifty dollars ($250) per annum per course offered.

SECTION 6. That Section 26-3111, Idaho Code, be, and the same is hereby amended to read as follows:

26-3111. RECORDS -- ANNUAL REPORTS -- RENEWAL OF LICENSE. (1) Every licensee shall maintain records, including financial records, in conformity with generally accepted accounting principles, in a manner that will enable the director to determine whether the licensee is complying with the provisions of this chapter. The recordkeeping system of a licensee shall be sufficient if he makes the required information reasonably available. The records need not be kept in the place of business where residential mortgage loans are made, if the director is given free access to the records wherever located. The records pertaining to any loan need not be preserved for more than three (3) years after making the final entry relating to the loan.

(2) Any mortgage broker or mortgage lender licensee who employs or contracts with a loan originator licensee, for the purpose of conducting loan origination activities, shall:

(a) Notify the director of the employment of, or contractual relationship with, a loan originator licensee within thirty (30) days of such employment or contract. Notification shall be made in a manner prescribed by the director;

(b) Notify the director of the termination of employment of, or contractual relationship with, a loan originator licensee within thirty (30) days of such termination. Notification shall be made in a manner prescribed by the director; and

(c) Maintain any records relating to the employment of, or contractual relationship with, a loan originator licensee, for a period not to exceed three (3) years.

(3) On or before ~~August~~ December 31 of each year, every mortgage broker and mortgage lender licensee under this chapter shall pay an annual license renewal fee of one hundred fifty dollars ($150), and file with the director a renewal form containing such information as the director may require. ~~and a composite annual report for the residential mortgage loans made or brokered by him.~~

(4) On or before March 31 of each year, or other date established by the director by rule, every mortgage broker and mortgage lender licensee under this chapter shall file with the director a composite annual report containing such information as the director may require for the residential mortgage loans made or brokered by him for the preceding calendar year.

(5) On or before ~~October~~ December 31 of each year, every loan originator licensee under this chapter shall pay an annual license renewal fee of one hundred dollars ($100), and file with the director a renewal form containing such information as the director may require.

SECTION 7. That Sections 26-3116 and 26-3116A, Idaho Code, be, and the same are hereby repealed.

Approved March 31, 2008.

CHAPTER 314
(H.B. No. 563)

AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3022H, IDAHO CODE, TO REVISE QUALIFIED PROPERTY CAPITAL GAINS TREATMENT UNDER STATE INCOME TAX LAW IF IT IS HELD BY AN ESTATE, TRUST, S CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY OR AN INDIVIDUAL; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3022H, Idaho Code, be, and the same is hereby amended to read as follows:

63-3022H. DEDUCTION OF CAPITAL GAINS. (1) If an individual taxpayer reports capital gain net income in determining taxable income, eighty percent (80%) in taxable year 2001 and sixty percent (60%) in taxable years thereafter of the capital gain net income from the sale or exchange of qualified property shall be a deduction in determining Idaho taxable income.

(2) The deduction provided in this section is limited to the amount of the capital gain net income from all property included in taxable income. Gains treated as ordinary income by the Internal Revenue Code do not qualify for the deduction allowed in this section. The deduction otherwise allowable under this section shall be reduced by the amount of any federal capital gains deduction relating to such property, but not below zero.

(3) ~~As used in this section~~ Property held by an estate, trust, S corporation, partnership, limited liability company or an individual is "qualified property" ~~means~~ under this section if the ~~following~~ property ~~having~~ had an Idaho situs at the time of sale and is:

(a) Real property held at least twelve (12) months;

(b) Tangible personal property used in Idaho for at least twelve (12) months by a revenue-producing enterprise;

(c) Cattle or horses held for breeding, draft, dairy or sporting purposes for at least twenty-four (24) months if more than one-half (1/2) of the taxpayer's gross income (as defined in section 61(a) of the Internal Revenue Code) for the taxable year is from farming or ranching operations in Idaho;

(d) Breeding livestock other than cattle or horses held at least twelve (12) months if more than one-half (1/2) of the taxpayer's gross income (as defined in section 61(a) of the Internal Revenue Code) for the taxable year is from farming or ranching operations in Idaho;

(e) Timber grown in Idaho and held at least twenty-four (24) months;

(f) In determining the period for which property subject to this section has been held by a taxpayer, the provisions of section 1223 of the Internal Revenue Code shall apply, except that the holding period shall not include the holding period of property given up in an exchange, when such property would not have constituted qualified property under this section without regard to meeting the holding

period nor shall the holding period include any time period in which the property subject to this section was held by a corporation other than an S corporation.

~~(4) If an individual reports a capital gain from qualified property from an S corporation or a partnership, a deduction shall be allowed under this section only to the extent the individual held his interest in the income of the S corporation or the partnership for the time required by subsection (3) of this section for the property sold.~~

~~(5) If an individual reports a capital gain from an estate or a capital gain from property acquired as a beneficiary of an estate, no deduction shall be allowed under this section unless the holding period required in subsection (3) of this section was satisfied by the decedent, the estate, or the beneficiary, or a combination thereof.~~

~~(6) If an individual reports a capital gain from a trust or a capital gain from property acquired as a beneficiary of a trust, no deduction shall be allowed under this section unless the holding period required in subsection (3) of this section was satisfied by the grantor, the trust, or the beneficiary, or a combination thereof.~~

~~(7)~~ As used in this section "revenue-producing enterprise" means:

(a) The production, assembly, fabrication, manufacture, or processing of any agricultural, mineral or manufactured product;

(b) The storage, warehousing, distribution, or sale at wholesale of any products of agriculture, mining or manufacturing;

(c) The feeding of livestock at a feedlot;

(d) The operation of laboratories or other facilities for scientific, agricultural, animal husbandry, or industrial research, development, or testing.

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, 2008.

Approved March 31, 2008.

CHAPTER 315
(H.B. No. 564)

AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3029, IDAHO CODE, TO PROVIDE THAT A PART-YEAR RESIDENT IS ENTITLED TO A CREDIT FOR INCOME TAXES PAID TO ANOTHER STATE IN REGARD TO INCOME EARNED WHILE THE TAXPAYER IS DOMICILED OR RESIDING IN THIS STATE 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 63-3029, Idaho Code, be, and the same is hereby amended to read as follows:

63-3029. CREDIT FOR INCOME TAXES PAID ANOTHER STATE. (1) A resident individual shall be allowed a credit against the tax otherwise due under this chapter for the amount of any income tax imposed on the individual,

an S corporation, partnership, limited liability company, or trust of which the individual is a shareholder, partner, member, or beneficiary (to the extent attributable to the individual as a result of the individual's share of the S corporation's, partnership's, limited liability company's or trust's taxable income in another state), for the taxable year by another state on income derived from sources therein while domiciled in Idaho and that is also subject to tax under this chapter.

(2) For purposes of this section, "state" shall include any state of the United States, the District of Columbia, or any possession or territory of the United States.

(3) (a) Except as provided in subsection (3)(b) of this section, the credit provided under this section shall not exceed the proportion of the tax otherwise due under this chapter that the amount of the adjusted gross income of the taxpayer derived from sources in the other state as modified by this chapter bears to the adjusted gross income of the taxpayer as modified by this chapter. This limitation applies to all individuals.

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

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

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

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

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

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

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

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

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

(a) Includes:
(i) Revenue from sales;
(ii) Revenue from services rendered; and
(iii) Income from investments; and
(b) Permits a deduction for the cost of goods sold and the cost of services rendered.

(9) A part-year resident is entitled to a credit, determined in the manner prescribed by the state tax commission, for income taxes paid to another state in regard to income which is:
(a) Earned while the taxpayer is domiciled <u>or residing</u> in this state; and
(b) Subject to tax in such other state.

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and shall apply to all proceedings and claims before the state tax commission, the board of tax appeals or the courts of this state on the effective date of this act.

Approved March 31, 2008.

CHAPTER 316
(H.B. No. 588)

AN ACT

RELATING TO INCOME TAXES; REPEALING SECTION 63-3024A, IDAHO CODE, RELATING TO THE GROCERY TAX CREDIT; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3024A, IDAHO CODE, TO PROVIDE FOR INCOME TAX CREDITS OR REFUNDS TO CERTAIN RESIDENT INDIVIDUALS, TO PROVIDE PROCEDURES, TO PROVIDE A METHOD OF PAYMENT, TO PROVIDE A STATUTE OF LIMITATIONS, TO PROVIDE FOR THE DONATION OF CREDITS, TO PROVIDE FOR CANCELLATION OF A FUTURE ADJUSTMENT AND TO PROVIDE FOR A PROCEDURE WHEN A CREDIT ADJUSTMENT SHALL NOT OCCUR; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3024A, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a <u>NEW SECTION,</u> to be known and designated as Section 63-3024A, Idaho Code, and to read as follows:

63-3024A. FOOD TAX CREDITS AND REFUNDS. (1) Any resident individual who is required to file and who has filed an Idaho income tax return shall be allowed a credit against taxes due under the Idaho income tax act for each personal exemption for which a deduction is permitted by

section 151(b) and (c) of the Internal Revenue Code, and which is claimed on the taxpayer's Idaho income tax return. The amount of the credit for tax year 2008 shall be as follows:

When Idaho taxable income is:	The rate is:
$1,000 or less	$50.00
Over $1,000	$30.00

Subject to the limitations provided in subsections (13) and (14) of this section, the credits allowed in this subsection shall be increased by ten dollars ($10.00) in each tax year after tax year 2008 until such time as each credit equals one hundred dollars ($100).

If taxes due are less than the total credit allowed, the taxpayer shall be paid a refund equal to the balance of the unused credit.

(2) A resident individual who is not required to file an Idaho income tax return and for whom no credit or refund is allowed under any other subsection of this section shall, subject to the limitations of subsections (3), (4), (5), (6), (7) and (8) of this section, be entitled to a refund in the amount provided in subsection (1) of this section.

(3) A resident individual who has reached his sixty-fifth birthday before the end of his taxable year and who has claimed the credit available under subsection (1) of this section, in addition to the amount of credit or refund due under subsection (1) of this section, shall be entitled to twenty dollars ($20.00), which shall be claimed as a credit against any taxes due under the Idaho income tax act. If taxes due are less than the total credit allowed, the individual shall be paid a refund equal to the balance of the unused credit.

(4) Except as provided in subsection (9) of this section, a credit or refund under this section is only available if the individual for whom a personal exemption is claimed is a resident of the state of Idaho.

(5) In no event shall more than one (1) taxpayer be allowed a credit or refund for the same personal exemption, or under more than one (1) subsection of this section.

(6) In the event that a credit or refund is attributable to any individual for whom assistance under the federal food stamp program was received for any month or part of a month during the taxable year for which the credit or refund is claimed, the credit or refund allowed under this section shall be in proportion to the number of months of the year in which no assistance was received.

(7) In the event that a credit or refund is attributable to any individual who has been incarcerated for any month or part of a month during the taxable year for which the credit or refund is claimed, the credit or refund allowed under this section shall be in proportion to the number of months of the year in which the individual was not incarcerated.

(8) No credit or refund shall be paid that is attributable to an individual residing illegally in the United States.

(9) Any part-year resident entitled to a credit under this section shall receive a proportionate credit reflecting the part of the year in which he was domiciled in this state.

(10) Any refund shall be paid to such individual only upon his making application therefor, at such time and in such manner as may be prescribed by the state tax commission. The state tax commission shall prescribe the method by which the refund is to be made to the taxpayer. The refunds authorized by this section shall be paid from the state refund

fund in the same manner as the refunds authorized by section 63-3067, Idaho Code.

(11) An application for any refund that is due and payable under the provisions of this section must be filed with the state tax commission within three (3) years of:

(a) The due date, including extensions, of the return required under section 63-3030, Idaho Code, if the applicant is required to file a return; or

(b) The fifteenth day of April of the year following the year to which the application relates if the applicant is not required to file a return.

(12) The state tax commission shall provide income tax payers with the irrevocable option of donating credited funds accruing pursuant to this section. Any funds so donated shall be remitted from the refund fund to the cooperative welfare fund, created pursuant to section 56-401, Idaho Code, and shall be used solely for the purpose of providing low-income Idahoans with assistance in paying home energy costs.

(13) The credit adjustment required by subsection (1) of this section shall not take place if a majority of the membership of each house of the legislature adopts a concurrent resolution requesting that the governor issue an executive order directing the state tax commission that the credit allowed in this section remain unchanged for the tax year in which the requesting legislature is meeting, and if the governor concurs and issues such an executive order, the credit shall remain unchanged for that tax year.

(14) The credit adjustment required by subsection (1) of this section for tax years subsequent to tax year 2008 shall not take place if all of the following conditions are met:

(a) The governor has ordered a temporary reduction of general fund spending authority, pursuant to section 67-3512A, Idaho Code, between July 1 and October 1 of the tax year for which the credit adjustment is to take place; and

(b) The temporary reduction of general fund spending authority is still in effect on October 1 of the tax year for which the credit adjustment is to take place; and

(c) The amount of the temporary reduction in general fund spending authority equals or exceeds one percent (1%) of the moneys that the legislature has appropriated from the general fund for the fiscal year for which the temporary reductions have been ordered; and

(d) The governor issues an executive order directing the state tax commission that the credit allowed by subsection (1) of this section remain unchanged for the tax year during which the temporary reduction of general fund spending authority has been ordered and the executive order issued.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2008.

Approved March 31, 2008.

CHAPTER 317
(H.B. No. 591, As Amended)

AN ACT

RELATING TO MANAGED CARE REFORM; AMENDING SECTION 41-3932, IDAHO CODE, TO PROVIDE THAT THE MANAGED CARE REFORM ACT SHALL NOT APPLY TO CERTAIN PROGRAMS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND WELFARE.

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

SECTION 1. That Section 41-3932, Idaho Code, be, and the same is hereby amended to read as follows:

41-3932. EXEMPTIONS FROM APPLICATION OF CHAPTER. This chapter shall not apply to managed care programs operated under contract with the federal government under title XVIII of the federal social security act, as amended (medicare), or under contract with a plan otherwise exempt from operation of this chapter pursuant to the employee retirement income security act of 1974, as amended (ERISA). This chapter shall not apply to programs administered by the department of health and welfare under contract with the department of health and welfare under title XIX of the federal social security act, as amended (medicaid) <u>or under programs administered by the department of health and welfare substance use disorder bureau or its contracted managed care organization.</u>

Approved March 31, 2008.

CHAPTER 318
(H.B. No. 604)

AN ACT

RELATING TO SHOOTING RANGES; AMENDING SECTION 55-2601, IDAHO CODE, TO PROVIDE FOR CERTAIN LIMITATIONS; AMENDING SECTION 55-2603, IDAHO CODE, TO REVISE LOCAL REGULATION OF SPORT SHOOTING RANGES; AMENDING SECTION 55-2604, IDAHO CODE, TO DEFINE ADDITIONAL TERMS; AMENDING CHAPTER 26, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-2605, IDAHO CODE, TO PROVIDE FOR PREEMPTION OF LOCAL AUTHORITY FOR NOISE STANDARDS AND ZONING; AND AMENDING CHAPTER 26, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-2606, IDAHO CODE, TO PROVIDE SEVERABILITY.

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

SECTION 1. That Section 55-2601, Idaho Code, be, and the same is hereby amended to read as follows:

55-2601. SPORT SHOOTING RANGE — LIABILITY FOR NOISE POLLUTION. (1) Notwithstanding any other provision of law to the contrary, a person who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range was established, constructed or operated prior to the

implementation of any noise control laws, ordinances, rules or regulations, or if the range is in compliance with any noise control laws, ordinances, rules or regulations that applied to the range and its operation at the time of establishment, construction or initial operation of the range subject to the limitations in section 55-2605, Idaho Code.

(2) Rules or regulations adopted by a state or local department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this act.

(3) A municipal noise control ordinance may not require or be applied so as to require a sport shooting range to limit or eliminate shooting activities that have occurred on a regular basis at the range prior to the enactment date of the ordinance.

SECTION 2. That Section 55-2603, Idaho Code, be, and the same is hereby amended to read as follows:

55-2603. LOCAL REGULATION OF SPORT SHOOTING RANGE. (1) Except as otherwise provided in this act, this act does not prohibit a local unit of government from regulating the location and construction of a sport shooting range after the effective date of this act.

(2) ~~Nothing in this act limits the ability of a~~A local unit of government ~~to~~ may regulate noise produced as a result of a substantial change in the use of the range.

SECTION 3. That Section 55-2604, Idaho Code, be, and the same is hereby amended to read as follows:

55-2604. DEFINITIONS. As used in this act:

(1) "Local unit of government" means a county, city or a town.

(2) "Person" means an individual, proprietorship, partnership, corporation, club, or other legal entity.

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

(4) "Outdoor sport shooting range" means any range described in subsection (3) of this section, including any range operated exclusively for the use of law enforcement, with the exception of:

(a) Any totally enclosed facility that is designed to offer a totally controlled shooting environment that includes impenetrable walls, floors, and ceilings, adequate ventilation, lighting systems and acoustical treatment for sound attenuation; or

(b) Any range described in chapter 91, title 67, Idaho Code.

(5) "Substantial change in use" means that the current primary use of the range no longer represents the activity previously engaged in at the range. The following actions shall not constitute a substantial change in use:

(a) Expanding or increasing membership or opportunities for public or law enforcement participation related to the primary activity as a shooting range;

(b) Making repairs or improvements to enhance safety or noise abatement;

(c) Increasing events and activities related to the primary activity as a shooting range;

(d) Acquiring additional lands to be used for buffer zones or noise mitigation efforts;
(e) Establishing or expanding range use hours between 7:00 a.m. and 10:00 p.m.;
(f) Establishing or expanding law enforcement agency range use hours between 10:00 p.m. and 7:00 a.m.

SECTION 4. That Chapter 26, 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 55-2605, Idaho Code, and to read as follows:

55-2605. PREEMPTION OF LOCAL AUTHORITY -- NOISE STANDARDS -- ZONING. Local governmental law is herein preempted and local governments shall not have authority to establish or enforce noise standards for outdoor sport shooting ranges, not otherwise exempted from local regulation by this chapter, more restrictive than any standards established for state outdoor shooting ranges in chapter 91, title 67, Idaho Code, nor shall a local government have the authority to make any action described in section 55-2604(5), Idaho Code, a violation of a local zoning ordinance nor shall the undertaking of any such action cause an outdoor sport shooting range to be in violation of any zoning ordinance.

SECTION 5. That Chapter 26, 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 55-2606, Idaho Code, and to read as follows:

55-2606. SEVERABILITY. The provisions of this chapter are hereby declared to be severable and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.

Approved March 31, 2008.

CHAPTER 319
(H.B. No. 615)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3004, IDAHO CODE, AS AMENDED BY SECTION 1, CHAPTER 6, LAWS OF 2008, TO UPDATE REFERENCES TO THE INTERNAL REVENUE CODE; AMENDING SECTION 63-3022O, IDAHO CODE, TO PROVIDE THAT IN COMPUTING IDAHO TAXABLE INCOME THE ADJUSTED BASIS OF DEPRECIABLE PROPERTY, DEPRECIATION AND GAINS AND LOSSES FROM SALE, EXCHANGE OR OTHER DISPOSITION OF DEPRECIABLE PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE DECEMBER 31, 2007, SHALL BE COMPUTED WITHOUT REGARD TO SUBSECTION (k) OF SECTION 168 OF THE INTERNAL REVENUE CODE; AMENDING SECTION 63-3029B, IDAHO CODE, TO PROVIDE THAT A QUALIFIED INVESTMENT SHALL NOT INCLUDE ANY AMOUNT FOR WHICH A DEDUCTION IS ALLOWED UNDER SECTION 168(k) OR SECTION 179 OF THE INTERNAL REVENUE CODE IN COMPUTING TAXABLE INCOME; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. That Section 63-3004, Idaho Code, as amended by Section 1, Chapter 6, Laws of 2008, be, and the same is hereby amended to read as follows:

63-3004. INTERNAL REVENUE CODE. (a) The term "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States, as amended, and in effect on the ~~first~~ fourteenth day of ~~January~~ February, 2008.

(b) Provisions of the Internal Revenue Code amended, deleted, or added prior to the effective date of the latest amendment to this section shall be applicable for Idaho income tax purposes on the effective date provided for such amendments, deletions, or additions, including retroactive provisions.

SECTION 2. That Section 63-3022O, Idaho Code, be, and the same is hereby amended to read as follows:

63-3022O. ADJUSTMENT -- PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE DECEMBER 31, 2007 — EXPENSES OF ELEMENTARY AND SECONDARY TEACHERS -- SMALL BUSINESS EXPENSES -- LIMITATIONS ON ASSESSMENTS AND REFUNDS. For taxable years commencing on and after January 1, 2001, in computing Idaho taxable income:

(1) The adjusted basis of depreciable property, depreciation and gains and losses from sale, exchange or other disposition of depreciable property acquired after September 10, 2001, and before December 31, 2007, shall be computed without regard to subsection (k) of section 168 of the Internal Revenue Code; and

(2) No deduction shall be allowed relating to expenses of elementary and secondary teachers otherwise allowable under section 62(a)(2)(D) of the Internal Revenue Code; and

(3) Adjustments in computing Idaho taxable income required by subsection (1) of this section shall be made without regard to loss limitations imposed by sections 465, 469, 704(d) and 1366(d) of the Internal Revenue Code; and

(4) A taxpayer's basis in an interest in a pass-through entity, amount at risk, and passive activity loss carryover shall be the same amount for purposes of the Idaho income tax act as the amount determined under the Internal Revenue Code; and

(5) Each partner, shareholder, member or beneficiary, shall include in Idaho taxable income his share of the adjustments required by this section in computing Idaho taxable income of any pass-through entity; and

(6) Notwithstanding the provisions of sections 63-3068 and 63-3072, Idaho Code, the period of limitations for issuing a notice of deficiency determination or filing a claim for refund for any year for which an adjustment is required by this section shall not expire before three (3) years from the later of: (a) the due date of the return for the last taxable year an adjustment was required by this section, or (b) the date the return was filed for the last taxable year an adjustment was required by this section. Upon the expiration of the period of limitations as provided in subsections (a) and (m) of section 63-3068, Idaho Code, and subsections (b) and (h) of section 63-3072, Idaho Code, only

those specific items of basis, deductions, gains or losses that are computed, without regard to subsection (k) of section 168 of the Internal Revenue Code, as required by this section shall be subject to adjustment.

SECTION 3. That Section 63-3029B, Idaho Code, be, and the same is hereby amended to read as follows:

63-3029B. INCOME TAX CREDIT FOR CAPITAL INVESTMENT. (1) At the election of the taxpayer there shall be allowed, subject to the applicable limitations provided herein as a credit against the income tax imposed by chapter 30, title 63, Idaho Code, an amount equal to the sum of:

(a) The tax credit carryovers; and

(b) The tax credit for the taxable year.

(2) The maximum allowable amount of the credit for the current taxable year shall be three percent (3%) of the amount of qualified investments made during the taxable year.

(3) As used in this section "qualified investment" means certain property which:

(a) (i) Is eligible for the federal investment tax credit, as defined in sections 46(c) and 48 of the Internal Revenue Code subject to the limitations provided for certain regulated companies in section 46(f) of the Internal Revenue Code and is not a motor vehicle under eight thousand (8,000) pounds gross weight; or

(ii) Is qualified broadband equipment as defined in section 63-3029I, Idaho Code; and

(b) Is acquired, constructed, reconstructed, erected or placed into service after December 31, 1981; and

(c) Has a situs in Idaho.

(4) (a) For qualified investments placed in service in 2003 and thereafter, a taxpayer, other than a person whose rate of charge or rate of return, or both, is regulated or limited according to federal or state law, may elect, in lieu of the credit provided by this section, a two (2) year exemption from all taxes on personal property on the qualified investment. The exemption from personal property tax shall apply to the year the election is filed as provided in this section and the immediately following year. The election provided by this paragraph is available only to a taxpayer whose Idaho taxable income, before application of net operating losses carried back or forward, in the second preceding taxable year in which the investment is placed in service is negative.

(b) The election shall be made in the form prescribed by the state tax commission and shall include a specific description and location of all qualified investments placed into service and located in the jurisdiction of the assessing authority, a designation of the specific assets for which the exemption is claimed, and such other information as the state tax commission may require. The election must be made by including the election form with the listing of personal property required by section 63-302, Idaho Code, or, in the case of operating property assessed under chapter 4, title 63, Idaho Code, with the operator's statement required by section 63-404, Idaho Code. Once made the election is irrevocable. If no election is

made, the election is not otherwise available. A copy of the election form must also be attached to the original income tax return due for the taxable year in which the claim was made.

(c) The state tax commission and the various county assessors are authorized to exchange information as necessary to properly coordinate the exemption provided in this subsection. Information disclosed to county officials under this subsection may be used only to determine the validity or amount of a taxpayer's entitlement to the exemption provided in this section, and is not otherwise subject to public disclosure as provided in section 9-340D, Idaho Code.

(d) In the event that an investment in regard to which the election under this subsection was made is determined by the state tax commission:

(i) To not be a qualified investment, or

(ii) To have ceased to qualify during the recapture period, or

(iii) To be otherwise not qualified for the election,

the taxpayer shall be subject to recapture of the property tax benefit.

(e) The benefit to be recaptured in subsection (4)(d) of this section shall be computed in the manner required in subsection (7) of this section and such recapture amount shall be subject to assessment in the same manner as a deficiency in tax under this chapter. For purposes of calculating the recapture, the property tax benefit shall be:

(i) In the case of locally assessed property located in a single county or nonapportioned centrally assessed property, the market value of exempted property times the average property tax levy for that county in the year or years for which the exemption was claimed.

(ii) In the case of other centrally assessed property and property located in more than one (1) county, the market value of exempted property times the average urban property tax levy of the state as determined by the state tax commission in each of the years for which the exemption was claimed.

(f) In the event that a recapture of the exemption is required under this subsection (4), the person claiming the exemption shall report the event to the state tax commission in the manner the state tax commission may by rule require. The report shall be due no later than the due date of that person's income tax return under this chapter for the taxable year in which the event occurs. The recapture amount is due and payable with the report. Any amount of recapture not paid is a deficiency within the meaning of section 63-3044, Idaho Code.

(g) All moneys collected by the state tax commission pursuant to this subsection, which amounts are continuously appropriated for this purpose, shall be deposited with the state treasurer and placed in the state refund account, as provided by section 63-3067, Idaho Code, to be remitted to the county within which the property was located that was not a qualified investment or ceased to qualify during the recapture period. The county shall distribute this remittance to all appropriate taxing districts based on the proportion each appropriate taxing district's levy is to the total of all the levies of the taxing districts for the tax code area where the property was located for each year the exemption was granted. If any

taxing district is dissolved or disincorporated, the proportionate share of the remittance to be distributed to that taxing district shall be deposited in the county current expense fund.

(h) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this subsection shall be treated as property tax revenue by taxing districts.

(5) Notwithstanding the provisions of subsections (1) and (2) of this section, the amount of the credit allowed shall not exceed fifty percent (50%) of the tax liability of the taxpayer. The tax liability of the taxpayer shall be the tax after deducting the credit allowed by section 63-3029, Idaho Code.

(6) If the sum of credit carryovers from the credit allowed by subsection (2) of this section and the amount of credit for the taxable year from the credit allowed by subsection (2) of this section exceed the limitation imposed by subsection (5) of this section for the current taxable year, the excess attributable to the current taxable year's credit shall be an investment credit carryover to the fourteen (14) succeeding taxable years. In the case of a group of corporations filing a combined report under section 63-3027, Idaho Code, or sections 63-3027B through 63-3027E, 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 (5) of this section, instead of carried over. The entire amount of unused credit shall be carried forward to the earliest of the succeeding years, wherein the oldest available unused credit shall be used first, so long as the qualified investment property for which the unused credit was granted still maintains Idaho situs. 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.

(7) Any recapture of the credit allowed by subsection (2) of this section on property disposed of or ceasing to qualify, prior to the close of the recapture period, shall be determined according to the applicable recapture provisions of the Internal Revenue Code. In the case of a unitary group of corporations, the increase in tax due to the recapture of investment tax credit must be reported by the member of the group who earned the credit regardless of which member claimed the credit against tax.

(8) For the purpose of determining whether property placed in service is a "qualified investment" as defined in subsection (3) of this section, the provisions of section 49 of the Internal Revenue Code shall be disregarded. "Qualified investment" shall not include any amount for which a deduction is allowed under section 168(k) or section 179 of the Internal Revenue Code in computing taxable income.

(9) For purposes of this section, property has a situs in Idaho during a taxable year if it is used in Idaho at any time during the taxable year. Property not used in Idaho during a taxable year does not have a situs in Idaho in the taxable year during which the property is not used in Idaho or in any subsequent taxable year. No credit or carryover of credit is permitted under this section if the credit or carryover relates to property that does not have a situs in Idaho during the taxable year for which the credit or carryover is claimed. The Idaho situs of property must be established by records maintained by the taxpayer which are created reasonably contemporaneously with the use of the property.

(10) In the case of property used both in and outside Idaho, the taxpayer, electing to claim the credit provided in this section, must elect to compute the qualified investment in property with a situs in Idaho for all such investments first qualifying during that year in one (1), but only one (1), of the following ways:

(a) The amount of each qualified investment in a specific asset shall be separately computed based on the percentage of the actual use of the property in Idaho by using a measure of the use, such as total miles or total machine hours, that most accurately reflects the beneficial use during the taxable year in which it is first acquired, constructed, reconstructed, erected or placed into service; provided, that the asset is placed in service more than ninety (90) days before the end of the taxable year. In the case of assets acquired, constructed, reconstructed, erected or placed into service within ninety (90) days prior to the end of the taxable year in which the investment first qualifies, the measure of the use of that asset within Idaho for that year shall be based upon the percentage of use in Idaho during the first ninety (90) days of use of the asset;

(b) The investment in qualified property used both inside and outside Idaho during the taxable year in which it is first acquired, constructed, reconstructed, erected or placed into service shall be multiplied by the percent of the investment that would be included in the numerator of the Idaho property factor determined pursuant to section 63-3027, Idaho Code, for the same year.

(11) Only for the purposes of subsections (3)(a) and (8) of this section, references to sections of the "Internal Revenue Code" mean the sections referred to as they existed in the Internal Revenue Code of 1986 prior to November 5, 1990.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2008.

Approved March 31, 2008.

CHAPTER 320
(H.B. No. 619)

AN ACT

RELATING TO WATER; AMENDING SECTION 42-201, IDAHO CODE, TO PROVIDE FOR CERTAIN DIVERSION OF WATER, TO PROVIDE THAT WATER MAY BE USED FOR SPECIFIED FOREST PRACTICES AND FOREST DUST ABATEMENT WITH OR WITHOUT A WATER RIGHT, TO PROHIBIT THE DIVERSION OF CERTAIN WATER, TO PROVIDE FOR NOTICES OF INTENT TO DIVERT AND TO PROVIDE FOR PETITIONS FOR CESSATION OR MODIFICATION OF CERTAIN USES TO PREVENT INJURY TO WATER RIGHTS.

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

SECTION 1. That Section 42-201, Idaho Code, be, and the same is hereby amended to read as follows:

42-201. WATER RIGHTS ACQUIRED UNDER CHAPTER — ILLEGAL DIVERSION AND APPLICATION OF WATER — USES FOR WHICH WATER RIGHT NOT REQUIRED — EXCLUSIVE AUTHORITY OF DEPARTMENT. (1) All rights to divert and use the waters of this state for beneficial purposes shall hereafter be acquired and confirmed under the provisions of this chapter and not otherwise. And after the passage of this title all the waters of this state shall be controlled and administered in the manner herein provided. Such appropriation shall be perfected only by means of the application, permit and license procedure as provided in this title; provided, however, that in the event an appropriation has been commenced by diversion and application to beneficial use prior to the effective date of this act it may be perfected under such method of appropriation.

(2) No person shall use the public waters of the state of Idaho except in accordance with the laws of the state of Idaho. No person shall divert any water from a natural watercourse or apply water to land without having obtained a valid water right to do so, or apply it to purposes for which no valid water right exists.

(3) Notwithstanding the provisions of subsection (2) of this section, water may be diverted from a natural watercourse and used at any time, with or without a water right~~,~~:

(a) ~~To~~ extinguish an existing fire on private or public lands, structures, or equipment, or to prevent an existing fire from spreading to private or public lands, structures, or equipment endangered by an existing fire;

(b) For forest practices as defined in section 38-1303(1), Idaho Code, and forest dust abatement. Such forest practices and forest dust abatement use is limited to two-tenths (0.2) acre-feet per day from a single watercourse.

(4) For purposes of subsection (3)(b) of this section, no person shall divert water from a canal or other irrigation facility while the water is lawfully diverted, captured, conveyed, used or otherwise physically controlled by the appropriator.

(5) If water is to be diverted from a natural watercourse within a water district, or from a natural watercourse from which an irrigation delivery entity diverts water, a person diverting water pursuant to subsection (3)(b) of this section shall give notice to the watermaster of the intent to divert water for the purposes set forth in said subsection. In the event that the water to be diverted pursuant to subsection (3)(b) of this section is not within a water district, but an irrigation delivery entity diverts water from the same natural watercourse, the required notices shall be given to said irrigation delivery entity. For uses authorized in subsection (3)(a) of this section, notice shall not be required but may be provided when it is reasonable to do so.

(6) A water right holder, who determines that a use set forth in subsection (3) of this section is causing a water right to which the holder is entitled to be deprived of water to which it may be otherwise entitled, may petition the director of the department of water resources to order cessation of or modification of the use to prevent injury to a water right. Upon such a petition, the director shall cause an investigation to be made and may hold hearings or gather information in some other manner. In the event that the director finds that an injury is occurring to a water right, he may require the use to cease or be modified to ensure that no injury to other water rights occurs. A water right holder feeling aggrieved by a decision or action of the director

shall be entitled to contest the action of the director pursuant to section 42-1701A(3), Idaho Code.

(7) This title delegates to the department of water resources exclusive authority over the appropriation of the public surface and ground waters of the state. No other agency, department, county, city, municipal corporation or other instrumentality or political subdivision of the state shall enact any rule or ordinance or take any other action to prohibit, restrict or regulate the appropriation of the public surface or ground waters of the state, and any such action shall be null and void.

Approved March 31, 2008.

CHAPTER 321
(H.B. No. 644)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1780, IDAHO CODE, TO CREATE THE AQUIFER PLANNING AND MANAGEMENT FUND; AND APPROPRIATING AND TRANSFERRING MONEYS TO THE AQUIFER PLANNING AND MANAGEMENT FUND.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:					
FROM:					
General Fund	$ 1,031,600	$ 696,400	$103,600		$ 1,831,600
Indirect Cost Recovery Fund	317,900	139,400			457,300
Water Administration Fund	46,800	21,900			68,700
Aquifer Planning and Management Fund		2,485,100			2,485,100
TOTAL	$ 1,396,300	$ 3,342,800	$103,600		$ 4,842,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. PLANNING AND TECHNICAL SERVICES:					
FROM:					
General Fund	$ 2,332,500	$ 681,800		$911,800	$ 3,926,100
Indirect Cost Recovery Fund	71,200	16,300			87,500
Miscellaneous Revenue Fund		381,600			381,600
Aquifer Planning and Management Fund	197,600	77,300			274,900
Federal Grant Fund	401,000	2,088,400			2,489,400
TOTAL	$ 3,002,300	$ 3,245,400		$911,800	$ 7,159,500
III. WATER MANAGEMENT:					
FROM:					
General Fund	$ 5,509,600	$ 1,799,300	$131,500		$ 7,440,400
Indirect Cost Recovery Fund	54,500	6,700			61,200
Water Administration Fund	1,174,200	991,800			2,166,000
Water Resource Adjudication Fund		121,000			121,000
Miscellaneous Revenue Fund	699,800	246,800			946,600
Federal Grant Fund	277,600	195,100			472,700
TOTAL	$ 7,715,700	$ 3,360,700	$131,500		$11,207,900
IV. NORTHERN IDAHO ADJUDICATION:					
FROM:					
General Fund	$ 644,000	$ 745,400			$ 1,389,400
GRAND TOTAL	$12,758,300	$10,694,300	$235,100	$911,800	$24,599,500

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred seventy-one (171) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, 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. 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 42-1780, Idaho Code, and to read as follows:

42-1780. AQUIFER PLANNING AND MANAGEMENT FUND. The aquifer planning and management fund is hereby created in the state treasury. Pursuant to appropriation, moneys in the fund shall be used for technical studies, facilitation services, hydrologic monitoring, measurement and comprehensive plan development as well as for personnel costs, operating expenditures and capital outlay associated with the statewide comprehensive aquifer planning and management effort. The state treasurer shall invest the idle moneys of the fund, and the interest earned on such investments shall be retained by the fund.

SECTION 4. There is hereby appropriated and the State Controller shall transfer, on July 1, 2008, or as soon thereafter as practicable, the amount of $20,000,000 from the General Fund to the Aquifer Planning and Management Fund for the period July 1, 2008, through June 30, 2009.

Approved March 31, 2008.

CHAPTER 322
(H.B. No. 645)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Lands the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
I. SUPPORT SERVICES:						
FROM:						
General Fund	$ 515,800	$ 293,800				$ 809,600
Department of Lands Fund	521,500	315,100	$ 74,200			910,800
Indirect Cost Recovery Fund	60,700	128,500				189,200
Endowment Administrative Fund	2,184,200	2,556,600	296,900			5,037,700
TOTAL	$ 3,282,200	$ 3,294,100	$371,100			$ 6,947,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
II. FOREST RESOURCES MANAGEMENT:						
FROM:						
General Fund	$ 1,081,600	$ 69,200	$ 11,000			$ 1,161,800
Department of Lands Fund	667,300	343,600				1,010,900
Indirect Cost Recovery Fund	94,500	320,000	9,000			423,500
Endowment Administrative Fund	9,407,700	4,049,800	510,400	$ 598,500		14,566,400
Community Forestry Fund				79,700		79,700
Federal Grant Fund	691,200	962,700		1,306,300		2,960,200
TOTAL	$11,942,300	$ 5,745,300	$530,400	$1,984,500		$20,202,500
III. LAND, RANGE, AND MINERAL RESOURCE MANAGEMENT:						
FROM:						
General Fund	$ 906,200	$ 119,500				$ 1,025,700
Department of Lands Fund	18,700	493,900				512,600
Land and Building Rental Fund	1,000	64,000				65,000
Endowment Administrative Fund	1,992,700	1,748,900	8,600	$ 10,300		3,760,500
TOTAL	$ 2,918,600	$ 2,426,300	$ 8,600	$ 10,300		$ 5,363,800
IV. FOREST AND RANGE FIRE PROTECTION:						
FROM:						
General Fund					$ 2,643,700	$ 2,643,700
Department of Lands Fund					4,303,700	4,303,700
Fire Suppression Deficiency Fund					231,800	231,800
Federal Grant Fund					3,668,300	3,668,300
TOTAL					$10,847,500	$10,847,500
V. SCALING PRACTICES:						
FROM:						
Department of Lands Fund	$ 187,400	$ 47,800	$ 22,000			$ 257,200
GRAND TOTAL	$18,330,500	$11,513,400	$932,100	$1,994,800	$10,847,500	$43,618,300

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Lands is authorized no more than two hundred sixty-five and sixty-one hundredths (265.61) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 31, 2008.

CHAPTER 323
(H.B. No. 648)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2009; AND INCREASING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2009.

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 Commission for Libraries the following amounts to be expended according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:	
Personnel Costs	$122,000
Operating Expenditures	50,000
Capital Outlay	30,000
TOTAL	$202,000
FROM:	
General Fund	$202,000

SECTION 2. In addition to any other authorization provided by law, the Idaho Commission for Libraries is hereby authorized three (3) full-time equivalent positions for the period July 1, 2008, through June 30, 2009.

Approved March 31, 2008.

CHAPTER 324
(H.B. No. 650)

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 2009; 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; DIRECTING A SUBSTANCE ABUSE CASELOAD MINIMUM; AND DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$ 541,700	$ 950,300	$2,300	$ 6,891,100	$ 8,385,400
Prevention of Minors' Access to Tobacco Fund	6,200	43,800			50,000
Substance Abuse Treatment Fund		500		3,232,400	3,232,900
Cooperative Welfare Fund (Dedicated)	46,700	438,300			485,000
Liquor Control Fund				650,000	650,000
Cooperative Welfare Fund (Federal)	458,000	2,869,400		4,807,500	8,134,900
TOTAL	$1,052,600	$4,302,300	$2,300	$15,581,000	$20,938,200

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 fifteen and sixty-four hundredths (15.64) full-time equivalent positions for the Substance Abuse Treatment and Prevention Program during the period July 1, 2008, through June 30, 2009. 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 2009 legislative session, a breakdown of the following

substance abuse treatment groups: criminal justice adults and juveniles, individuals treated through Drug and Mental Health Courts, and noncriminal justice individuals. The information provided shall include an unduplicated count of the number of individuals served in fiscal year 2007 and fiscal year 2008, as well as the total annual cost per designated category.

SECTION 5. 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 2009 as were served in fiscal year 2007 using evidence-based treatment methods. 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 eligible individual caseload; taking into account current treatment service capacity within the provider community and the additional service capacity needed.

SECTION 6. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2009.

Approved March 31, 2008.

CHAPTER 325
(H.B. No. 652)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2008; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2009; PROVIDING LEGISLATIVE INTENT RELATING TO CERTAIN CONTRIBUTIONS FOR THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES; AND DECLARING AN EMERGENCY FOR SECTIONS 1 AND 3 OF THIS ACT.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 367, Laws of 2007, there is hereby appropriated to the Department of Commerce the sum of $1,500,000 from the General Fund for trustee and benefit payments for the period July 1, 2007, through June 30, 2009. Such moneys shall be used by the Department of Commerce for the purpose of advancing the preparatory work for the upcoming 2009 Special Olympics World Winter Games.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Commerce the sum of $1,500,000 from the General Fund for trustee and benefit payments for the period July 1, 2008, through June 30, 2009. Such moneys shall be used by the Department of Commerce for the purpose of advancing the preparatory work for the upcoming 2009 Special Olympics World Winter Games.

SECTION 3. It is the intent of the Legislature that contributions on behalf of the taxpayers of Idaho shall be available to the 2008 Special Olympics World Winter Games Organizing Committee for the purpose of transportation, accommodations, translation, venue development, volunteer services, and opening and closing ceremonies. Funding shall not be used for professional fundraising or lobbying efforts. The Games Organizing Committee shall provide a detailed accounting of all moneys passed through the Idaho Department of Commerce.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 3 of this act shall be in full force and effect on and after passage and approval.

Approved March 31, 2008.

CHAPTER 326
(H.B. No. 653)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE FOR FISCAL YEAR 2009; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS APPROPRIATED FOR THE ELIGIBILITY PROGRAMS INTEGRATED COMPUTER SYSTEM REPLACEMENT PROJECT; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEY FOR THE FEDERAL CHILD SUPPORT CASE FEE; AND DIRECTING APPROPRIATIONS FROM THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUND FOR HEADSTART SERVICES.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for 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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SELF-RELIANCE PROGRAMS:					
FROM:					
General Fund	$14,933,600	$10,445,800	$273,400		$ 25,652,800
Cooperative Welfare Fund (Federal)	20,449,200	18,585,700	258,800		39,293,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Idaho Health Insurance Access Card Fund	67,200				67,200
Cooperative Welfare Fund (Dedicated)		2,265,200			2,265,200
TOTAL	$35,450,000	$31,296,700	$532,200		$ 67,278,900
II. BENEFIT PAYMENTS:					
FROM:					
General Fund				$19,127,800	$ 19,127,800
Cooperative Welfare Fund (Dedicated)				23,500	23,500
Cooperative Welfare Fund (Federal)				59,467,400	59,467,400
TOTAL				$78,618,700	$ 78,618,700
GRAND TOTAL	$35,450,000	$31,296,700	$532,200	$78,618,700	$145,897,600

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 OF THE COOPERATIVE WELFARE FUND. There is hereby reappropriated to the Department of Health and Welfare any unexpended and unencumbered balances of the Cooperative Welfare Fund appropriated originally for the purposes of the Eligibility Programs Integrated Computer System (EPICS) replacement for fiscal year 2008 to the Self-Reliance Program, to be used to develop a replacement of the Eligibility Programs Integrated Computer System (EPICS) for the period July 1, 2008, through June 30, 2009. 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 seventeen and sixty-nine hundredths (617.69) full-time equivalent positions for the Division of Welfare during the period July 1, 2008, through June 30, 2009. 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 2009. 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(1), 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 2009.

SECTION 6. REAPPROPRIATION OF THE COOPERATIVE WELFARE FUND. There is hereby reappropriated to the Department of Health and Welfare any unexpended and unencumbered balances of the Cooperative Welfare Fund appropriated for fiscal year 2008 to be used for the purpose of paying the federal fee for child support cases where the fee was uncollectible from the noncustodial parent but due to the federal government. The Self-Reliance Program may utilize the reappropriation, one-time, for the period July 1, 2008, through June 30, 2009. 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. HEADSTART APPROPRIATIONS FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUNDS. At a minimum, the Department of Health and Welfare is directed to maintain Headstart appropriations paid from Temporary Assistance for Needy Families (TANF) funds at the same level as was paid to the Headstart Program in fiscal year 2007.

Approved March 31, 2008.

CHAPTER 327
(H.B. No. 550)

AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-602NN, IDAHO CODE, TO PROVIDE THAT DURING TAX YEAR 2008 AND EACH YEAR THEREAFTER A BOARD OF COUNTY COMMISSIONERS MAY DECLARE THAT ALL OR A PORTION OF THE MARKET VALUE OF INVESTMENT IN NEW PLANT AND BUILDING FACILITIES MEETING CERTAIN TAX INCENTIVE CRITERIA SHALL BE EXEMPT FROM TAXATION, TO DEFINE TERMS, TO PROVIDE PROCEDURES, AND TO PROVIDE THAT THE LEGISLATURE DECLARES THE EXEMPTION NECESSARY AND JUST; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Chapter 6, 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 63-602NN, Idaho Code, and to read as follows:

63-602NN. PROPERTY EXEMPT FROM TAXATION -- CERTAIN BUSINESS PROPERTY. (1) During tax year 2008, and each year thereafter, a board of county commissioners may declare that all or a portion of the market value of investment in new plant and building facilities meeting tax incentive criteria as defined in subsection (2) of this section shall be exempt from property taxation.

(2) As used in this section:

(a) "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.

(b) "New plant and building facilities" means a manufacturing facility or facilities producing tangible personal property or intellectual property intended for ultimate sale at retail, including related parking facilities, food service facilities, business office facilities and other building facilities directly related to the manufacturing business.

(c) "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 or contractors located in Idaho who are related to the activities at the project site, but no earlier than January 1, 2008.

(d) "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 in subsection (2)(f) of this section is made at one (1) of the areas.

The project site must be identified and described to the county commissioners by a taxpayer subject to tax under chapter 30, title 63, Idaho Code, in the form and manner prescribed by the commission.

(e) "Qualified investment" shall be as defined in section 63-3029B, Idaho Code.

(f) "Tax incentive criteria" means a taxpayer at a project site meeting the requirements of subparagraphs (i), (ii) and (iii) of this paragraph:

(i) During the project period, making capital investments in new plant of at least three million dollars ($3,000,000) at the project site;

(ii) During a period of time beginning on January 1, 2008, and ending at the conclusion of the project period, the project is located in a rural development zone as defined by the United States department of agriculture rural development's, business and industry loan program;

(iii) The taxpayer can demonstrate to the county that significant economic benefits will accrue to the county.

(3) The board of county commissioners may grant the property tax exemption for all or a portion of the market value of the defined project for a period of up to five (5) years. The agreement shall be considered a contract arrangement between the county and the taxpayer for the exemption time period granted by the board of county commissioners.

(4) Property exempted under this section shall not be included on any new construction roll prepared by the county assessor in accordance with section 63-301A, Idaho Code, until the exemption ceases.

(5) The legislature declares this exemption necessary and just.

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, 2008.

Approved March 31, 2008.

CHAPTER 328
(S.B. No. 1343)

AN ACT

RELATING TO CHILD SUPPORT; AMENDING SECTION 32-706, IDAHO CODE, TO PROVIDE FOR CODE REFERENCES; AMENDING SECTION 32-1214A, IDAHO CODE, TO REVISE LEGISLATIVE PURPOSE; AND AMENDING SECTION 32-1214B, IDAHO CODE, TO DEFINE A TERM.

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

SECTION 1. That Section 32-706, Idaho Code, be, and the same is hereby amended to read as follows:

32-706. CHILD SUPPORT. (1) In a proceeding for divorce or child support, the court may order either or both parents owing a duty of support to a child to pay an amount reasonable or necessary for his or her support and education until the child is eighteen (18) years of age, without regard to marital misconduct, after considering all relevant factors which may include:

(a) The financial resources of the child;

(b) The financial resources, needs, and obligations of both the custodial and noncustodial parents which ordinarily shall not include a parent's community property interest in the financial resources or obligations of a spouse who is not a parent of the child, unless compelling reasons exist;

(c) The standard of living the child enjoyed during the marriage;

(d) The physical and emotional condition and needs of the child and his or her educational needs;

(e) The availability of medical coverage for the child at reasonable cost <u>as defined in section 32-1214B, Idaho Code;</u>

(f) The actual tax benefit recognized by the party claiming the federal child dependency exemption.

(2) If the child continues his high school education subsequent to reaching the age of eighteen (18) years, the court may, in its discretion, and after considering all relevant factors which include those set forth in subsection (1) of this section, order the continuation of support payments until the child discontinues his high school education or reaches the age of nineteen (19) years, whichever is sooner.

(3) All child support orders shall notify the obligor that the order will be enforced by income withholding pursuant to chapter 12, title 32, Idaho Code. Failure to include this provision does not affect the validity of the support order. The court shall require that the social security numbers of both the obligor and obligee be included in the order or decree.

(4) In a proceeding for the support of a child or a minor parent the court may order the parent(s) of each minor parent to pay an amount reasonable or necessary for the support and education of the child born to the minor parent(s) until the minor parent is eighteen (18) years of age, after considering all relevant factors which may include:

(a) The financial resources of the child;

(b) The financial resources of the minor parent;

(c) The financial resources, needs and obligations of the parent of the minor parent;

(d) The physical and emotional condition and needs of the child and his or her educational needs; and

(e) The availability of medical coverage for the child at reasonable cost as defined in section 32-1214B, Idaho Code.

(5) The legislature hereby authorizes and encourages the supreme court of the state of Idaho to adopt and to periodically review for modification guidelines that utilize and implement the factors set forth in subsections (1) through (4) of this section to create a uniform procedure for reaching fair and adequate child support awards. There shall be a rebuttable presumption that the amount of the award which would result from the application of the guidelines is the amount of child support to be awarded, unless evidence is presented in a particular case which indicates that an application of the guidelines would be unjust or inappropriate. If the court determines that circumstances exist to permit a departure from the guidelines, the judge making the determination shall make a written or specific finding on the record that the application of the guidelines would be unjust or inappropriate in the particular case before the court. When adopting guidelines, the supreme court shall provide that in a proceeding to modify an existing award, children of the party requesting the modification who are born or adopted after the entry of the existing order shall not be considered.

SECTION 2. That Section 32-1214A, Idaho Code, be, and the same is hereby amended to read as follows:

32-1214A. PURPOSE. The state of Idaho has an interest in ensuring that its children receive health insurance benefits through private means when available at reasonable cost as defined in section 32-1214B, Idaho Code. Therefore, the legislature hereby adopts the national medical support notice required by 42 U.S.C. section 666(a)(19) and the employee retirement income security act, 29 U.S.C. section 1169(a), to allow the department of health and welfare or an obligee to enforce an order for medical support.

SECTION 3. That Section 32-1214B, Idaho Code, be, and the same is hereby amended to read as follows:

32-1214B. DEFINITIONS. For the purposes of this chapter, the following definitions apply:

(1) "Child" means any child including an adopted minor child, of a participant in a health benefit plan, recognized under a medical child support order as having a right to enrollment under a health benefit plan.

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

(3) "Health benefit plan" means a group or individual health bene-

fit plan or combination of plans, other than public assistance programs, that provides medical care or benefits for a child.

(4) "Insurer" means every person engaged as indemnitor, surety or contractor in the business of entering into contracts of insurance or annuity.

(5) "Medical child support order" means any order, including those that meet the requirements of 29 U.S.C. section 1169, or notice issued by either a court or administrative agency that requires a plan administrator, or if none, the employer, to enroll an eligible child in a health benefit plan.

(6) "Obligee" means a party or parent other than the parent ordered to carry or provide a health benefit plan for the parties' minor child.

(7) "Obligor" means the parent ordered by the court to carry or provide health insurance benefits for the parties' minor child.

(8) "Party" means the department, grandparent or any person who is the custodian, other than the parent who owes a duty of medical support.

(9) "Plan administrator" means a person or entity, designated under the terms of the health benefit plan or health insurance policy or related contract or agreement, responsible for the administration of plan duties. If no plan administrator is designated under the terms of the policy, contract or agreement, the plan administrator is the plan sponsor.

(10) "Plan sponsor" means an employer, employee organization, association, committee, joint board of trustees, or other similar group, including a state or local government agency or church, that establishes or maintains an employee benefit plan.

(11) "Reasonable cost" means the cost to the obligor does not exceed five percent (5%) of his or her gross income.

Approved April 1, 2008.

CHAPTER 329
(S.B. No. 1356, As Amended in the House)

AN ACT

RELATING TO COUNTY SHERIFFS; AMENDING SECTION 34-618, IDAHO CODE, TO PROVIDE FOR CERTAIN TRAINING FOLLOWING ELECTION TO THE OFFICE OF SHERIFF FOR THE FIRST TIME.

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

SECTION 1. That Section 34-618, Idaho Code, be, and the same is hereby amended to read as follows:

34-618. ELECTION OF COUNTY SHERIFFS -- QUALIFICATIONS. (1) At the general election, 1972, and every four (4) years thereafter, a sheriff shall be elected in every county.

(2) No person shall be elected to the office of sheriff unless he has attained the age of twenty-one (21) years at the time of ~~his~~ election, is a citizen of the United States and shall have resided within the county one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars ($40.00) which shall be deposited in the county treasury.

(5) Each person who has been elected to the office of sheriff for the first time shall complete a tutorial concerning current Idaho law and rules as prescribed by the Idaho peace officers standards and training academy, unless the person is already certified as a chief of police, peace officer or detention deputy in the state of Idaho, and shall attend the newly elected sheriffs' school sponsored by the Idaho sheriffs' association.

Approved April 1, 2008.

CHAPTER 330
(S.B. No. 1379, As Amended, As Amended)

AN ACT

RELATING TO TIRE EQUIPMENT RESTRICTIONS; AMENDING SECTION 49-104, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 49-123, IDAHO CODE, TO PROVIDE A CHAPTER REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-948, IDAHO CODE, TO PROVIDE THE IDAHO DEPARTMENT OF TRANSPORTATION WITH THE AUTHORITY TO REQUIRE CHAINS OR CERTAIN OTHER TRACTION DEVICE ON CERTAIN COMMERCIAL VEHICLES ON CERTAIN PASSES, TO REQUIRE THE DEPARTMENT TO TAKE CERTAIN ACTIONS WHEN REQUIRING THE CHAINS, TO PROVIDE FOR CHAINING REQUIREMENTS AND TO PROVIDE FOR EXCEPTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. 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) "Chains" means metal traction devices required pursuant to section 49-948, Idaho Code, which consist of two (2) circular metal loops, one (1) on each side of the tire, connected by not less than nine (9) evenly-spaced chains across the tire tread.

(6) "Commercial coach." (See section 39-4301, Idaho Code)

(~~6~~7) "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~~8) "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~~9) "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~~10) "Commercial vehicle" or "commercial motor vehicle." (See "Vehicle," section 49-123, Idaho Code)

(~~10~~11) "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~~12) "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~~13) "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~~14) "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 2. That Section 49-123, Idaho Code, be, and the same is hereby amended to read as follows:

49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an axle or axles designed to support a part of the vehicle and load and which can be regulated to vary the amount of load supported by such an axle or axles and which can be deployed or lifted by the operator of the vehicle. See also section 49-117, Idaho Code.

(a) "Fully raised" means that the variable load suspension axle is in an elevated position preventing the tires on such axle from having any contact with the roadway.

(b) "Fully deployed" means that the variable load suspension axle is supporting a portion of the weight of the loaded vehicle as controlled by the preset pressure regulator valve.

(2) "Vehicle" means:

(a) General. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(b) Authorized emergency vehicle. Vehicles operated by any fire department or law enforcement agency of the state of Idaho or any political subdivision of the state, ambulances, vehicles belonging to personnel of voluntary fire departments while in performance of official duties only, vehicles belonging to, or operated by EMS personnel certified or otherwise recognized by the EMS bureau of the Idaho department of health and welfare while in the performance of emergency medical services, sheriff's search and rescue vehicles which are under the immediate supervision of the county sheriff, wreckers which are engaged in motor vehicle recovery operations and are blocking part or all of one (1) or more lanes of traffic, other emergency vehicles designated by the director of the Idaho state police or vehicles authorized by the Idaho transportation board and used in the enforcement of laws specified in section 40-510, Idaho Code, pertaining to vehicles of ten thousand (10,000) pounds or greater.

(c) Commercial vehicle or commercial motor vehicle. For the purposes of chapters 3 and 9 of this title, ~~(driver's licenses)~~ and vehicle equipment, a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

1. Has a manufacturer's gross combination weight rating (GCWR) in excess of twenty-six thousand (26,000) pounds inclusive of a towed unit with a manufacturer's gross vehicle weight rating (GVWR) of more than ten thousand (10,000) pounds; or

2. Has a manufacturer's gross vehicle weight rating (GVWR) in

excess of twenty-six thousand (26,000) pounds; or

3. Is designed to transport sixteen (16) or more people, including the driver; or

4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the hazardous material transportation act and which require the motor vehicle to be placarded under the hazardous materials regulations (49 CFR part 172, subpart F).

For the purposes of chapter 4, title 49, Idaho Code, {motor vehicle registration}, a vehicle or combination of vehicles of a type used or maintained for the transportation of persons for hire, compensation or profit, or the transportation of property for the owner of the vehicle, or for hire, compensation, or profit, and shall include fixed load specially constructed vehicles exceeding the limits imposed by chapter 10, title 49, Idaho Code, and including drilling rigs, construction, drilling and wrecker cranes, log jammers, log loaders, and similar vehicles which are normally operated in an overweight or oversize condition or both, but shall not include those vehicles registered pursuant to sections 49-402 and 49-402A, Idaho Code, or exempted by section 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "commercial vehicle" under the provisions of this title relating to equipment requirements, rules of the road, or registration.

(d) Farm vehicle. A vehicle or combination of vehicles owned by a farmer or rancher, which are operated over public highways, and used exclusively to transport unprocessed agricultural, dairy or livestock products raised, owned and grown by the owner of the vehicle to market or place of storage; and shall include the transportation by the farmer or rancher of any equipment, supplies or products purchased by that farmer or rancher for his own use, and used in the farming or ranching operation or used by a farmer partly in transporting agricultural products or livestock from the farm of another farmer that were originally grown or raised on the farm, or when used partly in transporting agricultural supplies, equipment, materials or livestock to the farm of another farmer for use or consumption on the farm but not transported for hire, and shall not include vehicles of husbandry or vehicles registered pursuant to sections 49-402 and 49-402A, Idaho Code.

(e) Foreign vehicle. Every vehicle of a type required to be registered under the provisions of this title brought into this state from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

(f) Glider kit vehicle. Every large truck manufactured from a kit manufactured by a manufacturer of large trucks which consists of a frame, cab complete with wiring, instruments, fenders and hood and front axles and wheels. The "glider kit" is made into a complete assembly by the addition of the engine, transmission, rear axles, wheels and tires.

(g) Motor vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved

solely by human power, electric personal assistive mobility devices and motorized wheelchairs.

(h) Multipurpose passenger vehicle (MPV). For the purposes of section 49-966, Idaho Code, a motor vehicle designed to carry ten (10) or fewer persons which is constructed either on a truck chassis or with special features for occasional off-road operation.

(i) Neighborhood electric vehicle (NEV). A self-propelled, electrically-powered, four-wheeled motor vehicle which is emission free and conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under federal regulations at 49 CFR part 571. An NEV shall be titled, registered and insured according to law as provided respectively in chapters 4, 5 and 12, title 49, Idaho Code, and shall only be operated by a licensed driver. Operation of an NEV on a highway shall be allowed as provided in section 49-663, Idaho Code.

(j) Noncommercial vehicle. For the purposes of chapter 4, title 49, Idaho Code, {motor vehicle registration}, a noncommercial vehicle shall not include those vehicles required to be registered under sections 49-402 and 49-402A, Idaho Code, and means all other vehicles or combinations of vehicles which are not commercial vehicles or farm vehicles, but shall include motor homes. A noncommercial vehicle shall include those vehicles having a combined gross weight not in excess of sixty thousand (60,000) pounds and not held out for hire, used for purposes related to private use and not used in the furtherance of a business or occupation for compensation or profit or for transporting goods for other than the owner.

(k) Passenger car. For the purposes of section 49-966, Idaho Code, a motor vehicle, except a multipurpose passenger vehicle, motorcycle or trailer, designed to carry ten (10) or fewer persons.

(l) Reconstructed or repaired vehicle. Every vehicle that has been rebuilt or repaired using like make and model parts and visually appears as a vehicle that was originally constructed under a distinctive manufacturer. This includes a salvage vehicle which is damaged to the extent that a "reconstructed vehicle" or "repaired vehicle" brand is required, and other vehicles which have been reconstructed by the use of a kit designed to be used to construct an exact replica of a vehicle which was previously constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles. A glider kit vehicle is not a reconstructed vehicle.

(m) Salvage vehicle. Any vehicle for which a salvage certificate, salvage bill of sale or other documentation showing evidence that the vehicle has been declared salvage or which has been damaged to the extent that the owner, or an insurer, or other person acting on behalf of the owner, determines that the cost of parts and labor minus the salvage value makes it uneconomical to repair or rebuild. When an insurance company has paid money or has made other monetary settlement as compensation for a total loss of any motor vehicle, such motor vehicle shall be considered to be a salvage vehicle.

(n) Specially constructed vehicle. Every vehicle of a type required to be registered not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction

and cannot be visually identified as a vehicle produced by a particular manufacturer. This includes:

1. A vehicle that has been structurally modified so that it does not have the same appearance as a similar vehicle from the same manufacturer; or

2. A vehicle that has been constructed entirely from homemade parts and materials not obtained from other vehicles; or

3. A vehicle that has been constructed by using major component parts from one (1) or more manufactured vehicles and cannot be identified as a specific make or model; or

4. A vehicle constructed by the use of a custom kit that cannot be visually identified as a specific make or model.

(o) Total loss vehicle. Every vehicle that is deemed to be uneconomical to repair due to scrapping, dismantling or destruction. A total loss shall occur when an insurance company or any other person pays or makes other monetary settlement to the owner when it is deemed to be uneconomical to repair the damaged vehicle. The compensation for total loss as defined herein shall not include payments by an insurer or other person for medical care, bodily injury, vehicle rental or for anything other than the amount paid for the actual damage to the vehicle.

(3) "Vehicle identification number." (See "Identifying number," section 49-110, Idaho Code)

(4) "Vehicle salesman" means any person who, for a salary, commission or compensation of any kind, is employed either directly or indirectly, or regularly or occasionally by any dealer to sell, purchase or exchange, or to negotiate for the sale, purchase or exchange of vehicles. (See also "full-time salesman," section 49-107, Idaho Code, and "part-time salesman," section 49-117, Idaho Code)

(5) "Vessel." (See section 67-7003, Idaho Code)

(6) "Veteran." (See section 65-502, Idaho Code)

(7) "Violation" means a conviction of a misdemeanor charge involving a moving traffic violation, or an admission or judicial determination of the commission of an infraction involving a moving traffic infraction, except bicycle infractions.

SECTION 3. That Section 49-948, Idaho Code, be, and the same is hereby amended to read as follows:

49-948. RESTRICTIONS AS TO TIRE EQUIPMENT. (1) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one (1) inch thick above the edge of the flange of the entire periphery.

(2) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the highway.

(3) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, spike, or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except as allowed herein. It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and it shall be permissible to use tire chains. Tires with built-in lugs of tungsten carbide or other suitable material, hereinafter called studs, may be used upon

any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid, that will not unduly damage the highway. Motor vehicles, trailers and semitrailers with tires having built-in studs are prohibited on public highways between the dates of May 1 and September 30, annually, except as provided in paragraphs (a), (b) and (c) of this subsection:

(a) Fire pumper/tanker trucks and ladder trucks belonging to fire departments and firefighting agencies are exempt from the prohibited dates.

(b) A vehicle may be equipped year-round with tires that have retractable studs if the studs retract pneumatically or mechanically to at or below the wear bar of the tire when not in use and the retractable studs protrude beyond the wear bar of the tire only between October 1 and April 30. Retractable studs may be made of metal or other material and are not subject to the stud weight requirements of subsection (4) of this section.

(c) Special exemptions from the prohibited dates may be granted by the Idaho transportation board if it is found by the board that enhancements to public safety outweigh the increased pavement wear.

(4) Commercial tire retailers shall not sell studded tires with studs exceeding the following weight and protrusion limitations after July 1, 2005. Commercial tire retailers and tire shops shall not manually install studs exceeding the following weight and protrusion limitations after July 1, 2005.

(a) Studs shall not protrude more than six-hundredths (.06) of an inch from the surface of the tire tread when originally installed.

(b) Stud size shall be as recommended by the manufacturer of the tire for the type and size of the tire.

(c) Studs shall individually weigh no more than one and one-half (1.5) grams if the stud is size 14 or less.

(d) Studs shall individually weigh no more than two and three-tenths (2.3) grams if the stud size is 15 or 16.

(e) Studs shall individually weigh no more than three (3) grams if the stud size is 17 or larger.

(5) If the Idaho transportation department determines, at any time, that Lookout Pass or Fourth of July Pass on interstate 90 or Lolo Pass on state highway 12 is of an unsafe condition so as to require chains, as defined in section 49-104, Idaho Code, in addition to pneumatic tires, the Idaho transportation department may establish requirements for the use of chains on all commercial vehicles as defined in section 49-123(2)(c)1. and 2., Idaho Code, traveling on interstate 90 or state highway 12. If the Idaho transportation department establishes that chains are so required, the Idaho transportation department shall:

(a) Provide multiple advance notices of the chain requirement;

(b) Provide adequate opportunities for pull out;

(c) Provide notification at a point at which the commercial vehicle can safely pull out of the normal flow of traffic, prior to the point at which chains are required; and

(d) In no case post requirements for chains on bare pavement.

(6) Provided that the conditions in subsection (5) of this section are met, the chain requirement shall be met by chaining a minimum of one (1) tire on each side of:

(a) One (1) drive axle, regardless of the number of drive axles; and

(b) One (1) axle at or near the rear of each towed vehicle. Such axle shall not include a variable load suspension axle or an axle of a converter dolly.

(7) Chains as required in subsection (6)(a) and (b) of this section mean "chains" as defined in section 49-104, Idaho Code. Any other traction device differing from chains in construction, material or design but capable of providing traction equal to or exceeding that of chains under similar conditions may be used.

(8) The Idaho transportation department shall place and maintain signs and other traffic control devices on the interstate and state highway passes as designated in subsection (5) of this section that indicate the chain requirements under subsection (6) of this section.

(9) Exempt from the chaining requirements provided for in subsections (5) and (6) of this section are:

(a) Motor vehicles operated by the Idaho transportation department when used in the maintenance of the interstate or state highway system; and

(b) The following:

(i) Motor vehicles employed solely in transporting school children and teachers to or from school or to or from approved school activities, when the motor vehicle is either:

1. Wholly owned and operated by such school; or

2. Leased or contracted by such school and the motor vehicle is not used in furtherance of any other commercial enterprise;

(ii) Motor vehicles controlled and operated by any farmer when used in the transportation of the farmer's farm equipment or in the transportation of supplies to the farmer's farm;

(iii) The transportation of agricultural products including fresh fruits and vegetables, livestock, livestock feed or manure at any time of the year;

(iv) Motor propelled vehicles for the sole purpose of carrying United States mail or property belonging to the United States;

(v) Motor carriers transporting products of the forest at any time of the year, including chip trucks;

(vi) Motor carriers transporting products of the mine including sand, gravel and aggregates thereof, excepting petroleum products; and

(vii) Vehicles properly equipped, designed and customarily used for the transportation of disabled or abandoned vehicles by means of a crane, hoist, tow bar, dolly or roll bed, commonly known as a "wrecker truck" or "tow truck."

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 April 1, 2008.

CHAPTER 331
(S.B. No. 1426, As Amended in the House)

AN ACT

RELATING TO THE HOSPITALIZATION OF THE MENTALLY ILL; AMENDING SECTION 66-317, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 66-328, IDAHO CODE, TO PROVIDE THAT PROCEEDINGS FOR THE CARE OF MENTALLY ILL PERSONS SHALL BE HAD IN THE COUNTY WHERE SUCH PERSON RESIDES OR IN THE COUNTY WHERE SUCH PERSON IS FOUND; AMENDING SECTION 66-329, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS, TO REVISE PROVISIONS RELATING TO VENUE, TO PROVIDE FOR CONSIDERATION OF REASONABLE ALTERNATIVES TO COMMITMENT, TO PROVIDE FOR OBSERVATION, CARE AND TREATMENT, TO PROVIDE FOR OUTPATIENT TREATMENT, TO PROVIDE FOR TRANSPORT OF A COMMITTED PATIENT, TO PROVIDE FOR THE TRANSFER OF THE COMMITTED PATIENT FROM OUTPATIENT TREATMENT TO THE LEAST RESTRICTIVE AVAILABLE FACILITY ON AN INPATIENT BASIS, TO PROVIDE NOTICE OF SUCH TRANSFER, TO PROVIDE FOR JUDICIAL REVIEW AND DETERMINATION, TO PROVIDE FOR SHOW CAUSE ORDER AND TO LIMIT APPLICATION; AND REPEALING SECTION 66-338, IDAHO CODE, RELATING TO CONDITIONAL RELEASE, SECTION 66-339, IDAHO CODE, RELATING TO REHOSPITALIZATION OF PATIENTS CONDITIONALLY RELEASED FROM INPATIENT TREATMENT FACILITIES, SECTION 66-339A, IDAHO CODE, RELATING TO OUTPATIENT COMMITMENT, SECTION 66-339B, IDAHO CODE, RELATING TO OUTPATIENT COMMITMENT HEARING, SECTION 66-339C, IDAHO CODE, RELATING TO NONCOMPLIANCE WITH COURT ORDER, AND SECTION 66-342, IDAHO CODE, RELATING TO CHANGE IN DISPOSITION.

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

SECTION 1. That Section 66-317, Idaho Code, be, and the same is hereby amended to read as follows:

66-317. DEFINITIONS. As used in this chapter, terms shall have the following meanings:

(1) "Department director" means the director of the state department of health and welfare.

(2) "Voluntary patient" means an individual admitted to a facility for evaluation pursuant to section 18-211 or 20-520, Idaho Code, or admitted to a facility for observation, diagnosis, evaluation, care or treatment pursuant to section 66-318, Idaho Code.

(3) "Involuntary patient" means an individual committed pursuant to section 18-212, 66-329 or 66-1201, Idaho Code, or committed pursuant to section 16-1619 or 20-520, Idaho Code, and admitted to a facility for the treatment of minors.

(4) "Licensed physician" means an individual licensed under the laws of this state to practice medicine or a medical officer of the government of the United States while in this state in the performance of his official duties.

(5) "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.

(6) "Dispositioner" means a designated examiner employed by or under contract with the department of health and welfare and designated by the department director to determine the appropriate location for care and treatment of involuntary patients.

(7) "Facility" means any public or private hospital, sanatorium, institution, mental health center or other organization designated in accordance with rules adopted by the board of health and welfare as equipped to initially hold, evaluate, rehabilitate or to provide care or treatment, or both, for the mentally ill.

(8) "Lacks capacity to make informed decisions about treatment" means the inability, by reason of mental illness, to achieve a rudimentary understanding after conscientious efforts at explanation of the purpose, nature, and possible significant risks and benefits of treatment.

(9) "Inpatient treatment facility" means a facility in which an individual receives medical and mental treatment for not less than a continuous twenty-four (24) hour period.

(10) "Supervised residential facility" means a facility, other than the individual's home, in which the individual lives and in which there lives, or are otherwise on duty during the times that the individual's presence is expected, persons who are employed to supervise, direct, treat or monitor the individual.

(11) "Likely to injure himself or others" means either:

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

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

(c) The proposed patient lacks insight into his need for treatment and is unable or unwilling to comply with treatment and, based on his psychiatric history, clinical observation or other clinical evidence, if he does not receive and comply with treatment, there is a substantial risk he will continue to physically, emotionally or mentally deteriorate to the point that the person will, in the reasonably near future, inflict physical harm on himself or another person.

(12) "Mentally ill" means a person, who as a result of a substantial disorder of thought, mood, perception, orientation, or memory, which grossly impairs judgment, behavior, capacity to recognize and adapt to reality, requires care and treatment at a facility or through outpatient treatment.

(13) "Gravely disabled" means a person who, as the result of mental illness, is:

(a) I~~i~~n danger of serious physical harm due to the person's inability to provide for any of his own basic personal needs, ~~for~~ such as nourishment, or essential clothing, medical care, ~~or~~ shelter or safety; or

(b) Lacking insight into his need for treatment and is unable or unwilling to comply with treatment and, based on his psychiatric history, clinical observation or other clinical evidence, if he does

not receive and comply with treatment, there is a substantial risk he will continue to physically, emotionally or mentally deteriorate to the point that the person will, in the reasonably near future, be in danger of serious physical harm due to the person's inability to provide for any of his own basic personal needs such as nourishment, essential clothing, medical care, shelter or safety.

(14) "Outpatient ~~commitment~~ treatment" means ~~a court order directing a person to comply with specified~~ mental health treatment, ~~requirements,~~ not involving the continuous supervision of a person in an inpatient setting, that ~~are~~ is reasonably designed to alleviate or to reduce a person's mental illness ~~or disability,~~ or to maintain or prevent deterioration of the person's physical, mental or emotional functioning. ~~The specified requirements~~ Mental health services or treatment may include, but need not be limited to, taking prescribed medication, reporting to a facility to permit monitoring of the person's condition, or participating in individual or group therapy. ~~or in educational or vocational programs. Outpatient commitment may be up to one (1) year.~~

(15) "Protection and advocacy system" means the agency designated by the governor as the state protection and advocacy system pursuant to 42 U.S.C. section 15043 and 42 U.S.C. sections 10801 et seq.

(16) "Holding proceedings in abeyance" means an alternative to judicial commitment based upon an agreement entered into by all parties, including the proposed patient, and agreed to by the court, providing for voluntary conditions of treatment, which holds in a state of suspension or inactivity the petition for involuntary commitment.

SECTION 2. That Section 66-328, Idaho Code, be, and the same is hereby amended to read as follows:

66-328. JURISDICTION OF PROCEEDINGS FOR COMMITMENT. Proceedings for the care of mentally ill persons shall be had in the district court of the county where the person to be treated resides~~; except that such proceedings may be had~~ or in the district court of any other county of this state where such person is found. ~~upon the payment to such nonresident county by such residence county of such additional filing and hearing costs, and such reasonable medical and attorney fees or other fees as may be fixed by law or by the court where the proceedings are proposed to be had.~~

SECTION 3. That Section 66-329, Idaho Code, be, and the same is hereby amended to read as follows:

66-329. COMMITMENT TO DEPARTMENT DIRECTOR UPON COURT ORDER -- JUDICIAL PROCEDURE. (~~a~~1) Proceedings for the involuntary care and treatment of mentally ill persons by the department of health and welfare may be commenced by the filing of a written application with a court of competent jurisdiction by a friend, relative, spouse or guardian of the proposed patient, or by a licensed physician, prosecuting attorney, or other public official of a municipality, county or of the state of Idaho, or the director of any facility in which such patient may be.

(~~b~~2) The application shall state the name and last known address of the proposed patient; the name and address of either the spouse, guardian, next of kin or friend of the proposed patient; whether the proposed patient can be cared for privately in the event commitment is not

ordered; if the proposed patient is, at the time of the application, a voluntary patient; whether the proposed patient has applied for release pursuant to section 66-320, Idaho Code; and a simple and precise statement of the facts showing that the proposed patient is mentally ill and either likely to injure himself or others or is gravely disabled due to mental illness.

(~~c~~3) Any such application shall be accompanied by a certificate of a designated examiner stating that he has personally examined the proposed patient within the last fourteen (14) days and is of the opinion that the proposed patient is: (i) mentally ill; (ii) likely to injure himself or others or is gravely disabled due to mental illness; and (iii) lacks capacity to make informed decisions about treatment, or a written statement by the applicant that the proposed patient has refused to submit to examination by a designated examiner.

(~~d~~4) Upon receipt of an application for commitment, the court shall, within forty-eight (48) hours appoint another designated examiner to make a personal examination of the proposed patient or if the proposed patient has not been examined, the court shall appoint two (2) designated examiners to make individual personal examinations of the proposed patient and may order the proposed patient to submit to an immediate examination. If neither designated examiner is a physician, the court shall order a physical examination of the proposed patient. At least one (1) designated examiner shall be a psychiatrist, licensed physician or licensed psychologist. The designated examiners shall report to the court their findings within the following seventy-two (72) hours as to the mental condition of the proposed patient and his need for custody, care, or treatment by a facility. The reports shall be in the form of written certificates which shall be filed with the court. The court may terminate the proceedings and dismiss the application without taking any further action in the event the reports of the designated examiners are to the effect that the proposed patient is not mentally ill or, although mentally ill, is not likely to injure himself or others or is not gravely disabled due to mental illness. If the proceedings are terminated, the proposed patient shall be released immediately.

(~~e~~5) If the designated examiner's certificate states a belief that the proposed patient is mentally ill and either likely to injure himself or others or is gravely disabled due to mental illness, the judge of such court shall issue an order authorizing any health officer, peace officer, or director of a facility to take the proposed patient to a facility in the community in which the proposed patient is residing or to the nearest facility to await the hearing and for good cause may authorize treatment during such period subject to the provisions of section 66-346(a)(4), Idaho Code. Under no circumstances shall the proposed patient be detained in a nonmedical unit used for the detention of individuals charged with or convicted of penal offenses.

(~~f~~6) Upon receipt of such application and designated examiners' reports the court shall appoint a time and place for hearing not more than seven (7) days from the receipt of such designated examiners' reports and thereupon give written notice of such time and place of such hearing together with a copy of the application, designated examiner's certificates, and notice of the proposed patient's right to be represented by an attorney, or if indigent, to be represented by a court-appointed attorney, to the applicant, to the proposed patient, to the proposed patient's spouse, guardian, next of kin or friend. With the con-

sent of the proposed patient and his attorney, the hearing may be held immediately. Upon motion of the proposed patient and attorney and for good cause shown, the court may continue the hearing up to an additional fourteen (14) days during which time, for good cause shown, the court may authorize treatment.

(~~g~~7) An opportunity to be represented by counsel shall be afforded to every proposed patient, and if neither the proposed patient nor others provide counsel, the court shall appoint counsel in accordance with chapter 8, title 19, Idaho Code, no later than the time the application is received by the court.

(~~h~~8) If the involuntary detention was commenced under this section, t~~T~~he hearing shall be held at a facility, at the home of the proposed patient, or at any other suitable place not likely to have a harmful effect on the proposed patient's physical or mental health. Venue for the hearing shall be in the county of residence of the proposed patient~~, unless the patient waives the right to have venue fixed there~~ or in the county where the proposed patient was found immediately prior to commencement of such proceedings.

(~~i~~9) In all proceedings under this section, any existing provision of the law prohibiting the disclosure of confidential communications between the designated examiner and proposed patient shall not apply and any designated examiner who shall have examined the proposed patient shall be a competent witness to testify as to the proposed patient's condition.

(~~j~~10) The proposed patient, the applicant, and any other persons to whom notice is required to be given shall be afforded an opportunity to appear at the hearing, to testify, and to present and cross-examine witnesses. The proposed patient shall be required to be present at the hearing unless the court determines that the mental or physical state of the proposed patient is such that his presence at the hearing would be detrimental to the proposed patient's health or would unduly disrupt the proceedings. A record of the proceedings shall be made as for other civil hearings. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure. The court shall receive all relevant and material evidence consistent with the rules of evidence.

(~~k~~11) If, upon completion of the hearing and consideration of the record, and after consideration of reasonable alternatives including, but not limited to, holding the proceedings in abeyance for a period of up to thirty (30) days, the court finds by clear and convincing evidence that the proposed patient:

(~~1~~a) is mentally ill; and

(~~2~~b) is, because of such condition, likely to injure himself or others, or is gravely disabled due to mental illness;

the court shall order the proposed patient committed to the custody of the department director for observation, care and treatment for an indeterminate period of time not to exceed one (1) year. The department director, through his dispositioner, shall determine within twenty-four (24) hours the least restrictive available facility or outpatient treatment, consistent with the needs of each patient committed under this section for observation, care, and treatment.

(12) The commitment order constitutes a continuing authorization for the department of health and welfare, law enforcement, or director of a facility, upon request of the director of the outpatient facility, the physician, or the department director through his dispositioner, to

transport a committed patient to designated outpatient treatment for the purpose of making reasonable efforts to obtain the committed patient's compliance with the terms and conditions of outpatient treatment. If the director of the outpatient facility, the treating physician, or the department director through his dispositioner determines any of the following:

(a) The patient is failing to adhere to the terms and conditions of outpatient treatment or the patient refuses outpatient treatment after reasonable efforts at compliance have been made; or

(b) Outpatient treatment is not effective after reasonable efforts have been made;

the department director through his dispositioner shall cause the committed patient to be transported by the department of health and welfare, law enforcement, or director of a facility to the least restrictive available facility for observation, care and treatment on an inpatient basis. Within forty-eight (48) hours of a committed patient's transfer from outpatient treatment to a facility for inpatient treatment, the department director through his dispositioner shall notify the court that originally ordered the commitment, the committed patient's attorney, and either the committed patient's spouse, guardian, adult next of kin or friend of the change in disposition and provide a detailed affidavit reciting the facts and circumstances supporting the transfer from outpatient treatment to inpatient treatment at a facility. The court shall conduct an ex parte review of the notice and affidavit within forty-eight (48) hours of filing and determine whether the change in disposition from outpatient treatment to inpatient treatment at a facility is supported by probable cause. In no event shall the calculation of forty-eight (48) hours provided for in this subsection include holidays formally recognized and observed by the state of Idaho, nor shall the calculation include weekends. If the court determines that probable cause exists, the department director through his dispositioner shall continue with care and treatment on an inpatient basis at the least restrictive available facility. Within twenty-four (24) hours of a finding of probable cause, the court shall issue an order to show cause why the patient does not meet the conditions in subsection (12)(a) or (12)(b) of this section. The order shall be served on the committed patient, the committed patient's attorney and either the committed patient's spouse, guardian, adult next of kin or friend. The patient shall have fifteen (15) days to present evidence that the conditions in subsection (12)(a) or (12)(b) of this section have not been met. In no event shall the calculation of twenty-four (24) hours provided for in this subsection include holidays formally recognized and observed by the state of Idaho, nor shall the calculation include weekends. If the court determines that a change in disposition from outpatient treatment to inpatient treatment does not meet the conditions in subsection (12)(a) or (12)(b) of this section, the department director through his dispositioner will continue with outpatient treatment on the same or modified terms and conditions. Nothing provided in this section shall limit the authority of any law enforcement officer to detain a patient pursuant to the emergency authority conferred by section 66-326, Idaho Code.

(~~1~~13) Nothing in this chapter or in any rule adopted pursuant thereto shall be construed to authorize the detention or involuntary admission to a hospital or other facility of an individual who:

(~~1~~a) ~~h~~Has epilepsy, a developmental disability, a physical disability, mental retardation, is impaired by chronic alcoholism or drug abuse, or aged, unless in addition to such condition, such person is mentally ill;

(~~2~~b) ~~i~~Is a patient under treatment by spiritual means alone, through prayer, in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof and who asserts to any authority attempting to detain him that he is under such treatment and who gives the name of a practitioner so treating him to such authority; or

(~~3~~c) ~~c~~Can be properly cared for privately with the help of willing and able family or friends, and provided, that such person may be detained or involuntarily admitted if such person is mentally ill and presents a substantial risk of injury to himself or others if allowed to remain at liberty.

(~~m~~14) The order of commitment shall state whether the proposed patient lacks capacity to make informed decisions about treatment, the name and address of the patient's attorney and either the patient's spouse, guardian, adult next of kin, or friend.

(~~n~~15) If the patient has no spouse or guardian and if the patient has property which may not be cared for pursuant to chapter 5, title 66, Idaho Code, or by the patient while confined at a facility, the court shall appoint a guardian ad litem for the purpose of preserving the patient's estate, pending further guardianship or conservatorship proceedings.

(~~o~~16) The commitment shall continue until the commitment is terminated and shall be unaffected by the patient's conditional release or change in disposition.

SECTION 4. That Sections 66-338, 66-339, 66-339A, 66-339B, 66-339C and 66-342, Idaho Code, be, and the same are hereby repealed.

Approved April 1, 2008.

CHAPTER 332
(S.B. No. 1435, As Amended)

AN ACT

RELATING TO THE DEPARTMENT OF ADMINISTRATION; REPEALING SECTION 58-330, IDAHO CODE, RELATING TO THE INTEGRATED PROPERTY RECORDS SYSTEM; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 67-5779, 67-5780, 67-5781 AND 67-5782, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE DUTIES AND POWERS OF THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION, TO SET FORTH THAT STATE AGENCIES ARE TO PROVIDE CERTAIN RECORDS AND DATA, AND TO PROVIDE THAT THE RESPONSIBILITY FOR QUALITY REMAINS WITH THE ORIGINATOR.

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

SECTION 1. That Section 58-330, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 57, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 67-5779, 67-5780, 67-5781 and 67-5782, Idaho Code, and to read as follows:

67-5779. DEFINITIONS. As used in sections 67-5780, 67-5781 and 67-5782, Idaho Code:

(1) "Geographic information" means data and datasets containing location information including, but not limited to, remotely sensed imagery, global positioning systems files, geospatially referenced computer-aided design files, digital cartographic products, spatially enabled databases, and geospatial datasets locating and describing features and their attributes on, above or under the earth;

(2) "Geographic information systems" or "GIS" is an information system capable of capturing, integrating, storing, editing, analyzing, managing, sharing, and displaying geographic information. A GIS involves computer hardware, software, networks, and applications, as well as the people to operate, develop, administer and use them;

(3) "Metadata" is a description of the quality, currency, attributes, methods and other salient aspects of geographic and tabular information; and

(4) "State agency" means all state agencies or departments, boards, commissions, councils and institutions of higher education but shall not include the elected constitutional officers and their staffs, the legislature and its staffs or the judiciary.

67-5780. INTEGRATED PROPERTY RECORDS SYSTEM -- TRANSFER OF RESPONSIBILITY. The department of administration:

(1) Shall take possession and control of the state's integrated property records system previously created pursuant to section 58-330, Idaho Code;

(2) Shall manage the state's integrated property records system;

(3) Shall lead the establishment of a standard format, workflow and technical procedures to permit update of the integrated property records system with geographic and other relevant data and information received from state agencies; and

(4) Shall lead the planning and deployment of multiagency enterprise use of the integrated property records system.

67-5781. AGENCIES TO PROVIDE RECORDS AND DATA. (1) Every state agency shall, no later than January 15, 2009, provide records, in an electronic format acceptable to the department of administration, of all interests in any real property owned, used or granted by it including, without limitation, records of ownership, leases, encumbrances, easements, rights-of-way leases or any other interest in real property, and on a regular and continuous basis, update such records and provide any new records to the department of administration. Metadata will accompany all state agency records.

(2) For the purposes of this section, the Idaho transportation department shall provide highway right-of-way records from January 1, 2002, forward, augmented thereafter each time real property owned by the state of Idaho is affected as part of the Idaho transportation department's regular course of business.

(3) For purposes of this section, state agencies shall provide only

records and geographic information that are subject to disclosure under chapter 3, title 9, Idaho Code, or that the agency has determined to disclose as a public record.

67-5782. RESPONSIBILITY FOR QUALITY. In regard to any obligation on any state agency or other entity to provide records to the department of administration pursuant to section 67-5780 or 67-5781, Idaho Code, the obligation for quality remains with the originator and does not transfer to the department of administration by virtue of its receipt or by integration or other use of such records.

Approved April 1, 2008.

CHAPTER 333
(S.B. No. 1438, As Amended)

AN ACT

RELATING TO CRIMES AND PUNISHMENTS; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3325, IDAHO CODE, TO PROHIBIT CERTAIN INDIVIDUALS FROM POSSESSING A CONDUCTED ENERGY DEVICE, TO PROVIDE THAT USE OF A CONDUCTED ENERGY DEVICE DURING THE COMMISSION OF A FELONY SHALL CONSTITUTE A SEPARATE OFFENSE, TO PROVIDE FOR ENHANCED PENALTIES, TO PROVIDE FOR SEPARATE AND CONSECUTIVE SENTENCES, AND TO DEFINE A TERM.

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

SECTION 1. That Chapter 33, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-3325, Idaho Code, and to read as follows:

18-3325. PROHIBITION -- POSSESSION -- USE OF CONDUCTED ENERGY DEVICE -- PENALTIES. (1) It shall be a misdemeanor to possess a conducted energy device by:

(a) Any person found guilty of a felony who is not finally discharged from a sentence of imprisonment, probation or parole; or

(b) Any person who, having been found guilty of a felony, has not had his or her civil right to ship, transport, possess or receive a firearm restored.

(2) Use of a conducted energy device during the commission of a felony offense shall constitute a separate felony offense.

(3) Use of a conducted energy device during the commission of any of the following misdemeanor crimes of violence: sections 18-901, 18-903, 18-917 or 18-918, Idaho Code, shall result in double the penalties provided for in Idaho Code regarding those crimes.

(4) A sentence imposed for a violation of the provisions of this section shall be imposed separate from and consecutive to the sentence for any offense based on the act establishing the offense under this section.

(5) For purposes of this section, "conducted energy device" means any item that emits an electrical current, impulse, wave or beam, which current, impulse, wave or beam is designed to incapacitate, injure or kill.

Approved April 1, 2008.

CHAPTER 334
(S.B. No. 1449, As Amended)

AN ACT

RELATING TO NAVIGATIONAL ENCROACHMENTS; AMENDING SECTION 58-1308, IDAHO CODE, TO REVISE CERTAIN CIVIL PENALTY PROVISIONS, TO PROVIDE FOR THE ASSESSMENT OF CIVIL PENALTIES IN CONJUNCTION WITH OTHER ADMINISTRATIVE ACTIONS, TO PROVIDE A CONDITION FOR THE ASSESSMENT OF CIVIL PENALTIES, TO PROVIDE FOR CIVIL PENALTIES WHERE VIOLATIONS CAUSE HARM TO WATER QUALITY, FISHERIES, OR OTHER PUBLIC TRUST VALUES, TO PROVIDE LIABILITY FOR SPECIFIED EXPENSES, TO PROVIDE THAT DESIGNATED ACTIONS SHALL NOT RELIEVE PERSONS COMMITTING VIOLATIONS FROM CERTAIN CIVIL ACTIONS AND DAMAGES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 58-1308, Idaho Code, be, and the same is hereby amended to read as follows:

58-1308. PENALTY FOR VIOLATION -- INJUNCTIVE RELIEF. (1) Any person who violates any of the provisions of this ~~act~~ chapter or any valid and authorized regulation, rule, permit or order of the board, or, where notified by personal service or certified mail of such violation and thereafter fails to cease and desist therein or obey an order of the board within the time provided in such notification or within thirty (30) days of service of such notice if not otherwise provided, shall be subject to a civil penalty of not less than one hundred fifty dollars ($150) nor more than two thousand five hundred dollars ($2,500). Such civil penalty may be assessed by the board in conjunction with any other administrative action; provided, that no civil penalty shall be assessed unless the person was given notice and opportunity for a hearing pursuant to the administrative procedure act as set forth in chapter 52, title 67, Idaho Code. The board shall have authority and it shall be its duty to seek injunctive relief from the appropriate district court to restrain any person from encroaching on, in or above the beds or waters of a navigable lake until approval therefor has been obtained as provided in this ~~act~~ chapter.

(2) In addition to the civil penalty set forth in subsection (1) of this section, any person who violates any of the provisions of this chapter or any valid and authorized regulation, rule, permit or order of the board, and the violation causes harm to water quality, fisheries, or other public trust values, shall be liable for a civil penalty not to exceed ten thousand dollars ($10,000) per violation or one thousand dollars ($1,000) for each day of a continuing violation, whichever is greater. The method of recovery of said penalty shall be by a civil

enforcement action in the district court in and for the county where the violation occurred. Parties to an administrative enforcement action may agree to a civil penalty as provided in this subsection.

(3) In addition to such civil penalties, any person who has been determined to have violated the provisions of this chapter or any valid and authorized regulation, rule, permit or order of the board, shall be liable for any expense incurred by the state in enforcing the chapter, or in enforcing or terminating any nuisance, source of environmental degradation, cause of sickness or health hazard.

(4) No action taken pursuant to the provisions of this chapter or of any other environmental protection law shall relieve any person from any civil action and damages that may exist for injury or damage resulting from any violation of this chapter or any valid and authorized regulation, rule, permit or order of the board.

Approved April 1, 2008.

CHAPTER 335
(S.B. No. 1455)

AN ACT

RELATING TO LICENSES TO RETAIL LIQUOR; AMENDING SECTION 23-903, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF A LIQUOR LICENSE TO A SKI RESORT WHETHER LOCATED WITHIN OR WITHOUT THE LIMITS OF ANY CITY.

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

SECTION 1. That Section 23-903, Idaho Code, be, and the same is hereby amended to read as follows:

23-903. LICENSE TO RETAIL LIQUOR. The director of the Idaho state police is hereby empowered, authorized, and directed to issue licenses to qualified applicants, as herein provided, whereby the licensee shall be authorized and permitted to sell liquor by the drink at retail and, upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail by the drink, but only in accordance with the rules promulgated by the director and the provisions of this chapter. No license shall be issued for the sale of liquor on any premises outside the incorporated limits of any city except as provided in this chapter and the number of licenses so issued for any city shall not exceed one (1) license for each one thousand five hundred (1,500) of population of said city or fraction thereof, as established in the last preceding census, or any subsequent special census conducted by the United States bureau of the census or by an estimate that is statistically valid including adding the number of new residential utility connections or including adding the population of areas annexed into the city after the last census or special census was conducted, except that upon proper application thereof not more than two (2) licenses may be issued for each incorporated city with a population of one thousand five hundred (1,500) or less, unless the retail licensing of liquor by the drink has been previously disapproved under the provisions of sections 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code; provided,

however, that any license heretofore issued may be renewed from year to year without regard to the population or status of the city for which such license is issued. Any license issued and which has remained in effect at its location for a consecutive period of ten (10) years or more shall be deemed to have been validly issued and may be renewed from year to year provided, however, that the applicant for the renewal of such license is not otherwise disqualified for licensure pursuant to section 23-910, Idaho Code, and, if the premises required special characteristics for original licensure, other than being either within or without the incorporated limits of a city, that said premises continue to have such special characteristics at the time of the application for renewal.

Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of an actual, bona fide golf course whether located within or without the limits of any city, or located on premises also operated as a winery, or ski resort, or to the lessee of any premises situate thereon, ~~no part of which ski resort or the premises thereon is situate within the incorporated~~ whether located within or without the limits of any city. For the purpose of this section a golf course shall comprise an actual, bona fide golf course, which is regularly used for the playing of the game of golf, and having not less than nine (9) tees, fairways and greens laid out and used in the usual and regular manner of a golf course. Nine (9) hole courses must have a total yardage of at least one thousand (1,000) yards, and eighteen (18) hole courses must have a total yardage of at least two thousand (2,000) yards as measured by totaling the tee-to-green distance of all holes. The course must be planted in grass except that it may provide artificial tee mats. Where any such golf course is owned or leased by an association of members and is used or enjoyed by such members, or their guests, none of the disqualifications contained in section 23-910, Idaho Code, shall apply to such association as a licensee where such disqualifications, or any of them, would apply only to a member of such association where such member has no interest therein except as a member thereof.

Also for the purpose of this section a ski resort shall comprise real property of not less than ten (10) acres in size, exclusive of the terrain used for skiing and upon which the owner, operator, or lessee of the ski resort has made available himself, or through others, including, but not limited to, the owners of condominiums, permanent bona fide overnight accommodations available to the general public for one hundred (100) persons or more, and which real property is contiguous to or located within the area in which skiing occurs, and which real property is regularly operated as a ski resort in the winter time, and where the owner, operator, or lessee of the ski resort is also the owner, operator, or lessee of the area served by a bona fide chair ski lift facility or facilities. Alternatively, for the purpose of this section a ski resort may also be defined as a downhill ski area, open to the public, comprising real property of not less than two hundred fifty (250) skiable acres, operating two (2) or more chair lifts with a vertical lift of one thousand (1,000) feet or more, and capable of transporting a minimum of one thousand eight hundred (1,800) skiers per hour. A ski resort qualifying under this definition shall also have on the premises a lodge facility providing shelter and food service to the public, the operator of which shall also be the valid owner or lessee of the grounds

and facilities upon which the ski resort offers downhill skiing services to the public. The fees for licenses granted to ski resorts shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Not more than one (1) licensed premises shall be permitted on any golf course or any ski resort or within the area comprising the same.

Nothing herein contained shall prohibit the issuance of a license to the owner, operator or lessee of an actual, bona fide equestrian facility located on not less than forty (40) contiguous acres, with permanently erected seating of not less than six thousand (6,000) seats, no part of which equestrian facility or the premises thereon is situate within the incorporated limits of any city, and which facility shall have at least three (3) days per year of a professionally sanctioned rodeo. Not more than one (1) licensed premises shall be permitted at any equestrian facility or within an area comprising such a facility. The license shall be solely for the equestrian facility and shall not be transferred to any other location. The fees for licenses granted to equestrian facilities shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code.

Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of a restaurant operated on an airport owned or operated by a county or municipal corporation or on an airport owned or operated jointly by a county and municipal corporation, and which said airport is served by a trunk or local service air carrier holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board of the United States of America. Not more than one (1) license shall be issued on any airport.

Nothing herein contained shall prohibit the issuance of one (1) club license to a club as defined in section 23-902, Idaho Code. The holder of a club license is authorized to sell and serve alcoholic beverages for consumption only within the licensed establishment owned, leased or occupied by the club, and only to bona fide members of the club, and to serve and to sell alcoholic beverages for consumption to bona fide members' guests. A club license issued pursuant to the provisions of this section is not transferable and may not be sold. Any club license issued pursuant to the provisions of this section will revert to the director when, in his judgment, the licensee ceases to operate as a bona fide club as defined in section 23-902, Idaho Code. No club may hold a liquor license and a club license simultaneously. A club which on July 1, 1983, holds a liquor license, may continue to possess that license. Any club which possesses a liquor license on January 1, 1983, or thereafter, and then sells that liquor license, may not obtain a club license, and the director shall not issue a club license to that club for a period of five (5) years following such sale. The fee for any license issued to a qualifying club within an incorporated municipality shall be as prescribed in subsections (1), (2) and (3) of section 23-904, Idaho Code. The fee for any license issued to a qualifying club not situate within an incorporated municipality shall be as specified for golf courses under section 23-904(6), Idaho Code. The provisions of section 23-916, Idaho Code, regarding county and city licenses, shall pertain to club licenses. The burden of producing sufficient documentation of qualifications for club licensure shall be with the club applicant.

Nothing in this chapter to the contrary shall prohibit the issuance of a license to the owner, operator, or lessee of an actual, bona fide

convention center which is within the incorporated limits of a city having a population of three thousand (3,000) or greater, and which city does not have located therein a convention center with a valid convention center license to sell liquor by the drink. For the purpose of this section, a convention center means a facility having at least thirty-five thousand (35,000) square feet of floor space or a facility having at least one hundred twenty (120) sleeping rooms and an adjoining meeting room which will accommodate not less than three hundred fifty (350) persons, whether or not such room may be partitioned into smaller rooms, and provided that such meeting room shall contain at least three thousand (3,000) square feet of floor space. Such license must be placed in actual use in said convention center within one (1) year from the date of its issuance. The fee for any license issued to a qualifying convention center shall be as prescribed in subsection (3) of section 23-904, Idaho Code. No license issued to a convention center hereunder shall be transferable to another location or facility, nor shall the holder of a convention center license be eligible for the issuance of a license in the same city pursuant to any other provision of this chapter. For purposes of this section, the term holder shall include an owner, operator or lessee and shall include a stockholder, director, or officer of a corporation, or a partner in a partnership, which corporation or partnership has been issued a convention center license pursuant to this chapter. Not more than one (1) licensed premises shall be permitted on any convention center or within the area comprising the same, including convention centers that also comprise golf courses or ski resorts as herein defined.

Nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of a food, beverage and/or lodging facility that has been in continuous operation in the same location for at least seventy-five (75) years, except for temporary closings for refurbishing or reconstruction, or a food, beverage and lodging facility serving the public by reservation only, having a minimum of five (5) rooms operating in a structure that has been in existence for at least seventy-five (75) years and has been on the historic register for a minimum of ten (10) years, is situated within five hundred (500) yards of a natural lake containing a minimum of thirty-six thousand (36,000) acre feet of water when full with a minimum of thirty-two (32) miles of shoreline, and is located in a county with a minimum population of sixty-five thousand (65,000). The provisions of section 23-910, Idaho Code, shall apply to licenses issued to continuous operation facilities. The fees shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Licenses issued to continuous operation facilities are not transferable.

Nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of the lodging, dining and entertainment facilities owned by a gondola resort complex and operated in conjunction with the other public services provided by a gondola resort complex located within the ownership/leasehold boundaries of a gondola resort complex.

A gondola resort complex means an actual, bona fide gondola capable of transporting people for recreational and/or entertainment purposes at least three (3) miles in length with a vertical rise of three thousand (3,000) feet, portions of which may be located within or over the limits of one (1) or more cities.

Nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of a winery also operating a golf course on the premises.

Subject to approval of the mayor and city council, nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of a food, conference and lodging facility constructed after July 1, 2004, containing a minimum of sixty thousand (60,000) square feet and sixty (60) guest rooms with a minimum taxable value of fifteen million dollars ($15,000,000) in a city with a population of less than five thousand (5,000) according to the most recent census.

The provisions of section 23-910, Idaho Code, shall apply to licenses issued under the provisions of this section. The fees shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Licenses issued under the provisions of this section are not transferable.

Approved April 1, 2008.

CHAPTER 336
(S.B. No. 1460)

AN ACT

RELATING TO TEMPORARY REGISTRATION OF VEHICLES AND COMBINATION OF VEHICLES; AMENDING SECTION 49-432, IDAHO CODE, TO INCREASE TEMPORARY PERMIT FEES AND TO PROVIDE FOR APPLICATION OF CERTAIN PERMIT FEES TO AN ANNUAL REGISTRATION IF THE ANNUAL REGISTRATION IS PURCHASED WITHIN THIRTY CALENDAR DAYS OF ISSUANCE OF THE PERMIT.

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

SECTION 1. That Section 49-432, Idaho Code, be, and the same is hereby amended to read as follows:

49-432. TEMPORARY REGISTRATION FOR RESIDENTS AND NONRESIDENTS -- FEES. (1) When a vehicle or combination of vehicles subject to registration is to be moved upon the public highways in the state of Idaho, the department may issue a permit in lieu of registration for any vehicle or combination of vehicles upon the payment of a fee as set forth in the following schedule:

(a) One hundred twenty (120) hour permit
Single vehicle .....$~~3~~60.00
Combination of vehicles .....$6~~1~~20.00

(b) Fuel permit .....$~~3~~60.00

(c) Thirty (30) day unladen weight permit .....$~~3~~60.00

An owner-operator vehicle moving between lessee fleets where the vehicle registration was issued in the name of the former lessee shall be eligible for a thirty (30) day unladen weight permit for the unladen movement from the point of entry into the state to the destination of the new lessee's place of business.

<u>If an annual registration is purchased within thirty (30) calendar days of issuance of a permit under paragraph (a) or (c) of this subsection (1), the amount of the permit fee shall be applied to the registration fee. No portion of a permit fee is subject to refund.</u>

(2) Permits to operate a vehicle or combination of vehicles in excess of the registered maximum gross vehicle weight up to a maximum of one hundred twenty-nine thousand (129,000) pounds gross vehicle weight shall be:

(a) One hundred twenty (120) hour permit to increase gross weight $50.00

(b) Thirty (30) day permit to increase gross vehicle weight:

Maximum Registered Gross Weight of Vehicle (Pounds)	Temporary Permitted Maximum Gross Weight (Pounds)					
	80,000	86,000	96,000	106,000	116,000	129,000
50,001-60,000	$225	$250	$275	$300	$325	$350
~~60,001-70,000~~	~~$150~~	~~$175~~	~~$200~~	~~$225~~	~~$250~~	~~$275~~
~~70,001-78,000~~	~~$75~~	~~$150~~	~~$175~~	~~$200~~	~~$225~~	~~$250~~
~~78,001-84,000~~		~~$75~~	~~$150~~	~~$175~~	~~$200~~	~~$225~~
~~84,001-94,000~~			~~$75~~	~~$150~~	~~$175~~	~~$200~~
~~94,001-104,000~~				~~$75~~	~~$100~~	~~$125~~
~~104,001-112,000~~					~~$75~~	~~$100~~
~~112,001-128,000~~						~~$75~~

The permit issued pursuant to this subsection (2) shall be specific to the motor vehicle to which it is issued. No permit or fee shall be transferable or apportionable to any other vehicle, nor shall any such fee be refundable. At the time of purchasing a permit, the applicant may purchase additional permits in any combination which does not exceed a maximum of ninety (90) days.

(3) A temporary permit shall be in a form, and issued under rules adopted by the board, and shall be displayed at all times while the vehicle is being operated on the highways by posting the permit upon the windshield of each vehicle or in another prominent place, where it may be readily legible.

(4) Any permit issued pursuant to subsection (2) of this section shall be purchased prior to movement of the vehicle on a highway, and such permit shall be in addition to and available only to a vehicle which is currently and validly registered in Idaho pursuant to section 49-432(1), 49-434(1), 49-434(8)(c) or 49-435, Idaho Code.

(5) The department may select vendors to serve as agents on state highways for the purpose of selling permits where fixed ports of entry do not adequately serve a respective highway entering the state. The vendor shall be remunerated at the rate of three dollars ($3.00) per permit sold, and he shall collect the fees specified in this section, and pay the fees to the department. The vendor shall guarantee payment by giving a bond to the state in a sum as shall be fixed by the board, the premium on the bond to be paid by the department.

Approved April 1, 2008.

CHAPTER 337
(S.B. No. 1497)

AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the 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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$ 737,800	$ 83,400	$106,000	$ 732,800	$1,660,000
Randolph Sheppard Fund		7,300		120,100	127,400
Rehabilitation Revenue and Refunds Fund		34,300		13,000	47,300
Adaptive Aids and Appliances Fund		47,600			47,600
Federal Grant Fund	1,765,100	484,100		241,500	2,490,700
Miscellaneous Revenue Fund		17,400		16,300	33,700
TOTAL	$2,502,900	$674,100	$106,000	$1,123,700	$4,406,700

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Commission for the Blind and Visually Impaired is authorized no more than forty-two and five-tenths (42.5) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 1, 2008.

CHAPTER 338
(S.B. No. 1498)

AN ACT

APPROPRIATING MONEYS FROM THE PERMANENT BUILDING FUND TO THE DIVISION OF PUBLIC WORKS FOR THE VARIOUS PURPOSES SPECIFIED; EXPRESSING LEGISLATIVE INTENT CONCERNING THE USE OF MONEYS APPROPRIATED IN THIS ACT; EXEMPTING THE APPROPRIATIONS FROM THE PROVISIONS OF CHAPTER 36, TITLE 67, IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 67-3516, IDAHO CODE; AUTHORIZING THE USE OF TAX ANTICIPATION NOTES; EXPRESSING LEGISLATIVE INTENT CONCERNING THE APPROPRIATION FOR THE CENTER FOR LIVESTOCK AND ENVIRONMENTAL STUDIES; DIRECTING THE TRANSFER OF MONEYS FROM THE GENERAL FUND TO THE PERMANENT BUILDING FUND FOR FISCAL YEAR 2009; 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 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:	$22,323,000
(1) Alterations and Repairs	
(2) Asbestos Abatement	
(3) Statewide ADA Compliance	
(4) Capitol Mall Maintenance	
B. DEPARTMENT OF CORRECTION:	
(1) Idaho Correctional Center--76 Bed Expansion	$ 4,000,000
C. STATE BOARD OF EDUCATION:	
(1) Boise State University--Center for Environmental Studies and Economic Development Building	$10,000,000
(2) Idaho State University--Remodel Meridian Building	5,175,000
(3) University of Idaho--North Idaho Classroom/Office Facility	420,800
(4) Idaho State Historical Society--Museum Expansion/Renovation	5,000,000
TOTAL	$20,595,800
D. OFFICE OF THE GOVERNOR--MILITARY DIVISION:	
(1) Armory Renovation--Caldwell	$ 749,500
E. DEPARTMENT OF PARKS AND RECREATION:	
(1) Administrative Center, Bear Lake State Park	$ 750,000
F. IDAHO SUPREME COURT:	
(1) Law Learning Center	$ 175,600
G. DEPARTMENT OF HEALTH AND WELFARE--IDAHO STATE SCHOOL AND HOSPITAL:	
(1) Developmental Disability Housing Units and Inpatient Psychiatric Facility	$ 3,252,000
H. DIVISION OF VETERANS SERVICES:	
(1) Administration Building	$ 960,000
GRAND TOTAL	$52,805,900

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 Legislature finds that:

(1) The requirements of the federal Morrill Act (7 U.S.C. 301 et seq.), as applied to the state of Idaho, have been amended (Pub. L. No. 110-77, 121 Stat. 726 (2007)); and

(2) The University of Idaho College of Agriculture and Life Sciences Center for Livestock and Environmental Studies project has received the Governor's recommendation and the approval of the Board of Regents of the University of Idaho.

Whereas, these findings satisfy the contingencies set forth in Section 6, Chapter 344, Laws of 2007, the $10 million appropriated in subsection G(1)(a) of Section 1, Chapter 344, Laws of 2007, is hereby released to the State Board of Education for application to the Center for Livestock and Environmental Studies project in conjunction with donated funds from the dairy industry and real estate equity from the Agriculture College Endowment.

SECTION 6. There is hereby appropriated and the State Controller shall transfer, on July 1, 2008, or as soon thereafter as practicable, the amount of $5,645,200 from the General Fund to the Permanent Building Fund for the period July 1, 2008, through June 30, 2009.

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

Approved April 1, 2008.

CHAPTER 339
(S.B. No. 1499)

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF LAND COMMISSIONERS FOR THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION FOR CERTAIN COSTS; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE TRANSFER OF MONEYS FROM THE EARNINGS RESERVE FUNDS TO THE INCOME FUNDS.

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

SECTION 1. There is hereby appropriated to the State Board of Land Commissioners for the Endowment Fund Investment Board the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
ENDOWMENT FUND INVESTMENT BOARD:				
FROM:				
Miscellaneous Revenue Fund	$ 97,600	$ 35,500	$1,900	$135,000
Endowment Administrative Fund	314,400	165,800	6,100	486,300
TOTAL	$412,000	$201,300	$8,000	$621,300

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Endowment Fund Investment Board is authorized no more than four (4) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. The Endowment Fund Investment Board is hereby granted continuous appropriation authority for moneys in the Endowment Administrative Fund for consulting fees, bank custodial fees and portfolio-related external costs for the period July 1, 2008, through June 30, 2009.

SECTION 4. It is legislative intent that for fiscal year 2009, the Endowment Fund Investment Board transfer $42,413,100 as follows: $29,692,900 from the Public School Earnings Reserve Fund to the Public School Income Fund; $794,000 from the Agricultural College Earnings Reserve Fund to the Agricultural College Income Fund; $2,826,100 from the Charitable Institutions Earnings Reserve Fund to the Charitable Institutions Income Fund; $2,534,100 from the Normal School Earnings Reserve Fund to the Normal School Income Fund; $794,000 from the Penitentiary Earnings Reserve Fund to the Penitentiary Income Fund; $2,332,300 from the Scientific School Earnings Reserve Fund to the Scientific School Income Fund; $1,258,700 from the Mental Hospital Earnings Reserve Fund to the Mental Hospital Income Fund; and $2,181,000 from the University Earnings Reserve Fund to the University Income Fund.

Approved April 1, 2008.

CHAPTER 340
(S.B. No. 1500)

AN ACT

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND EXPRESSING LEGISLATIVE INTENT REGARDING A FORESTLAND CLASSIFICATION STUDY.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. GENERAL SERVICES:				
FROM:				
General Fund	$ 4,446,400	$3,168,900	$361,500	$ 7,976,800
Multistate Tax Compact Fund		46,100	16,500	62,600
Administration and Accounting Fund	6,400	29,700		36,100
Administration Services for Transportation Fund	460,200	404,200	73,200	937,600
Seminars and Publications Fund		13,100		13,100
Abandoned Property Trust-Unclaimed Property Fund		93,600	6,000	99,600
TOTAL	$ 4,913,000	$3,755,600	$457,200	$ 9,125,800
II. AUDIT AND COLLECTIONS:				
FROM:				
General Fund	$10,649,300	$1,559,100		$12,208,400
Multistate Tax Compact Fund	1,344,400	447,300		1,791,700
Administration and Accounting Fund	12,500	23,800		36,300
Administration Services for Transportation Fund	1,644,800	319,500		1,964,300
Abandoned Property Trust-Unclaimed Property Fund	500,000	191,500		691,500
TOTAL	$14,151,000	$2,541,200		$16,692,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
III. REVENUE OPERATIONS:				
FROM:				
General Fund	$ 3,152,200	$1,493,800		$ 4,646,000
Multistate Tax Compact Fund		500		500
Administration and Accounting Fund	101,800	80,800		182,600
Administration Services for Transportation Fund	556,100	208,300	$ 2,300	766,700
Seminars and Publications Fund		14,100		14,100
Abandoned Property Trust-Unclaimed Property Fund	72,000	500		72,500
TOTAL	$ 3,882,100	$1,798,000	$ 2,300	$ 5,682,400
IV. COUNTY SUPPORT:				
FROM:				
General Fund	$ 2,843,700	$ 708,700	$ 10,200	$ 3,562,600
Seminars and Publications Fund		94,000	30,000	124,000
TOTAL	$ 2,843,700	$ 802,700	$ 40,200	$ 3,686,600
GRAND TOTAL	$25,789,800	$8,897,500	$499,700	$35,187,000

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, 2008, through June 30, 2009, 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 the State Tax Commission may extend the Forestland Classification Study into a second year, if needed.

Approved April 1, 2008.

CHAPTER 341
(S.B. No. 1501)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE COLLECTION OF CERTAIN FEES BY THE DIVISION OF HUMAN RESOURCES FOR AGENCIES NOT OPERATING UNDER A DELEGATED AUTHORITY MEMORANDUM OF UNDERSTANDING; DIRECTING THE COLLECTION OF CERTAIN FEES BY THE DIVISION OF HUMAN RESOURCES FOR AGENCIES OPERATING UNDER A DELEGATED AUTHORITY MEMORANDUM OF UNDERSTANDING; DIRECTING THE PAYMENT FOR STATEWIDE MANAGEMENT AND HUMAN RESOURCES TRAINING TO THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION.

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 amount to be expended according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

DIVISION OF HUMAN RESOURCES:

FOR:	
Personnel Costs	$1,364,400
Operating Expenditures	555,000
Capital Outlay	5,000
TOTAL	$1,924,400
FROM:	
Division of Human Resources Fund	$1,924,400

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Division of Human Resources is authorized no more than eighteen (18) full-time equivalent positions at any point during the period July 1, 2008, through June 30, 2009, 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. For all state agencies that are not operating under a delegated authority memorandum of understanding, 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 the period July 1, 2008, through June 30, 2009.

SECTION 4. Notwithstanding Section 67-5314(2), Idaho Code, for agencies that operate under a delegated authority memorandum of understanding, the Division of Human Resources shall collect a reduced fee of 0.00340 multiplied by the total amount of payroll for classified employees by agency for the period July 1, 2008, through June 30, 2009.

SECTION 5. Of the amount appropriated in Section 1 of this act, the Division of Human Resources shall pay from operating expenditures, through the state interagency billing process, to the Division of Professional-Technical Education up to $208,900 for the cost of providing statewide management and human resources training.

Approved April 1, 2008.

CHAPTER 342
(S.B. No. 1502)

AN ACT

APPROPRIATING AND DIRECTING THE TRANSFER OF MONEYS FROM THE GENERAL FUND TO THE GUARDIAN AD LITEM FUND; AND APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2009.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer $649,100 from the General Fund to the Guardian Ad Litem Fund for the period July 1, 2008, through June 30, 2009.

SECTION 2. There is hereby appropriated to the Supreme Court the following amounts to be expended from the listed funds for the period July 1, 2008, through June 30, 2009:

FROM:	
General Fund	$30,700,600
Senior Magistrate Judges Fund	510,000
Guardian Ad Litem Fund	679,100
ISTARS Technology Fund	3,374,600
Federal Grant Fund	1,542,600
Miscellaneous Revenue Fund	618,500
Guardianship Pilot Project Fund	276,400
Drug Court, Mental Health Court and Family Court Services Fund	4,624,500
TOTAL	$42,326,300

Approved April 1, 2008.

CHAPTER 343
(S.B. No. 1503)

AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2009; PROVIDING FOR THE RECOVERY OF BANKING SERVICES COSTS TO THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND 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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General Fund	$1,036,100	$674,200	$1,710,300
State Treasurer LGIP Fund	230,000	104,400	334,400
Treasurer's Office - Professional Services Fund	218,200	122,900	341,100
TOTAL	$1,484,300	$901,500	$2,385,800

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, 2009, 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 2008, to be used for nonrecurring expenditures only for the period July 1, 2008, through June 30, 2009. Provided however, that if said reappropriation exceeds the unencumbered cash balance in the State Treasurer LGIP Fund as of June 30, 2008, 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, 2008, through June 30, 2009, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 5. Of the amount appropriated for operating expenditures in Section 1 of this act, $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, 2008, through June 30, 2009.

Approved April 1, 2008.

CHAPTER 344
(S.B. No. 1504)

AN ACT

APPROPRIATING MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated $162,600 to the Lieutenant Governor from the General Fund for the period July 1, 2008, through June 30, 2009.

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, 2008, through June 30, 2009, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 1, 2008.

CHAPTER 345
(S.B. No. 1505)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2009.

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

SECTION 1. In addition to the appropriation provided by law, there is hereby appropriated to the Supreme Court the sum of $512,800 from the General Fund for the period July 1, 2008, through June 30, 2009, for the purpose of increasing judicial salaries.

Approved April 1, 2008.

CHAPTER 346
(S.B. No. 1508)

AN ACT

RELATING TO APPROPRIATIONS FOR THE DEPARTMENT OF CORRECTION; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE PRIVATELY-OPERATED STATE PRISON FOR FISCAL YEAR 2008; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE PRIVATELY-OPERATED PRISON FOR FISCAL YEAR 2008; PROVIDING FOR THE TRANSFER OF UNOBLIGATED GENERAL FUNDS TO THE IDAHO STATE BUILDING AUTHORITY FOR

FISCAL YEAR 2008; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE IDAHO CORRECTIONAL CENTER FOR FISCAL YEAR 2009; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR THE IDAHO CORRECTIONAL CENTER FOR FISCAL YEAR 2009; AND DECLARING AN EMERGENCY FOR SECTIONS 1, 2 AND 3 OF THIS ACT.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 217, Laws of 2007, there is hereby appropriated to the Department of Correction for the Privately-Operated State Prison 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:	
Operating Expenditures	$ 171,500
Capital Outlay	4,504,000
TOTAL	$4,675,500
FROM:	
General Fund	$4,675,500

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation of moneys made in Section 1, Chapter 217, Laws of 2007, to the Department of Correction for the Privately-Operated State Prison is hereby reduced by $67,300 from the Inmate Labor Fund for operating expenditures for the period July 1, 2007, through June 30, 2008.

SECTION 3. Notwithstanding the provisions of Section 5, Chapter 217, Laws of 2007, the Department of Correction may transfer any unobligated General Funds appropriated to the department for fiscal year 2008, to the Idaho State Building Authority for the period July 1, 2007, through June 30, 2008, for the purpose of aiding in the conversion of the Prison Industry Enterprise facility to treatment beds at the Idaho Correctional Center.

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Correction for the Idaho Correctional Center the following amount to be expended according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:	
Operating Expenditures	$1,124,200
Capital Outlay	296,800
TOTAL	$1,421,000
FROM:	
General Fund	$1,421,000

SECTION 5. Notwithstanding any other provision of law to the contrary, the appropriation to the Department of Correction for the Idaho Correctional Center is hereby reduced by $404,000 from the Inmate Labor Fund for operating expenditures for the period July 1, 2008, through June 30, 2009.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2 and 3 of this act shall be in full force and effect on and after passage and approval.

Approved April 1, 2008.

CHAPTER 347
(H.B. No. 451, As Amended)

AN ACT

RELATING TO THE IDAHO COLLECTION AGENCY ACT; AMENDING SECTION 26-2222, IDAHO CODE, TO REVISE AND ADD DEFINITIONS; AMENDING SECTION 26-2223, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE CREDIT REPAIR ACTIVITIES REQUIRING A LICENSE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-2223A, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS, TO REQUIRE THAT LICENSEES MAINTAIN A LICENSED HOME OFFICE AS A PRINCIPAL LOCATION FOR COLLECTION ACTIVITIES AND TO REVISE PROVISIONS FOR A DESIGNATED RESPONSIBLE PERSON; AMENDING SECTION 26-2224, IDAHO CODE, TO REVISE LICENSE APPLICATION REQUIREMENTS; REPEALING SECTION 26-2225, IDAHO CODE, RELATING TO INFORMATION AND MATERIALS REQUIRED WITH APPLICATION, EXAMINATION FEE AND CONSENT TO SERVICE; AMENDING CHAPTER 22, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2225, IDAHO CODE, TO PROVIDE FOR THE DIRECTOR'S APPROVAL OF LICENSE APPLICATIONS; AMENDING CHAPTER 22, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2227, IDAHO CODE, TO PROVIDE FOR THE DENIAL OF LICENSE APPLICATIONS OR THE SUSPENSION OR REVOCATION OF A LICENSE; AMENDING SECTION 26-2228, IDAHO CODE, TO REVISE POWERS OF THE DIRECTOR OF THE DEPARTMENT OF FINANCE; AMENDING SECTION 26-2229, IDAHO CODE, TO DELETE PROVISIONS PROVIDING FOR PERMITS AND APPLICATIONS AND TO REVISE REQUIREMENTS FOR COLLECTION AGENCY CONTRACTS; AMENDING SECTION 26-2229A, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE PROVISIONS REQUIRING OPEN, FAIR AND HONEST DEALINGS, TO MAKE TECHNICAL CHANGES AND TO PROHIBIT CERTAIN PRACTICES; AMENDING SECTION 26-2230, IDAHO CODE, TO REVISE PROVISIONS FOR REGISTRATION OF ADDITIONAL PLACES OF BUSINESS AND TO DELETE PROVISIONS PERMITTING LIMITED COLLECTION ACTIVITIES AT CERTAIN LOCATIONS; AMENDING SECTION 26-2231, IDAHO CODE, TO PROVIDE FOR LICENSE RENEWAL AND TO ESTABLISH A FEE; AMENDING SECTION 26-2232, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE PROVISIONS FOR FILING A BOND AND TO DELETE A REQUIREMENT RELATING TO INDEMNIFICATION OF THE DEPARTMENT; REPEALING SECTION 26-2232A, IDAHO CODE, RELATING TO ALTERNATE BONDING; AMENDING CHAPTER 22, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2232A, IDAHO CODE, TO PROVIDE BONDING REQUIREMENTS FOR DEBT COUNSELORS, CREDIT COUNSELORS AND CREDIT ORGANIZATIONS; AMENDING SECTION 26-2233, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REVISE PROVISIONS REQUIRING TRUST ACCOUNTS; AMENDING SECTION 26-2234, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO MAKE TECHNICAL CORRECTIONS, TO REVISE PROVISIONS RELATING TO INVESTIGATION AND EXAMINATION OF LICENSEES, TO REVISE PROVISIONS FOR RECORDKEEPING, TO PROVIDE FOR REMITTANCE OF FUNDS AND TO REVISE PROVISIONS AUTHORIZING THE DIRECTOR TO IMPOUND ACCOUNTS OF A LICENSEE; REPEALING SECTION 26-2235, IDAHO CODE, RELATING TO DENIAL, SUSPENSION AND REVOCATION

OF PERMIT; AMENDING SECTION 26-2236, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SUBPOENAS, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-2237, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 26-2238, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS AND TO REVISE PROVISIONS FOR VIOLATIONS AND PENALTIES; AMENDING SECTION 26-2239, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REVISE PROVISIONS RELATING TO EXEMPTIONS; AMENDING SECTION 26-2240, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REVISE PROVISIONS FOR IDENTIFYING AGENTS AND FOR FEES; AMENDING SECTION 26-2243, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 26-2244, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE PROVISIONS FOR CEASE AND DESIST ORDERS AND TO REVISE CIVIL PENALTIES; AMENDING SECTION 26-2245, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO MAKE TECHNICAL CORRECTIONS AND TO REVISE CIVIL PENALTIES; REPEALING SECTION 26-2246, IDAHO CODE, RELATING TO DISCONTINUANCE OF OPERATIONS; AMENDING CHAPTER 22, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2246, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR COLLECTION AGENCY CLOSURE OR DISCONTINUANCE OF OPERATIONS; AMENDING SECTION 26-2248, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE THAT THE DIRECTOR MAY ISSUE ORDERS; REPEALING SECTION 26-2250, IDAHO CODE, RELATING TO FOREIGN PERMITTEES AND SECTION 26-2251, IDAHO CODE, RELATING TO CANCELLATION OF PERMITS; AMENDING CHAPTER 22, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2251, IDAHO CODE, TO PROVIDE SEVERABILITY; AND AMENDING SECTION 1-2301A, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 26-2222, Idaho Code, be, and the same is hereby amended to read as follows:

26-2222. DEFINITIONS. As used in this ~~chapter~~ act:

(1) "Agent" means any person who, ~~is compensated on a commission basis or by salary, or both, by any permittee and who either~~ for compensation or gain, or in the expectation of compensation or gain, contacts ~~debtors or creditors~~ persons in Idaho in connection with the ~~collection agency~~ business activities of ~~the permittee~~ a licensee or person required to be licensed under this act.

(2) "Business funds" means all moneys belonging to or due ~~the permittee~~ a licensee or person required to be licensed in connection with the ~~operation of a collection agency~~ business activities authorized under this act.

(3) "Collection activities" means the activities enumerated in subsections (2) through (6) of section 26-2223, Idaho Code.

(4) "Collection agency," ~~"collection bureau" or "collection office" shall be~~ means a person who engages in any of the activities enumerated in subsections (2) through (6) of section 26-2223, Idaho Code.

~~(4) "Director" means the director of the department of finance.~~

(5) "Credit repair organization" means any person engaged in any of the activities enumerated in subsection (8) of section 26-2223, Idaho Code. A credit repair organization does not include:

(a) A consumer reporting agency, as defined in 15 U.S.C. section 1681a(f), that provides consumer reports based on information fur-

nished by creditors or any affiliate or subsidiary of such consumer reporting agency as defined by rule promulgated by the director;

(b) A person who has an ongoing contractual arrangement with a consumer reporting agency, as described in subsection (5)(a) of this section, to obtain consumer reports from a consumer reporting agency for the purposes of:

(i) Reselling such report, or any information contained in or derived from such report, to a consumer; or

(ii) Monitoring information in such report on behalf of a consumer; or

(c) A person to the extent that such person advertises, markets, provides or facilitates consumer access to the products or services offered or provided by:

(i) An entity described in subsection (5)(a) of this section; or

(ii) A person described in subsection (5)(b) of this section.

(5~~6~~) "Creditor" means any person who ~~transfers--to-a-permittee accounts-due-and-owing-for-collection-purposes~~ offers or extends credit creating a debt or to whom a debt is owed.

(7) "Creditor client" means any person who transfers or assigns to a collection agency licensee or person required to be so licensed under this act, any account, bill, claim or other indebtedness for collection purposes.

(6~~8~~) ~~"Creditors'-account~~ "Creditor funds" means all funds due and owing a creditor ~~within-the-definition-of-this-chapter~~ by a licensee or person required to be licensed under this act.

(9) "Debt counselor" or "credit counselor" means any person engaged in any of the activities enumerated in subsection (7) of section 26-2223, Idaho Code.

(10) "Department" means the Idaho department of finance.

(11) "Director" means the director of the Idaho department of finance.

(12) "Licensee" means a person who has obtained a license under this act.

(~~7~~13) "Net collections" means all funds that are due to creditors from the ~~permittee~~ licensee pursuant to the contract between the ~~permittee~~ licensee and creditor, or ~~permittee~~ licensee and debtor without taking into account any offset or funds due from the creditor to the ~~permittee~~ licensee, because of the creditor having collected any part of the account due, plus all funds that the ~~permittee~~ licensee agreed to return to debtors or that were not to be applied to debts.

~~(8)--"Permittee"-means-a-person-who-has-a-permit-to-do-business-as-a collection-agency,-or-debt-counselor,-or-credit-counselor-in-Idaho.~~

(9~~14~~) "Person" means any ~~permittee,--agent,--solicitor,~~ individual, corporation, association, ~~copartnership~~ partnership, limited liability partnership, trust, company, limited liability company, or unincorporated ~~organization~~ association.

~~(10)-"Debt-counselor"-means-any-person-engaged-in-any-of-the-activities-enumerated-in-subsection-(6)-of-section-26-2223,-Idaho-Code.~~

~~(11)-"Credit--counselor"--means--any--person--engaged--in-any-of-the activities-enumerated-in-subsection-(6)-or-(7)-of-section-26-2223,-Idaho Code.-No-credit-counselor-shall-be-granted-a--permit--pursuant--to--this chapter--unless--qualified--as--an--exempt--organization--under--section 501(c)(3)-of-the-Internal-Revenue-Code.~~

SECTION 2. That Section 26-2223, Idaho Code, be, and the same is hereby amended to read as follows:

26-2223. COLLECTION AGENCY, DEBT COUNSELOR, ~~OR~~ CREDIT COUNSELOR, ~~PERMITS~~ OR CREDIT REPAIR ORGANIZATION -- LICENSE REQUIRED. No person shall without complying with the terms of this ~~chapter~~ act and obtaining a ~~permit~~ license from the director:

(1) Operate as a collection agency, ~~collection--bureau,--collection office,~~ debt counselor, ~~or~~ credit counselor, or credit repair organization in this state.

(2) Engage, either directly or indirectly, in this state in the business of collecting or receiving payment for others of any account, bill, claim or other indebtedness.

(3) Solicit or advertise ~~for the right~~ in this state to collect or receive payment for another of any account, bill, claim or other indebtedness.

(4) Sell or otherwise distribute in this state any system or systems of collection letters ~~and~~ or similar printed matter where the name of any person other than the particular creditor to whom the debt is owed appears.

(5) Engage in any activity in this state which indicates, directly or indirectly, that a third party is or may be involved in effecting any collections.

(6) Engage or offer to engage in this state, directly or indirectly, in the business of collecting any form of indebtedness for that person's own account if the indebtedness was acquired from another person and if the indebtedness was either delinquent or in default at the time it was acquired.

(7) Engage or offer to engage in this state in the business of receiving money from debtors for application ~~to~~ or payment ~~of~~ to or prorating of a debt owed to, any creditor or creditors of such debtor~~.~~, or

~~(7)--E~~engage or offer to engage in this state in the business of providing counseling or other services to debtors in the management of their debts, ~~and~~ or contracting with the debtor to effect the adjustment, compromise, or discharge of any account, note or other indebtedness of the debtor.

(8) Engage or offer to engage in this state in the business of ~~credit--repair--which--includes--obtaining,--for others,-improvements in credit records,-extensions of credit for clients,-or causing the removal of documents from the credit records of a client maintained by a--credit reporting agency.~~

~~(9)--Engage--or--offer--to--engage--in this state,-directly-or-indirectly,-in the business of collecting any form of indebtedness for--that person's--own account if the indebtedness was acquired from another person and if the indebtedness was either delinquent or in default--at--the time--it--was--acquired~~ selling, providing or performing services to improve any consumer's credit record, credit history or credit rating, or providing advice or assistance to any consumer with regard to his credit record, credit history or credit rating.

SECTION 3. That Section 26-2223A, Idaho Code, be, and the same is hereby amended to read as follows:

26-2223A. ~~OFFICE TO BE MAINTAINED IN STATE~~ COLLECTION AGENCY OFFICE REQUIREMENTS -- DESIGNATION OF RESPONSIBLE PERSON. ~~Every permittee under this chapter must maintain an office in the state of Idaho, staffed with at least one (1) natural person who passed the examination required in section 26-2229, Idaho Code, or is exempt from the provisions of this chapter pursuant to section 26-2239(1), Idaho Code, at each branch or facility.~~

(1) Each ~~permittee~~ licensee shall maintain a home office licensed under this act as the licensee's principal location for collection activities. Each licensee must ~~have~~ maintain a listed ~~Idaho~~ telephone number and must be open to the public during normal business hours on each business day, provided, however, that the director may in his discretion approve a request for opening ~~at~~ during hours other than normal business hours or a portion of a business day. A business day within the meaning of this section does not include Saturdays, Sundays, or legal holidays.

(2) Each ~~permittee under this chapter must~~ licensee shall designate a natural person, who ~~need not be a resident of the state of Idaho~~ meets the experience requirement of section 26-2224(6), Idaho Code, to be responsible for the ~~business~~ collection activities carried on at ~~the~~ each office ~~and who has passed the examination for a permit required by section 26-2229, Idaho Code~~ of the licensee. If the person designated by the ~~permittee to be responsible for business carried on at the office~~ licensee for such purpose is not normally available ~~in~~ at the ~~Idaho office~~ licensee's designated location, then the ~~permittee's~~ licensee's collection activities ~~with debtors~~ in Idaho must begin with a written notice to each debtor setting forth a mailing address and a toll-free telephone number whereby a debtor may contact the designated responsible person during normal business hours.

SECTION 4. That Section 26-2224, Idaho Code, be, and the same is hereby amended to read as follows:

26-2224. ~~FORM OF~~ LICENSE APPLICATION. Every applicant for ~~such permit~~ a license under this act shall file ~~in the department of finance~~ with the director an application in a form ~~to be~~ prescribed by the director ~~setting forth~~ that shall include:

(1) The name of the applicant; ~~if an individual;~~ if the applicant is a corporation, a list of its officers and directors and their addresses; if the applicant is a partnership, a list of the partners and their addresses; or if the applicant is a limited liability company, a list of its members or managers and their addresses. ~~Every corporation shall designate and appoint one (1) or more of its officers or employees; every partnership shall designate and appoint one (1) or more of its partners; and every limited liability company shall designate and appoint one (1) or more of its members or managers who shall submit to the examination hereinafter required. No permit shall be issued to any corporation, partnership or limited liability company unless and until the persons so designated shall submit to and pass the examination required by this chapter.~~

(2) The street address of the applicant's principal location. ~~of the principal office or place of business of the applicant.~~

(3) ~~Other~~ All names, ~~if any,~~ by which the applicant ~~conducts,~~ engages in ~~or solicits business~~ collection activities.

(4) The names of all persons and organizations with which the applicant is affiliated, ~~in such business,~~ and the location of the principal office or place of business of each such ~~affiliation~~ affiliate.

(5) A complete description of the business to be conducted, or plan of operation contemplated, by the applicant in this state.

(6) The name, address and qualifications of a natural person possessing a minimum of three (3) years of experience related to the business to be conducted under this act who will supervise the applicant's office locations from which business activities in this state will be conducted.

(7) ~~A list~~ Copies of all ~~papers and filings~~ contracts, forms, form letters, and advertisements or solicitations to be used by the applicant in its business activities under this act, which must accompany the application and be identified as exhibits by number.

~~(7) A financial statement showing the applicant to have a financial net worth of not less than two thousand five hundred dollars ($2,500), which statement shall be subject to disclosure according to chapter 3, title 9, Idaho Code. The financial statement shall specify assets and liabilities, providing detailed reference to each item listed to inform the director of the nature and extent of such assets and liabilities. This financial statement shall be signed by the applicant or its proper agent. The net worth shall not include any notes, accounts, bills, and judgments held for collection by the applicant nor shall it include good will or other assets the value of which is speculative and not susceptible to prompt liquidation.~~

(8) If the applicant is a corporation, a limited liability company, partnership, or limited liability partnership, a copy of its articles of incorporation, articles of organization, partnership agreement, or operating agreement, duly authenticated.

(9) A list of the names, business addresses and telephone numbers of all agents who will contact persons or solicit business for the applicant in this state.

(10) The name and business address of the applicant's agent for service of process located in this state.

(11) A nonrefundable application fee of one hundred fifty dollars ($150).

(12) An agreement of consent authorizing the director to examine any and all of the applicant's financial accounts used for business activities under this act.

(~~8~~13) Such other information concerning the applicant~~'s business~~ as the director may reasonably require. Such application shall be executed and ~~verified by the by the applicant or applicants personally, or by an individual associated with the applicant as designated by the director~~ on oath by the applicant. Information required at the time of application, except for advertisements and solicitations, shall be updated and filed with the director as necessary to keep the information current.

SECTION 5. That Section 26-2225, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Chapter 22, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2225, Idaho Code, and to read as follows:

26-2225. APPROVAL OF LICENSE APPLICATION. (1) The director shall act upon all applications for a license under this act. If the director determines that the requirements of this act have been met and all applicable fees paid, and the applicant is not otherwise unqualified for licensure, the director shall issue a license to the applicant.

(2) Each license issued under this section shall remain in full force and effect unless the licensee fails to satisfy the renewal requirements of this act, or the license is relinquished, suspended, terminated or revoked.

SECTION 7. That Chapter 22, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2227, Idaho Code, and to read as follows:

26-2227. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. (1) An application for a license may be denied or, after notice and the opportunity for a hearing, a license may be suspended or revoked by the director if he finds that facts or conditions exist which would have justified the director in refusing to grant a license had such facts or conditions been known to exist at the time the license was issued, or that the licensee or the applicant, or any officer, member, owner, manager or agent of a licensee or applicant:

(a) Has violated any provision of this act, the federal fair debt collection practices act, 15 U.S.C. section 1692, et seq., as amended, or any rule or order of the director under this act;

(b) Is not legally qualified to do business in this state;

(c) Has failed to retain a natural person with three (3) years of experience related to the type of business conducted by the licensee under this act to supervise each office from which business activities are conducted under this act;

(d) Has failed, refused or neglected to pay or remit to any creditor client the agreed portion of any sum collected by the applicant or licensee on any bill, claim, account or other indebtedness entrusted to such applicant or licensee for collection;

(e) Has failed to return to a debtor an amount that was not owed on his debt;

(f) Has made a material misstatement in the application for such license or renewal;

(g) Has obtained or attempted to obtain a license or renewal by fraud or misrepresentation;

(h) Has misappropriated or converted to his own use or improperly withheld moneys collected or held for any other person, except that a collection agency licensee may convert into business funds his portion of any moneys collected on behalf of a creditor client, pursuant to a written agreement with the creditor client and in compliance with this act;

(i) Has falsely represented himself as a licensee for the purpose of soliciting for or representing any business covered in this act;

(j) Has been convicted of, or a court of competent jurisdiction has entered a withheld judgment for any felony, or for a misdemeanor involving financial wrongdoing or moral turpitude;

(k) Has had a license substantially equivalent to a license under this act issued by another state revoked, suspended or denied; or

(1) Demonstrates a lack of fitness to engage in business activities authorized for a licensee under this act.

(2) The director may, after notice and the opportunity for a hearing, impose upon any licensee, or person required to be licensed under this act, a civil penalty of not more than five thousand dollars ($5,000) for each violation of this act.

(3) The director may, after notice and the opportunity for a hearing, impose upon a licensee, or person required to be licensed under this act, any sanction authorized by this section if the director finds that an agent of the licensee, or person required to be licensed under this act, has violated any provision of this act.

(4) The director may, in his discretion, and by an order issued in accordance with chapter 52, title 67, Idaho Code, prohibit a licensee from using an individual as an agent if the individual has violated any provision of this act, or any similar statute or rule of another state.

(5) Any denial, suspension or revocation of any license issued under this act shall be governed by chapter 52, title 67, Idaho Code.

SECTION 8. That Section 26-2228, Idaho Code, be, and the same is hereby amended to read as follows:

26-2228. POWERS OF THE DIRECTOR. ~~The director shall have the power to provide the manner and method for conducting examinations. Applications for examination shall be filed with the director at least ten (10) days prior to the examination date.~~

~~The examination shall be uniformly given, may be written or oral or a combination of both and shall be practical in nature. The examination may include questions on bookkeeping, credit adjusting, business law, collection procedure, business ethics, agency, debtor and creditor relationship, trust funds, creditors' funds, business funds, fiduciary relationships, and the provisions of this act and the rules duly issued by the director pursuant to this act, and such other subject matter as the director by rule may specify. The examination shall be given twice each year or at such more frequent intervals as the director may direct~~ In addition to any other duties authorized by law, the director shall:

(1) Administer and enforce the provisions and requirements of this act;

(2) Conduct investigations and issue subpoenas as necessary to determine whether a person has violated any provision of this act, rule or order hereunder;

(3) Conduct examinations of the books and records of licensees related to business activities authorized under this act and conduct investigations as necessary and proper for the enforcement of the provisions of this act, rules or orders hereunder;

(4) Pursuant to chapter 52, title 67, Idaho Code, issue orders and promulgate rules that, in the opinion of the director, are necessary to execute, enforce and effectuate the purposes of this act; and

(5) Require that all funds collected by the department under this act be deposited into the finance administrative account pursuant to section 67-2702, Idaho Code.

SECTION 9. That Section 26-2229, Idaho Code, be, and the same is hereby amended to read as follows:

26-2229. ~~EXAMINATION----PERMIT~~ CONTRACTS. ~~(1)--The--director--shall examine-each-application-for-a-permit-and-accompanying-papers-and-investigate--the--qualifications--of--the-applicant-and-if-he-finds-therefrom that-the-same-are-in-proper-form,-that-the--literature--proposed--to--be circulated-does-not-tend-to-conceal-or-misrepresent-any-fact-to-the-detriment--of--any--person-dealing-with-the-applicant,-that-the-contract-or contracts-proposed-to-be-entered-into-for-the-collection-or--payment--or prorating-of-accounts,-bills,-claims-or-other-indebtedness-by-the-applicant,-or-prorating-or-receiving-money-for-payment-to-creditors-are-equitable,--fair--and--reasonable,--and--that--the-applicant-meets-all-other requirements-and-qualifications-of-this-act,-he-shall-examine-the-applicant-if-an-individual,-or-the-designated-officer-or-officers-or--employees-of-any-corporation-and-the-designated-member-or-members-of-any-partnership,--in-the-manner-described-in-section-26-2225,-Idaho-Code,-and-if such-applicant-or-designee-passes-a-satisfactory-examination,--he--shall cause--a-permit-to-be-issued-authorizing-the-applicant-to-conduct-such-a business-in-this-state-subject-to-the-provisions-of-this-act,-until--the fifteenth-day-of-March-next-thereafter.~~

~~(2)--If-the-director-finds-that-the-applicant-does-not-qualify-under the-provisions-of-this-act,-the-application-shall-be-denied.-If-he-finds the-applicant-is-qualified-he-must-issue-a-permit-upon-the-filing-of-the bonds--required--by--this-act-and-the-payment-of-an-annual-permit-fee-as fixed-by-the-director,-but-not-to-exceed--fifty--dollars--($50),--except that--no--permit-fee-need-be-paid-by-a-nonprofit-corporation-or-association-conducting-credit-counseling-or-debt-prorating-activities.~~

(~~3~~1) Contracts between collection agency licensees or collection agencies required to be licensed under this act and creditor clients shall be in writing.

(2) ~~No~~ It shall be a violation of this act for any collection agency contract ~~shall-be-deemed-equitable,-fair-or-reasonable-within-the meaning-of-this-section-which-in-substance-either~~ to:

(a) ~~Permits--the-applicant~~ Authorize a collection agency to retain any sums ~~due-the~~ collected on behalf of a creditor ~~on--any--account, bill,-claim-or-other-indebtedness-collected-for-him-by-the-applicant on--account-of,-or-as-a-setoff-against,-any-fee,-commission,-charge, expense-or-compensation-claimed~~ client, other than the regular collection fees or commissions~~,--to-be-due-from-such-creditor-on-any other-account-whatever.~~

~~(b)--Penalizes-the-creditor-for-failure-to-produce-evidence-in--support-of-any-account,-bill,-claim-or-item-of-indebtedness-placed-with the--applicant-for-collection-in-addition-to-that-delivered-upon-the execution-of-such-contract.~~ authorized by this act;

(~~c~~b) Penalizes~~-such~~ a creditor client for any unintentional error, mistake or omission in furnishing ~~to-the-applicant~~ the correct name or address of any debtor~~.~~ to a collection agency; or

(~~d~~c) ~~Stipulates,-directly-or-indirectly,-for~~ Require the payment of any fee, commission or compensation in excess of fifty ~~per-cent~~ percent (50%) of the amount actually collected on any account, bill, claim or other indebtedness entrusted to the ~~applicant~~ collection agency for collection.~~,-provided,-h~~However, ~~that~~ in the case ~~of~~ that a collection agency collects interest ~~collected-by-a-permittee~~ on an account, the creditor client and the ~~permittee-by-agreement--between them~~ collection agency may ~~provide~~ agree in writing for division of such interest between them without such percentage limitation.~~;--and~~

~~provided--further-that~~ Furthermore, in the case of the collection of checks dishonored by nonacceptance or nonpayment, the creditor client and the ~~permittee~~ collection agency, by written agreement between them, may provide, in place of a percentage fee, for the payment of a set dollar amount collection fee not to exceed the amount provided in section 28-22-105, Idaho Code, which shall not be subject to the fifty ~~per-cent~~ percent (50%) limitation. Collection agreements to proceed under section 1-2301A, Idaho Code, shall be subject to the fifty ~~per-cent~~ percent (50%) limitation.

(~~4~~3) (a) ~~A-permit-holder,-engaging-in--the--business--of--receiving money--from--debtors--for-application-to-or-payment-or-prorating-the account-or-accounts-of-any-creditor-or-creditors-of-such-debtor,-for compensation-or-otherwise,-or-in--the--business--of--acting--as--the assignee--for--the--benefit--of--creditors-as-a-primary-or-secondary object,~~ No debt counselor, credit counselor or credit repair organization licensed or required to be licensed under this act shall ~~not~~ take or receive for services performed ~~by-such-permit-holder~~ for any one (1) person more than fifteen ~~per-cent~~ percent (15%) of the amount received by it at any one (1) time from or on behalf of that person for payment or prorating to creditors, and no other charges shall be made or received for any such service.

(b) Debt counselors or credit counselors who do not receive, hold or disburse funds from debtors for payment to creditors shall not charge or accept as a fee for their services more than twenty percent (20%) of the principal amount of the debtor's unsecured debt at the time of contracting for services for the management of debt. In the event of cancellation of the contract by the debtor prior to its successful completion, the debt counselor or credit counselor shall refund fifty percent (50%) of any collected fees associated with the amount of debt remaining unsettled at the time of the termination of the contract.

SECTION 10. That Section 26-2229A, Idaho Code, be, and the same is hereby amended to read as follows:

26-2229A. REQUIREMENT OF FAIR, OPEN AND HONEST DEALING -- PROHIBITED PRACTICES. (1) Every ~~permittee,-foreign-permittee~~ licensee or person required to be licensed under this act and its agents shall deal openly, fairly, and honestly without deception in the conduct of ~~the collection-agency~~ its business activities in this state under this act.

(2) When not inconsistent with the statutes of this state, the provisions of the federal fair debt collection practices act, 15 U.S.C. section 1692, et seq., as amended, may be enforced by the director against ~~agents,-permittees-and-foreign--permittees~~ collection agencies licensed or required to be licensed under the provisions of this ~~chapter~~ act.

(~~2~~3) In ~~any--and~~ every instance where ~~the-permittee~~ a collection agency licensee has a managerial or financial interest in ~~the~~ a creditor client, or where ~~the~~ a creditor client has a managerial or financial interest in ~~the--permittee~~ a collection agency licensee, disclosure of such interest must be made on each and every contact with a debtor in seeking to make a collection of any account, claim, or other indebtedness. ~~where-such-interest-or-relationship-exists--between--creditor--and permittee.~~

(~~3~~4) No ~~permittee,-foreign-permittee~~ collection agency licensee, or collection agency required to be licensed under this act, or agent of such collection agency shall collect or attempt to collect any interest or other charges, fees, or expenses incidental to the principal obligation unless such interest or incidental fees, charges, or expenses: ~~are:~~

(a) Are ~~e~~Expressly authorized by statute;

(b) Are ~~a~~Allowed by court ~~rule~~ ruling against the debtor;

(c) Have been judicially determined; ~~or~~

(d) Are provided for in a written form agreement, ~~to-be~~ signed by both the debtor and the ~~permittee~~ licensee, and which has the prior approval of the director with respect to the terms of the agreement and amounts of the fees, interest, charges and expenses; or

(e) Reasonably relate to the actual cost associated with processing a demand draft or other form of electronic payment on behalf of a debtor for a debt payment, provided that the debtor has preauthorized the method of payment and has been notified in advance that such payment may be made by reasonable alternative means that will not result in additional charges, fees or expenses to the debtor.

(~~4~~5) No person shall sell, distribute or make use of solicitations, collection letters, demand forms or other printed matter which are made similar to or resemble governmental forms or documents, or legal forms used in civil or criminal proceedings.

(~~5~~6) No person shall use any trade name, address, insignia, picture, emblem or any other means which creates any impression that such person is connected with or is an agency of government.

(7) No person licensed, or required to be licensed under this act, shall misappropriate, transfer, or convert to his own use or benefit, funds belonging to or held for another person in connection with business activities authorized under this act.

(8) No credit repair organization licensed, or required to be licensed under this act, shall charge or receive money or other valuable consideration for the performance of any service which the credit repair organization has agreed to perform for any consumer before such service is fully performed.

(9) No person licensed or required to be licensed under this act shall make a representation or statement of material fact, or omit to state a material fact, in connection with the offer, sale or performance of any service authorized under this act, if the representation, statement or omission is false or misleading or has the tendency or capacity to be misleading.

SECTION 11. That Section 26-2230, Idaho Code, be, and the same is hereby amended to read as follows:

26-2230. BRANCH OFFICES. ~~(1)-The-director-may-authorize-a-permittee,-upon-request,-to-conduct-collection-activities-authorized--in--this chapter--at--additional-locations.-The-additional~~ A licensee must register, in a manner prescribed by the director, each additional place of business from which activities authorized under this act are directly or indirectly conducted in this state. Registered locations shall be considered branches of the ~~permittee~~ licensee. The licensee shall inform the director ~~shall-be-informed~~ of the opening ~~and-closing-of-all-branch~~

~~locations operated by permittees~~ of a branch location at least thirty (30) days prior thereto, and no later than thirty (30) days after the closing of any branch location.

~~(2) The director may authorize a permittee, upon written request, to conduct limited collection activities at locations other than the principal location of the permittee or branches. The facilities may be at the domiciles of the agents employed by the permit holder. Collection activities at facilities shall be limited to telecommunications with creditors, clients, debtors, and the permittee's offices and branches. The director shall be informed of the opening and closing of all facility locations operated by permittees.~~

SECTION 12. That Section 26-2231, Idaho Code, be, and the same is hereby amended to read as follows:

26-2231. RENEWAL OF ~~PERMIT~~ LICENSE. ~~Upon application postmarked~~

(1) ~~O~~on or before the fifteenth day of March of each year, ~~the holder of any permit issued under the provisions of this chapter~~ each licensee shall ~~be entitled to have such permit renewed for the succeeding calendar year upon payment of the annual permit fee as fixed by the director, but not to exceed fifty dollars ($50.00), compliance with the bond requirements of this chapter, the filing of a financial statement in the form required by section 26-2224(7), Idaho Code, showing a net worth of at least two thousand five hundred dollars ($2,500) for each place of business for which a permit is sought, filing of all other documents required by section 26-2224, Idaho Code, and approval by the director of all literature to be employed by the permittee during the course of the business year, except no annual permit renewal fee need be paid by a nonprofit corporation or association conducting credit counseling or debt prorating activities~~ pay to the director a nonrefundable license renewal fee of one hundred dollars ($100) and shall file with the director a license renewal form providing complete information as required by the director.

(2) Failure to fully comply with the license renewal requirements of this section by the fifteenth day of March of each year shall result in automatic expiration of the license as of that date.

SECTION 13. That Section 26-2232, Idaho Code, be, and the same is hereby amended to read as follows:

26-2232. COLLECTION AGENCY SURETY BONDS. (1) Upon approval of the application and prior to the issuance of ~~the permit~~ a license under this act, the applicant ~~must~~ shall file in the department of finance ~~two (2)~~ a surety bond~~s. Both bonds shall be~~ in a form ~~provided~~ prescribed by the ~~attorney general of this state, and~~ director. The bond shall be executed by the applicant as principal and by ~~some~~ a surety company authorized to do business in this state, ~~as surety,~~ and shall be for the term of ~~any permit~~ the license issued to the applicant. ~~Each permittee shall be required to have the two (2) bonds for each permit as hereinafter provided.~~ In lieu of the bonds required by this section, a certificate of deposit issued by ~~an~~ a financial institution authorized to conduct business in Idaho ~~bank and made payable to the director~~ may be provided to the director in the same principal amount as required for the bonds. The interest on the certificate of deposit shall be payable to the ~~permittee~~

licensee. The certificate of deposit shall be maintained at all times during which the ~~permittee~~ licensee is authorized to do business under ~~Idaho law, and~~ this act. The certificate of deposit must provide that it will remain in effect for at least three (3) years following discontinuance of operations, unless released earlier by the director when all statutory requirements have been met.

(~~a~~2) ~~A~~ The surety bond shall be executed to the state of Idaho in the sum of fifteen thousand dollars ($15,000) or upon renewal in such larger sum as hereinafter provided. In any case where a ~~permittee~~ licensee or its representatives ~~has~~ have failed to account for and pay over the proceeds of any collection made or money received for payment or prorating to creditors, or ~~has~~ have failed to return to a debtor any sum received that was not to be applied to his debts, the creditor or debtor shall have in addition to all other legal remedies a right of action in his own name on such bond without the necessity of joining the ~~permittee~~ licensee in such action. The bond shall be continuous in form and shall remain in full force and effect for the ~~permit~~ license period. The surety may cancel the bond provided that the surety shall in such event provide the ~~permittee~~ licensee and the director with notice no less than thirty (30) days prior to ~~cancelation~~ cancellation of said bond. Such notice shall be by registered or certified mail with request for a return receipt and addressed to the ~~permittee~~ licensee at its main office and to the director. In no event shall the liability of the surety for any and all claims against the bond exceed the face amount of such bond.

(3) Upon renewal of ~~any permit~~ a license, the ~~permittee~~ licensee shall supply the director with a statement of the preceding year's net collections. The amount of the bond upon renewal shall be in the amount of fifteen thousand dollars ($15,000), or two (2) times the average monthly net collections for the preceding year computed to the next highest one thousand dollars ($1,000), whichever sum is greater, up to a maximum of one hundred thousand dollars ($100,000).

~~(b) A bond shall be executed to the state of Idaho in the sum of two thousand dollars ($2,000), which shall be limited to the indemnification of the department of finance for any and all expenses incurred as a result of investigations, administrative proceedings, and prosecutions which shall be instituted by the director against a permittee or licensee pursuant to this act. The bond shall be continuous in form and remain in full force and effect and run concurrently with the permit period and any renewal thereof. The surety may cancel the bond provided that the surety shall in such event provide the permittee and the director with notice thirty (30) days prior to cancelation of said bond. Such notice shall be registered or certified mail with request for a return receipt and addressed to the permittee at its main office and to the director. In no event shall the liability of the surety for any and all claims against the bond exceed the face amount of such bond.~~

SECTION 14. That Section 26-2232A, Idaho Code, be, and the same is hereby repealed.

SECTION 15. That Chapter 22, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2232A, Idaho Code, and to read as follows:

26-2232A. DEBT COUNSELORS, CREDIT COUNSELORS, CREDIT REPAIR ORGANIZATIONS -- BONDS. (1) Upon approval of the application and prior to the issuance of a license under this act, an applicant for a license as a debt counselor, credit counselor or credit repair organization shall file in the department of finance a surety bond in a form prescribed by the director. The bond shall be executed by the applicant as principal and by a surety company authorized to do business in this state, and shall be for the term of the license issued to the applicant. In lieu of the bond required by this section, a certificate of deposit issued by a financial institution authorized to conduct business in Idaho may be provided to the director in the same principal amount as required for the bond. The interest on the certificate of deposit shall be payable to the licensee. The certificate of deposit shall be maintained at all times during which the licensee is authorized to do business under this act. The certificate of deposit must provide that it will remain in effect for at least three (3) years following discontinuance of operations, unless released earlier by the director when all statutory requirements have been met.

(2) The surety bond shall be executed to the state of Idaho in the sum of fifteen thousand dollars ($15,000) or upon renewal in such larger sum as hereinafter provided. In any case where a licensee or its representatives have failed to account for and pay over moneys accepted, received or held for another in the licensee's conduct of business authorized by this act, a person injured thereby shall have, in addition to all other legal remedies, a right of action in his own name on such bond without the necessity of joining the licensee in such action. The bond shall be continuous in form and shall remain in full force and effect for the license period. The surety may cancel the bond provided that the surety shall in such event provide the licensee and the director with notice no less than thirty (30) days prior to cancellation of the bond. Such notice shall be by registered or certified mail with request for a return receipt and addressed to the licensee at its main office and to the director. In no event shall the liability of the surety for any and all claims against the bond exceed the face amount of such bond.

(3) Upon renewal of a license, the licensee shall supply the director with a statement of the moneys accepted, received or held for another in the licensee's conduct of business authorized by this act. The amount of the bond upon renewal shall be in the amount of fifteen thousand dollars ($15,000), or two (2) times the average monthly amount over the preceding year of moneys accepted, received or held for another in the licensee's conduct of business authorized by this act computed to the next highest one thousand dollars ($1,000), whichever sum is greater, up to a maximum of one hundred thousand dollars ($100,000).

SECTION 16. That Section 26-2233, Idaho Code, be, and the same is hereby amended to read as follows:

26-2233. ~~PERMITTEE~~ LICENSEE ACCOUNTS REQUIRED. ~~A permittee shall in its own name:~~

(1) Every licensee under this act that receives or holds funds belonging to another in connection with the business activities authorized by this act shall, in its own name, ~~e~~Establish and maintain a separate trust account for deposit and remittance of ~~creditors'~~ such funds

in a financial institution, the deposits of which are insured by the federal deposit insurance corporation. A licensee may not, directly or indirectly, misappropriate, misapply or borrow money held in trust.

(2) Every licensee under this act shall e~~E~~stablish and maintain a separate business account for the licensee's business funds and moneys in a financial institution, the deposits of which are insured by the federal deposit insurance corporation.

SECTION 17. That Section 26-2234, Idaho Code, be, and the same is hereby amended to read as follows:

26-2234. EXAMINATIONS, INVESTIGATIONS, RECORDS AND PAYMENT OF FUNDS. (1) The director or his duly authorized representatives may make an annual examination, or more frequently in the director's discretion, of the ~~place of~~ licensee's business ~~of each permittee and foreign permittee~~ locations from which activities authorized under this act are conducted, and for that purpose the director shall have free access during normal business hours to the offices and places of business, and to the books, creditors' accounts, trust accounts, business accounts, records, papers, files, safes and vaults ~~of all such permittees~~ used by a licensee for its operations under this act.

(2) The director may~~, upon his own motion, and shall, upon the sworn complaint in writing of any person, investigate the action of any person or persons claimed to have violated the provisions of this chapter, and~~ conduct public or private investigations and examinations within or outside of this state which the director considers necessary or appropriate to determine whether a person has violated, is violating, or is about to violate this act or a rule adopted or order issued under this act, or to aid in the enforcement of this act. F~~f~~or that purpose the director shall have free access during normal business hours to the offices and places of business, and to the books, creditors' accounts, trust accounts, business accounts, records, papers, files, safes and vaults ~~of all such persons~~ used by a licensee for its operations under this act.

(3) ~~Every permittee and foreign permittee shall execute to the director an agreement of consent to examination of any and all bank accounts of the permittee providing the director with authority to make such examination at any time the director, in his discretion, deems it to be in the public interest.~~

~~(4)~~ The cost of examination ~~for the first annual examination each year~~ and any investigation shall be paid to the director by each ~~permittee~~ licensee so examined or investigated and the director may maintain an action for the recovery of such costs against the ~~permittee~~ licensee or against the surety providing the bond to indemnify the state for such expenditures as required by this ~~chapter~~ act. The cost shall be fixed annually by the director, but shall not exceed ~~twenty five~~ fifty dollars ($250.00) per ~~examination~~ hour.

(~~5~~4) Each ~~permittee~~ collection agency licensee shall acknowledge in writing each account received for collection and shall maintain a record of such account, and shall make a permanent record of all sums collected ~~by him~~ and of all disbursements made. ~~by him.~~ Every ~~permittee~~ collection agency licensee shall keep and preserve all records relating to accounts received for collection, ~~collections~~ moneys collected, receipts, and disposal or disbursement of all creditors' funds for a period of ~~five~~

three (~~5~~3) years after the final disposition of any account. It shall be unlawful for any person to intentionally make any false entry, omit to make a necessary entry, mutilate, secrete away, destroy or otherwise dispose of any record ~~mentioned~~ referenced in this subsection, provided a record may be disposed of after the ~~five~~ three (~~5~~3) year period heretofore provided.

(~~6~~5) Every ~~permittee~~ collection agency licensee shall, within thirty (30) days ~~after--the--close~~ following the end of each calendar month, ~~pay-to-his-creditors-the-net-proceeds-of~~ remit to his creditor clients all funds due them resulting from collections made by the ~~permittee~~ licensee during said calendar month. ~~Each-permittee-shall--report to--the-creditor-all-collections-made-by-him-and/or-any-payments-made-to the-creditor-within-thirty-(30)-days--after--the--close~~ Such licensees shall provide each of their creditor clients a written statement of all moneys collected on behalf of such creditor clients and any payments made to such creditor clients within thirty (30) days following the end of each calendar month.

(~~7~~6) ~~Every-permittee-shall-maintain-his-books-and-records-in-accordance-with-generally-accepted-accounting-practices-subject-to-such-rules and-regulations-as-adopted-by-the-director~~ Every licensee shall maintain books and records, including financial records in accordance with generally accepted accounting principles, in a manner that will enable the director to determine whether the licensee is complying with the provisions of this act.

(~~8~~7) The director~~,~~ may impound the ~~creditors'--accounts,--or--trust accounts--of--any--permittee-if-it-shall-be-deemed-in-the-general-public interest~~ accounts, including all operating and trust accounts held in any financial institution, of any licensee or person required to be licensed under this act who receives, holds or disburses consumer funds, if the director deems it in the public interest and good cause exists therefor, in accordance with section 67-5247, Idaho Code.

SECTION 18. That Section 26-2235, Idaho Code, be, and the same is hereby repealed.

SECTION 19. That Section 26-2236, Idaho Code, be, and the same is hereby amended to read as follows:

26-2236. SUBPOENAS. The director shall have the power to issue subpoenas ~~and--bring-before-him-any-person,-book,-or-writing-in-this-state~~ as necessary to determine whether a person has violated any provision of this act, rule or order thereunder, to swear witnesses and to take the testimony of any person by deposition, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in district courts of this state in civil cases. Any party to a proposed revocation or suspension of a ~~permit~~ license shall have the right of subpoena to compel the attendance of witnesses and produce all reasonably necessary books and writings on his behalf. In case any witness shall fail or refuse to comply with a subpoena to appear before the director, the clerk of the district court of the county in which the administrative proceedings are held shall, upon demand of the director, issue a subpoena reciting the demand therefor and summoning the witness to appear and testify at a time and place fixed; and violation of such subpoena or disobedience thereto shall be deemed and punished as a

violation of ~~any other~~ a subpoena issued ~~from~~ by the district court. ~~Any revocation or suspension of any permit or license provided for by this chapter shall be governed by chapter 52, title 67, Idaho Code.~~

SECTION 20. That Section 26-2237, Idaho Code, be, and the same is hereby amended to read as follows:

26-2237. FEES -- DISPOSITION OF FUNDS. All fees provided for in this ~~chapter~~ act shall be paid to the director and by him remitted to the state treasurer pursuant to section 59-1014, Idaho Code, and all such funds shall be deposited to the credit of the finance administrative account in the state dedicated fund.

SECTION 21. That Section 26-2238, Idaho Code, be, and the same is hereby amended to read as follows:

26-2238. VIOLATIONS -- PENALTIES. (1) Any person who ~~shall do business within the state of Idaho as defined in this act, without a permit, or any permit holder~~ engages in activities authorized under this act, who fails to establish and maintain a separate trust account ~~for such creditors' funds for each permit which he holds, or fails to make and keep the records~~ as required ~~by~~ under this act, or fails to disburse funds in accordance with the requirements of this act, or misappropriates, transfers, or converts to his own use or benefit, funds belonging to or held for another person, shall, upon conviction, be guilty of a felony ~~and~~ punishable by a fine not ~~exceeding~~ to exceed five thousand dollars ($5,000) per violation or by imprisonment ~~in the state penitentiary~~ for not more than five (5) years, or both~~, and~~.

(2) Any person, except a person exempt under section 26-2239, Idaho Code, who engages in activities authorized under this act without first obtaining a license as required by this act shall, upon conviction, be guilty of a felony punishable by a fine not to exceed five thousand dollars ($5,000) or by imprisonment for not more than five (5) years, or both.

(3) ~~A~~any person who shall fail to comply with any of the other provisions of this act shall, upon conviction, be guilty of a misdemeanor.

SECTION 22. That Section 26-2239, Idaho Code, be, and the same is hereby amended to read as follows:

26-2239. EXEMPTIONS. The provisions of this ~~chapter~~ act shall not apply to the following:

(1) ~~Any attorney at law duly authorized~~ Persons licensed to practice law in this state, to the extent that they are retained by their clients to engage in activities authorized by this act, and such activities are incidental to the practice of law. Such exemption shall not apply to an attorney engaged in a separate business conducting the activities authorized by this act;

(2) Any regulated lender as defined in section 28-41-301(37), Idaho Code, ~~nor any~~ and its subsidiary, affiliate or agent ~~of such a regulated lender~~ to the extent that the regulated lender, subsidiary, affiliate or agent collects for the regulated lender or engages in acts governed by this act which are incidental to the business of a regulated lender;

(3) Any bank, trust company, credit union, insurance company or

industrial loan company authorized to do business in this state;

(4) Any federal, state or local governmental agency or instrumentality;

(5) Any real estate broker or real estate salesman licensed under the laws of and residing within this state ~~when~~ while engaged in ~~the regular--practice--of-a-real-estate-business~~ acts authorized by his real estate license;

(6) Any ~~abstract-and-title-companies-doing-an~~ person authorized to engage in escrow business in this state while engaged in authorized escrow business;

(7) Any mortgage company ~~to-the-extent-that-such--mortgage--company is~~ engaged in the regular business of a mortgage company as defined in section 26-2802, Idaho Code, except a mortgage company engaged in a separate business conducting the activities authorized by this act;

(8) Any court appointed trustee, receiver or conservator;

(9) Any telephone corporation, as defined in subsection (10) of section 62-603, Idaho Code, whose initial request for payment on behalf of such telephone corporation or on behalf of another person is made by the telephone corporation as a part of regular telecommunications billings to its customers and at a time before the account, bill, claim or other indebtedness becomes past due or delinquent;

(10) Any person while acting as a debt collector for another person, both of whom are related by common ownership or affiliated by corporate control, if the person acting as a debt collector does so only for persons to whom he is so related or affiliated and if the principal business of such person is not the collection of debts.

SECTION 23. That Section 26-2240, Idaho Code, be, and the same is hereby amended to read as follows:

26-2240. AGENT IDENTIFICATION -- QUARTERLY NOTICE -- FEE. Each ~~permit--holder--shall~~ applicant for a license under this act, with its initial license application, and each licensee at annual renewal, shall file with the director a list of all agents including the name of ~~the~~ each agent and any other identifying information the director may require. A fee of twenty dollars ($20.00) for each listed agent shall accompany the list. Each licensee shall notify t~~T~~he director ~~shall--be notified~~ in writing of any additions to ~~the~~ its agent list no less often than every calendar quarter. A fee of twenty dollars ($20.00) shall be ~~filed-with~~ paid to the director for each additionally identified agent in the quarterly notification of additions to a ~~permit--holder's~~ licensee's agent list. An agent is not required to be listed, nor the fee paid therefor, unless the agent acted for the ~~permit-holder~~ licensee for more than ~~five~~ thirty (~~5~~30) business days.

SECTION 24. That Section 26-2243, Idaho Code, be, and the same is hereby amended to read as follows:

26-2243. PROPERTY RIGHT IN ACCOUNTS -- PRACTICE OF LAW PROHIBITED. A ~~permit-holder~~ licensee under this act shall have a property right in any account assigned to it for collection; provided, however, no right herein granted shall authorize such ~~permit-holder~~ licensee to engage in the practice of law.

SECTION 25. That Section 26-2244, Idaho Code, be, and the same is hereby amended to read as follows:

26-2244. CEASE AND DESIST ORDERS, PENALTY. (1) Whenever it appears to the director that it is in the public interest, he may order any person to cease and desist from acts, practices, or omissions which constitute a violation of this ~~chapter~~ act or a rule adopted or an order issued under this act.

(2) Whenever, after notice and the opportunity for a hearing, the director finds that any person has ~~violated~~ engaged in any act, practice, or omission constituting a violation of any provision of this ~~chapter~~ act or a rule adopted or an order issued under this act, the director may order the person to cease and desist from such acts, practices or omissions ~~which constitute a violation of this chapter~~ and:

(a) Impose a civil penalty of not more than ~~two thousand~~ five ~~hundred~~ thousand dollars (~~$2,500~~5,000) for each violation upon any person found to have violated any provision of this ~~chapter~~ act or a rule adopted or an order issued under this act;

(b) Issue an order restoring to any person in interest any consideration that may have been acquired or transferred in violation of this ~~chapter~~ act or a rule adopted or an order issued under this act; ~~or~~ and

(c) Issue an order that the person violating this ~~chapter~~ act or a rule adopted or an order issued under this act pay costs, which in the discretion of the director may include an amount representing reasonable attorney's fees and reimbursement for investigative efforts.

SECTION 26. That Section 26-2245, Idaho Code, be, and the same is hereby amended to read as follows:

26-2245. DIRECTOR'S POWER TO ENJOIN VIOLATIONS. (1) Whenever it appears to the director that any person, or employee or agent thereof, has engaged in or is about to engage in any act or practice or omission constituting a violation of any provision of this ~~chapter~~ act, or any rule or order issued hereunder, he may in his discretion bring an action in any court of competent jurisdiction to enjoin any such acts, ~~or~~ practices or omissions and to enforce compliance with this ~~chapter~~ act or any rules adopted or order issued hereunder. Upon a showing that a person, or employee or agent ~~of any person,~~ thereof, has engaged in or is about to engage in an act, ~~or~~ practice or omission constituting a violation of this ~~chapter~~ act or any rule adopted or order issued hereunder, a permanent or temporary injunction, or restraining order shall be granted and a receiver or conservator may be appointed, which may be the director, for the defendant's assets. The director shall not be required to furnish a bond.

(2) In addition to the foregoing, the director, in his discretion and upon a showing in any court of competent jurisdiction that a person has violated ~~the~~ any provisions of this ~~chapter~~ act or rule adopted or order issued hereunder, may be granted the following additional remedies:

(a) An order restoring to any person in interest any consideration that may have been acquired or transferred in violation of this ~~chapter~~ act;

(b) An order that the person violating this ~~chapter~~ act, rule or order issued hereunder, pay a civil penalty to the department in an amount not to exceed ~~two--thousand~~ five ~~hundred~~ thousand dollars ($~~2,500~~5,000) for each violation;
(c) An order allowing the director to recover costs, which in the discretion of the court may include an amount representing reasonable attorney's fees and reimbursement for investigative efforts; and
(d) An order granting other appropriate remedies upon a proper showing.

SECTION 27. That Section 26-2246, Idaho Code, be, and the same is hereby repealed.

SECTION 28. That Chapter 22, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2246, Idaho Code, and to read as follows:

26-2246. CLOSURE OR DISCONTINUANCE OF OPERATIONS -- REQUIREMENTS. (1) Whenever the operations of a collection agency licensee under this act are closed or discontinued due to revocation, termination, or relinquishment of a collection agency license, or for any other reason, the collection agency shall, within thirty (30) days following the closure or discontinuance of operations, furnish the director with sufficient proof in a form to be determined by the director that:
(a) The collection agency has remitted to all of its creditor clients all moneys collected on their behalf and due such creditor clients;
(b) All collection accounts, judgments obtained, and other accounts have been returned to the creditor clients or other proper parties, and if appropriate, assigned by the collection agency to its creditor clients or other proper parties; and
(c) All valuable papers, documents, judgments and other property provided to the collection agency by its creditor clients or other parties in connection with the collection agency's collection activities have been returned to the creditor clients or other proper parties.
(2) A collection agency which holds a license issued pursuant to this act, upon closure or discontinuance of its operations, shall maintain the bonds required of such licensee to conduct a collection agency business until a final accounting of its affairs, as set forth in subsection (1) of this section, has been filed with and approved by the director.
(3) Whenever the operations of a collection agency are closed or discontinued as set forth in subsection (1) of this section, in the event the collection agency does not complete all requirements of such subsection within thirty (30) days following the closure or discontinuance of operations, upon demand by the director, the collection agency shall permit the director to take possession of its business records, bank accounts, including creditor client trust accounts, other property belonging to its creditor clients or third parties, and its assets. The director may then liquidate the collection agency's business, return any moneys owed to the collection agency's creditor clients, return the collection agency's accounts to its creditor clients, return or assign any

judgments to the agency's creditor clients, and take any other actions which are reasonably necessary to cause the collection agency to liquidate its assets and to comply with subsection (1) of this section.

(4) If a collection agency refuses to permit the director to take possession of its business records, bank accounts, creditor client trust accounts, other property belonging to its creditor clients or third parties and its assets, as set forth in subsection (3) of this section, the director may apply to a court of competent jurisdiction in the county of the collection agency's principal place of business for the appointment of a receiver or conservator as set forth in section 26-2245(1), Idaho Code. Such receiver or conservator may be the director.

(5) The expenses of the receiver or conservator and attorney's fees, and all expenses necessarily incurred in liquidation of the collection agency, shall be paid out of the funds in the control of the director or conservator, to the extent those funds exceed any sums due and owing to the collection agency's creditor clients or other proper parties. To the extent funds in the control of the receiver are not sufficient to pay all sums due and owing to the collection agency's creditor clients or other proper parties and to pay the costs of a receiver or conservator and of liquidation of the collection agency, the collection agency and its owners, shareholders, or interest holders shall be responsible for the balance of any reasonably necessary costs and fees of liquidation.

SECTION 29. That Section 26-2248, Idaho Code, be, and the same is hereby amended to read as follows:

26-2248. ADMINISTRATION OF ACT. The administration of the provisions of this act shall be under the general supervision and control of the director, subject to chapter 52, title 67, Idaho Code. The director may from time to time ~~make~~ adopt, amend, and rescind ~~such~~ rules~~, regulations and forms~~ and issue orders necessary to carry out the provisions of this act. No rule~~, regulation~~ or ~~form~~ order may be made unless the director finds that the action is necessary or appropriate for the public interest or for the protection of ~~creditors and debtors~~ the public consistent with the purposes of this act.

SECTION 30. That Sections 26-2250 and 26-2251, Idaho Code, be, and the same are hereby repealed.

SECTION 31. That Chapter 22, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2251, Idaho Code, and to read as follows:

26-2251. 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 32. That Section 1-2301A, Idaho Code, be, and the same is hereby amended to read as follows:

1-2301A. DRAWING CHECK WITHOUT FUNDS OR INSUFFICIENT FUNDS -- CIVIL LIABILITY. In any action filed in the small claims department against a person who makes any check, draft or order for the payment of money which has been dishonored for lack of funds or credit to pay the same, or because the maker has no account with the drawee, the plaintiff, or a collection agency with a ~~permit~~ license issued to it pursuant to section 26-2229~~5~~, Idaho Code, which is attempting to collect the dishonored check under a written agreement with the payee or holder of the check, may recover from the defendant the amount of the check, draft or order and, in addition thereto, the greater of the amount of one hundred dollars ($100) or three (3) times the amount for which the check, draft or order is drawn. Except as provided in section 1-2304, Idaho Code, the plaintiff or collection agency may recover no other costs, fees, charges or damages. However, damages recovered under the provisions of this section shall not exceed by more than five hundred dollars ($500) the value of the check, draft or order and may be awarded only if the plaintiff made written demand of the defendant for payment of the amount of the check, draft or order not less than ten (10) days before commencing the action, and if the defendant failed to tender to the plaintiff, prior to commencement of the action, an amount of money not less than the amount demanded. The written demand required by this section shall be sent to the maker by certified mail at his last known address, or by regular mail, supported by an affidavit of service by mailing, to the address printed or written on the check as provided in section 28-22-106, Idaho Code, in which case the demand shall be deemed conclusive three (3) days following the date the affidavit is executed. The written demand shall fully advise the maker of the check, draft, or order of the consequences of failure to make prompt payment under this section. The plaintiff or collection agency must show proof of service by producing a copy of a signed return receipt or affidavit of personal service.

Approved April 1, 2008.

CHAPTER 348
(H.B. No. 559)

AN ACT

RELATING TO ABORTION; AMENDING SECTION 18-609, IDAHO CODE, TO REVISE DUTIES OF THE DEPARTMENT OF HEALTH AND WELFARE AND CERTAIN PHYSICIANS REGARDING CERTAIN MATERIALS ABOUT ABORTION AND NOTICE ABOUT THESE MATERIALS TO THE PREGNANT PATIENT; PROVIDING AN EFFECTIVE DATE AND PROVIDING DUTIES OF THE DEPARTMENT OF HEALTH AND WELFARE PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

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 proce-

dures 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) (a) The department of health and welfare shall develop and maintain a stable internet website, that may be part of an existing website, to provide the information described in subsection (2) of this section. No information regarding persons using the website shall be collected or maintained. The department of health and welfare shall monitor the website on a weekly basis to prevent and correct tampering.

(b) As used in this section, "stable internet website" means a website that, to the extent reasonably practicable, is safeguarded from having its content altered other than by the department of health and welfare.

(c) When a pregnant patient contacts a physician by telephone or visit and inquires about obtaining an abortion, the physician or the physician's agent before or while scheduling an abortion-related appointment must provide the woman with the address of the state-sponsored internet website on which the printed materials described in subsection (2) of this section may be viewed as required in subsection (2) of this section.

(4) 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.

(5) 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. 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~~6) 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~~7) 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~~8) The knowing failure of the attending physician to perform any one (1) or more of the acts required under subsection (~~4~~6) of this section or section 39-261, Idaho Code, is grounds for discipline pursuant to section 54-1814(6), Idaho Code, and shall subject the physician to assessment of a civil penalty of one hundred dollars ($100) for each month or portion thereof that each such failure continues, payable to the vital statistics unit of the department of health and welfare, but such failure shall not constitute a criminal act.

SECTION 2. This act shall be in full force and effect on and after January 1, 2009, and the Department of Health and Welfare shall have authority to and shall place a notice on its website no later than November 30, 2008, of the address of the website required by this act and shall provide notice to the State Board of Medicine of the Department of Health and Welfare's website address required by this act.

Approved April 1, 2008.

CHAPTER 349
(H.B. No. 566, As Amended in the Senate)

AN ACT

RELATING TO CRIMINAL HISTORY CHECKS FOR SCHOOL DISTRICT EMPLOYEES OR APPLICANTS FOR CERTIFICATES; AMENDING SECTION 33-130, IDAHO CODE, TO REQUIRE ADDITIONAL INDIVIDUALS AS SPECIFIED TO UNDERGO A CRIMINAL HISTORY CHECK, TO CLARIFY THE PROVISIONS OF A CRIMINAL HISTORY CHECK, TO PROVIDE A COPY OF BACKGROUND CHECKS TO APPLICANTS UPON REQUEST OF THE APPLICANT, TO DELETE PROCEDURAL PROVISIONS UPON COMPLETION OF A CRIMINAL HISTORY CHECK, TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO MAINTAIN A STATEWIDE LIST OF SUBSTITUTE TEACHERS AND TO REFER TO A DEFINITION OF SUBSTITUTE TEACHER; AND AMENDING SECTION 33-512, IDAHO CODE, TO REVISE DUTIES OF THE BOARDS OF TRUSTEES OF SCHOOL DISTRICTS REGARDING CRIMINAL HISTORY CHECKS ON CERTAIN CERTIFICATED AND NONCERTIFICATED EMPLOYEES OF THE DISTRICT AND OTHER INDIVIDUALS, TO REVISE THE DUTIES OF BOARDS OF TRUSTEES TO MAINTAIN A SAFE ENVIRONMENT FOR STUDENTS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-130, Idaho Code, be, and the same is hereby amended to read as follows:

33-130. CRIMINAL HISTORY CHECKS FOR SCHOOL DISTRICT EMPLOYEES OR APPLICANTS FOR CERTIFICATES OR INDIVIDUALS HAVING CONTACT WITH STUDENTS -- STATEWIDE LIST OF SUBSTITUTE TEACHERS. The department of education, through the cooperation of the Idaho state police, shall establish a system to obtain a criminal history check on individuals to include, but is not limited to, certificated and noncertificated employees, ~~and~~ all applicants for certificates pursuant to chapter 12, title 33, Idaho Code, substitute staff, individuals involved in other types of student training such as practicums and internships, and on all individuals who have unsupervised contact with students in a K-12 setting. The criminal history check shall be based on a completed ten (10) finger fingerprint card or scan and shall include, at a minimum, the following state and national databases:

(1) ~~Statewide~~ Idaho bureau of criminal identification; ~~bureau;~~

(2) Federal bureau of investigation (FBI) criminal history check; and

(3) ~~National crime information center; and~~

~~(4)~~ Statewide sex offender register.

The state department of education shall charge all ~~applicants~~ such individuals a fee of forty dollars ($40.00) for undergoing a criminal history check pursuant to this section. The fee shall be sufficient to cover costs charged by the federal bureau of investigation, the state police and the state department of education. A record of all background checks shall be maintained at the state department of education in a data bank for all employees of a school district with a copy going to the applicant upon request. ~~The department of education shall forward to all applicants for a criminal history check, notification that the fingerprint card has been destroyed after the background check has been completed. The department of education and the Idaho state police shall~~

~~ensure that fingerprint cards have been destroyed after a criminal history check has been completed.~~

The state department of education shall maintain a statewide list of substitute teachers. The term "substitute teacher" shall have the meaning as provided in section 33-512(15), Idaho Code.

The Idaho state police and the department of education shall implement a joint exercise of powers agreement pursuant to sections 67-2328 through 67-2333, Idaho Code, necessary to implement the provisions of this section.

SECTION 2. That Section 33-512, Idaho Code, be, and the same is hereby amended to read as follows:

33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school district shall have the following powers and duties:

(1) To fix the days of the year and the hours of the day when schools shall be in session. However:

(a) Each school district shall annually adopt and implement a school calendar which provides its students at each grade level with the following minimum number of instructional hours:

Grades	Hours
9-12	990
4-8	900
1-3	810
K	450

(b) School assemblies, testing and other instructionally related activities involving students directly may be included in the required instructional hours.

(c) When approved by a local school board, annual instructional hour requirements stated in paragraph (a) may be reduced as follows:

(i) Up to a total of twenty-two (22) hours to accommodate staff development activities conducted on such days as the local school board deems appropriate.

(ii) Up to a total of eleven (11) hours of emergency school closures due to adverse weather conditions and facility failures.

However, transportation to and from school, passing times between classes, recess and lunch periods shall not be included.

(d) Student and staff activities related to the opening and closing of the school year, grade reporting, program planning, staff meetings, and other classroom and building management activities shall not be counted as instructional time or in the reductions provided in paragraph (c)(i) of this section.

(e) For multiple shift programs, this rule applies to each shift (i.e., each student must have access to the minimum annual required hours of instructions).

(f) The instructional time requirement for grade 12 students may be reduced by action of a local school board for an amount of time not to exceed eleven (11) hours of instructional time.

(g) The state superintendent of public instruction may grant an exemption from the provisions of this section for an individual building within a district, when the closure of that building, for unforeseen circumstances, does not affect the attendance of other buildings within the district.

(2) To adopt and carry on, and provide for the financing of, a total educational program for the district. Such programs in other than elementary school districts may include education programs for out-of-school youth and adults; and such districts may provide classes in kindergarten;

(3) To provide, or require pupils to be provided with, suitable textbooks and supplies, and for advice on textbook selections may appoint a textbook adoption committee as provided in section 33-512A, Idaho Code;

(4) To protect the morals and health of the pupils;

(5) To exclude from school, children not of school age;

(6) To prescribe rules for the disciplining of unruly or insubordinate pupils, including rules on student harassment, intimidation and bullying, such rules to be included in a district discipline code adopted by the board of trustees and a summarized version thereof to be provided in writing at the beginning of each school year to the teachers and students in the district in a manner consistent with the student's age, grade and level of academic achievement;

(7) To exclude from school, pupils with contagious or infectious diseases who are diagnosed or suspected as having a contagious or infectious disease or those who are not immune and have been exposed to a contagious or infectious disease; and to close school on order of the state board of health <u>and welfare</u> or local health authorities;

(8) To equip and maintain a suitable library or libraries in the school or schools and to exclude therefrom, and from the schools, all books, tracts, papers, and catechisms of sectarian nature;

(9) To determine school holidays. Any listing of school holidays shall include not less than the following: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. Other days listed in section 73-108, Idaho Code, if the same shall fall on a school day, shall be observed with appropriate ceremonies; and any days the state board of education may designate, following the proclamation by the governor, shall be school holidays;

(10) To erect and maintain on each schoolhouse or school grounds a suitable flagstaff or flagpole, and display thereon the flag of the United States of America on all days, except during inclement weather, when the school is in session; and for each Veterans Day, each school in session shall conduct and observe an appropriate program of at least one (1) class period remembering and honoring American veterans;

(11) To prohibit entrance to each schoolhouse or school grounds, to prohibit loitering in schoolhouses or on school grounds and to provide for the removal from each schoolhouse or school grounds of any individual or individuals who disrupt the educational processes or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils. A person who disrupts the educational process or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils or who loiters in schoolhouses or on school grounds, is guilty of a misdemeanor.

(12) To supervise and regulate, including by contract with established entities, those extracurricular activities which are by definition outside of or in addition to the regular academic courses or curriculum of a public school, and which extracurricular activities shall not be considered to be a property, liberty or contract right of any student, and such extracurricular activities shall not be deemed a nec-

essary element of a public school education, but shall be considered to be a privilege.

(13) To govern the school district in compliance with state law and rules of the state board of education.

(14) To submit to the superintendent of public instruction not later than July 1 of each year documentation which meets the reporting requirements of the federal gun-free schools act of 1994 as contained within the federal improving America's schools act of 1994.

(15) To require that all ~~persons hired for the first time by the district or who have been in the employ of the district five (5) years or less, undergo a criminal history check as provided in section 33-130, Idaho Code. All such~~ certificated and noncertificated employees hired on or after July 1, 2008, and other individuals who are required by the provisions of section 33-130, Idaho Code, to undergo a criminal history check shall ~~obtain the history check within three (3) months of starting~~ submit a completed ten (10) finger fingerprint card or scan to the department of education no later than five (5) days following the first day of employment~~, or for employees with five (5) years or less with the district, within three (3) months from the date such employee is notified that he must undergo a criminal history check~~ or unsupervised contact with students in a K-12 setting, whichever is sooner. Such employees and other individuals shall pay the cost of the criminal history check. If the criminal history check shows that the employee has been convicted of a felony crime enumerated in section 33-1208, Idaho Code, it shall be grounds for immediate termination, dismissal or other personnel action of the district, except that it shall be the right of the school district to evaluate whether an individual convicted of one (1) of these crimes and having been incarcerated for that crime shall be hired. ~~The district may require any or all persons who have been employed continuously with the same district for more than five (5) years, to undergo a criminal history check as provided in section 33-130, Idaho Code. If the district elects to require criminal history checks of such employees, the district shall pay the costs of the criminal history check or reimburse employees for such cost~~ Provided however, that any individual convicted of any felony offense listed in section 33-1208 2., Idaho Code, shall not be hired. For the purposes of criminal history checks, a substitute teacher is any individual who temporarily replaces a certificated classroom educator and is paid a substitute teacher wage for one (1) day or more during a school year. A substitute teacher who has undergone a criminal history check at the request of one (1) district in which he has been employed as a substitute shall not be required to undergo an additional criminal history check at the request of any other district in which he is employed as a substitute if the teacher has obtained a criminal history check within the previous ~~three~~ five (~~3~~5) years. If the district next employing the substitute still elects to require another criminal history check within the ~~three~~ five (~~3~~5) year period, that district shall pay the cost of the criminal history check or reimburse the substitute teacher for such cost. To remain on the statewide substitute teacher list maintained by the state department of education, the substitute teacher shall undergo a criminal history check every five (5) years.

(16) ~~Each board of trustees of a school district shall be responsible for~~ To maintain a safe environment for students by developing a system ~~for registering volunteers or~~ that cross-checks all contractors ~~con-~~

~~sistent with maintaining a safe environment for their~~ or other persons who have irregular contact with students against the statewide sex offender register.

(17) To provide support for teachers in their first two (2) years in the profession in the areas of: administrative and supervisory support, mentoring, peer assistance and professional development.

Approved April 1, 2008.

CHAPTER 350
(H.B. No. 592)

AN ACT

RELATING TO THE FILM AND TELEVISION PRODUCTION BUSINESS REBATE FUND; AMENDING CHAPTER 47, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4728, IDAHO CODE, TO PROVIDE FOR THE FILM AND TELEVISION PRODUCTION BUSINESS REBATE FUND AND TO PROVIDE A PURPOSE FOR THE FUND, TO DEFINE TERMS, TO PROVIDE FOR INVESTMENT OF IDLE MONEYS IN THE FUND AND TO PROVIDE FOR RETURN TO THE FUND OF INTEREST EARNED, TO PROVIDE FOR REBATE APPLICATIONS, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF COMMERCE TO PROMULGATE RULES, TO PROVIDE FOR EMPLOYMENT REQUIREMENTS FOR CERTIFIED PRODUCTIONS, TO ESTABLISH A MAXIMUM REBATE, TO PROVIDE FOR WRITTEN AGREEMENT FOR REBATES AWARDED AND TO PROVIDE FOR AN ECONOMIC IMPACT EVALUATION BY THE DEPARTMENT OF COMMERCE; TO PROVIDE A SUNSET DATE AND TO DIRECT THE STATE CONTROLLER TO TRANSFER ANY UNEXPENDED OR UNOBLIGATED MONEYS IN THE FUND TO THE GENERAL FUND UPON SUNSET.

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 67-4728, Idaho Code, and to read as follows:

67-4728. FILM AND TELEVISION PRODUCTION BUSINESS REBATE FUND. (1) There is hereby created in the state treasury the film and television production business rebate fund to which shall be credited all moneys that may be appropriated, apportioned, allocated, paid back to the fund, or otherwise provided by law. The purpose of the fund is to stimulate new film and television production business expenditures in the state of Idaho. Moneys in the fund shall be used exclusively as provided for in this section.

(2) As used in this section:

(a) "Applicant" means a taxpayer that is a film or television production business that is operating a qualified production and that:

(i) Owns the copyrights in a qualified production throughout the Idaho production period; or

(ii) Has contracted directly with the person acting on behalf of the copyright owner to provide services for the production where the copyright owner is not an eligible production company.

(b) "Base investment" means the investment made and expended by a

certified production in Idaho as production expenditures incurred in Idaho that are directly used in a certified production or productions.

(c) "Certified production" means a qualified production selected by the department for a rebate from the fund.

(d) "Department" means the Idaho department of commerce.

(e) "Director" means the director of the Idaho department of commerce.

(f) "Fund" means the film and television production business rebate fund.

(g) "Production expenses" means those expenses eligible for a rebate from the fund and includes expenses for all production goods and services including wages and salaries, construction, operations, editing, photography, sound synchronization, lighting, makeup, wardrobe and accessories, rental facilities and equipment, leasing of vehicles, food and lodging, digital or tape editing, film processing, sound mixing, special and visual effects, and music, if performed, composed or recorded by a musician who is a resident of Idaho and other reasonable in-state expenditures as defined in departmental rule. Production expenses do not include marketing and advertising costs, star salaries, producer and director salaries, script costs, any indirect costs, any amounts that are later reimbursed, any costs related to the transfer or rebates awarded under this section or any amounts that are paid to persons or entities as a result of their participation in profits from the production.

(h) "Qualified production" means a feature film, a television film, a commercial for a product or service, a documentary, a television pilot or each episode of a television series that spends a minimum of two hundred thousand dollars ($200,000) on Idaho goods and services. A qualified production does not include a production featuring any of the following: news, current events, weather and market reports, public access television programming, infomercials, talk shows, game shows, sports shows or events, award shows or other gala events, a production that solicits funds, a production containing obscene material or a production primarily for private, political, industrial, corporate or institutional purposes.

(3) 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 credited to the fund.

(4) Applicants may apply for a rebate from the fund by filling out an application and satisfying the department's criteria for a certified production prior to commencing work on the production. The rebate shall be calculated as a percentage of total base investment dollars certified by the department per project. The rebate shall be earned at the time expenditures are made by a film or television or commercial production business in a certified production.

(5) The director of the department may promulgate administrative rules in compliance with chapter 52, title 67, Idaho Code, to implement the provisions of this section.

(6) The following is required for all certified productions: Beginning on and after July 1, 2008, and ending June 30, 2010, certified productions shall ensure to the department that twenty percent (20%) of the crew working in Idaho on a certified production are Idaho residents as

verified by a state certified driver's license or identification card. Beginning on and after July 1, 2010, and ending on June 30, 2011, certified productions shall ensure to the department that twenty-five percent (25%) of the crew working in Idaho on a certified production are Idaho residents as verified by a state certified driver's license or identification card. Beginning on and after July 1, 2011, and ending on June 30, 2012, certified productions shall ensure to the department that thirty percent (30%) of the crew working in Idaho on a certified production are Idaho residents as verified by a state certified driver's license or identification card. Beginning on and after July 1, 2012, and ending on June 30, 2013, certified productions shall ensure to the department that thirty-five percent (35%) of the crew working in Idaho on a certified production are Idaho residents as verified by a state certified driver's license or identification card.

(7) The total amount of any rebate granted pursuant to this section may not exceed five hundred thousand dollars ($500,000) nor twenty percent (20%) of a qualified production's expenses.

(8) Any rebate awarded from the fund shall be awarded pursuant to a written agreement between the applicant and the department.

(9) The department shall evaluate the economic impact of rebates awarded from the fund. The evaluation shall include an assessment of the effectiveness of the program in creating and retaining new jobs in Idaho and of the revenue impact of the fund, and may include a review of the practices and experiences of other states or nations with similar programs. Upon completion of this evaluation, the department shall determine the overall success of the fund and may make a recommendation to extend, modify or not extend the fund based on this evaluation. The department shall submit to the legislature during the 2014 regular legislative session a report that includes the following information:

(a) The economic impact of the rebate fund, including the number of jobs created and retained, including whether the job positions are entry level, management, talent related, vendor related or production related;

(b) The amount of film production spending brought to Idaho, including the amount of spending and type of Idaho vendors hired in connection with a certified production;

(c) Identification of each vendor that provided goods or services that were included in a certified production's Idaho spending; and

(d) The amount paid to each identified vendor by the certified production.

SECTION 2. The provisions of this act shall be null, void and of no force and effect on and after July 1, 2014. On July 1, 2014, or as soon thereafter as is practicable, the State Controller is hereby directed to transfer any unexpended or unobligated moneys remaining in the fund to the General Fund.

Approved April 1, 2008.

CHAPTER 351
(H.B. No. 618)

AN ACT

RELATING TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICTS CREATED BY CONSOLIDATION; AMENDING SECTION 33-313, IDAHO CODE, TO PROVIDE THAT IN DIVIDING TRUSTEE ZONES EACH FORMER DISTRICT IN THE NEW DISTRICT SHALL NOT BE SPLIT INTO DIFFERENT TRUSTEE ZONES, WITH AN EXCEPTION, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-501, IDAHO CODE, TO REVISE THE NUMBER OF MEMBERS OF THE BOARD OF TRUSTEES OF ANY SCHOOL DISTRICT THAT HAS HAD A CHANGE IN DISTRICT BOUNDARIES BECAUSE OF CONSOLIDATION ON AND AFTER JANUARY 1, 2008, AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 33-505, IDAHO CODE, TO REVISE HOW TRUSTEES OF SCHOOL DISTRICTS INVOLVED IN CONSOLIDATION ARE APPOINTED, TO PROVIDE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 33-313, Idaho Code, be, and the same is hereby amended to read as follows:

33-313. TRUSTEE ZONES. (1) Each elementary school district shall be divided into three (3) trustee zones and each other school district shall be divided into no fewer than five (5) nor more than nine (9) trustee zones according to the provisions of section 33-501, Idaho Code. A school district that has had a change in its district boundaries because of consolidation on and after January 1, 2008, shall divide trustee zones so that each former district in the new district shall not be split into different trustee zones, unless the provisions of subsection (2) of this section cannot be satisfied.

(2) Any proposal to define the boundaries of the several trustee zones in each such school district shall include the determination, where appropriate, of the number of trustee zones in such district, and the date of expiration of the term of office for each trustee. The boundaries of the several trustee zones in each such school district shall be defined and drawn so that, as reasonably as may be, each such zone shall have approximately the same population.

(3) Whenever the area of any district has been enlarged by the annexation of all or any part of another district, or by the correction of errors in the legal description of school district boundaries, any such additional territory shall be included in the trustee zone or zones contiguous to such additional territory until such time as the trustee zones may be redefined and changed. Trustee zones may be redefined and changed, but not more than once every five (5) years in the manner hereinafter provided.

(4) A proposal to redefine and change trustee zones of any district may be initiated by its board of trustees and shall be initiated by its board of trustees at the first meeting following the report of the decennial census, and submitted to the state board of education, or by petition signed by not less than fifty (50) school electors residing in the district, and presented to the board of trustees of the district. Within one hundred twenty (120) days following the decennial census or

the receipt of a petition to redefine and change the trustee zones of a district the board of trustees shall prepare a proposal for a change which will equalize the population in each zone in the district and shall submit the proposal to the state board of education. Any proposal shall include a legal description of each trustee zone as the same would appear as proposed, a map of the district showing how each trustee zone would then appear, and the approximate population each would then have, should the proposal to change any trustee zones become effective.

(5) Within sixty (60) days after it has received the said proposal the state board of education may approve or disapprove the proposal to redefine and change trustee zones and shall give notice thereof in writing to the board of trustees of the district wherein the change is proposed. Should the state board of education disapprove a proposal the board of trustees shall within forty-five (45) days submit a revised proposal to the state board of education. Should the state board of education approve the proposal, the trustee zones shall be changed in accordance with the proposal.

(6) At the next regular meeting of the board of trustees following the approval of the proposal the board shall appoint from its membership a trustee for each new zone to serve as trustee until that incumbent trustee's three (3) year term expires. If the current board membership includes two (2) incumbent trustees from the same new trustee zone, the board will select the incumbent trustee with the most seniority as a trustee to serve the remainder of his three (3) year term. If both incumbent trustees have equal seniority, the board will choose one (1) of the trustees by the drawing of lots. If there is a trustee vacancy in any of the new zones, the board of trustees shall appoint from the patrons resident in that new trustee zone, a person from that zone to serve as trustee until the next annual meeting. At the annual election a trustee shall be elected to serve during the term specified in the election for the zone. The elected trustee shall assume office at the annual meeting of the school district next following the election.

SECTION 2. That Section 33-501, Idaho Code, be, and the same is hereby amended to read as follows:

33-501. BOARD OF TRUSTEES. Each school district shall be governed by a board of trustees. The board of trustees of each elementary school district shall consist of three (3) members, and the board of trustees of each other school district shall consist of five (5) members. Provided, however, that the board of trustees of any district which has had a change in its district boundaries subsequent to June 30, 1973, may consist of no fewer than five (5) nor more than nine (9) members if such provisions are included as part of an approved proposal to redefine and change trustee zones as provided in section 33-313, Idaho Code. The board of trustees of any district that has had a change in its district boundaries because of district consolidation on and after January 1, 2008, shall consist of five (5) members if two (2) districts consolidated or seven (7) members if three (3) or more districts consolidated. Except as otherwise provided by law, a school district trustee shall be elected for a term of three (3) years or until the annual meeting of his district held during the year in which his term expires.

Each trustee shall at the time of his nomination and election, or appointment, be a school district elector of his district and a resident

of the trustee zone from which nominated and elected, or appointed.

Each trustee shall qualify for and assume office at the annual meeting of his school district next following his election, or, if appointed, at the regular meeting of the board of trustees next following such appointment. An oath of office shall be administered to each trustee, whether elected, re-elected or appointed. Said oath may be administered by the clerk, or by a trustee, of the district, and the records of the district shall show such oath of office to have been taken, and by whom administered and shall be filed with the official records of the district.

SECTION 3. That Section 33-505, Idaho Code, be, and the same is hereby amended to read as follows:

33-505. BOARD OF TRUSTEES, DISTRICT NEWLY CREATED. Within ten (10) days after the entry of any order creating a new school district by the consolidation of districts or parts thereof, the trustees of all school districts involved in the consolidation shall meet at the call of the state ~~board of education~~ superintendent of public instruction or his designee and, from their number, ~~or from other qualified school district electors of the district,~~ shall select a board of trustees of the new district representing each of the merged districts in an equal number to serve ~~until the annual election of trustees next following; and~~ as follows: if two (2) districts consolidated, one (1) member representing the board of trustees of each district shall serve until the annual election of trustees next following; one (1) member representing the board of trustees of each district shall serve until the annual election the following year; and one (1) member appointed by the other four (4) members shall serve until the annual election in the year after that. If three (3) or more districts consolidated, three (3) members shall serve until the annual election of trustees next following; three (3) members shall serve until the annual election the following year; and one (1) member appointed by the other six (6) members shall serve until the annual election in the year after that. If the number of merged districts is greater than three (3), the superintendent of public instruction shall appoint as equally as possible from trustees of the previous districts so that each district, if possible, has representation on the consolidated district's board of trustees. The superintendent shall stagger the terms of his appointments so that an equal number of appointees' terms expire annually and those trustees shall sit for election. Thereafter, all trustees who are elected shall serve terms as provided in section 33-501, Idaho Code, for a board of trustees of a school district. The board of trustees shall report the names of said trustees to the state board of education. The board of trustees of the newly consolidated school district shall expeditiously redraw the trustee zones pursuant to section 33-313, Idaho Code.

The state board of education, at its first meeting next following receipt of notice of the creation of new school districts by the division of a district, shall appoint a board of trustees for each such new district, to serve until the annual election of school district trustees next following.

Boards of trustees selected or appointed as in this section provided shall forthwith meet and organize as provided in section 33-506, Idaho Code, and thereupon the board of trustees of any district, the whole of

which has been incorporated within the new district, or which was divided as the case may be, shall be dissolved and its powers and duties shall cease. Prior to the notice of annual election of trustees next following, the board of trustees of each school district created by consolidation or by division of districts shall determine by lot or by agreement which of the trustee zones the trustees therefor shall be elected for a term of one (1) year, which for a term of two (2) years, and which for a term of three (3) years. Thereafter each trustee shall be elected for a term of three (3) years.

Approved April 1, 2008.

CHAPTER 352
(H.B. No. 646)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDEPENDENT COUNCILS FOR FISCAL YEAR 2009; 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; AND DIRECTING THE USE OF INTERPRETER SERVICES FOR THE COUNCIL FOR THE DEAF AND HARD OF HEARING.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. DOMESTIC VIOLENCE COUNCIL:					
FROM:					
General Fund	$ 13,700	$1,400			$ 15,100
Domestic Violence Project Fund	184,000	138,200	$3,100	$ 171,800	497,100
Cooperative Welfare Fund (Federal)	80,400	126,900		3,065,400	3,272,700
Cooperative Welfare Fund (Dedicated)		40,000			40,000
TOTAL	$278,100	$306,500	$3,100	$3,237,200	$3,824,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
B. DEVELOPMENTAL DISABILITIES COUNCIL:					
FROM:					
General Fund	$101,100	$ 17,200		$ 600	$ 118,900
Cooperative Welfare Fund (Federal)	317,800	352,500		31,600	701,900
Cooperative Welfare Fund (Dedicated)		15,000			15,000
TOTAL	$418,900	$384,700		$ 32,200	$ 835,800
C. COUNCIL FOR THE DEAF AND HARD OF HEARING:					
FROM:					
General Fund	$136,200	$ 33,600	$1,700		$ 171,500
Cooperative Welfare Fund (Dedicated)		3,000		$ 4,500	7,500
TOTAL	$136,200	$ 36,600	$1,700	$ 4,500	$ 179,000
GRAND TOTAL	$833,200	$727,800	$4,800	$3,273,900	$4,839,700

SECTION 2. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 3. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than twelve (12) full-time equivalent positions for the Independent Councils during the period July 1, 2008, through June 30, 2009. 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. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511(1), 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 2009.

SECTION 5. INTERPRETER SERVICES IN THE COUNCIL FOR THE DEAF AND HARD OF HEARING. It is the intent of the Legislature to provide qualified disabled employees with effective accommodation to perform essential job functions. Therefore, based upon an informal opinion issued from the Idaho Attorney General on February 12, 2008, the Department of Health and Welfare's Human Resources Office is directed to work with the

Idaho Department of Vocational Rehabilitation to complete a job assessment regarding the director of the Council for the Deaf and Hard of Hearing need for a sign language interpreter. The Idaho Attorney General states that the assessment should, at a minimum, address the following questions:

(1) What does the executive director's calendar consist of from day-to-day, in terms of the number of scheduled meetings and other expected commitments?

(2) Which meetings will require a sign language interpreter, and what other forms of accommodation will be effective for other types of communication that occur during the executive director's work day?

The Joint Finance-Appropriations Committee has included $10,000 of one-time funding to cover any interpreter service costs for fiscal year 2009; however, it is the intent of the Joint Finance-Appropriations Committee that the moneys only be accessed once the assessment is complete and a determination of the interpreter hours needed has been made. It is also the intent of the Joint Finance-Appropriations Committee to, based on the completed job assessment and the recommendation of the Governor, address the ongoing need for sign language interpreter hours in the Council for the Deaf and Hard of Hearing budget during the 2009 legislative session.

Approved April 1, 2008.

CHAPTER 353
(H.B. No. 647)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDIRECT SUPPORT SERVICES FOR FISCAL YEAR 2009; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE MANAGEMENT OF VEHICLES.

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, 2008, through June 30, 2009:

FROM:	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
General Fund	$10,319,800	$ 7,334,100	$296,400	$17,950,300
Cooperative Welfare Fund (Federal)	11,047,600	7,127,600	238,200	18,413,400
Cooperative Welfare Fund (Dedicated)	440,300	1,012,800		1,453,100
TOTAL	$21,807,700	$15,474,500	$534,600	$37,816,800

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-three and forty-eight hundredths (323.48) full-time equivalent positions for the Indirect Support Services Program during the period July 1, 2008, through June 30, 2009. 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. VEHICLE MANAGEMENT. It is the intent of the Legislature that all vehicles authorized for the Department of Health and Welfare will be utilized at maximum capacity, thus, the Indirect Support Services program is to ensure that the newest and lowest mileage vehicles are located in the regional offices for use by regional staff and the oldest and highest mileage vehicles are utilized by the central office staff in Boise, Idaho. It is also the intent of the Legislature that Indirect Support Services review vehicle usage and determine if the current number of vehicles owned by the Department is the appropriate number needed. If it is not, then it is the intent of the Legislature that Indirect Support Services surplus any underutilized vehicles and bring the overall number of vehicles on the fixed assets list in line with the actual number of vehicles needed by the Department.

Approved April 1, 2008.

CHAPTER 354
(H.B. No. 649)

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 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE COMMUNITY DEVELOPMENTAL DISABILITY SERVICES PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR SERVICES FOR THE DEVELOPMENTALLY DISABLED IN THE IDAHO STATE SCHOOL AND HOSPITAL PROGRAM FOR FISCAL YEAR 2009; 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; DIRECTING THAT THE FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO INTENSIVE BEHAVIORAL INTERVENTION.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$ 5,081,100	$1,277,100	$ 75,200	$2,745,700	$ 9,179,100
Cooperative Welfare Fund (Federal)	4,485,600	1,243,400	54,400	988,000	6,771,400
Cooperative Welfare Fund (Dedicated)	805,200	46,300		1,079,800	1,931,300
TOTAL	$10,371,900	$2,566,800	$129,600	$4,813,500	$17,881,800

SECTION 2. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than one hundred sixty-seven and ninety-two hundredths (167.92) full-time equivalent positions for the Community Developmental Disability Services Program during the period July 1, 2008, through June 30, 2009. 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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$ 4,847,100	$ 787,400	$ 95,000	$120,700	$ 5,850,200
Medical Assistance Fund		3,500			3,500
Cooperative Welfare Fund (Federal)	15,292,000	3,028,000	218,500	232,700	18,771,200
Cooperative Welfare Fund (Dedicated)	667,500	437,800		10,600	1,115,900
TOTAL	$20,806,600	$4,256,700	$313,500	$364,000	$25,740,800

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, 2008, through June 30, 2009. 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. 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 2009.

SECTION 7. INTENSIVE BEHAVIORAL INTERVENTION. It is the intent of the Legislature that the Community Developmental Disability Services 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.

Approved April 1, 2008.

CHAPTER 355
(H.B. No. 651)

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 2009; 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 FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE COMMUNITY MENTAL HEALTH SERVICES PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MENTAL HEALTH GRANTS IN THE COMMUNITY MENTAL HEALTH GRANT PROGRAM FOR FISCAL YEAR 2009; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE DRUG COURT, MENTAL HEALTH COURT AND FAMILY COURT SERVICES FUND; DIRECTING AN INTERAGENCY PAYMENT FOR A JUVENILE DETENTION CLINICIANS CONTRACT; LIMITING THE TRANSFER OF TRUSTEE AND BENEFIT PAYMENTS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CHILDREN'S MENTAL HEALTH DAY TREATMENT SERVICES; DIRECTING A REPORT RELATING TO CHILDREN'S MENTAL HEALTH DAY TREATMENT SERVICES; AND DIRECTING THE USE OF CERTAIN MONEYS IN THE COMMUNITY MENTAL HEALTH GRANT PROGRAM.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Fund	$2,767,100	$ 759,300	$5,258,100	$ 8,784,500
Cooperative Welfare Fund (Federal)	3,302,900	1,465,900	1,180,700	5,949,500
Cooperative Welfare Fund (Dedicated)			164,500	164,500
TOTAL	$6,070,000	$2,225,200	$6,603,300	$14,898,500

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 ninety-one and fifty-five hundredths (91.55) full-time equivalent positions for the Children's Mental Health Program during the period July 1, 2008, through June 30, 2009. 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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$12,366,400	$2,580,300	$142,600	$1,231,600	$16,320,900
Cooperative Welfare Fund (Federal)	2,852,700	1,188,600	53,400	404,400	4,499,100
Drug Court, Mental Health Court & Family Court Services Fund	168,700	98,000			266,700
Cooperative Welfare Fund (Dedicated)	739,100			650,000	1,389,100
TOTAL	$16,126,900	$3,866,900	$196,000	$2,286,000	$22,475,800

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 forty-three and forty-four hundredths (243.44) full-time equivalent positions for the Community Mental Health Services Program during the period July 1, 2008, through June 30, 2009. 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 mental health grants in the Community Mental Health Grant Program the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:	
Trustee and Benefit Payments	$3,140,000
FROM:	
General Fund	$3,140,000

SECTION 6. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 7. DRUG COURT, MENTAL HEALTH COURT AND FAMILY COURT SERVICES FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the Drug Court, Mental Health Court and Family Court Services Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 8. INTERAGENCY PAYMENT FOR JUVENILE DETENTION CLINICIANS CONTRACT. The Children's Mental Health Program shall make, no later than July 10, 2008, an interagency payment of $329,000 from the Cooperative Welfare Fund (General) to the Department of Juvenile Corrections to be utilized for the purchase of contract clinician services with juvenile detention facilities in Idaho, for the period July 1, 2008, through June 30, 2009.

SECTION 9. LIMITING THE TRANSFER OF TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511(1), Idaho Code, appropriations made in Sections 1, 3 and 5 of this act for trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2009.

SECTION 10. CHILDREN'S MENTAL HEALTH CONTRACT TREATMENT SERVICES. It is hereby declared to be the intent of the Idaho Legislature that, of those moneys appropriated in Section 1 of this act, $2,104,700 from the Cooperative Welfare Fund (General) be used to provide children's mental health contract treatment services for the period July 1, 2008, through June 30, 2009. The amount so specified is not meant to be a limit, but rather a minimum amount to be provided for such services. Contract treatment services may include, but are not limited to, family support and preservation services, intensive outpatient and outpatient treatments, day treatment services outside the public school system, and contract wrap-around case management services.

SECTION 11. DIRECTING A REPORT RELATIVE TO CHILDREN'S MENTAL HEALTH DAY TREATMENT SERVICES. The Department of Health and Welfare is hereby directed to report to the Joint Finance-Appropriations Committee, during its scheduled 2009 budget hearing, on children's mental health day treatment services. The report, at a minimum, should include the annual amount of funds paid to public schools for day treatment services by school district; the number of children that were treated by school district; and outcome data as required under contract. Furthermore, it is the intent of the Idaho Legislature that the level of expenditures provided for school-based day treatment services remain at the same level as that provided in fiscal year 2007, for the period July 1, 2008, through June 30, 2009.

SECTION 12. DIRECTING THE USE OF CERTAIN MONEYS IN THE COMMUNITY MENTAL HEALTH GRANT PROGRAM. Of the amount appropriated in Section 5 of this act for the Community Mental Health Grant Program, $900,000 is hereby directed to establish dual diagnosis crisis intervention beds in

Region 4 that will be contractually operated by Ada County, and $1,240,000 to continue a correctional alternative pilot project that is currently underway in Region 7.

Approved April 1, 2008.

CHAPTER 356
(H.B. No. 658)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR THE EXECUTIVE PROTECTION PROGRAM FOR FISCAL YEAR 2009; INCREASING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR THE FORENSIC SERVICES PROGRAM FOR FISCAL YEAR 2009.

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 Idaho State Police for the Executive Protection Program the following amount to be expended according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009, for the purpose of Supreme Court security and protection:

FOR:	
Personnel Costs	$57,100
Operating Expenditures	19,900
Capital Outlay	38,900
TOTAL	$115,900
From:	
General Fund	$115,900

SECTION 2. In addition to any other authorization provided by law, the Idaho State Police, for the Executive Protection Program, is hereby authorized one (1) full-time equivalent position for the period July 1, 2008, through June 30, 2009.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated $239,400 from the General Fund to the Idaho State Police for the Forensic Services Program for the period July 1, 2008, through June 30, 2009, for the purpose of handling increased workloads.

Approved April 1, 2008.

CHAPTER 357
(H.B. No. 659)

AN ACT

APPROPRIATING MONEYS FOR THE DEPARTMENT OF HEALTH AND WELFARE FOR THE CHILD WELFARE PROGRAM FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING MONEYS FOR THE DEPART-

MENT OF HEALTH AND WELFARE FOR THE FOSTER AND ASSISTANCE PAYMENTS PROGRAM FOR FISCAL YEAR 2009; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; AND DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Fund	$11,585,100	$1,965,200	$228,200	$13,778,500
Cooperative Welfare Fund (Dedicated)	96,200			96,200
Cooperative Welfare Fund (Federal)	13,087,400	6,300,300	127,900	19,515,600
TOTAL	$24,768,700	$8,265,500	$356,100	$33,390,300

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than three hundred ninety-eight and seventeen hundredths (398.17) full-time equivalent positions for the Child Welfare Program during the period July 1, 2008, through June 30, 2009. 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, 2008, through June 30, 2009:

FOR:	
Trustee and Benefit Payments	$27,382,700
FROM:	
General Fund	$13,019,100
Cooperative Welfare Fund (Dedicated)	776,000
Cooperative Welfare Fund (Federal)	13,587,600
TOTAL	$27,382,700

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 2009.

Approved April 1, 2008.

CHAPTER 358
(H.B. No. 660)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2009; 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 2009; 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 2009; 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; AND EXPRESSING LEGISLATIVE INTENT RELATING TO CERTAIN MILLENNIUM INCOME FUND APPROPRIATIONS.

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, 2008, through June 30, 2009:

FROM:	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
General Fund	$1,530,600	$ 4,984,900	$25,900	$ 1,287,700	$ 7,829,100
Cancer Control Fund	53,500	228,200		123,400	405,100
Central Tumor Registry Fund				182,700	182,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare Fund (Federal)	5,512,500	7,773,700	18,500	36,965,700	50,270,400
Cooperative Welfare Fund (Dedicated)	1,553,800	769,300		9,569,000	11,892,100
TOTAL	$8,650,400	$13,756,100	$44,400	$48,128,500	$70,579,400

SECTION 2. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than 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, 2008, through June 30, 2009. 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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund			$2,600		$ 2,600
Emergency Medical Services Fund I & II	$1,428,800	$ 826,700		$ 372,700	2,628,200
Emergency Medical Services Fund III				1,400,000	1,400,000
Cooperative Welfare Fund (Dedicated)	247,500	121,000		150,000	518,500
Cooperative Welfare Fund (Federal)	432,900	875,100		362,300	1,670,300
TOTAL	$2,109,200	$1,822,800	$2,600	$2,285,000	$6,219,600

SECTION 4. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than twenty-eight and seventy-six hundredths (28.76) full-time equivalent positions for the Emergency Medical Services Program during the period July 1, 2008, through June 30, 2009. 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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Fund	$1,493,400	$ 420,400	$43,600	$1,957,400
Cooperative Welfare Fund (Dedicated)	443,500	199,300		642,800
Cooperative Welfare Fund (Federal)	718,000	1,143,400		1,861,400
TOTAL	$2,654,900	$1,763,100	$43,600	$4,461,600

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, 2008, through June 30, 2009. 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 2009.

SECTION 10. MILLENNIUM INCOME FUND APPROPRIATIONS. It is legislative intent that $700,000 of the funds from the Millennium Income Fund appropriated to the Department of Health and Welfare shall be designated for nicotine replacement therapy, and that expenditures appropriated

from the Millennium Income Fund shall not be used for local programs identified in the application proposal since they may duplicate other programs funded by the Millennium Income Fund.

Approved April 1, 2008.

CHAPTER 359
(H.B. No. 665)

AN ACT

APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE GENERAL BOARDS FOR FISCAL YEAR 2009; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE MEDICAL BOARDS FOR FISCAL YEAR 2009; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE REGULATORY BOARDS FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the 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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMMISSION ON HISPANIC AFFAIRS:				
FROM:				
General Fund	$101,300	$ 19,900		$121,200
Miscellaneous Revenue Fund	47,300	40,900		88,200
Federal Grant Fund	54,700	83,700	$19,200	157,600
TOTAL	$203,300	$144,500	$19,200	$367,000
II. BOARD OF EXAMINERS:				
FROM:				
General Fund			$15,300	$15,300
GRAND TOTAL	$203,300	$144,500	$34,500	$382,300

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. BOARD OF DENTISTRY:				
FROM:				
State Regulatory Fund	$ 223,000	$ 152,600	$ 6,000	$ 381,600
II. BOARD OF MEDICINE:				
FROM:				
State Regulatory Fund	$ 809,200	$ 701,900	$ 1,200	$1,512,300
III. BOARD OF NURSING:				
FROM:				
State Regulatory Fund	$ 532,600	$ 382,700	$ 3,100	$ 918,400
IV. BOARD OF PHARMACY:				
FROM:				
Federal Grant Fund	$ 19,000	$ 9,300		$ 28,300
State Regulatory Fund	741,100	355,200	$ 8,500	1,104,800
TOTAL	$ 760,100	$ 364,500	$ 8,500	$1,133,100
V. BOARD OF VETERINARY MEDICINE:				
FROM:				
State Regulatory Fund	$ 112,500	$ 96,800	$ 3,000	$ 212,300
GRAND TOTAL	$2,437,400	$1,698,500	$21,800	$4,157,700

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOARD OF ACCOUNTANCY:					
FROM:					
State Regulatory Fund	$ 252,800	$ 266,500			$ 519,300
II. BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS:					
FROM:					
State Regulatory Fund	$ 330,000	$ 248,300	$4,800		$ 583,100
III. BUREAU OF OCCUPATIONAL LICENSES:					
FROM:					
State Regulatory Fund	$1,729,800	$1,321,800		$52,500	$3,104,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. OUTFITTERS AND GUIDES BOARD:					
FROM:					
State Regulatory Fund	$ 362,500	$ 188,400			$ 550,900
V. REAL ESTATE COMMISSION:					
FROM:					
State Regulatory Fund	$ 914,500	$ 587,600	$1,300		$1,503,400
GRAND TOTAL	$3,589,600	$2,612,600	$6,100	$52,500	$6,260,800

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, 2008, through June 30, 2009, 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 ..... Three (3)
Board of Medicine ..... Thirteen and eight-tenths (13.8)
Board of Nursing ..... Eight and one-half (8.5)
Board of Pharmacy ..... Twelve (12)
Board of Veterinary Medicine .... One and seventy-five hundredths (1.75)
Board of Accountancy ..... Four (4)
Board of Professional Engineers and Land Surveyors ..... Four (4)
Bureau of Occupational Licenses ..... Thirty-two (32)
Outfitters and Guides Licensing Board ..... Six (6)
Real Estate Commission ..... Sixteen (16)

Approved April 1, 2008.

CHAPTER 360
(H.B. No. 666)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2009; 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; AND AUTHORIZING THE TRANSFER OF HIGHWAY FUNDS TO THE TOURISM AND PROMOTION FUND.

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, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
State Highway Fund (Dedicated)	$ 14,250,900	$ 8,225,700	$ 657,300		$ 23,133,900
State Highway Fund (Federal)	51,900	98,800			150,700
State Highway Fund (Billing)	22,800	191,800			214,600
TOTAL	$ 14,325,600	$ 8,516,300	$ 657,300		$ 23,499,200
II. PLANNING:					
FROM:					
State Highway Fund (Dedicated)	$ 1,146,100	$ 397,600	$ 264,800	$ 140,000	$ 1,948,500
State Highway Fund (Federal)	2,117,200	1,604,600	620,000	140,000	4,481,800
TOTAL	$ 3,263,300	$ 2,002,200	$ 884,800	$ 280,000	$ 6,430,300
III. MOTOR VEHICLES:					
FROM:					
State Highway Fund (Dedicated)	$ 12,871,500	$ 6,298,500	$ 299,000		$ 19,469,000
IV. HIGHWAY OPERATIONS:					
FROM:					
State Highway Fund (Dedicated)	$ 75,483,400	$42,807,500	$ 20,221,200		$138,512,100
State Highway Fund (Federal)	9,284,000	1,827,000		$ 2,462,500	13,573,500
State Highway Fund (Billing)		385,600			385,600
State Highway Fund (Local)	201,000	98,200			299,200
TOTAL	$ 84,968,400	$45,118,300	$ 20,221,200	$ 2,462,500	$152,770,400
V. CAPITAL FACILITIES:					
FROM:					
State Highway Fund (Dedicated)			$ 2,800,000		$ 2,800,000
State Aeronautics Fund (Dedicated)			50,000		50,000
TOTAL			$ 2,850,000		$ 2,850,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VI. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:					
FROM:					
State Highway Fund (Dedicated)		$ 5,053,500	$ 27,624,300	$ 318,000	$ 32,995,800
State Highway Fund (Federal)		12,153,000	220,677,200	2,914,000	235,744,200
State Highway Fund (Local)		705,200	4,514,200	541,000	5,760,400
TOTAL		$17,911,700	$252,815,700	$ 3,773,000	$274,500,400
VII. AERONAUTICS:					
FROM:					
State Aeronautics Fund (Dedicated)	$ 898,000	$ 545,700	$ 45,200	$ 871,000	$ 2,359,900
State Aeronautics Fund (Federal)	32,800	432,700		294,900	760,400
State Aeronautics Fund (Billing)	85,600	125,400			211,000
TOTAL	$ 1,016,400	$ 1,103,800	$ 45,200	$ 1,165,900	$ 3,331,300
VIII. PUBLIC TRANSPORTATION:					
FROM:					
State Highway Fund (Dedicated)	$ 204,900	$ 54,800	$ 4,400	$ 404,800	$ 668,900
State Highway Fund (Federal)	483,000	117,400		8,353,000	8,953,400
TOTAL	$ 687,900	$ 172,200	$ 4,400	$ 8,757,800	$ 9,622,300
GRAND TOTAL	$117,133,100	$81,123,000	$277,777,600	$16,439,200	$492,472,900

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, 2008, through June 30, 2009, 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 2008, to be used for Contract Construction and Right-of-Way Acquisition only for the period July 1, 2008, through June 30, 2009.

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 2008, to be used for Airport Development Grants for the period July 1, 2008, through June 30, 2009.

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 2009. This transfer will provide the matching fund support of the Gateway Visitor Centers.

Approved April 1, 2008.

CHAPTER 361
(H.B. No. 667)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2009; 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 Environmental Quality the following amount to be expended for the designated program for agricultural smoke management and crop residue disposal according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

AIR QUALITY:	
FOR:	
Personnel Costs	$296,000
Operating Expenditures	190,200
Capital Outlay	120,200
TOTAL	$606,400
FROM:	
General Fund	$606,400

SECTION 2. In addition to any other authorization provided by law, the Department of Environmental Quality is hereby authorized two (2) additional full-time equivalent positions for the period July 1, 2008, through June 30, 2009.

Approved April 1, 2008.

CHAPTER 362
(H.B. No. 668)

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2009; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2009; 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 2009; EXPRESSING LEGISLATIVE INTENT THAT CERTAIN STATE FUNDED BENEFITS BE PAID; AND AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE BASE SALARIES FOR ADMINISTRATIVE STAFF.

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

SECTION 1. The following amount shall be expended for the Public Schools Division of Administrators for the period July 1, 2008, through June 30, 2009:

FROM:

General Fund	$85,391,500
Federal Grant Fund	2,150,300
TOTAL	$87,541,800

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2008, through June 30, 2009:

FROM:

General Fund	$85,391,500

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, 2008, through June 30, 2009:

FROM:

Public School Income Fund	$85,391,500
Federal Grant Fund	2,150,300
TOTAL	$87,541,800

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 $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 $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 ~~$35,816~~36,532. The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(3), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

3. To determine the apportionment for classified staff, multiply $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.

Approved April 1, 2008.

CHAPTER 363
(H.B. No. 669)

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF TEACHERS FOR FISCAL YEAR 2009; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS DIVISION OF TEACHERS; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2009; 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 $350 BE DISTRIBUTED TO EACH QUALIFIED TEACHER FOR CLASSROOM SUPPLIES; AMENDING SECTION 33-1004E, IDAHO CODE, TO PROVIDE FOR A BASE SALARY INCREASE FOR INSTRUCTIONAL STAFF, TO REVISE INSTRUCTIONAL SALARY ALLOCATION INCREASES AND TO INCREASE THE MINIMUM INSTRUCTIONAL STAFF SALARY; AND DIRECTING THAT $50,000 BE ALLOCATED FOR A TEACHER PERFORMANCE EVALUATION TASK FORCE.

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, 2008, through June 30, 2009:

FROM:

General Fund	$746,380,700
Federal Grant Fund	70,693,800
TOTAL	$817,074,500

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2008, through June 30, 2009:

FROM:

General Fund	$746,380,700

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, 2008, through June 30, 2009:

FROM:

Public School Income Fund	$746,380,700
Federal Grant Fund	70,693,800
TOTAL	$817,074,500

SECTION 4. Of the moneys appropriated in Section 3 of this act, the amount necessary for the Unemployment Insurance Program shall be expended according to Section 72-1349A, Idaho Code, for the period July 1, 2008, through June 30, 2009.

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, $350 shall be distributed to each full-time equivalent certificated classroom teacher for the purchase of classroom supplies. The Superintendent of Public Instruction shall determine the formulas and methodologies by which such funds are distributed, within this framework, and the permissible uses. The Superintendent of Public Instruction may withhold or require the return of such funds, in the case of any school district or public charter school that is using or is proposing to use such funds in an impermissible manner.

SECTION 8. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting aver-

age 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 ~~$24,623~~25,231. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. The instructional salary allocation shall be further increased by the amount necessary for each full-time equivalent instructional staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than $31,~~000~~750. If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall be designated as a master teacher and receive $2,000 per year for five (5) years. The instructional salary shall be increased by $2,000 for each master teacher. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase as master teacher shall be those who have been recognized as national board certified teachers as of July 1 of each year.

2. To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the school year 1994-95, and shall receive their actual index but not more than the state average index plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district administrative staff index shall be multiplied by the base salary of $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 $19,783 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 9. Of the moneys appropriated in Section 3 of this act, up to $50,000 may be expended by the Superintendent of Public Instruction to defray the costs associated with a Teacher Performance Evaluation Task Force. The Superintendent of Public Instruction shall appoint, con-

vene and provide administrative support for said task force. The task force shall include the following members:

(1) Three superintendents, principals or public charter school directors;

(2) Three members of school district boards of trustees or public charter school boards of directors;

(3) Three classroom teachers, at least two of whom must be members of teacher associations.

The charge of this task force is to develop minimum standards for a fair, thorough, consistent and efficient system for evaluating teacher performance in Idaho, and to present its written recommendations to the Governor, State Board of Education, and the standing Education Committees of the Idaho Legislature by no later than January 30, 2009.

Approved April 1, 2008.

CHAPTER 364
(H.B. No. 489, As Amended)

AN ACT

RELATING TO THE DEPARTMENT OF HEALTH AND WELFARE AND THE HEALTH QUALITY PLANNING COMMISSION; AMENDING SECTION 56-1054, IDAHO CODE, TO REVISE TERMS OF HEALTH QUALITY PLANNING COMMISSION MEMBERS, TO REVISE FREQUENCY OF COMMISSION MEETINGS, TO PROVIDE FOR REPORTS AND TO REVISE DUTIES OF THE HEALTH QUALITY PLANNING COMMISSION; REPEALING SECTION 56-1054, IDAHO CODE, RELATING TO HEALTH QUALITY PLANNING; AND TO PROVIDE EFFECTIVE DATES.

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

SECTION 1. That Section 56-1054, Idaho Code, be, and the same is hereby amended to read as follows:

56-1054. HEALTH QUALITY PLANNING. (1) It is the intent of the legislature that the department of health and welfare ("the department") promote improved quality of care and improved health outcomes through investment in health information technology and in patient safety and quality initiatives in the state of Idaho.

(a) Coordinated implementation of health information technology in Idaho will establish widespread use of networked electronic health information or health records to allow quick, reliable and secure access to that information in order to promote patient safety and best practices in health care. This goal is consistent with the mission of the office of the national coordinator for health information technology, established by the president of the United States in 2004, to provide leadership for the development and nationwide implementation of an interoperable health information technology infrastructure to improve the quality and efficiency of health care and the ability of consumers to manage their care and safety.

(b) Coordinated implementation of statewide patient safety standards will identify uniform indicators of and standards for clinical quality and patient safety as well as uniform requirements for reporting provider achievement of those indicators and standards.

(2) There is hereby created and established within the department a health quality planning commission ("the commission").

(a) By May 1, 2006, and as needed after that date, the governor shall appoint eleven (11) voting members upon assurance of equitable geographic and rural representation, comprising members of the public and private sectors with expertise in health information technology and clinical quality and patient safety. The membership shall represent all major participants in the health care delivery and financing systems. A majority of the commission shall be health care providers or employees of health care providers. One (1) member shall be an Idaho resident representing the public interest. The commission chairperson shall be appointed by the director of the department.

(b) Members of the commission shall be appointed for a term of two (2) years. The term of office shall commence on July 1, 2006~~, and shall expire on June 30, 2008~~. As terms of commission members expire, the governor shall appoint each new member or reappointed member to a term of two (2) years in a manner that is consistent with subsection (a) of this section.

(c) The commission shall meet ~~monthly~~ quarterly and at the call of the chairperson.

(d) Each member of the commission shall be compensated as provided by section 59-509(d), Idaho Code.

(e) 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 one (1) and not more than three (3) persons to fill the vacancy 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. Such appointments shall be for a term of two (2) years.

(f) Members of the commission may be removed by the governor for substantial neglect of duty, gross misconduct in office, or the inability to discharge the duties described in this section, after written notice and opportunity for response.

(g) A majority of the members of the commission shall constitute a quorum for the transaction of all business and the carrying out of commission duties.

(3) The department may dedicate funding to the operations of the commission, subject to appropriation from the legislature. The department shall seek federal matching funds and additional private sector funding for commission operations.

(4) The commission shall perform the following duties related to health information technology planning:

(a) Develop and issue a request or requests for proposals from health care information and communications technology contractors to perform a study on health information technology in Idaho;

(b) Award a contract or contracts for the performance of the study to a nationally recognized expert or experts in health information technology;

(c) Oversee and coordinate contractor performance;

(d) Provide quarterly progress reports to the director of the department and to the legislative health care task force~~, including an interim status report due to the director and the legislative~~

~~health--care--task--force--by November 30, 2007. The final~~ An annual report of the commission shall be due to the director and the legislative health care task force on June 30~~, 2008~~ of each year. The ~~final~~ annual report of June 30, 2008, shall review the contractor study and make recommendations regarding implementation of a plan for the creation of a health information technology system as described in subsection (4)(f)(ii) of this section;

(e) Widely disseminate requests, including through electronic media, for the active participation of private groups and organizations in the development of the plan. Before submitting the final plan to the director of the department, the commission shall issue drafts of the plan for public review and shall hold at least one (1) public meeting to receive public comments on the plan;

(f) Develop and submit a final plan that shall include, but not be limited to:

(i) An analysis of existing health information technology in Idaho and of national trends in the development of health information technology systems;

(ii) A plan for developing a uniform, statewide, flexible and interoperable health information technology system to be used by providers, patients and payers, including a unique patient identifier for all patients;

(iii) Identification of all major participants in the health care delivery and financing systems that would be affected by the health information technology system;

(iv) Analysis of the feasibility of incorporating existing infrastructure into the recommended system, analysis of improvements and additions to the existing infrastructure needed to implement the recommended system, and identification of potential obstacles to implementation, such as privacy and security laws, and recommended solutions;

(v) Development of recommended organizational and governance structures for implementation and maintenance of the system;

(vi) A business plan for financing the development and maintenance of the technology system, including identification of government and private funding and including consideration of appropriate user fees;

(vii) A timetable for implementation of the technology system;

(viii) A means to assess the measurable ability of the recommended system to improve the quality of health care through access to reliable, evidence-based current treatment guidelines; and

(ix) Provisions to ensure that the system meets the health information technology needs of rural Idahoans; and

(g) Issue grants to selected providers including, but not limited to, primary care providers, in order to support the adoption of health information technology. The commission shall develop criteria for the selection of grantee providers.

(5) The commission ~~shall~~ may use the information generated by the Idaho health data exchange to promote health and patient safety planning. The commission may perform the following duties related to health quality and patient safety planning, provided that performance of these duties may include contracting with and supervising independent entities for the performance of some or all of these duties:

(a) Analyze existing clinical quality assurance and patient safety standards and reporting;
(b) Identify best practices in clinical quality assurance and patient safety standards and reporting;
(c) Recommend a mechanism or mechanisms for the uniform adoption of certain best practices in clinical quality assurance and patient safety standards and reporting including, but not limited to, the creation of regulatory standards;
(d) Recommend a mechanism or mechanisms to promote public understanding of provider achievement of clinical quality and patient safety standards;
(e) Recommend a sustainable structure for leadership of ongoing clinical quality and patient safety improvement in Idaho;
(f) Provide quarterly progress reports to the director of the department and to the legislative health care task force~~, including an interim status report due to the director and the legislative health care task force by November 30, 2007. The final report of the commission~~ An annual report shall be due to the director, ~~and~~ the legislative health care task force and the senate and house of representatives health and welfare committees on June 30~~, 2008~~ of each year and a final report shall be due by June 30, 2010; and
~~(g) Recommend a method of acquiring and analyzing data necessary to fulfill the commission's duties as set forth in this section; and (h) Enhance public health through means such as population-based epidemiological studies and the maintenance of statistical databases and registries, including the creation of a health data authority if appropriate, provided that the privacy of individuals shall be maintained in all instances where personal identification is not required for public health necessity~~ In regard to the commission's duties provided for in this section, the commission is directed to ensure that such duties are developed and implemented in such a manner and in such forms or formats as to result in health care data that will be readily understood by the citizens of this state.

SECTION 2. That Section 56-1054, Idaho Code, be, and the same is hereby repealed.

SECTION 3. The provisions of Section 1 of this act shall be in full force and effect on and after July 1, 2008. The provisions of Section 2 of this act shall be in full force and effect on and after July 1, 2010.

Approved April 1, 2008.

CHAPTER 365
(H.B. No. 491, As Amended in the Senate)

AN ACT
RELATING TO TRUST DEEDS; AMENDING SECTION 45-1502, IDAHO CODE, TO REVISE DEFINITIONS.

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

SECTION 1. That Section 45-1502, Idaho Code, be, and the same is hereby amended to read as follows:

45-1502. DEFINITIONS -- TRUSTEE'S CHARGE. As used in this act:

(1) "Beneficiary" means the person named or otherwise designated in a trust deed as the person for whose benefit a trust deed is given, or his successor in interest, and who shall not be the trustee.

(2) "Grantor" means the person conveying real property by a trust deed as security for the performance of an obligation.

(3) "Trust deed" means a deed executed in conformity with this act and conveying real property to a trustee in trust to secure the performance of an obligation of the grantor or other person named in the deed to a beneficiary.

(4) "Trustee" means a person to whom the legal title to real property is conveyed by trust deed, or his successor in interest.

(5) "Real property" means any right, title, interest and claim in and to real property owned by the grantor at the date of execution of the deed of trust or acquired thereafter by said grantor or his successors in interest. Provided, nevertheless, real property as so defined which may be transferred in trust under this act shall be limited to: ~~either~~ (a) any real property located within an incorporated city or village at the time of the transfer; ~~,-or~~ (b) any real property not exceeding ~~forty~~ eighty (~~4~~80) acres, regardless of its location, ~~and-in-either event-where-the-trust-deed-states-that-the--real--property--involved--is within--either--of-the-above-provisions;-such-statement-shall-be-binding upon-all-parties-and-conclusive-as-to-compliance-with-the-provisions--of this-act-relative-to-the-power-to-make-such-transfer-and-trust-and-power of--sale--conferred--in-this-act~~ provided that such real property is not principally used for the agricultural production of crops, livestock, dairy or aquatic goods; or (c) any real property not exceeding forty (40) acres regardless of its use or location.

(6) The trustee shall be entitled to a reasonable charge for duties or services performed pursuant to the trust deed and this chapter, including compensation for reconveyance services notwithstanding any provision of a deed of trust prohibiting payment of a reconveyance fee by the grantor or beneficiary, or any provision of a deed of trust which limits or otherwise restricts the amount of a reconveyance fee to be charged and collected by the trustee. A trustee shall be entitled to refuse to reconvey a deed of trust until the trustee's reconveyance fees and recording costs for recording the reconveyance instruments are paid in full. The trustee shall not be entitled to a foreclosure fee in the event of judicial foreclosure or work done prior to the recording of a notice of default. If the default is cured prior to the time of the last newspaper publication of the notice of sale, the trustee shall be paid a reasonable fee.

Approved April 1, 2008.

CHAPTER 366
(H.B. No. 556)

AN ACT
RELATING TO ENERGY SAVINGS PERFORMANCE CONTRACTS; AMENDING SECTION 67-5711D, IDAHO CODE, TO REVISE DEFINITIONS OF "COST-SAVINGS MEASURE," "QUALIFIED ENERGY SERVICE COMPANY" AND "QUALIFIED PROVIDER."

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

SECTION 1. That Section 67-5711D, Idaho Code, be, and the same is hereby amended to read as follows:

67-5711D. ENERGY SAVINGS PERFORMANCE CONTRACTS. (1) Definitions. As used in this section:

(a) "Cost-savings measure" means any facility improvement, repair or alteration <u>to an existing facility,</u> or any equipment, fixture or furnishing to be added or used in any <u>existing</u> facility that is designed to reduce energy consumption and energy operating costs or increase the energy efficiency of facilities for their appointed functions that are cost effective. "Cost-savings measure" includes, but is not limited to, one (1) or more of the following:

(i) Procurement of low-cost energy supplies of all types, including electricity, natural gas and water;

(ii) Insulating the building structure or systems in the building;

(iii) Storm windows or doors, caulking or weather stripping, multiglazed windows or door systems, heat-absorbing or heat-reflective glazed and coated window and door systems, additional glazing, reductions in glass area or other window and door system modifications that reduce energy consumption;

(iv) Automated or computerized energy control systems;

(v) Heating, ventilation or air conditioning system modifications or replacements;

(vi) Replacing or modifying lighting fixtures to increase the energy efficiency of the lighting system;

(vii) Energy recovery systems;

(viii) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(ix) Installing new or modifying existing day lighting systems;

(x) Installing or modifying renewable energy and alternate energy technologies;

(xi) Building operation programs that reduce energy costs including, but not limited to, computerized programs, training and other similar activities;

(xii) Steam trap improvement programs that reduce energy costs;

(xiii) Devices that reduce water consumption; and

(xiv) Any additional building infrastructure improvements that produce energy cost savings, significantly reduce energy consumption or increase the energy efficiency of the facilities

for their appointed functions and are in compliance with all applicable state building codes.

(b) "Director" means the director of the department of administration or the director's designee.

(c) "Energy cost savings" means any expenses that are eliminated or avoided on a long-term basis as a result of equipment installed or modified, or services performed by a qualified energy service company or a qualified provider, but does not include merely shifting personnel costs or similar short-term cost savings.

(d) "Financial grade energy audit" means a comprehensive building energy systems audit performed by a professional engineer licensed in the state of Idaho for the purpose of identifying and documenting feasible energy and resource conservation measures and cost-savings factors.

(e) "Performance contract" means a contract between the director or the public entity and a qualified provider or a qualified energy service company for evaluation, recommendation and implementation of one (1) or more cost-savings measures. A performance contract may be structured as either:

(i) A guaranteed energy savings performance contract, which shall include, at a minimum, the design and installation of equipment and, if applicable, operation and maintenance of any of the measures implemented. Guaranteed annual savings must meet or exceed the total annual contract payments made by the director or the user agency or the public entity for such contract, including financing charges to be incurred over the life of the contract; or

(ii) A shared savings contract, which shall include provisions mutually agreed upon by the director and the qualified provider or qualified energy service company as to the rate of payments based upon energy cost savings and a stipulated maximum energy consumption level over the life of the contract.

(f) "Person" means an individual, corporation, partnership, firm, association, limited liability company, limited liability partnership or other such entity as recognized by the state of Idaho.

(g) "Public entity" means the cities, counties and school districts or any political subdivision within the state of Idaho.

(h) "Qualified energy service company" means a person with a record of established projects or with demonstrated technical, operational, financial and managerial capabilities to implement performance contracts and who currently holds an Idaho public works contractor license <u>appropriate for the work being performed.</u>

(i) "Qualified provider" means a person who is experienced in the design, implementation and installation of energy efficiency and facility improvement measures, who has the ability to secure necessary financial measures to support energy savings guarantees and the technical capabilities to ensure such measures generate energy cost savings, and who currently holds an Idaho public works contractor license <u>appropriate for the work being performed.</u>

(2) Performance contracts. The director of the department of administration, subject to the approval of the permanent building fund advisory council, or any Idaho public entity may enter into a performance contract with a qualified provider or qualified energy service company to reduce energy consumption or energy operating costs. Cost-savings

measures implemented under such contracts shall comply with all applicable state and local building codes.

(3) Requests for qualifications. The director of the department of administration or the public entity shall request qualifications from qualified providers and qualified energy service companies inviting them to submit information describing their capabilities in the areas of:

(a) Design, engineering, installation, maintenance and repairs associated with performance contracts;

(b) Experience in conversions to a different energy or fuel source, so long as it is associated with a comprehensive energy efficiency retrofit;

(c) Postinstallation project monitoring, data collection and reporting of savings;

(d) Overall project experience and qualifications;

(e) Management capability;

(f) Ability to assess the availability of long-term financing;

(g) Experience with projects of similar size and scope; and

(h) Other factors determined by the director or the public entity to be relevant and appropriate relating to the ability of the qualified provider or qualified energy service company to perform the project.

(4) Notice. Adequate public notice of the request for qualifications shall be given at least fourteen (14) days prior to the date set forth therein for the opening of the responses to the request for qualifications. Such notice may be provided electronically or by publication in a newspaper of general circulation in the area where the work is located.

(5) Public inspection. All records of the department or an agency or the public entity relating to the award of a performance contract shall be open to public inspection in accordance with the provisions of sections 9-337 through 9-347 and 67-5725, Idaho Code.

(6) Award of performance contract.

(a) The director or public entity shall select up to three (3) qualified providers or qualified energy service companies who have responded to the request for qualifications. Factors to be considered in selecting the successful qualified provider or qualified energy service company shall include, but not be limited to:

(i) Fee structure;

(ii) Contract terms;

(iii) Comprehensiveness of the proposal and cost-savings measures;

(iv) Experience of the qualified provider or qualified energy service company;

(v) Quality of the technical approach of the qualified provider or qualified energy service company; and

(vi) Overall benefits to the state or the public entity.

(b) Notwithstanding the provisions of section 67-5711C, Idaho Code, the director or the public entity may, following the request for qualifications and the expiration of the specified notice period, award the performance contract to the qualified provider or qualified energy service company which best meets the needs of the project and whose proposal may or may not represent the lowest cost among the proposals submitted pursuant to this section.

(c) Upon award of the performance contract, the successful quali-

fied provider or qualified energy service company shall prepare a financial grade energy audit which, upon acceptance by the director or the public entity, shall become a part of the final performance contract.

(7) Installment payment and lease-purchase agreements. Pursuant to this section, the director or the public entity may enter into a performance contract, payments for which shall be made by the user agency or public entity. Such performance contracts may be financed as installment payment contracts or lease-purchase agreements for the purchase and installation of cost-savings measures. Financing implemented through another person other than the qualified provider or qualified energy service company is authorized.

(8) Terms of performance contract.

(a) Each performance contract shall provide that all payments between parties, except obligations upon termination of the contract before its expiration, shall be made over time and that the objective of such performance contract is the implementation of cost-savings measures and energy cost savings.

(b) A performance contract, and payments provided thereunder, may extend beyond the fiscal year in which the performance contract becomes effective, subject to appropriation by the legislature or by the public entity, for costs incurred in future fiscal years. The performance contract may extend for a term not to exceed twenty-five (25) years. The permissible length of the contract may also reflect the useful life of the cost-savings measures.

(c) Performance contracts may provide for payments over a period of time not to exceed deadlines specified in the performance contract from the date of the final installation of the cost-savings measures.

(d) Performance contracts entered pursuant to this section may be amended or modified, upon agreement by the director or the public entity and the qualified provider or qualified energy service company, on an annual basis.

(9) Monitoring and reports. During the term of each performance contract, the qualified provider or qualified energy service company shall monitor the reductions in energy consumption and cost savings attributable to the cost-savings measures installed pursuant to the performance contract and shall annually prepare and provide a report to the director or the public entity documenting the performance of the cost-savings measures.

Approved April 1, 2008.

CHAPTER 367
(H.B. No. 657)

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; AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE; PROVIDING A DATE FOR SUBMISSION OF A REPORT TO THE LEGISLATURE; PROVIDING FOR RESPONSIBILITIES OF THE IDAHO TRANSPORTATION BOARD REGARDING BOND ISSUANCE; AND PROVIDING FOR THE REMOVAL OF THE MINIMUM VALUE IN THE RANGE OF REVENUE ALLOCATED TO THE US-95, WORLEY NORTH, KOOTENAI COUNTY PROJECT.

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 $134,000,000. 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. Pursuant to Section 40-315, Idaho Code, the bonding authorized in Section 1 of this act may be used to finance from the following list of projects and the Idaho Transportation Board shall allocate bond revenue to the projects listed below:

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	Smoky 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

SECTION 3. The Idaho Transportation Board and the Idaho Transportation Department shall not increase the scope, nor add specific projects, nor in any manner extend or enlarge the transportation projects listed in Section 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 and shall endeavor to negotiate those services at the best possible rates.

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. The purpose of this intent is to delay debt service on additional bonding until funds must be obligated to pay for right-of-way acquisition, construction, and/or other project-related costs and avoid violation of arbitrage rules that may result from issuance of bonds too far in advance of the need to obligate funds for expenditure. It is also the request of the Legislature that the obligation of previously issued bonds for expenditure on approved projects be achieved before an additional issuance is made, 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. The Idaho Transportation Board is hereby authorized to transfer up to $3,300,000 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 2009.

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

SECTION 10. Notwithstanding the provisions of Section 11, Chapter 363, Laws of 2007, the bonds shall be issued when necessary, as determined by the Idaho Transportation Board, either prior to or subsequent to June 30, 2008.

SECTION 11. Notwithstanding the provisions of Section 2, Chapter 363, Laws of 2007, the minimum value stated in the range of revenue to be allocated to the US-95, Worley North, Kootenai County project shall be removed.

Approved April 1, 2008.

CHAPTER 368
(H.B. No. 586)

AN ACT

RELATING TO AIR QUALITY; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-116B, IDAHO CODE, TO PROVIDE FOR A VEHICLE INSPECTION AND MAINTENANCE PROGRAM, TO PROVIDE FOR ALTERNATIVE MOTOR VEHICLE EMISSION CONTROL STRATEGIES, TO PROVIDE FOR REGISTRATION REVOCATION OF CERTAIN MOTOR VEHICLES BY THE IDAHO TRANSPORTATION DEPARTMENT, TO PROVIDE FOR PERIODIC REVIEW OF CERTAIN INFORMATION AND TO CLARIFY APPLICABILITY.

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

SECTION 1. That Chapter 1, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-116B, Idaho Code, and to read as follows:

39-116B. VEHICLE INSPECTION AND MAINTENANCE PROGRAM. (1) The board shall initiate rulemaking to provide for the implementation of a motor vehicle inspection and maintenance program to regulate and ensure control of the air pollutants and emissions from registered motor vehicles in an attainment or unclassified area as designated by the United States environmental protection agency, not otherwise exempted in subsection (7) of this section, if the director determines the following conditions are met:

(a) An airshed, as defined by the department, within a metropolitan statistical area, as defined by the United States office of management and budget, has ambient concentration design values equal to or above eighty-five percent (85%) of a national ambient air quality standard, as defined by the United States environmental protection agency, for three (3) consecutive years starting with the 2005 design value; and

(b) The department determines air pollutants from motor vehicles constitute one (1) of the top two (2) emission sources contributing to the design value of eighty-five percent (85%).

(2) In the event both of the conditions in subsection (1) of this section are met, the board shall establish by rule minimum standards for an inspection and maintenance program for registered motor vehicles, not otherwise exempted in subsection (7) of this section, which shall provide for:

(a) Counties and cities within the airshed that will be subject to the motor vehicle inspection and maintenance program;

(b) The requirements for licensing authorized inspection stations and technicians;

(c) The frequency with which inspections shall be required, provided that inspections shall occur no more than once every two (2) years;

(d) The procedures under which authorized inspection stations and technicians inspect motor vehicles and issue evidence of compliance;

(e) The criteria under which it is to be determined that a motor vehicle is eligible for a certificate of compliance;

(f) The parameters and diagnostic equipment necessary to perform the required inspection. The rules shall ensure that the equipment complies with any applicable standards of the United States environmental protection agency;

(g) A fee, bond or insurance which is necessary to carry out the provisions of this section and to fund an air quality public awareness and outreach program. The fee for a motor vehicle inspection shall not exceed twenty dollars ($20.00) per vehicle;

(h) The issuance of a pamphlet for distribution to owners of motor vehicles explaining the reasons for and the methods of the inspections; and

(i) The granting of a waiver from the minimum standards as provided by rule, which may be based on model year, fuel, size, or other factors.

(3) In the event both of the conditions in subsection (1) of this section are met, the director shall attempt to enter into a joint exercise of powers agreement under sections 67-2326 through 67-2333, Idaho Code, with the board of county commissioners of each county within the airshed in which a motor vehicle inspection and maintenance program is required under this section, and the councils of incorporated cities within those counties, to develop a standardized inspection and maintenance program. If the board of county commissioners or the councils of incorporated cities within those counties choose not to enter into a joint exercise of powers agreement with the director, then within one hundred twenty (120) days of the director's written request to enter into such an agreement, the board of county commissioners or the councils of incorporated cities may notify the department that it will implement an alternative motor vehicle emission control strategy that will result in emissions reductions equivalent to that of a vehicle emission inspection program. If the department determines the emissions reductions of the alternative motor vehicle emission control strategy are not equivalent, or no equivalent reductions are proposed, the department or its designee shall implement the motor vehicle inspection and maintenance program required pursuant to the provisions of this section.

(4) The Idaho transportation department shall revoke the registration of any motor vehicle identified by the department or its designee, or any city or county administering a program established under the provisions of this section as having failed to comply with such motor vehicle inspection and maintenance program, except that no vehicle shall be identified to the Idaho transportation department unless:

(a) The department or its designee, or the city or county certifies to the Idaho transportation department that the owner of the motor vehicle has been given notice and had the opportunity for a hearing concerning the program and has exhausted all remedies and appeals from any determination made at such hearing; and

(b) The department or its designee, or the city or county reim-

burses the Idaho transportation department for all direct costs associated with the registration revocation procedure.

(5) The department shall annually review the results of the vehicle inspection and maintenance program. The review shall include, among other things, an estimate of the emission reduction obtained from the number of vehicles that initially fail the test and then pass after maintenance.

(6) Every five (5) years beginning with the implementation of the program, the director shall review the air quality data and determine whether a program initially established pursuant to the provisions of this section should be continued, modified or terminated.

(7) Electric or hybrid motor vehicles, new motor vehicles less than five (5) years old, classic automobiles, motorized farm equipment and registered motor vehicles engaged solely in the business of agriculture, shall be exempt from any motor vehicle inspection and maintenance program established pursuant to the provisions of this section.

Approved April 1, 2008.

CHAPTER 369
(S.B. No. 1444, As Amended)

AN ACT

RELATING TO VOLUNTEER EMERGENCY RESPONDER DISABILITY BENEFITS; AMENDING SECTION 72-102, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 72-205, IDAHO CODE, TO REVISE THE DESIGNATION OF EMPLOYEES IN PUBLIC EMPLOYMENT AND THEIR EMPLOYERS SUBJECT TO THE WORKER'S COMPENSATION ACT; AND AMENDING SECTION 72-419, IDAHO CODE, TO REMOVE THE DETERMINATION OF AVERAGE WEEKLY WAGE FOR VOLUNTEER FIREMEN, POLICE AND CIVIL DEFENSE MEMBERS OR TRAINEES AND TO PROVIDE FOR THE DETERMINATION OF AVERAGE WEEKLY WAGE FOR VOLUNTEER EMERGENCY RESPONDERS BASED ON IDAHO CODE.

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

SECTION 1. That Section 72-102, Idaho Code, be, and the same is hereby amended to read as follows:

72-102. DEFINITIONS. Words and terms used in the worker's compensation law, unless the context otherwise requires, are defined in the subsections which follow:

(1) "Alien" means a person who is not a citizen, a national or a resident of the United States or Canada. Any person not a citizen or national of the United States who relinquishes or is about to relinquish his residence in the United States shall be regarded as an alien.

(2) "Balance billing" means charging, billing, or otherwise attempting to collect directly from an injured employee payment for medical services in excess of amounts allowable in compensable claims as provided by rules promulgated by the commission pursuant to section 72-508, Idaho Code.

(3) "Beneficiary" means any person who is entitled to income benefits or medical and related benefits under this law.

(4) "Burial expenses" means a sum, not to exceed six thousand dollars ($6,000) for funeral and burial or cremation, together with the actual expenses of transportation of the employee's body to his place of residence within the United States or Canada.

(5) "Commission" means the industrial commission.

(6) "Community service worker" means:

(a) Any person who has been convicted of a criminal offense, any juvenile who has been found to be within the purview of chapter 5, title 20, Idaho Code, and who has been informally diverted under the provisions of section 20-511, Idaho Code, or any person or youth who has been diverted from the criminal or juvenile justice system and who performs a public service for any department, institution, office, college, university, authority, division, board, bureau, commission, council, or other entity of the state, or any city, county, school district, irrigation district or other taxing district authorized to levy a tax or an assessment or any other political subdivision or any private not-for-profit agency which has elected worker's compensation insurance coverage for such person; or

(b) Parolees under department of correction supervision, probationers under court order or department of correction supervision and offender residents of community work centers under the direction or order of the board of correction who are performing public service or community service work for any of the entities specified in paragraph (6)(a) of this section other than the department of correction.

(7) "Compensation" used collectively means any or all of the income benefits and the medical and related benefits and medical services.

(8) "Custom farmer" means a person who contracts to supply operated equipment to a proprietor of a farm for the purpose of performing part or all of the activities related to raising or harvesting agricultural or horticultural commodities.

(9) "Death" means death resulting from an injury or occupational disease.

(10) Dependency limitations.

(a) "Adopted" and "adoption" include cases where persons are treated as adopted as well as those of legal adoption unless legal adoption is specifically provided.

(b) "Brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption.

(c) "Child" includes adopted children, posthumous children, and acknowledged illegitimate children, but does not include stepchildren unless actually dependent.

(d) "Grandchild" includes children of legally adopted children and children of stepchildren, but does not include stepchildren of children, stepchildren of stepchildren, or stepchildren of adopted children unless actually dependent.

(e) "Parent" includes stepparents and parents by adoption.

(f) "Grandparent" includes parents of parents by adoption, but does not include parents of stepparents, stepparents of parents, or stepparents of stepparents.

(11) "Disability," for purposes of determining total or partial temporary disability income benefits, means a decrease in wage-earning capacity due to injury or occupational disease, as such capacity is

affected by the medical factor of physical impairment, and by pertinent nonmedical factors as provided in section 72-430, Idaho Code.

(12) "Employee" is synonymous with "workman" and means any person who has entered into the employment of, or who works under contract of service or apprenticeship with, an employer. It does not include any person engaged in any of the excepted employments enumerated in section 72-212, Idaho Code, unless an election as provided in section 72-213, Idaho Code, has been filed. Any reference to an employee who has been injured shall, where the employee is dead, include a reference to his dependents as herein defined, if the context so requires, or, where the employee is a minor or incompetent, to his committee or guardian or next friend.

(13) (a) "Employer" means any person who has expressly or impliedly hired or contracted the services of another. It includes contractors and subcontractors. It includes the owner or lessee of premises, or other person who is virtually the proprietor or operator of the business there carried on, but who, by reason of there being an independent contractor or for any other reason, is not the direct employer of the workers there employed. If the employer is secured, it means his surety so far as applicable.

(b) "Professional employer" means a professional employer as defined in chapter 24, title 44, Idaho Code.

(c) "Temporary employer" means the employer of temporary employees as defined in section 44-2403(7), Idaho Code.

(d) "Work site employer" means the client of the temporary or professional employer with whom a worker has been placed.

(14) "Farm labor contractor" means any person or his agent or subcontractor who, for a fee, recruits and employs farm workers and performs any farm labor contracting activity.

(15) "Gender and number." The masculine gender includes the feminine and neuter; "husband" or "wife" includes "spouse"; the singular number includes plural and the plural the singular.

(16) "Income benefits" means payments provided for or made under the provisions of this law to the injured employee disabled by an injury or occupational disease, or his dependents in case of death, excluding medical and related benefits.

(17) "Independent contractor" means any person who renders service for a specified recompense for a specified result, under the right to control or actual control of his principal as to the result of his work only and not as to the means by which such result is accomplished. For the purposes of worker's compensation law, a custom farmer is considered to be an independent contractor.

(18) "Injury" and "accident."

(a) "Injury" means a personal injury caused by an accident arising out of and in the course of any employment covered by the worker's compensation law.

(b) "Accident" means an unexpected, undesigned, and unlooked for mishap, or untoward event, connected with the industry in which it occurs, and which can be reasonably located as to time when and place where it occurred, causing an injury.

(c) "Injury" and "personal injury" shall be construed to include only an injury caused by an accident, which results in violence to the physical structure of the body. The terms shall in no case be construed to include an occupational disease and only such

nonoccupational diseases as result directly from an injury.

(19) "Manifestation" means the time when an employee knows that he has an occupational disease, or whenever a qualified physician shall inform the injured worker that he has an occupational disease.

(20) "Medical and related benefits" means payments provided for or made for medical, hospital, burial and other services as provided in this law other than income benefits.

(21) "Medical services" means medical, surgical, dental or other attendance or treatment, nurse and hospital service, medicines, apparatus, appliances, prostheses, and related services, facilities and supplies.

(22) "Occupational diseases."

(a) "Occupational disease" means a disease due to the nature of an employment in which the hazards of such disease actually exist, are characteristic of, and peculiar to the trade, occupation, process, or employment, but shall not include psychological injuries, disorders or conditions unless the conditions set forth in section 72-451, Idaho Code, are met.

(b) "Contracted" and "incurred," when referring to an occupational disease, shall be deemed the equivalent of the term "arising out of and in the course of" employment.

(c) "Disablement," except in the case of silicosis, means the event of an employee's becoming actually and totally incapacitated because of an occupational disease from performing his work in the last occupation in which injuriously exposed to the hazards of such disease, and "disability" means the state of being so incapacitated.

(d) "Disablement," in the case of silicosis, means the event of first becoming actually incapacitated, because of such disease, from performing any work in any remunerative employment; and "disability" means the state of being so incapacitated.

(e) "Silicosis" means the characteristic fibrotic condition of the lungs caused by the inhalation of silicon dioxide (SiO_2) dust.

(23) "Outworker" means a person to whom articles or materials are furnished to be treated in any way on premises not under the control or management of the person who furnished them.

(24) "Person" means the state or any political subdivision thereof, or any individual, partnership, firm, association, trust, corporation, including the state insurance fund, or any representative thereof.

(25) "Physician" means medical physicians and surgeons, ophthalmologists, otorhinolaryngologists, dentists, osteopaths, osteopathic physicians and surgeons, optometrists, podiatrists, chiropractic physicians, and members of any other healing profession licensed or authorized by the statutes of this state to practice such profession within the scope of their practice as defined by the statutes of this state and as authorized by their licenses.

(26) "Provider" means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of medical services related to the treatment of an injured employee which are compensable under Idaho's worker's compensation law.

(27) "Secretary" means the secretary of the commission.

(28) "Self-insurer" means an employer who has been authorized under the provisions of this law to carry his own liability to his employees covered by this law.

(29) "State" includes any state, district, commonwealth, zone or territory of the United States or any province of Canada.

(30) "Surety" means any insurer authorized to insure or guarantee payment of worker's compensation liability of employers in any state; it also includes the state insurance fund, a self-insurer and an inter-insurance exchange.

(31) "United States," when used in a geographic sense, means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone and the territories of the United States.

(32) "Volunteer emergency responder" means a firefighter or peace officer, or publicly employed certified personnel as that term is defined in section 56-1012, Idaho Code, who is a bona fide member of a legally organized law enforcement agency, a legally organized fire department or a licensed emergency medical service provider organization who contributes services.

(33) "Wages" and "wage earning capacity" prior to the injury or disablement from occupational disease mean the employee's money payments for services as calculated under section 72-419, Idaho Code, and shall additionally include the reasonable market value of board, rent, housing, lodging, fuel, and other advantages which can be estimated in money which the employee receives from the employer as part of his remuneration, and gratuities received in the course of employment from others than the employer. "Wages" shall not include sums which the employer has paid to the employee to cover any special expenses entailed on him by the nature of his employment.

(~~33~~34) "Wages" and "wage earning capacity" after the injury or disablement from occupational disease shall be presumed to be the actual earnings after the injury or disablement, which presumption may be overcome by showing that those earnings do not fairly and reasonably represent wage earning capacity; in such a case wage earning capacity shall be determined in the light of all factors and circumstances which may affect the worker's capacity to earn wages.

(~~34~~35) "Work experience student" means any person enrolled in the public school districts of this state and who, as part of his instruction, is enrolled in a class or program for academic credit and for which the student is employed by, or works for, a private or governmental entity. The student need not receive wages from the private or governmental entity in order to be classified as a work experience student.

(~~35~~36) "Worker's compensation law" or "workmen's compensation law" means and includes the worker's compensation law of this state and any like or similar law of any state, United States, territory, or province of Canada.

SECTION 2. That Section 72-205, Idaho Code, be, and the same is hereby amended to read as follows:

72-205. PUBLIC EMPLOYMENT GENERALLY -- COVERAGE. The following shall constitute employees in public employment and their employers subject to the provisions of this law:

(1) Every person in the service of the state or of any political subdivision thereof, under any contract of hire, express or implied, and every official or officer thereof, whether elected or appointed, while performing his official duties, except officials of athletic contests involving secondary schools, as defined by section 33-119, Idaho Code.

(2) Every person in the service of a county, city, or any political subdivision thereof, or of any municipal corporation.

(3) Participants in the Idaho youth conservation project under the supervision of the Idaho state forester.

(4) Every person who is a ~~member of a~~ volunteer ~~fire or police department~~ emergency responder shall be deemed, for the purposes of this law, to be in the employment of the political subdivision or municipality where the department, agency or organization is organized.

(5) Every person who is a regularly enrolled volunteer member or trainee of the department of disaster and civil defense, or of a civil defense corps, shall be deemed, for the purposes of this law, to be in the employment of the state.

(6) Members of the Idaho national guard while on duty and employees of or persons providing voluntary service to an approved Idaho national guard morale, welfare, and recreational activity. No Idaho compensation benefits shall inure to any such member, employee or volunteer or their beneficiaries for any injury or death compensable under federal law.

(7) A community service worker, as that term is defined in section 72-102, Idaho Code, is considered to be an employee in public employment for purposes of receiving worker's compensation benefits, which shall be the community service worker's exclusive remedy for all injuries and occupational diseases as provided under chapters 1 through 8, title 72, Idaho Code.

(8) Every person who participates in a youth employment program funded in whole or in part by state or federal money and administered by a state or federal agency or a nonprofit corporation or entity.

(9) A work experience student, as that term is defined in section 72-102, Idaho Code, who does not receive wages while participating in the school's work experience program shall be covered by the school district's policy with the state insurance fund.

SECTION 3. That Section 72-419, Idaho Code, be, and the same is hereby amended to read as follows:

72-419. DETERMINATION OF AVERAGE WEEKLY WAGE. Except as otherwise provided in this law, the average weekly wage of the employee at the time of the accident causing the injury or of manifestation of the occupational disease shall be taken as the basis upon which to compute compensation and shall be determined as follows:

(1) If at such time the wages are fixed by the week, the amount so fixed shall be the average weekly wage.

(2) If at such time the wages are fixed by the month, the average weekly wage shall be the monthly wage so fixed multiplied by twelve (12) and divided by fifty-two (52).

(3) If at such time the wages are fixed by the year, the average weekly wage shall be the yearly wage so fixed divided by fifty-two (52).

(4) (a) If at such time the wages are fixed by the day, hour or by the output of the employee, the average weekly wage shall be the wage most favorable to the employee computed by dividing by thirteen (13) his wages (not including overtime or premium pay) earned in the employ of the employer in the first, second, third or fourth period of thirteen (13) consecutive calendar weeks in the fifty-two (52) weeks immediately preceding the time of accident or manifestation of the disease.

(b) If the employee has been in the employ of the employer less than twelve (12) calendar weeks immediately preceding the accident or manifestation of the disease, his average weekly wage shall be computed under the foregoing paragraph, taking the wages (not including overtime or premium pay) for such purpose to be the amount he would have earned had he been so employed by the employer the full thirteen (13) calendar weeks immediately preceding such time and had worked, when work was available to other employees in a similar occupation.

(5) If at such time the hourly wage has not been fixed or cannot be ascertained, the wage for the purpose of calculating compensation shall be taken to be the usual wage for similar services where such services are rendered by paid employees.

(6) In seasonal occupations that do not customarily operate throughout the entire year, the average weekly wage shall be taken to be one-fiftieth (1/50) of the total wages which the employee has earned from all occupations during the twelve (12) calendar months immediately preceding the time of the accident or manifestation of the disease.

(7) In the case of a volunteer ~~firemen, police and civil defense members or trainees~~ emergency responder, the income benefits in the first fifty-two (52) weeks shall be based on the average weekly wage in ~~their~~ his regular employment or sixty-seven percent (67%) of the current average weekly state wage, as determined pursuant to section 72-409(2), Idaho Code, whichever is greater.

(8) If the employee was a minor, apprentice or trainee at the time of the accident or manifestation of the disease, and it is established that under normal conditions his wages should be expected to increase during the period of disability that fact may be considered in computing his average weekly wage.

(9) When the employee is working under concurrent contracts with two (2) or more employers and the defendant employer has knowledge of such employment prior to the injury, the employee's wages from all such employers shall be considered as if earned from the employer liable for compensation.

(10) When circumstances are such that the actual rate of pay cannot be readily ascertained, the wage shall be deemed to be the contractual, customary or usual wage in the particular employment, industry or community for the same or similar service.

(11) In the case of public employees covered under section 72-205(6), Idaho Code, the income benefits shall be based on the greater of the average weekly wage of the employee's civilian employment and pay computed for one (1) weekend drill in a month, or full-time active duty pay fixed by the month as provided in section 46-605, Idaho Code.

Approved March 31, 2008.

CHAPTER 370
(S.B. No. 1511)

AN ACT

RELATING TO APPROPRIATIONS; TO PROVIDE LEGISLATIVE FINDINGS REGARDING WATER PROJECTS; APPROPRIATING AND DIRECTING THE TRANSFER OF GENERAL FUND MONEYS TO THE IDAHO WATER RESOURCE REVOLVING DEVELOPMENT FUND

FOR FISCAL YEAR 2009; APPROPRIATING AND DIRECTING THE TRANSFER OF GENERAL FUND MONEYS TO THE IDAHO WATER RESOURCE BOARD REVOLVING DEVELOPMENT FUND FOR FISCAL YEAR 2008; AND DECLARING AN EMERGENCY FOR SECTION 3 OF THIS ACT.

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

SECTION 1. The Legislature recognizes the need for additional water supplies in the state of Idaho and the Legislature finds that it is in the best interests of the citizens of the state of Idaho to invest in short-term and long-term water projects to facilitate a balance between water use and water supply of Idaho's aquifers.

SECTION 2. There is hereby appropriated and the State Controller shall transfer on July 1, 2008, or as soon thereafter as possible, the amount of $1,800,000 from the General Fund to the Idaho Water Resource Board Revolving Development Fund established in Section 42-1752, Idaho Code, for the period July 1, 2008, through June 30, 2009. The Idaho Water Resource Board shall use such moneys for costs associated with determining the feasibility of additional water storage.

SECTION 3. There is hereby appropriated $10,000,000 from the General Fund for the period July 1, 2007, through June 30, 2008. The State Controller shall immediately transfer that amount to the Idaho Water Resource Board Revolving Development Fund established in Section 42-1752, Idaho Code. Such moneys shall be used by the Idaho Water Resource Board to facilitate water projects involving the acquisition of water supply, reduction of water demand, and improvement of water management.

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

Approved April 1, 2008.

CHAPTER 371
(S.B. No. 1470)

AN ACT

RELATING TO THE DEPARTMENT OF LANDS; AMENDING CHAPTER 1, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-119A, IDAHO CODE, TO PROVIDE FOR DISCLAIMERS OF INTEREST AND TO PROVIDE FOR THE RESERVATION OF PUBLIC USE RIGHTS-OF-WAY.

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

SECTION 1. That Chapter 1, Title 58, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 58-119A, Idaho Code, and to read as follows:

58-119A. DISCLAIMERS OF INTEREST -- RESERVATION OF PUBLIC USE RIGHTS-OF-WAY. The department of lands may enter into an agreement with an owner of land adjacent to accreted land along a navigable river for the issuance of a disclaimer of interest as to the accreted land by the state in exchange for a reservation of a public use right-of-way along the navigable river. Any proposed agreement that seeks to reserve a public use right-of-way in excess of, or less than, a width of twenty-five (25) feet shall be approved by the state board of land commissioners prior to finalization of the agreement.

Approved April 1, 2008.

CHAPTER 372
(S.B. No. 1361, As Amended, As Amended in the House)

AN ACT

RELATING TO RULES OF THE ROAD; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-658, IDAHO CODE, TO REQUIRE COMPLIANCE WITH A SCHOOL ZONE POSTED SPEED LIMIT FOR A POSTED SCHOOL ZONE, TO DEFINE "WHEN CHILDREN ARE PRESENT" AND TO PROVIDE A MINIMUM PENALTY.

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

SECTION 1. That Chapter 6, 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 49-658, Idaho Code, and to read as follows:

49-658. SCHOOL ZONE SPEED LIMIT -- PENALTY. (1) No person shall operate a vehicle in excess of the posted maximum speed limit established for a posted school zone. If a posted school zone speed limit sign includes the words "when children are present," the term shall mean one (1) or more children. The definition applies to children present on the same side of the street as the school building or across the street from the school building in any direction within the marked school zone.

(2) Violation of the provisions of this section shall be an infraction punishable by a minimum penalty of not less than seventy-five dollars ($75.00).

Approved April 9, 2008.

CHAPTER 373
(S.B. No. 1515)

AN ACT

RELATING TO APPROPRIATIONS FOR CRIMINAL HISTORY BACKGROUND CHECKS; APPROPRIATING ADDITIONAL MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2009; AND APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR THE SUPPORT SERVICES PROGRAM FOR FISCAL YEAR 2009.

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 Superintendent of Public Instruction, the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2008, through June 30, 2009, for the purpose of criminal history background checks for certain individuals who will have unsupervised contact with students in a public school setting:

FOR:	
Operating Expenditures	$64,000
FROM:	
Public Instruction Fund	$64,000

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho State Police for the Support Services Program the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2008, through June 30, 2009, for the purpose of expanded criminal history background checks:

FOR:	
Operating Expenditures	$46,800
FROM:	
Miscellaneous Revenue Fund	$46,800

Approved April 9, 2008.

CHAPTER 374
(S.B. No. 1516)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2009.

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 Secretary of State, the following amount to be expended according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009, for the purpose of establishing an address confidentiality program for victims of violence:

FOR:	
Personnel Costs	$30,000
Operating Expenditures	20,000
TOTAL	$50,000
FROM:	
General Fund	$50,000

Approved April 9, 2008.

CHAPTER 375
(S.B. No. 1517)

AN ACT

RELATING TO APPROPRIATIONS; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2009; REDUCING THE FULL-TIME EQUIVALENT POSITION AUTHORIZATION TO THE DEPARTMENT OF LANDS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2009; AND AUTHORIZING ONE ADDITIONAL FULL-TIME EQUIVALENT POSITION TO THE DEPARTMENT OF ADMINISTRATION.

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

SECTION 1. The appropriation made in Section 1, House Bill No. 645, as enacted by the Second Regular Session of the Fifty-ninth Idaho Legislature, to the Department of Lands is hereby reduced by the following amount, for the designated program according to the designated expense class from the listed fund for the period July 1, 2008, through June 30, 2009:

SUPPORT SERVICES:

FOR:	
Personnel Costs	$50,000
FROM:	
General Fund	$50,000

SECTION 2. The authorization provided in Section 2, House Bill No. 645, as enacted by the Second Regular Session of the Fifty-ninth Idaho Legislature, to the Department of Lands is hereby reduced by one (1) full-time equivalent position for the period July 1, 2008, through June 30, 2009.

SECTION 3. In addition to the appropriation made in Section 1, Senate Bill No. 1493, as enacted by the Second Regular Session of the Fifty-ninth Idaho Legislature, to the Department of Administration there is hereby appropriated the following amount, for the designated program according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

INFORMATION TECHNOLOGY RESOURCE MANAGEMENT COUNCIL:

FOR:	
Personnel Costs	$71,000
Operating Expenditures	11,900
TOTAL	$82,900
FROM:	
General Fund	$82,900

SECTION 4. In addition to the authorization provided in Section 2, Senate Bill No. 1493, as enacted by the Second Regular Session of the Fifty-ninth Idaho Legislature, to the Department of Administration there is hereby authorized one (1) full-time equivalent position for the period July 1, 2008, through June 30, 2009.

Approved April 9, 2008.

CHAPTER 376
(S.B. No. 1518)

AN ACT

APPROPRIATING ADDITIONAL MONEYS FOR COMMUNITY COLLEGE SUPPORT FOR FISCAL YEAR 2009; AND DIRECTING THE ALLOCATION 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 Community College Support the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:	
Trustee and Benefit Payments	$300,000
FROM:	
Community College Fund	$300,000

SECTION 2. The funds appropriated in Section 1 of this act shall be allocated evenly among the three (3) community colleges.

Approved April 9, 2008.

CHAPTER 377
(S.B. No. 1519)

AN ACT

APPROPRIATING AND DIRECTING THE TRANSFER OF MONEYS FROM THE GENERAL FUND TO THE COMMUNITY HEALTH CENTER GRANT FUND; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE COMMUNITY HEALTH CENTER GRANT PROGRAM WITHIN THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2009; AND PROVIDING LEGISLATIVE INTENT.

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 1, 2008, or as soon thereafter as practicable, the amount of $1,000,000 from the General Fund to the Community Health Center Grant Fund for the period July 1, 2008, through June 30, 2009.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Physical Health Services Program within the Department of Health and Welfare the sum of $1,000,000 from the Community Health Center Grant Fund for trustee and benefit payments for the period July 1, 2008, through June 30, 2009. Such moneys shall be used by the Physical Health Services Program for the purposes outlined in Chapter 32, Title 39, Idaho Code.

SECTION 3. It is the intent of the Legislature that this contribution on behalf of the taxpayers of Idaho shall be awarded under the provisions outlined in Sections 39-3204 and 39-3205, Idaho Code. In addition to the provisions already outlined in Section 39-3207, Idaho Code,

the committee shall place a higher weight to grant applications for dental equipment purchases for fiscal year 2009. Notwithstanding Section 39-3202, Idaho Code, this appropriation shall not be used for professional fundraising or lobbying efforts or administrative costs of the Idaho Community Health Center Grant Program.

Approved April 9, 2008.

CHAPTER 378

(H.B. No. 380, As Amended, As Amended, As Amended in the Senate)

AN ACT

RELATING TO PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS; AMENDING SECTION 50-1303, IDAHO CODE, TO PROVIDE FOR REVISED MONUMENT REQUIREMENTS FOR CENTERLINE INTERSECTIONS, POINTS WHERE THE CENTERLINE CHANGES DIRECTION, POINTS, WITNESS CORNERS, REFERENCE MONUMENTS AND LOT AND BLOCK CORNERS, TO PROVIDE FOR AN EXCEPTION, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1201, IDAHO CODE, TO PROVIDE THAT, UNLESS EXEMPTED BY IDAHO CODE, A LAND SURVEYOR MUST BECOME DULY LICENSED AS A PROFESSIONAL LAND SURVEYOR BY THE BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS TO BE ALLOWED TO PRACTICE PROFESSIONAL LAND SURVEYING AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1202, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1203, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 54-1204, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 54-1208, IDAHO CODE, TO REMOVE THE POWER OF THE BOARD TO ADOPT AND AMEND BYLAWS, TO PROVIDE THE BOARD THE POWER TO ADOPT AND AMEND ADMINISTRATIVE RULES, TO CLARIFY CONTINUING EDUCATION REQUIREMENTS, TO PROVIDE THE CLASSIFICATION OF CERTAIN INDIVIDUALS AS EMPLOYEES UNDER CERTAIN CONDITIONS FOR PURPOSES OF THE IDAHO TORT CLAIMS ACT, TO REVISE TERMINOLOGY AND TO CLARIFY TERMINOLOGY; AMENDING SECTION 54-1210, IDAHO CODE, TO REMOVE A REQUIREMENT THAT A CERTIFIED TRANSCRIPT OF THE BOARD'S RECORDS BE ADMISSIBLE IN EVIDENCE, TO PROVIDE THAT THE CERTIFIED MINUTES OF THE BOARD'S RECORDS BE ADMISSIBLE IN EVIDENCE, TO REMOVE A REQUIREMENT THAT THE BOARD SUBMIT TO THE GOVERNOR A COMPLETE YEARLY STATEMENT OF ITS RECEIPTS AND EXPENDITURES, ATTESTED BY AFFIDAVITS OF ITS CHAIRMAN AND SECRETARY, TO PROVIDE FOR THE BOARD TO SUBMIT TO THE GOVERNOR A SUMMARY YEARLY STATEMENT OF ITS RECEIPTS AND EXPENDITURES AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1211, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 54-1212, IDAHO CODE, TO REMOVE A PROVISION PROVIDING THAT ANY PERSON HAVING THE NECESSARY QUALIFICATIONS BE ENTITLED TO BE ELIGIBLE FOR REGISTRATION, TO PROVIDE THAT ANY PERSON HAVING THE NECESSARY QUALIFICATIONS BE ENTITLED TO BE ELIGIBLE TO ASSIGNMENT TO AN EXAMINATION FOR LICENSURE OR CERTIFICATION, TO REVISE TERMINOLOGY, TO CLARIFY TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1212, IDAHO CODE, AS AMENDED BY SECTION 1, CHAPTER 125, LAWS OF 2002, AS AMENDED BY SECTION 2, CHAPTER 15, LAWS OF 2003, AS AMENDED BY SECTION 2, CHAPTER 84, LAWS OF 2004, TO REMOVE A PROVISION PROVIDING THAT ANY PERSON HAVING THE NECESSARY QUALIFICATIONS BE ENTITLED TO BE ELIGIBLE FOR REGISTRATION, TO PRO-

VIDE THAT ANY PERSON HAVING THE NECESSARY QUALIFICATIONS BE ENTITLED TO BE ELIGIBLE TO ASSIGNMENT TO AN EXAMINATION FOR LICENSURE OR CERTIFICATION, TO REVISE TERMINOLOGY AND TO CLARIFY TERMINOLOGY; AMENDING SECTION 54-1213, IDAHO CODE, TO STRIKE LANGUAGE PROVIDING THAT APPLICATIONS FOR LICENSURE MUST SHOW THE APPLICANT'S TECHNICAL EXPERIENCE, TO REMOVE A PROVISION REQUIRING SEPARATE APPLICATION FEES, TO PROVIDE THAT IF A CERTIFICATE OR LICENSE IS DENIED, THE BOARD WILL RETAIN THE FEE PAID AS A PROCESSING FEE AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1214, IDAHO CODE, TO PROVIDE CERTAIN REQUIREMENTS THAT WARRANT ASSIGNMENT TO A SUBSEQUENT EXAMINATION IN THE EVENT AN EXAMINEE FAILS THE EXAMINATION FOR THE FIRST, SECOND, THIRD OR SUBSEQUENT TIME, TO REMOVE A PROVISION ALLOWING THE BOARD TO PUBLISH A BROCHURE OF SPECIFICATIONS FOR THE WRITTEN EXAMINATION, TO REVISE TERMINOLOGY AND TO CLARIFY TERMINOLOGY; AMENDING SECTION 54-1215, IDAHO CODE, TO REMOVE A PROVISION FOR THE ISSUANCE OF A CARD INDICATING THAT AN ENGINEER-IN-TRAINING'S OR A LAND SURVEYOR-IN-TRAINING'S NAME HAS BEEN RECORDED AS SUCH IN THE BOARD'S OFFICE, TO REVISE TERMINOLOGY, TO CLARIFY TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1216, IDAHO CODE, TO REMOVE A PROVISION FOR A MAXIMUM FEE FOR DELAYED RENEWAL FOR EACH BIENNIUM DELINQUENCY, TO PROVIDE A MAXIMUM FEE FOR DELAYED RENEWAL FOR EACH RENEWAL CYCLE DELINQUENCY, TO REMOVE A PROVISION FOR THE REMOVAL OF AN ENGINEER-IN-TRAINING'S OR A LAND SURVEYOR-IN-TRAINING'S NAME FROM THE BOARD'S CURRENT LIST FOR FAILURE TO TIMELY MEET CERTIFICATE OF ENROLLMENT REQUIREMENTS, TO PROVIDE FOR THE REMOVAL OF AN ENGINEER INTERN'S OR LAND SURVEYOR INTERN'S NAME FROM THE BOARD'S MAILING LIST FOR FAILURE TO MEET CERTIFICATE RENEWAL REQUIREMENTS AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1218, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 54-1219, IDAHO CODE, TO PROVIDE FOR THE WAIVING OF CERTAIN LICENSURE REQUIREMENTS FOR APPLICANTS WHO ARE LICENSED IN OTHER JURISDICTIONS AND WHO MEET CERTAIN CRITERIA AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1220, IDAHO CODE, TO REMOVE CERTAIN PROCEDURAL AND NOTICE REQUIREMENTS FOR A DISCIPLINARY HEARING, TO REVISE AN ADMINISTRATIVE PENALTY, TO REVISE TERMINOLOGY AND TO CLARIFY TERMINOLOGY; AMENDING SECTION 54-1221, IDAHO CODE, TO REMOVE A PROVISION FOR THE REPLACEMENT OF A CERTIFICATE SUBJECT TO THE RULES OF THE BOARD UPON PAYMENT OF THE ESTIMATED COST OF INVESTIGATION AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1222, IDAHO CODE, TO PROVIDE FOR THE ENFORCEMENT BY THE ATTORNEY GENERAL OF CHAPTER PROVISIONS RELATING TO UNLICENSED PRACTICE AND FOR THE PROSECUTION OF ANY UNLICENSED PERSON WITH REIMBURSEMENT BY THE BOARD TO THE ATTORNEY GENERAL FOR FEES AND EXPENSES INCURRED IN THAT PROSECUTION AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1223, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 54-1225, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1227, IDAHO CODE, TO PROVIDE FOR MAGNETICALLY DETECTABLE MONUMENTS, TO PERMIT LICENSED PROFESSIONAL ENGINEERS TO PERFORM CERTAIN NONBOUNDARY SURVEYS AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1228, IDAHO CODE, TO REMOVE A PROVISION AUTHORIZING A PROFESSIONAL LAND SURVEYOR TO ADMINISTER OATHS TO ASSISTANTS FOR THE FAITHFUL PERFORMANCE OF DUTY AND TO CLARIFY TERMINOLOGY; AMENDING SECTION 54-1234, IDAHO CODE, TO CORRECT A MISSPELLED WORD, TO REMOVE A PROVISION DESIGNATING A BUILDING AS A PERMANENT BOUNDARY MARKER AND TO REVISE TERMINOLOGY; AMENDING SECTION 54-1235, IDAHO CODE, TO

REVISE TERMINOLOGY; AMENDING SECTION 54-1236, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 55-1603, IDAHO CODE, TO REMOVE A DEFINITION, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1608, IDAHO CODE, TO REMOVE A PROVISION REQUIRING A PROFESSIONAL LAND SURVEYOR TO RECONSTRUCT OR REHABILITATE A CORNER RECORD MONUMENT AND ACCESSORIES TO SUCH CORNER TO MEET CERTAIN CRITERIA AND TO PROVIDE FOR A CODE REFERENCE; AMENDING SECTION 55-1612, IDAHO CODE, TO REMOVE PENALTIES FOR PROFESSIONAL ENGINEERS WHO PREPARE CERTAIN PLANS AND TO REMOVE CERTAIN PENALTIES FOR ANY PERSON WHO PREPARES CERTAIN PLANS WITH SPECIFIED RESULTS OR FAILINGS; AND AMENDING SECTION 55-1613, IDAHO CODE, TO REVISE PROCEDURE AND REQUIREMENTS FOR MONUMENTS WHICH MAY BE OR ARE DISTURBED BY CONSTRUCTION ACTIVITIES, TO REMOVE REFERENCE TO SUBDIVISION AND TRACT CORNERS AND TO CLARIFY TERMINOLOGY.

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

SECTION 1. That Section 50-1303, Idaho Code, be, and the same is hereby amended to read as follows:

50-1303. SURVEY -- STAKES AND MONUMENTS -- ACCURACY. The centerline intersections and points where the centerline changes direction on all streets, avenues, and public highways, and all points, witness corners and reference monuments on the exterior boundary where the boundary line changes direction shall be marked with magnetically detectable monuments ~~either of concrete, galvanized iron pipe, aluminum pipe, iron or steel rods or other suitable monument approved by the county surveyor; if concrete be used they shall not be less than six (6) inches by six (6) inches by twenty four (24) inches or in the case of public highways the size of a state standard right of way monument, and be magnetically detectable; if galvanized iron pipe be used they shall not be less than one (1) inch in diameter and thirty (30) inches long; if aluminum pipe be used they shall not be less than one (1) inch in diameter and thirty (30) inches long, and be magnetically detectable; and if iron or steel rods be used they~~ the minimum size of which shall ~~not be less than~~ five-eighths (5/8) of an inch in least dimension and ~~thirty (30) inches~~ two (2) feet long~~. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them to within one tenth (1/10) of a foot. A~~ iron or steel rod unless special circumstances preclude use of such monument and all lot and block corners, witness corners~~,~~ and reference monuments for lot and block corners shall be marked with monuments ~~of either galvanized iron pipe, not less than one half (1/2) inch in diameter, or iron or steel rods, not less than one half (1/2) inch in least dimension and two (2) feet long or other suitable monument approved by the county surveyor. All monuments set shall be magnetically detectable and shall be permanently marked with the registration number of the professional land surveyor in responsible charge~~ conforming to the provisions of section 54-1227, Idaho Code. Monuments shall be plainly and permanently marked so that measurements may be taken to the marks within one-tenth (1/10) of a foot. All lot corners of a burial lot within a platted cemetery need not be marked with a monument, but the block corners shall be ~~placed within the cemetery in accordance with sound surveying principles and practice, and at locations that will~~ monumented in order to permit the accurate identifica-

tion of each burial lot within the cemetery. The monuments shall ~~be of either galvanized iron pipe or iron or steel rods or bars not less than one half (1/2) inch in least dimension and two (2) feet long with marked cap; or caps not less than one (1) inch in diameter~~ conform to the provisions of section 54-1227, Idaho Code. The locations and descriptions of all monuments within a platted cemetery shall be ~~carefully~~ recorded upon the plat, and the proper courses and distances of all boundary lines shall be shown, but may be shown by ~~appropriate~~ legend. The survey for any plat shall be conducted in such a manner as to produce an unadjusted mathematical error of closure of not less than one (1) part in five thousand (5,000).

SECTION 2. That Section 54-1201, Idaho Code, be, and the same is hereby amended to read as follows:

54-1201. DECLARATION OF POLICY. To safeguard life, health and property, every person practicing or offering to practice professional engineering or professional land surveying, as herein defined, for any project physically located in this state, shall submit evidence of his qualifications and be ~~registered~~ licensed as hereinafter provided; and it shall be unlawful for any person to practice or offer to practice professional engineering or professional land surveying for any project physically located in this state, or to use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a ~~registered or~~ licensed professional engineer or professional land surveyor, unless such person has been duly ~~registered~~ licensed or is exempted under the provisions of this chapter. Except as exempted by section 54-1223, Idaho Code, an engineer shall be allowed to practice professional engineering as defined in this chapter only when he has become duly ~~registered or~~ licensed as a professional engineer by the board under this chapter. Except as exempted by section 54-1223, Idaho Code, a land surveyor shall be allowed to practice professional land surveying as defined in this chapter only when he has become duly licensed as a professional land surveyor by the board under this chapter. The practice of professional engineering or professional land surveying shall be deemed a privilege granted by the Idaho board of ~~registration~~ licensure of professional engineers and professional land surveyors through the board, based on qualifications of the individuals as evidenced by the person's ~~certificate of registration~~ license, which shall not be transferable.

SECTION 3. 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:

~~(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.~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(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.~~

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

~~(8)--Responsible--Charge.--The--term--"responsible-charge"-means-the control-and-direction-of-engineering-work,-or-the-control-and--direction of--land-surveying-work,-requiring-initiative,-professional-skill,-inde-~~

~~pendent-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.~~

~~(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.~~

~~(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.~~

~~(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.~~

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

~~(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.~~

(1) "Board" means the Idaho board of licensure of professional engineers and professional land surveyors, hereinafter provided by this chapter.

(2) "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.

(3) "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.

(4) "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.

(5) "Engineer intern" means a person who has qualified for, taken and passed an examination in the fundamentals of engineering subjects as provided in this chapter.

(6) "Land surveyor intern" means a person who has qualified for, taken and passed an examination in the fundamentals of surveying subjects as provided in this chapter.

(7) "Professional engineer" means a person who has been duly licensed as a professional engineer by the board under this chapter.

(8) "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 licensed 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.

(9) "Professional land surveying" and "practice of 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.

(10) "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 licensed as a professional land surveyor by the board under this chapter.

(11) "Public" means any person, firm, corporation, partnership, company, government agency, institution or any other entity recognized by law.

(12) "Responsible charge" means the control and direction of engineering work, or the control and direction of land surveying work, requiring initiative, professional skill, 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.

(13) "Rules of professional responsibility" means those rules, if any, promulgated by the board, as authorized by the Idaho Code.

(14) ~~Signature.--The term~~ "~~s~~Signature" ~~shall~~ means 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~~ "~~s~~Standard design plan" ~~shall~~ means 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 4. That Section 54-1203, Idaho Code, be, and the same is hereby amended to read as follows:

54-1203. IDAHO BOARD OF ~~REGISTRATION~~ LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS. A board to be known as the "Idaho board of ~~registration~~ licensure of professional engineers and professional land surveyors" is a division of the Idaho department of self-governing agencies and shall administer the provisions of this chapter. It shall consist of five (5) persons duly ~~registered~~ licensed as provided by this chapter, appointed by the governor from among nominees recommended by any organized and generally recognized state engineering society in this state for the professional engineer members or any organized and generally recognized state land surveying society in this state for the professional land surveyor member. The board shall be comprised of four (4) persons ~~registered~~ licensed as professional engineers and one (1) person ~~registered~~ licensed as a professional land surveyor. The members of the board shall have the qualifications required by section 54-1204, Idaho Code. The members of the present board shall continue to serve for the balance of their respective terms of appointment. Each member of the board shall take, subscribe and file the oath required by chapter 4, title 59, Idaho Code, before entering upon the duties of the office. On the expiration of the term of any member, a successor shall be appointed in like manner by the governor for a term of five (5) years. Any appointment to complete a term that has not expired, because of resignation or inability of a member to serve for any reason, shall be for the unexpired portion of the term. A member of the board shall hold office until the expiration of the term for which he was appointed and until his successor has been appointed and qualified. A member after serving two (2) consecutive full terms in addition to any unexpired portion of a term, shall not be reappointed for a period of two (2) years. The board, on its own initiative, may appoint any former member as an ~~member~~ emeritus member for special assignment to assist the board in the administration of this chapter.

SECTION 5. That Section 54-1204, Idaho Code, be, and the same is hereby amended to read as follows:

54-1204. QUALIFICATION OF MEMBERS OF BOARD. Members of the board shall be citizens of the United States and residents of this state, and they shall have been engaged for at least twelve (12) years in the practice of engineering for the professional engineer members or land surveying for the professional land surveyor member, shall have been in responsible charge for at least five (5) years of important professional engineering or professional land surveying work, and shall be ~~registered~~ licensed under the provisions of this chapter. Responsible charge of

engineering or land surveying teaching may be construed as responsible charge of important professional engineering or professional land surveying work.

SECTION 6. That Section 54-1208, Idaho Code, be, and the same is hereby amended to read as follows:

54-1208. BOARD -- POWERS. (1) The board shall have the power to adopt and amend ~~all bylaws~~ administrative rules including, but not limited to, rules of professional responsibility, rules of continuing professional development ~~for professional land surveyors~~ not to exceed sixteen (16) hours annually for each profession for which the professional is licensed, and rules of procedure, not inconsistent with the constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the administration of the chapter and the regulation of proceedings before the board. These actions by the board shall be binding upon persons ~~registered~~ licensed under this chapter and shall be applicable to business entities holding a certificate of authorization as provided in section 54-1235, Idaho Code. It shall adopt and have an official seal which shall be affixed to each license and certificate issued. It shall have power to provide an office, office equipment and facilities and such books and records as may be reasonably necessary for the proper performance of its duties.

(2) In carrying into effect the provisions of this chapter, the board may subpoena witnesses and compel their attendance, and also may require the submission of books, papers, documents, or other pertinent data in any disciplinary matters or in any case wherever a violation of this chapter is alleged. Upon failure or refusal to comply with any such order of the board, or upon failure to honor its subpoena as herein provided, the board may apply to any court of any jurisdiction to enforce compliance with same.

(3) The board is hereby authorized in the name of the state to apply for relief by injunction in the established manner provided in cases of civil procedure, without bond, to enforce the provisions of this chapter or to restrain any violation thereof. Venue for all such actions shall be in the district court of the fourth judicial district, Ada county, Idaho.

(4) The board may subject an applicant for ~~registration~~ licensure or certification to such examination as it deems necessary to determine qualifications.

(5) Any action, claim or demand to recover money damages from the board or its employees which any person is legally entitled to recover as compensation for the negligent or otherwise wrongful act or omission of the board or its employees, when acting within the course and scope of their employment, shall be governed by the Idaho tort claims act, chapter 9, title 6, Idaho Code. For purposes of this section, the term "employees" shall include, in addition to those persons listed in section 6-902(4), Idaho Code, special assignment members, emeritus members and ~~other~~ any independent contractors while acting within the course and scope of their board related work.

(6) The board may recommend arbitration of disputes between professional engineers or disputes between professional land surveyors.

SECTION 7. That Section 54-1210, Idaho Code, be, and the same is hereby amended to read as follows:

54-1210. RECORDS AND REPORTS. (1) The board shall keep a record of its proceedings and a ~~register~~ record of all applications for ~~registration~~ licensure or certification, which ~~register~~ record shall show: the name, date of birth and last known address of each applicant; the date of the application; the place of business of such applicant; his education, experience and other qualifications; type of examination required; whether or not the applicant was rejected; whether or not a certificate ~~of registration~~ or license was granted; the dates of the action of the board; and any other information as may be deemed necessary by the board.

(2) The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and ~~a transcript~~ minutes thereof, duly certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(3) Annually the board shall submit to the governor a report of its ~~transactions~~ activities of the preceding year, and shall also transmit to him a ~~complete~~ summary statement of the receipts and expenditures of the board~~; attested by affidavits of its chairman and its secretary~~.

(4) Board records and papers are subject to disclosure according to chapter 3, title 9, Idaho Code.

SECTION 8. That Section 54-1211, Idaho Code, be, and the same is hereby amended to read as follows:

54-1211. ROSTER. A complete roster showing the names and last known addresses of all ~~registered~~ professional engineers, all ~~registered~~ professional land surveyors, all business entities holding certificates of authorization as required under section 54-1235, Idaho Code, and all who possess current certification as engineers~~-in-training~~ interns and as land surveyors~~-in-training~~ interns shall be maintained by the board in an electronic format available to the public.

SECTION 9. That Section 54-1212, Idaho Code, be, and the same is hereby amended to read as follows:

54-1212. GENERAL REQUIREMENTS FOR EXAMINATION AND LICENSE. Except as herein otherwise expressly provided, no license as a professional engineer or professional land surveyor, or certification as an engineer~~-in-training~~ intern or land surveyor~~-in-training~~ intern, shall be issued until an applicant has successfully passed an examination given by or under the supervision of the board, nor shall a license as a professional engineer or professional land surveyor, or certification as an engineer~~-in-training~~ intern or land surveyor~~-in-training~~ intern, be issued to an applicant having habits or character that would justify revocation or suspension of his license or certificate, as provided in section 54-1220, Idaho Code. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for assignment to an examination:

(1) As a professional engineer:
(a) Graduation from an approved engineering curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing, passage of an examination on the fundamentals of engineering acceptable to the board, and a specific record, after graduation, of an additional four (4) years or more of progressive experience in engineering work of a grade and character satisfactory to the board, and indicating that the applicant is competent to practice professional engineering; or
(b) Graduation with a bachelor's degree in a related science from a school or college approved by the board, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum, passage of an examination on the fundamentals of engineering acceptable to the board, and a specific record, after graduation, of an additional four (4) years or more of progressive experience in engineering work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice professional engineering.
(2) As a professional land surveyor:
(a) Graduation from an approved surveying curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing, passage of an examination on the fundamentals of ~~land~~ surveying acceptable to the board, and a specific record of an additional four (4) years or more of progressive combined office and field experience in land surveying work, of a grade and character satisfactory to the board and indicating that the applicant is competent to practice professional land surveying; or
(b) At least sixty (60) semester credit hours of college level academic education beyond high school, including a minimum of fifteen (15) semester credit hours in surveying, passage of an examination on the fundamentals of ~~land~~ surveying acceptable to the board, and a specific record of an additional six (6) years of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying; or
(c) Evidence that the applicant possesses knowledge and skill, satisfactory to the board, similar to that attained upon completion of an approved college level academic curriculum, passage of an examination on the fundamentals of land surveying acceptable to the board, and evidence of a specific record of an additional eight (8) years of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying.
(3) As an engineer~~-in-training~~ intern:
(a) Graduation from or in the last two (2) semesters of an approved engineering curriculum of four ~~(4) years~~ or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to enroll as an engineer~~-in-training~~ intern; or
(b) Graduation with a bachelor's degree in a related science from a school or college approved by the board as being of satisfactory standing, and evidence satisfactory to the board that the applicant

possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum, and indicating that the applicant is competent to be enrolled as an engineer~~-in-training~~ intern.

(c) In the event the applicant qualifies for assignment to the examination during the last two (2) semesters of college under the provisions of section 54-1212(3)(a), Idaho Code, and a passing grade is attained, a certificate will be issued only after the applicant graduates.

(4) As a land surveyor~~-in-training~~ intern:

(a) Graduation from, or in the last two (2) semesters of, an approved surveying curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to be enrolled as a land surveyor~~-in-training~~ intern; or

(b) At least sixty (60) semester credit hours of college level academic education beyond high school, including a minimum of fifteen (15) semester credit hours in surveying, and in addition, a specific record of three (3) years or more of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board that the applicant is competent to be enrolled as a land surveyor~~-in-training~~ intern; or

(c) Possesses knowledge and skill, satisfactory to the board, similar to that attained upon completion of an approved college level academic curriculum and evidence of a specific record of at least four (4) years' experience of progressive combined office and field experience of a grade and character satisfactory to the board that the applicant is competent to be enrolled as a land surveyor~~-in-training~~ intern.

In counting years of experience for assignment to the professional engineer or professional land surveyor examination, the board may, at its discretion, give credit, not in excess of one (1) year, for satisfactory graduate study toward a master's degree and not in excess of an additional one (1) year for satisfactory graduate study toward a doctorate degree. In the event an applicant obtains a doctorate degree without first obtaining a master's degree, the board may, at its discretion, give credit, not in excess of two (2) years.

In considering the combined education and experience qualifications of applicants, the board shall consider engineering teaching, land surveying teaching, each year of satisfactory completion of undergraduate college education, advanced degrees in engineering and advanced degrees in land surveying in establishing the applicants' minimum composite knowledge and skill.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent, shall not be deemed to be the practice of engineering, but if such experience, in the opinion of the board, has involved responsible supervision of a character that will tend to expand the engineering knowledge and skill of the applicant the board may in its discretion give such credit therefor as it may deem proper.

Any person having the necessary qualifications prescribed in this chapter to entitle him to ~~registration~~ assignment to an examination for licensure or certification shall be eligible for such ~~registration~~

assignment although he may not be practicing his profession at the time of making his application.

SECTION 10. That Section 54-1212, Idaho Code, as amended by Section 1, Chapter 125, Laws of 2002, as amended by Section 2, Chapter 15, Laws of 2003, as amended by Section 2, Chapter 84, Laws of 2004, be, and the same is hereby amended to read as follows:

54-1212. GENERAL REQUIREMENTS FOR EXAMINATION AND LICENSE. Except as herein otherwise expressly provided, no license as a professional engineer or professional land surveyor, or certification as an engineer~~-in-training~~ intern or land surveyor~~-in-training~~ intern, shall be issued until an applicant has successfully passed an examination given by or under the supervision of the board, nor shall a license as a professional engineer or professional land surveyor, or certification as an engineer~~-in-training~~ intern or land surveyor~~-in-training~~ intern, be issued to an applicant having habits or character that would justify revocation or suspension of his license or certificate, as provided in section 54-1220, Idaho Code. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for assignment to an examination:

(1) As a professional engineer:

(a) Graduation from an approved engineering curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing, passage of an examination on the fundamentals of engineering acceptable to the board, and a specific record, after graduation, of an additional four (4) years or more of progressive experience in engineering work of a grade and character satisfactory to the board, and indicating that the applicant is competent to practice professional engineering; or

(b) Graduation with a bachelor's degree in a related science from a school or college approved by the board, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum, passage of an examination on the fundamentals of engineering acceptable to the board, and a specific record, after graduation, of four (4) years or more of progressive experience in engineering work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice professional engineering.

(2) As a professional land surveyor:

(a) Graduation from an approved surveying curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing, passage of an examination on the fundamentals of ~~land~~ surveying acceptable to the board, and a specific record of an additional four (4) years or more of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice professional land surveying; or

(b) Graduation with a bachelor's degree in a related science from a school or college approved by the board as being of satisfactory standing, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year surveying curriculum, pas-

sage of an examination on the fundamentals of ~~land~~ surveying acceptable to the board, and a specific record of an additional four (4) years or more of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying.

(3) As an engineer~~-in-training~~ intern:

(a) Graduation from or in the last two (2) semesters of an approved engineering curriculum of four ~~(4) years~~ or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to enroll as an engineer~~-in-training~~ intern; or

(b) Graduation with a bachelor's degree in a related science from a school or college app~~roved by the~~ board, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum, and indicating that the applicant is competent to be enrolled as an engineer~~-in-training~~ intern.

(c) In the event the applicant qualifies for assignment to the examination during the last two (2) semesters of college under the provisions of section 54-1212(3)(a), Idaho Code, and a passing grade is attained, a certificate will be issued only after the applicant graduates.

(4) As a land surveyor~~-in-training~~ intern:

(a) Graduation from, or in the last two (2) semesters of, an approved surveying curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to be enrolled as a land surveyor~~-in-training~~ intern; or

(b) Graduation with a bachelor's degree in a related science from a school or college approved by the board, evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year surveying curriculum, and indicating that the applicant is competent to be enrolled as a land surveyor~~-in-training~~ intern.

(c) In the event the applicant qualifies for assignment to the examination during the last two (2) semesters of college under the provisions of subsection (4)(a) of this section, and attains a passing grade, a certificate shall be issued only after the applicant graduates.

In counting years of experience for assignment to the professional engineer or professional land surveyor examination, the board may, at its discretion, give credit, not in excess of one (1) year, for satisfactory graduate study toward a master's degree and not in excess of an additional one (1) year for satisfactory graduate study toward a doctorate degree. In the event an applicant obtains a doctorate degree without first obtaining a master's degree, the board may, at its discretion, give credit, not in excess of two (2) years.

In considering the combined education and experience qualifications of applicants, the board shall consider engineering teaching, land surveying teaching, each year of satisfactory completion of undergraduate college education, advanced degrees in engineering and advanced degrees in land surveying in establishing the applicants' minimum composite knowledge and skill.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent, shall not be deemed to be the practice of engineering, but if such experience, in the opinion of the board, has involved responsible supervision of a character that will tend to expand the engineering knowledge and skill of the applicant the board may in its discretion give such credit therefor as it may deem proper.

Any person having the necessary qualifications prescribed in this chapter to entitle him to ~~registration~~ assignment to an examination for licensure or certification shall be eligible for such ~~registration~~ assignment although he may not be practicing his profession at the time of making his application.

SECTION 11. That Section 54-1213, Idaho Code, be, and the same is hereby amended to read as follows:

54-1213. APPLICATIONS AND ~~REGISTRATION~~ FEES. Applications for ~~registration~~ licensure as a professional engineer or professional land surveyor, or certification as an engineer~~-in-training~~ intern or land surveyor~~-in-training~~ intern, shall be on forms prescribed and furnished by the board. The application shall be made under oath, and shall show the applicant's education and a detailed summary of his ~~technical and~~ engineering or land surveying experience. An applicant for ~~registration~~ licensure as a professional engineer or professional land surveyor shall furnish not less than five (5) references, of whom three (3) or more should be ~~registered~~ professional engineers or professional land surveyors, as applicable, having personal knowledge of the applicant's engineering or land surveying experience. An applicant for certification as an engineer~~-in-training~~ intern or land surveyor~~-in-training~~ intern shall furnish not less than three (3) references of whom at least one (1) should be a ~~registered~~ professional engineer or professional land surveyor, as applicable, having personal knowledge of the applicant's engineering or land surveying experience. Applications for certificates of authorization shall be made in accordance with section 54-1235, Idaho Code.

The maximum application fee for professional engineers or professional land surveyors seeking to be licensed by an eight (8) hour or longer examination shall be an amount equal to the amount charged the board by the entity preparing and administering the examination, plus an administrative fee not to exceed one hundred dollars ($100). The total application fee shall accompany the application.

The maximum application fee for an applicant who seeks a certificate as an engineer~~-in-training~~ intern or land surveyor~~-in-training~~ intern shall be an amount equal to the amount charged the board by the entity preparing and administering the examination, plus an administrative fee not to exceed fifty dollars ($50.00). The application fee shall accompany the application.

The maximum application fee for business entities seeking a certificate of authorization shall be two hundred dollars ($200). The application fee shall accompany the application.

~~Separate--application-fees-shall-accompany-all-applications-for-each of-the-four-(4)-classes-of--examinations:--professional--land--surveyor, engineer-in-training,--land--surveyor-in-training-and-professional-engineer.~~

The amount of the ~~registration~~ license fee or certificate fee shall be fixed by the board prior to June 30th of any year and shall continue in force until changed.

Should the board deny the issuance of a certificate ~~of--registration~~ or ~~authorization~~ license to any applicant, the fee ~~deposited~~ paid shall be retained as ~~an-application~~ a processing fee.

SECTION 12. That Section 54-1214, Idaho Code, be, and the same is hereby amended to read as follows:

54-1214. EXAMINATIONS. (1) Examinations will be held at such times and places as the board directs. The board shall determine the acceptable grade on examinations.

(2) Written examinations will be given in two (2) sections and may be taken only after the applicant has met the other minimum requirements as given in section 54-1212, Idaho Code, and has been approved by the board for admission to the examinations as follows:

(a) Fundamentals of Engineering -- The examination consists of an eight (8) hour test ~~period~~ on the fundamentals of engineering. Passing this examination qualifies the examinee for an engineer~~-in-training~~ intern certificate, provided he has met all other requirements of certification required by this chapter.

(b) Principles and Practice of Engineering -- The examination consists of a minimum of an eight (8) hour test ~~period~~ on applied engineering. Passing this examination qualifies the examinee for ~~registration~~ licensure as a professional engineer, provided he has met the other requirements for ~~registration~~ licensure required by this chapter.

(c) Fundamentals of ~~Land~~ Surveying -- The examination consists of an eight (8) hour test ~~period~~ on the fundamentals of ~~land~~ surveying. Passing this examination qualifies the examinee for a land surveyor~~-in-training~~ intern certificate, provided he has met all other requirements for certification required by this chapter.

(d) Principles and Practice of ~~Land~~ Surveying -- The examination consists of a minimum of an eight (8) hour test ~~period~~ on applied ~~land~~ surveying. Passing this examination qualifies the examinee for ~~registration~~ licensure as a professional land surveyor, provided he has met the other requirements for ~~registration~~ licensure required by this chapter.

(3) A candidate failing all or part of ~~the~~ an examination for the first time may apply for reexamination, which may be granted upon payment of a fee equal to the total application fee for the required examination. In the event of a second failure, the examinee shall be required to ~~appear-before-the-board-or-a-member-thereof-to~~ obtain a minimum of one (1) additional year of experience, acceptable to the board, from the date of the second examination failure, and submit evidence of having completed an additional eight (8) semester credits of college level academic education relating to the examination, before the board will consider that he has acquired the necessary additional knowledge to warrant assignment to a third examination. In the event of a third or subsequent failure, the examinee shall be required to obtain a minimum of three (3) additional years of experience, acceptable to the board, from the date of the third or subsequent examination failure, and submit evidence of having completed an additional twelve (12) semester credits of college

level academic education relating to the examination, before the board will consider that he has acquired the necessary additional knowledge to warrant assignment to a subsequent examination.

(4) The board may prepare and adopt specifications for the written examinations in engineering and land surveying. ~~They may be published in brochure form and be available to any person interested in being registered as a professional engineer or as a professional land surveyor.~~

SECTION 13. That Section 54-1215, Idaho Code, be, and the same is hereby amended to read as follows:

54-1215. ~~CERTIFICATES~~ LICENSE -- SEALS -- INTERN CERTIFICATES. (1) The board shall issue a ~~certificate of registration~~ license 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 for licensure as a professional engineer or professional land surveyor, and ~~an enrollment~~ certificate shall be issued to those who qualify as an engineers ~~in training and~~ intern or a land surveyors ~~in training~~ intern. In the case of a ~~registered~~ professional engineer, the ~~certificate~~ license shall authorize the practice of "professional engineering," and in the case of a ~~registered~~ professional land surveyor the ~~certificate~~ license shall authorize the practice of "professional land surveying." ~~Certificates of registration~~ Licenses shall show the full name of the ~~registrant~~ licensee, shall give a ~~serial registration~~ license 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~~ license 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~~ licensed professional engineer or of a ~~registered~~ licensed professional land surveyor, provided that said ~~certificate of registration~~ license has not expired or has not been suspended or revoked.

(3) Each ~~registrant~~ licensee hereunder shall, upon ~~registration~~ licensure, 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~~ license of the ~~registrant~~ licensee named thereon has expired or has been suspended or revoked, unless said ~~certificate~~ license 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~~ licensee'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

"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~~,~~ and signature of the licensee 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~~ licensee's seal~~,~~ and signature and the 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 and dated by the ~~registrant~~ licensee or ~~registrants~~ licensees responsible for each sheet. In the case of a business entity, each plan or drawing sheet shall be sealed and signed and dated by the ~~registrant~~ licensee or ~~registrants~~ licensees involved. 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~~ licensee's seal and a notice that the original document is on file with the ~~registrant's~~ licensee's signature and the 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~~,~~ and signature of the licensee and the date. ~~of the registrant.~~

(d) The seal and signature shall be used by ~~registrants~~ licensees only when the work being stamped was under the ~~registrant's~~ licensee'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~~ intern or land surveyor~~-in-training, which indicates that his name has been recorded as such in the board office~~ intern. The engineer~~-in-training~~ intern or land surveyor~~-in-training enrollment card~~ intern certificate does not authorize the certificate holder to practice as a professional engineer or a professional land surveyor.

SECTION 14. That Section 54-1216, Idaho Code, be, and the same is hereby amended to read as follows:

54-1216. EXPIRATIONS AND RENEWALS -- FEES. Following issuance or renewal of ~~certificates of registration~~ licenses for professional engineers and professional land surveyors, expiration shall be on the last day of the month during which the ~~registrant~~ licensee was born, in even-numbered state of Idaho fiscal years for those born in even-numbered calendar years and in odd-numbered state of Idaho fiscal years for those born in odd-numbered calendar years, and shall become invalid on that date unless renewed. Certificates of authorization for business entities shall expire on the last day of the month of July following issuance or

renewal and shall become invalid on that date unless renewed. It shall be the duty of the board to notify every person ~~registered~~ licensed and every business entity certified under this chapter, of the date of the expiration of said ~~certificate of registration~~ license or certificate of authorization and the amount of the fee that shall be required for its renewal. Such notice shall be mailed to the last known address of the ~~registrant~~ licensee or business entity at least one (1) month in advance of the date of the expiration of said license or certificate ~~or~~ of authorization. Renewal ~~may~~ shall be ~~effected~~ effective at any time in the appropriate year during the month in which the ~~registrant~~ licensee was born or during the month of July in the case of business entities, by the payment of a renewal fee to be fixed by the board at not more than one hundred fifty dollars ($150). The failure on the part of any ~~registrant~~ licensee or certificate holder to renew his or its license or certificate biennially in the month in which they were born or in the month of July in the case of business entities, as required above shall not deprive such person or business entity of the right of renewal, but the fee to be paid for the renewal of a license or certificate after the month in which it is due shall be increased twenty percent (20%) for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the renewal fee for each ~~biennium~~ renewal cycle delinquent, but in no event more than three hundred dollars ($300). Any work performed after a ~~registration~~ license or certificate of authorization has expired, but before delayed renewal has been effected, shall become valid upon delayed renewal as if the ~~registration~~ license or certificate of authorization had not expired, but the ~~registrant~~ licensee or certificate holder ~~shall~~ may be subject to disciplinary action by the board for practice on an expired license or such other action as provided pursuant to this chapter.

Following issuance or renewal of certificates ~~of enrollment~~ for engineers~~-in-training~~ interns and land surveyors~~-in-training~~ interns, expiration shall be on the last day of the month during which the certificate holder was born, in even-numbered state of Idaho fiscal years for those born in even-numbered calendar years and in odd-numbered state of Idaho fiscal years for those born in odd-numbered calendar years. The notification to holders of certificates ~~of enrollment~~ shall be processed as prescribed above for ~~registrants~~ licensees except that the biennial renewal fee shall not be more than thirty dollars ($30.00). The failure on the part of any holder of a certificate ~~of enrollment~~ to effect renewal shall not invalidate his status as an engineer~~-in-training~~ intern or land surveyor~~-in-training~~ intern, but his name shall~~, after ninety (90) days,~~ be removed from the board's ~~current~~ mailing list.

SECTION 15. That Section 54-1218, Idaho Code, be, and the same is hereby amended to read as follows:

54-1218. PUBLIC WORK. It shall be unlawful for this state, or for any county, city, school district, irrigation district, drainage district, highway district, or other subdivision of the state, having power to levy taxes or assessments against property situated therein, to engage in the construction of any public work when the public health or safety is involved unless the plans and specifications and estimates

have been prepared by, and the construction reviewed by a ~~registered~~ professional engineer.

SECTION 16. That Section 54-1219, Idaho Code, be, and the same is hereby amended to read as follows:

54-1219. COMITY ~~CERTIFICATION~~ LICENSURE -- FEE. The board, upon application therefor and the payment of a fee of not to exceed a maximum of one hundred fifty dollars ($150), may issue a ~~certificate--of--registration~~ license as a professional engineer or professional land surveyor to any person who holds a ~~certificate-of-registration~~ license issued to the applicant by the proper authority of any state, territory or possession of the United States, the District of Columbia, or of a foreign country, provided that, in the opinion of the board, the applicant possesses the education, experience and examination credentials, or their equivalents, that were specified in the applicable ~~registration~~ licensing chapter in effect in this state at the time such ~~certificate~~ license was issued, provided that a professional land surveyor applicant must successfully pass a land surveying examination as prepared and administered by the board, and provided such state, territory, possession or country will license, ~~or--issue-certificates-of-registration,~~ without examination and upon substantially the same condition, to applicants holding licenses ~~or--certificates--of-registration~~ issued by the board under this chapter. In the event the applicant has been licensed and has practiced as a professional engineer or professional land surveyor in another jurisdiction for a minimum of eight (8) years, has no outstanding disciplinary action, and is in good standing under a licensing system which, in the opinion of the board, maintains substantially equivalent professional standards as required under this chapter, the board may, in its discretion, waive the requirement for satisfaction of prescriptive credentials in education and examination.

SECTION 17. 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~~ licensee or certificate holder or against any business entity holding a certificate of authorization or against a person applying for a license or against a business entity 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-h~~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.-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~~ five thousand dollars (~~$2~~5,000) for deposit in the general ~~account~~ fund 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 license or 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~~ licensees whose licenses are not current provided the action relates to services performed when the license was current and valid.

SECTION 18. That Section 54-1221, Idaho Code, be, and the same is hereby amended to read as follows:

54-1221. REISSUANCE OF LICENSES AND CERTIFICATES. The board, upon petition of an individual or a business entity, may reissue or reinstate a license or certificate ~~of-registration~~ or certificate of authorization, provided three (3) or more members of the board vote in favor of such reissuance or reinstatement. A new license or certificate ~~of-registration~~ or certificate of authorization, to replace any license or certificate revoked, lost, destroyed or mutilated, may be issued~~,-subject to-the-rules-of-the-board,-and~~ upon payment of such reasonable charge therefor as shall be fixed by the board to cover the estimated cost of ~~investigation--and~~ such reissuance, but not exceeding ten dollars ($10.00) in any case.

SECTION 19. That Section 54-1222, Idaho Code, be, and the same is hereby amended to read as follows:

54-1222. VIOLATIONS AND PENALTIES -- PROSECUTION OF OFFENSES. Any person who shall practice, or offer to practice, professional engineering or professional land surveying in this state without being ~~registered~~ licensed in accordance with the provisions of this chapter, or any person presenting or attempting to use as his own the ~~certificate--of registration~~ license or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a license or certificate, ~~of-registration,~~ or any person who shall falsely impersonate any other ~~registrant~~ licensee of like or different name, or any person who shall attempt to use an expired or revoked ~~certificate-of-registration~~ license or practice at any time during a period the board has suspended or revoked his ~~certificate-of-registration~~ license, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor.

Legal counsel selected by the board, or the attorney general of this state or anyone designated by him may act as legal advisor of the board. It shall be the duty of the attorney general of this state to enforce

the provisions of this chapter relating to unlicensed practice and to prosecute any unlicensed person violating the same. The attorney general shall be reimbursed by the board for any fees and expenses incurred by the attorney general in representing the board or prosecuting unlicensed persons.

SECTION 20. 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~~ license 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~~ license under this chapter.

(c) Any individual teaching upper division engineering subjects that are classified as engineering design for any college or university 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,~~ licensed 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 21. That Section 54-1225, Idaho Code, be, and the same is hereby amended to read as follows:

54-1225. APPEALS. Any person or organization who shall feel aggrieved by any action of the board in denying, suspending or revoking a license or certificate ~~of registration~~ or certificate of authorization, as is appropriate, may appeal therefrom in accordance with the provisions of the administrative procedures act, chapter 52, title 67, ~~chapter 52,~~ Idaho Code.

SECTION 22. That Section 54-1227, Idaho Code, be, and the same is hereby amended to read as follows:

54-1227. SURVEYS -- AUTHORITY AND DUTIES OF PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL ENGINEERS. Every ~~registered,~~ licensed professional land surveyor is hereby authorized to make land surveys relating to the sale or subdivision of lands, the retracing or establishing of property or boundary lines, public roads, streets, alleys, or trails; and it shall be the duty of each ~~registered~~ licensed professional land surveyor, whenever making any such land survey, to set permanent and reliable magnetically detectable monuments, the minimum size of which shall be one-half (1/2) inch in least dimension and two (2) feet long iron or steel rod unless special circumstances preclude use of such monument; and such monuments must be permanently marked with the ~~registration~~ license number of the professional land surveyor responsible for placing the monument. Professional engineers qualified and duly ~~registered~~ licensed pursuant to ~~title 54, Idaho Code,~~ this chapter may also

perform those nonboundary surveys necessary and incidental to the work customarily performed by them.

SECTION 23. That Section 54-1228, Idaho Code, be, and the same is hereby amended to read as follows:

54-1228. ADMINISTERING AND CERTIFICATION OF OATHS -- AUTHORITY OF PROFESSIONAL LAND SURVEYORS. Every ~~registered,~~ professional land surveyor is authorized to administer and certify oaths, when it becomes necessary to take testimony to identify or establish old or lost corners, or to perpetuate a corner that is in a perishable condition, or whenever the importance of the land survey makes it desirable~~,--and--to administer--oaths--to-assistants-for-the-faithful-performance-of-duty~~. A record of such oaths shall be kept as part of the field notes of the land survey.

SECTION 24. That Section 54-1234, Idaho Code, be, and the same is hereby amended to read as follows:

54-1234. MONUMENTATION -- PENALTY AND LIABILITY FOR DEFACING. If any person shall ~~wilfully~~ willfully deface, injure or remove any signal, monument~~,--building~~ or other object set as a permanent boundary survey marker by a ~~registered,~~ professional land surveyor, he shall forfeit a sum not exceeding five hundred dollars ($500) for each offense, and shall be liable for damages sustained by the affected parties in consequence of such defacing, injury or removal, to be recovered in a civil action in any court of competent jurisdiction.

SECTION 25. That Section 54-1235, Idaho Code, be, and the same is hereby amended to read as follows:

54-1235. PRACTICE BY A BUSINESS ENTITY. (1) The practice of or offer to practice professional engineering or professional land surveying, as defined in this chapter, by professional engineers or professional land surveyors, through a business entity, or by a business entity through professional engineers or professional land surveyors, as employees, or officers, is permitted subject to the provisions of this chapter, provided that all personnel of such business entity, who act in its behalf as professional engineers or professional land surveyors in this state are ~~registered~~ licensed as provided by this chapter, or are persons lawfully practicing under the exemptions enumerated in this chapter, and further provided that said business entity, except utilities regulated by the Idaho public utilities commission, has been issued a certificate of authorization by the board as provided by this chapter. No business entity shall be relieved of responsibility for the conduct or acts of its employees or officers by reason of its compliance with the provisions of this chapter, nor shall any individual practicing professional engineering or professional land surveying as defined in this chapter, be relieved of responsibility for engineering or land surveying services performed by reason of his employment or relationship with such business entity. All final drawings, specifications, plats, reports, or other engineering or land surveying papers or documents involving the practice of professional engineering or professional land surveying as defined in this chapter, which shall have been prepared or approved for

the use of or for delivery to any person or for public record within this state shall be dated and bear the signature and seal of the professional engineer or professional land surveyor who prepared or approved them.

(2) A business entity organized pursuant to this section may provide or offer to provide allied professional services as defined in section 30-1303, Idaho Code, in connection with the providing of engineering or land surveying services, by persons licensed in allied professions acting as employees or officers, provided such persons are duly licensed or otherwise legally authorized to render such allied professional services within this state.

(3) A business entity desiring a certificate of authorization for engineering, for land surveying, or for both, shall file with the board a description of the engineering or land surveying service to be offered or practiced in the state, an application upon a form to be prescribed by the board and the designation required by the following paragraph, accompanied by the application fee.

(4) Such business entity shall file with the board a designation of an individual or individuals duly ~~registered and certified~~ licensed to practice professional engineering or professional land surveying in this state who shall be in responsible charge of the practice of professional engineering or land surveying, as applicable, by said business entity in this state. In the event there shall be a change in the individual or individuals in responsible charge, such changes shall be designated in writing and filed with the board within thirty (30) days after the effective date of such change.

If all requirements of this chapter are met, the board shall issue to such business entity a certificate of authorization for professional engineering, for land surveying, or for both; provided, however, the board may refuse to issue a certificate if any facts exist which would entitle the board to suspend or revoke an existing certificate.

A professional engineer or professional land surveyor who renders occasional, part-time or consulting engineering or land surveying services to or for a business entity may not be designated as the person in responsible charge for the professional activities of the business entity.

(5) The secretary of state shall not accept for filing from any person any assumed business name which includes within its name any of the words "engineer," "engineering," "land surveyor," "land surveying," or any modification or derivation thereof, unless the board shall have issued a letter indicating that the person has a licensed professional in responsible charge of the professional activities of the sole proprietorship or business entity. The board may notify the secretary of state, in writing, that it waives any objection to the name if the person is clearly not governed by chapter 12, title 54, Idaho Code. The secretary of state shall not accept for filing the organizational documents of an Idaho business entity, or authorize the transaction of business by any foreign business entity which includes, among objects for which it is established or within its name, any of the words "engineer," "engineering," "land surveyor," "land surveying," or any modification or derivation thereof, unless the board shall have issued for said applicant a certificate of authorization or a letter indicating the eligibility of said applicant to receive such certificate. The board may notify the secretary of state, in writing, that it waives any objection to the

name or purpose of any business entity if it is clearly not governed by chapter 12, title 54, Idaho Code. The business entity applying shall include such certificate or letter from the board with any filings submitted to the secretary of state.

SECTION 26. That Section 54-1236, Idaho Code, be, and the same is hereby amended to read as follows:

54-1236. EXCLUSIVE JURISDICTION OF THE STATE -- RESTRICTION ON REQUIREMENT FOR ADDITIONAL LICENSES OR FEES. (1) Only the board of ~~registration~~ licensure of professional engineers and professional land surveyors of the state of Idaho is authorized and empowered to issue licenses to persons to practice the profession of engineering or land surveying.

(2) No local jurisdiction shall have the authority to require additional licensure or to require payment of any fees in order for any professional engineer or professional land surveyor to engage in the practice of the profession for which the board has issued a license.

SECTION 27. That Section 55-1603, Idaho Code, be, and the same is hereby amended to read as follows:

55-1603. DEFINITIONS. Except where the context indicates a different meaning, terms used in this chapter shall be defined as follows:

(1) ~~An~~ "~~a~~Accessory to a corner" ~~is~~ means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other objects.

(2) ~~"Adequate--evidence-of-the-existence-of-a-land-survey-monument" means-the-visual-presence-of-the-monument-or-existence-of-a-federal-general-land-office-or-bureau-of-land-management-plat-on-which-the-monument appears;-or-a-recorded-corner-perpetuation-and-filing-form--as--provided in--this-chapter;-or-a-record-of-survey-filed-in-accordance-with-chapter 19,-title-55,-Idaho-Code,-on-which-the-monument-appears;-or--a--subdivision--plat-filed-in-accordance-with-chapter-13,-title-50,-Idaho-Code,-on which-the-monument-appears.~~

~~(3)--The~~ "~~b~~Board" ~~is~~ means the board of ~~registration~~ licensure of professional engineers and professional land surveyors.

(~~4~~3) ~~A~~ "~~c~~Corner," unless otherwise defined, means a property corner, or a property controlling corner, or a public land survey corner, or any combination of these.

(~~5~~4) "Establish" means to determine the position of a corner either physically or mathematically.

(~~6~~5) ~~A~~ "~~m~~Monument" ~~is~~ means a physical structure that occupies the exact position of a corner.

(~~7~~6) ~~A~~ "~~p~~Professional land surveyor" means any person who is authorized by the laws of this state to practice land surveying.

(~~8~~7) ~~A~~ "~~p~~Property controlling corner" for a property ~~is~~ means a public land survey corner, or any property corner, which does not lie on a property line of the property in question, but which controls the location of one (1) or more of the property corners of the property in question.

(9~~8~~) ~~A~~ "p~~P~~roperty corner" ~~is~~ means a geographic point on the surface of the earth, and is on, a part of, and controls a property line.

(~~10~~9) ~~A~~ "p~~P~~ublic land survey corner" ~~is~~ means any point actually established and monumented in an original survey or resurvey that determines the boundaries of remaining public lands, or public lands patented, represented on an official plat and in the field notes thereof, accepted and approved under authority delegated by congress to the U.S. general land office and the U.S. department of interior, bureau of land management.

(1~~1~~0) ~~A~~ "r~~R~~eference monument" ~~is~~ means a special monument that does not occupy the same geographical position as the corner itself, but whose spatial relationship to the corner is recorded, and which serves to witness the corner.

SECTION 28. That Section 55-1608, Idaho Code, be, and the same is hereby amended to read as follows:

55-1608. PROFESSIONAL LAND SURVEYOR TO RECONSTRUCT MONUMENTS. In every case where a corner record of a survey corner is required to be filed or recorded under the provisions of this chapter, the professional land surveyor must reconstruct or rehabilitate the monument of such corner, and accessories to such corner~~, so that it will be as permanent a monument as is reasonably possible to provide and so that it may be located with facility at any time in the future~~.

Any monument set shall ~~be permanently marked or tagged with the certificate number of the professional land surveyor in responsible charge~~ conform to the provisions of section 54-1227, Idaho Code. If the monument is set by a public officer, it shall be marked by an appropriate official designation.

SECTION 29. That Section 55-1612, Idaho Code, be, and the same is hereby amended to read as follows:

55-1612. PENALTY. Professional land surveyors failing to comply with the provisions hereof ~~and professional engineers who prepare plans which do not indicate the presence of corners for which adequate evidence exists~~ shall be deemed to be within the purview of section 54-1220, Idaho Code, and shall be subject to disciplinary action as in said section provided. ~~Any person shall be subject to the penalties prescribed in section 54-1234, Idaho Code, if they prepare plans for the construction of any facility and construction of that facility results in the defacing, injury or removal of a monument, if the plans they prepare do not indicate the presence of a corner or corners for which adequate evidence exists.~~

SECTION 30. That Section 55-1613, Idaho Code, be, and the same is hereby amended to read as follows:

55-1613. MONUMENTS DISTURBED BY CONSTRUCTION ACTIVITIES -- PROCEDURE -- REQUIREMENTS. When ~~adequate evidence~~ professional engineers prepare construction documents for projects which may disturb land survey monuments, a field search shall be conducted by, or under the direction of, a professional land surveyor to determine whether monuments, reference monuments or accessories to corners physically exists ~~as to~~ at the

location of, or referencing the location of, ~~a~~ public land survey corners, ~~subdivision,--tract,~~ property controlling corners or property~~,~~ ~~or-other-land~~ corners~~,~~. ~~S~~such monuments, reference monuments or accessories to corners shall be located and referenced by or under the direction of a professional land surveyor prior to the time when construction or other activities may disturb them. Such monuments, reference monuments or accessories to corners shall be reestablished and remonumented by, or under the direction of, a professional land surveyor at the expense of the agency or person causing ~~the~~ such loss or disturbance. ~~of monuments.~~ Professional engineers who prepare ~~plans~~ construction documents which do not indicate the ~~presence~~ existence of corners, ~~for-which adequate--evidence-exists~~ monuments, reference monuments and accessories to corners shall be deemed to be within the purview of section 54-1220, Idaho Code, and shall be subject to disciplinary action as provided in said section. Any person shall be subject to the penalties prescribed in section 54-1234, Idaho Code, if they prepare ~~plans~~ construction documents for the construction of any facility which do not indicate the existence of monuments, reference monuments and accessories to corners and construction of that facility results in the defacing, injury or removal of ~~a~~ monuments, ~~if-the-plans-they-prepare-do--not--indicate--the presence--of-a-corner-or-corners-for-which-adequate-evidence-exists~~ reference monuments or accessories to corners.

Approved April 9, 2008.

CHAPTER 379
(H.B. No. 447, As Amended, As Amended in the Senate)

AN ACT

RELATING TO THE IDAHO EMERGENCY COMMUNICATIONS ACT; AMENDING SECTION 31-4818, IDAHO CODE, TO PROVIDE FOR INVESTMENT OF FUND MONEYS; AND AMENDING CHAPTER 48, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-4819, IDAHO CODE, TO PROVIDE FOR AN ENHANCED EMERGENCY COMMUNICATIONS GRANT FEE.

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

SECTION 1. That Section 31-4818, Idaho Code, be, and the same is hereby amended to read as follows:

31-4818. IDAHO EMERGENCY COMMUNICATIONS FUND -- ESTABLISHMENT AND ADMINISTRATION. (1) There is hereby created within the treasury of the state of Idaho a separate fund known as the Idaho emergency communications fund, which shall consist of moneys received from counties, cities, consolidated emergency communications operations, grants, donations, gifts and revenues from any other source to support the delivery of consolidated emergency communications systems.

(2) Moneys in the fund are hereby continuously appropriated and shall be utilized exclusively for the purposes set forth in this chapter as determined by the commission.

(3) Annually, at the direction of the commission, not more than one percent (1%) of the total emergency communications fees collected in the state of Idaho is hereby dedicated for and shall be placed in the fund on a quarterly basis by county, city or consolidated emergency communi-

cations systems. The commission, on an annual basis, shall prepare a budget indicating that portion of the fee necessary for the continuous operation of the commission to achieve the purposes of this chapter.

(4) The commission shall authorize disbursement of moneys in the fund to eligible entities.

(5) The state treasurer shall invest idle moneys in the fund and interest earned from such investments shall be returned to the fund.

SECTION 2. That Chapter 48, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-4819, Idaho Code, and to read as follows:

31-4819. ENHANCED EMERGENCY COMMUNICATIONS GRANT FEE. (1) Effective from July 1, 2008, through June 30, 2014, there shall be an enhanced emergency communications grant fee established by virtue of authority granted by this chapter. The fee shall be twenty-five cents (25¢) per month per access of interconnected VoIP service line.

(a) Such fee shall be authorized by resolution of a majority vote of the board of commissioners of a countywide system or by the governing board of a 911 service area.

(b) Such fee shall be remitted to the Idaho emergency communications fund provided in section 31-4818(1), Idaho Code, on a quarterly basis by county, city or consolidated emergency communications systems. Such fee shall be dedicated for and shall be authorized for disbursement as grants to eligible entities that are operating consolidated emergency communications systems for use to achieve the purposes of this chapter.

(c) The commission, on an annual basis, shall prepare a budget allocating the grant funds available to eligible entities and the portion of the funds necessary for the continuous operation of the commission to achieve the purposes of this chapter.

(d) To be eligible for grant funds under this chapter, a county or 911 service area must be collecting the emergency communications fee in accordance with section 31-4804, Idaho Code, in the full amount authorized and must also be collecting the enhanced emergency communications grant fee in the full amount authorized in this subsection.

(e) If a county or 911 service area has authorized the collection of the enhanced emergency communications grant fee pursuant to this chapter, such county or 911 service area shall retain the full amount of the emergency communications fee that was set by the board of commissioners or governing board pursuant to section 31-4803, Idaho Code. The county or 911 service area is then also exempt from remitting to the Idaho emergency communications commission one percent (1%) of the total emergency communications fee received by the county or 911 service area as required in section 31-4818(3), Idaho Code. The remaining funds from the enhanced emergency communications grant fee collected shall then be remitted by the county or 911 service area to the Idaho emergency communications commission.

(2) On and after July 1, 2014, the collection of the emergency communications fee shall revert to the provisions of sections 31-4801 through 31-4818, Idaho Code.

Approved April 9, 2008.

CHAPTER 380
(H.B. No. 477)

AN ACT
RELATING TO MANUFACTURED HOME DEALER AND INSTALLER LICENSING; AMENDING SECTION 44-2101A, IDAHO CODE, TO REVISE A DEFINITION.

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

SECTION 1. That Section 44-2101A, Idaho Code, be, and the same is hereby amended to read as follows:

44-2101A. DEFINITIONS. As used in this chapter:

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

(2) "Board" means the manufactured housing board established in section 44-2104, Idaho Code.

(3) "Engaged in the business" means the individual or entity buys, sells, brokers, trades, or offers for resale a manufactured or mobile home.

(4) "Installer" means a person who owns a business that installs or services a manufactured home or mobile home at the site where it is to be used for occupancy.

(5) "Manufactured home" or "manufactured house" means a structure as defined in section 39-4105, Idaho Code.

(6) "Manufacturer" means any person engaged in the business of manufacturing manufactured homes that are offered for sale, lease or exchange in the state of Idaho.

(7) "Mobile home" means a structure as defined in section 39-4105, Idaho Code.

(8) "Person" means a natural person, corporation, partnership, trust, society, club, association or other organization.

(9) "Place of business" refers to any physical location at which the business is lawfully conducted.

(10) "Resale broker" means any person engaged in the business of selling broker-owned, used, third-party owned, or other resale of manufactured or mobile homes.

(11) "Responsible managing employee" or "RME" means the person designated by the retailer, installer, manufacturer, service company or resale broker to supervise other employees, either personally or through others.

(12) "Retailer" means any person engaged in the business of selling or exchanging new, used, resale or brokered manufactured or mobile homes.

(13) "Salesman" means any person employed by a retailer or resale broker for a salary, commission or compensation of any kind to sell, list, purchase or exchange or to negotiate for the sale, listing, purchase or exchange of new, used, brokered or third-party owned units, except as otherwise provided in this chapter.

(14) "Service company" means any person other than an installer who provides service, repair or tear down of manufactured or mobile homes.

Approved April 9, 2008.

CHAPTER 381
(H.B. No. 481, As Amended)

AN ACT
RELATING TO PLUMBING AND PLUMBERS; AMENDING SECTION 54-2602, IDAHO CODE, TO REVISE A DEFINITION.

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

SECTION 1. That Section 54-2602, Idaho Code, be, and the same is hereby amended to read as follows:

54-2602. EXCEPTIONS. (1) 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 building 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~~ a structure located on agricultural zoned property and designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products and includes sheds, barns, corrals or fences. This definition does not include a place for human habitation or a place of regular employment where agricultural products are extracted, processed, treated or packaged; a place used by the public; or conditioned livestock housing.

(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 39-4301, 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 39-4304, Idaho Code.

(i) Individuals licensed pursuant to chapter 10, title 54, Idaho Code, or chapter 50, title 54, Idaho Code, as follows:

(i) Individuals holding a current HVAC or electrical license may install electrical circuitry from the disconnecting means to a water heater and electrical connections to the water heater as long as the disconnect is in sight from the unit and the circuit from the disconnecting means to the water heater is no more than fifty (50) feet long.

(ii) Individuals holding a current HVAC license may install gas piping and piping for hydronic systems.

(iii) Individuals holding a current HVAC license may install boilers that are not otherwise subject to inspection by the industrial commission or its authorized agent.

(2) To the extent that an electrical or HVAC installation permit issued by the Idaho division of building safety includes any part of a plumbing installation, the permit issued and inspection performed shall be sufficient to satisfy the permitting and inspecting requirements of this chapter if all required permit fees have been paid.

(3) Any person, firm, copartnership, association or corporation making water treatment installations and/or repairs in accordance with the provisions of this chapter shall maintain a surety bond in the amount of two thousand dollars ($2,000).

Approved April 9, 2008.

CHAPTER 382
(H.B. No. 483, As Amended)

AN ACT

RELATING TO APPRAISEMENT, LEASE, AND SALE OF PUBLIC LANDS; AMENDING SECTION 58-335A, IDAHO CODE, TO PROVIDE THAT ANY PERSON OWNING REAL PROPERTY CONTIGUOUS WITH SURPLUS REAL PROPERTY FOR SALE BY THE IDAHO TRANSPORTATION DEPARTMENT SHALL BE NOTIFIED AND HAVE FIRST OPTION TO PURCHASE THE SURPLUS REAL PROPERTY FOR AN AMOUNT NOT LESS THAN THE APPRAISED VALUE.

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

SECTION 1. That Section 58-335A, Idaho Code, be, and the same is hereby amended to read as follows:

58-335A. OTHER LANDS EXEMPT FROM ACT. The provisions of sections 58-331 through 58-335, Idaho Code, shall not apply to surplus real properties of the Idaho transportation department, with the exclusion of office and maintenance yard sites. The Idaho transportation board shall promulgate rules to govern the sale of surplus real properties under this section, provided that in no case shall a property be sold or exchanged for a value less than that established through the appraisal process; and provided further that surplus real property may be offered for sale or exchange to any tax-supported agency or political subdivision of the state of Idaho, other than the state of Idaho or its agencies, in whose jurisdiction the property is located, at a negotiated price not to exceed the appraised value. Such surplus property sold or exchanged for less than the appraised value must be used in perpetuity exclusively for a public purpose which shall be stated in the deed of transfer. If the stated use shall cease, the property shall revert to the ownership of the Idaho transportation department.

For the purpose of acquiring highway rights-of-way, the Idaho transportation board is authorized to exchange surplus real property of the department for other parcels of real property. In exchanging real properties, the board shall cause both parcels of real property to be appraised, and either the owner or the department shall pay to the other the difference in value.

Before the department disposes of surplus property at public sale, ~~if the property is valued at less than ten thousand dollars ($10,000),~~ the department shall first notify any person who owns real property which is contiguous with the surplus property of the department that he has first option to purchase the surplus property for an amount not less than the ~~established~~ appraised value. If more than one (1) adjoining owner wants to purchase the property, a private auction shall be held for such parties. If no owner of adjoining property exercises his option to buy, the department may proceed to public sale.

Approved April 9, 2008.

CHAPTER 383
(H.B. No. 514, As Amended in the Senate)

AN ACT
RELATING TO SOIL CONSERVATION DISTRICTS; AMENDING SECTION 22-2721, IDAHO CODE, TO REVISE AUDIT REQUIREMENTS FOR SOIL CONSERVATION DISTRICTS.

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

SECTION 1. That Section 22-2721, Idaho Code, be, and the same is hereby amended to read as follows:

22-2721. ELECTION, APPOINTMENT, QUALIFICATIONS AND TENURE OF SUPERVISORS. The governing body of the district shall consist of five (5) supervisors, elected or appointed as provided in this chapter. Elections shall be conducted pursuant to the provisions of this section and the uniform district election law, chapter 14, title 34, Idaho Code. If at any time the supervisors of a district deem it necessary, they may

request permission from the state soil conservation commission to increase the number of supervisors to seven (7). Upon receipt of such a request in writing, signed by all five (5) supervisors, stating a valid reason for such need, the commission shall grant permission. The additional supervisors shall then be appointed as outlined in subparagraph C. of this section until such time as regular district elections for two (2) supervisors in each district. At that time those districts having seven (7) supervisors shall then elect four (4) supervisors for four (4) year terms. The two (2) supervisors appointed by the commission shall be persons who are by training and experience qualified to perform the specialized services which will be required of them in the performance of their duties. All supervisors shall be landowners or farmers of the district where they are elected or appointed.

A. Within thirty (30) days after the date of issuance by the secretary of state of a certificate of organization of a soil conservation district, nominating petitions may be filed with the state soil conservation commission to nominate candidates for supervisors of each district. The soil conservation commission, unless it has contracted with the county clerk to conduct the election, shall designate an individual to act as the election official. If contracted to do so, the county clerk shall act as the election official. The election official shall have authority to extend the time within which nominating petitions may be filed. No such nominating petition shall be accepted by the election official unless it shall be subscribed by not less than five (5) persons who are qualified electors owning land or residing within the boundaries of the district. The election official shall give due notice of an election to be held, subject to the provisions of section 34-106, Idaho Code, for the election of three (3) supervisors for the district. The names of all nominees on behalf of whom such nominating petitions have been filed within the time herein designated, shall appear arranged in the alphabetical order of the surnames, upon ballots, with a square before each name and directions to insert a mark in the square before any three (3) names to indicate the voter's preference. The three (3) candidates who shall receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district. The commission shall pay all the expenses of such election, which shall be supervised and conducted by the election official.

B. All elections in districts, excluding the first election as provided in subparagraph A. of this section, shall be conducted by the district supervisors of the districts involved who shall designate an individual to be the election official, or the county clerk if contracted for that purpose. Such election shall be held on the first Tuesday succeeding the first Monday of November in each even-numbered year. Such elections shall be in compliance with the provisions of chapter 14, title 34, Idaho Code, and shall be supervised and conducted by the election official. The cost of conducting such elections shall be borne by the district involved. The election official shall certify to the state soil conservation commission the names of the elected supervisors. The state soil conservation commission shall issue certificates of election to each elected supervisor so certified. The state soil conservation commission may authorize each district to contract with the county clerk or county clerks of the county or counties in which the district is located to conduct the election for the soil conservation district. If a district election is conducted by a county clerk, the county clerk must

provide a ballot for the district election, and must provide a process that allows only qualified electors of the district to vote in that district's election.

In any election for supervisor, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that the number of qualified candidates who have been nominated is equal to the number of supervisors to be elected, it shall not be necessary for the candidates to stand for election, and the board of supervisors shall declare such candidates elected as supervisors, and the state soil conservation commission shall immediately make and deliver to such persons certificates of election.

C. In any election for supervisors of a soil conservation district, if after the expiration of the date for filing written nominations it appears that only one (1) qualified candidate has been nominated for each position to be filled and no declaration of intent has been filed by a write-in candidate as provided in subparagraph D. of this section, it shall not be necessary to hold an election, and the election official shall, no later than seven (7) days before the scheduled date of the election, declare such candidate elected as supervisor, and the state soil conservation commission shall immediately make and deliver to such person a certificate of election.

D. No write-in vote for supervisor shall be counted unless a declaration of intent has been filed with the election official indicating that the person making the declaration desires the office and is legally qualified to assume the duties of supervisor if elected as a write-in candidate. The declaration of intent shall be filed not later than twenty-five (25) days before the day of election.

E. The supervisors shall designate a chairman and may, from time to time, change such designation. The term of office of each supervisor shall be four (4) years commencing on the first day of January next following election, except that the two (2) supervisors who are first appointed shall be designated to serve for terms of two (2) years. A supervisor shall hold office until a qualified successor has been elected or appointed. Vacancies shall be filled for the unexpired term. The selection of successors to fill an unexpired term, or for a full term shall be made by a vote of the majority of the supervisors duly qualified and acting at the time the vacancy shall arise and the supervisors shall certify the name of the appointed supervisor to the state soil conservation commission who shall issue a certificate of such appointment.

F. A majority of the supervisors shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination. A supervisor shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of duties. A supervisor shall receive no compensation for services from regular district funds, county funds authorized in section 22-2726, Idaho Code, or state funds authorized in section 22-2727, Idaho Code.

In the event the district has a special project, approved by the state soil conservation commission, making project funds available from federal or other sources, a supervisor may receive compensation not to exceed thirty-five dollars ($35.00) per day plus actual and necessary expenses from project funds for services directly related to the project.

The supervisors may employ a secretary, technical experts, and such other officers, agents, and employees, permanent and temporary as they may require, and shall determine their qualifications, duties and compensation. The supervisors may call upon the attorney general of the state for such legal services as they may require or may employ their own counsel and legal staff. The supervisors may delegate to their chairman, to one (1) or more supervisors, or to one (1) or more agents, or employees, such powers and duties as they may deem proper. The supervisors shall furnish to the state soil conservation commission, upon request, copies of such ordinances, rules, orders, contracts, forms and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this chapter.

The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; they shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, and orders issued or adopted; and shall provide for ~~an annual audit of the accounts of receipts and disbursements~~ independent financial audits in accordance with the provisions of section 67-450B, Idaho Code, with the exception of the provisions of subsection (2)(d) of section 67-450B, Idaho Code. The governing body of a district whose annual budget from all sources does not exceed fifty thousand dollars ($50,000) may elect to have its financial statements reviewed on a biennial basis. Biennial reports of review shall include a review of each fiscal year since the previous review report. Any supervisor may be removed by the state soil conservation commission upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

The supervisors may invite the legislative body of a municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

Approved April 9, 2008.

CHAPTER 384
(H.B. No. 532)

AN ACT

RELATING TO SCHOOL FUNDING; STATING FINDINGS OF THE LEGISLATURE; AND AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-910, IDAHO CODE, TO PROVIDE STATE FUNDING TO TEMPORARILY MITIGATE THE IMPACT ON CERTAIN IDAHO SCHOOL DISTRICTS FOR LOSS OF FEDERAL FUNDS PREVIOUSLY AUTHORIZED UNDER THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT, PUBLIC LAW 106-393 AND TO PROVIDE FOR RETURN OF STATE MONEYS TO THE PUBLIC EDUCATION STABILIZATION FUND IF FEDERAL MONEYS ARE RECEIVED; PROVIDING AN EFFECTIVE DATE AND PROVIDING A SUNSET DATE.

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

SECTION 1. 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 by the Congress of the United States. If the federal government has not reauthorized the Secure Rural Schools and Community Self-Determination Act, Public Law 106-393, or substantially similar legislation, it will have negative effects on certain Idaho school districts and in this case the Legislature is prepared to temporarily mitigate the impact on those Idaho school districts and to offset the loss of federal funds previously authorized under the Secure Rural Schools and Community Self-Determination Act, Public Law 106-393.

SECTION 2. That Chapter 9, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-910, Idaho Code, and to read as follows:

33-910. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT PHASE OUT FUNDING. (1) If the state superintendent of public instruction determines that the federal government has not reauthorized the secure rural schools and community self-determination act of 2000, public law 106-393, or substantially similar legislation, by February 10, 2009, the legislature shall appropriate from the public education stabilization fund to the state superintendent of public instruction for distribution to eligible school districts an amount that is equal to seventy percent (70%) of the distribution made to school districts in December 2007 by eligible counties under title I, public law 106-393. The distributions to eligible school districts shall be based on the same proportion of the total that each school district received during the December 2007 distribution made to school districts by eligible counties under title I, public law 106-393.

(2) For each following fiscal year that the state superintendent of public instruction determines that the federal government has not reauthorized the secure rural schools and community self-determination act of 2000, public law 106-393, or substantially similar legislation, by February 10 of that year, the state shall appropriate from the public education stabilization fund:

(a) For fiscal year 2010, an amount that is equal to fifty-five percent (55%) of the distribution made to school districts in December 2007 by eligible counties under title I, public law 106-393.

(b) For fiscal year 2011, an amount that is equal to forty percent (40%) of the distribution made to school districts in December 2007 by eligible counties under title I, public law 106-393.

(c) For fiscal year 2012, an amount that is equal to twenty-five percent (25%) of the distribution made to school districts in December 2007 by eligible counties under title I, public law 106-393.

(d) For fiscal year 2013, there shall be no funding under the provisions of this section.

(3) If the superintendent of public instruction determines that the federal government has reauthorized the secure rural schools and community self-determination act of 2000, public law 106-393, or substantially similar legislation, after February 10, 2009, and that the first payment to school districts shall take place on or prior to July 15, 2009, then each school district shall return all state moneys distributed pursuant to this section for deposit to the public education stabi-

lization fund, up to a maximum of the amount of federal money so received.

(4) If the superintendent of public instruction determines that the federal government has reauthorized the secure rural schools and community self-determination act of 2000, public law 106-393, or substantially similar legislation, after February 10 of any fiscal year after 2009, and that the first payment to school districts shall take place on or prior to July 15 of that year, then each school district shall return all state moneys distributed in that fiscal year pursuant to this section for deposit to the public education stabilization fund, up to a maximum of the amount of federal money so received.

SECTION 3. This act shall be in full force and effect on and after July 1, 2008, and shall be of no force and effect on and after July 1, 2012.

Approved April 9, 2008.

CHAPTER 385
(H.B. No. 606, As Amended in the Senate)

AN ACT

RELATING TO IMPLEMENTATION OF THE FEDERAL REAL ID ACT OF 2005; STATING FINDINGS OF THE LEGISLATURE; AND AMENDING CHAPTER 3, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-322, IDAHO CODE, TO STATE FINDINGS OF THE LEGISLATURE, TO DIRECT THE IDAHO TRANSPORTATION BOARD AND THE IDAHO TRANSPORTATION DEPARTMENT NOT TO IMPLEMENT THE PROVISIONS OF THE REAL ID ACT OF 2005 AND TO PROVIDE FOR SECURITY OF DRIVER'S LICENSES AND IDENTIFICATION CARDS; AND PROVIDING AN EFFECTIVE DATE WITH A CONTINGENCY.

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

SECTION 1. The Second Regular Session of the Fifty-ninth Idaho Legislature hereby finds that:

(1) In May of 2005, the U.S. Congress enacted the REAL ID Act of 2005 as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act (Public Law 109-13), which was signed by President George W. Bush on May 11, 2005, and which becomes fully effective May 11, 2008; and

(2) Some of the provisions of the REAL ID Act require states to:

(a) Issue a driver's license or state identification card in a uniform format, containing uniform information, all as prescribed by the Department of Homeland Security;

(b) Verify the issuance, validity and completeness of all primary documents used to issue a driver's license, such as those showing that the bearer is a U.S. citizen or a lawful alien, a lawful refugee, or a person holding a valid visa;

(c) Provide for secure storage of all primary documents that are used to issue a federally approved driver's license or state identification card;

(d) Provide fraudulent document recognition training to all persons

engaged in issuing driver's licenses or state identification cards; and

(e) Issue a driver's license or state identification card in a prescribed format if it is a license or card that does not meet the criteria provided for a federally approved license or identification card; and

(3) Use of the federal minimum standards for state driver's licenses and state-issued identification cards will be necessary for any type of federally regulated activity for which an identification card must be displayed, including flying in a commercial airplane, making transactions with a federally licensed bank, entering a federal building, or making application for federally supported public assistance benefits, including social security; and

(4) Some of the intended privacy requirements of the REAL ID Act, such as the use of common machine-readable technology and state maintenance of a database that can be shared with the United States and agencies of other states, may actually make it more likely that a federally required driver's license or state identification card, or the information about the bearer on which the license or card is based, will be stolen, sold or otherwise used for purposes that were never intended or that are criminally related, than if the REAL ID Act had not been enacted; and

(5) These potential breaches in privacy that could result directly from compliance with the REAL ID Act may violate the right to privacy of thousands of residents of Idaho; and

(6) The U.S. Department of Homeland Security has estimated the cost to implement the REAL ID Act to be $3.9 billion to the states and $5.8 billion to individuals, of which the U.S. Congress has pledged only $81.3 million, or less than 1% of the total cost; and

(7) For all these reasons, seventeen states passed legislation opposing the REAL ID Act in 2007, including Idaho, which passed House Joint Memorial No. 3 declaring refusal to participate in the REAL ID program; and

(8) The regulations that have been adopted by the U.S. Department of Homeland Security to implement the requirements of the REAL ID Act were issued in January of 2008, and pushed compliance with the REAL ID Act to 2014 for individuals born after 1964, and to 2017 for individuals born before 1964, undercutting any security rationale that might have existed for the original act; and

(9) The final regulations promulgated by the U.S. Department of Homeland Security fail to address the well known privacy problems with the REAL ID Act and in some cases, such as the issue of whether the machine-readable zone as encrypted may have exacerbated the problem; and

(10) The federal government has been ineffective in stopping illegal immigration, resulting in millions of persons who are present in the United States of America without authorization; and

(11) Securing our borders will greatly reduce the number of persons who enter our country without authorization and will do far more to provide security to our society than will increasing scrutiny on law-abiding American citizens by way of the REAL ID program; and

(12) The mandate to the states, through federal legislation that provides no funding for its requirements, to issue what is, in effect, a national identification card, appears to be an attempt to "commandeer" the political machinery of the states and to require them to be agents

of the federal government in violation of the principles of federalism contained in the 10th Amendment to the Constitution of the United States as construed by the United States Supreme Court in New York v. United States, 488 U.S. 1041 (1992), United States v. Lopez, 514 U.S. 549 (1995), and Printz v. United States, 521 U. S. 898 (1997).

SECTION 2. That Chapter 3, Title 40, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 40-322, Idaho Code, and to read as follows:

40-322. DIRECTIVE ON IMPLEMENTATION OF THE FEDERAL REAL ID ACT OF 2005. (1) The legislature finds that the enactment into law by the U.S. congress of the REAL ID act of 2005, as part of public law 109-13, is inimical to the security and well-being of the people of Idaho, will cause unneeded expense and inconvenience to those people and was adopted by the U.S. congress in violation of the principles of federalism contained in the 10th amendment to the constitution of the United States.

(2) The legislature hereby declares that the state of Idaho shall not participate in the implementation of the REAL ID act of 2005. The Idaho transportation board and the Idaho transportation department, including the motor vehicles division of the Idaho transportation department are directed not to implement the provisions of the REAL ID act of 2005.

(3) Nothing in this act shall prevent the Idaho transportation board and the Idaho transportation department from taking reasonable steps to enhance the security of Idaho state driver's licenses and identification cards.

SECTION 3. Sections 1 and 2 of this act shall be in full force and effect on and after July 1, 2008. Provided however, that if the United States Department of Homeland Security revises its final administrative regulation, 6 CFR Part 37, relating to the REAL ID, and the Governor of the State of Idaho subsequently determines that such revised final regulation is acceptable to the State of Idaho, by Executive Order the Governor may initiate implementation of REAL ID during the 2008 interim, notwithstanding the provisions of Section 40-322, Idaho Code. However, continued implementation of REAL ID shall be subject to the approval by the members of the First Regular Session of the Sixtieth Idaho Legislature. Such legislative approval shall be evidenced by the repeal of Section 40-322, Idaho Code.

Approved April 9, 2008.

CHAPTER 386
(H.B. No. 630)

AN ACT

RELATING TO ADMINISTRATIVE RULES; CONTINUING CERTAIN RULES IN FULL FORCE AND EFFECT UNTIL JULY 1, 2009; CONTINUING RULES APPROVED OR EXTENDED BY ADOPTION OF A CONCURRENT RESOLUTION OF THE SECOND REGULAR SESSION OF THE FIFTY-NINTH IDAHO LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1, 2009, 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, 2008, 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, 2009, at which time they shall expire as provided in Section 67-5292, Idaho Code.

SECTION 2. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been affirmatively approved or extended by the adoption of a Concurrent Resolution by both the Senate and the House of Representatives in the Second Regular Session of the Fifty-ninth Idaho Legislature shall continue in full force and effect in such approved or extended language until July 1, 2009, at which time they shall expire as provided in Section 67-5292, Idaho Code, or until such earlier time as provided in the rule or as otherwise provided by statute, unless further extended by statute.

SECTION 3. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been rejected by the adoption of a Concurrent Resolution by both the Senate and the House of Representatives in the Second Regular Session of the Fifty-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, 2009, pursuant to Sections 1 and 2 of this act, according to the procedures contained in Chapter 52, Title 67, Idaho Code, and subject to submission to the Legislature for approval. Nothing contained in this act shall endow any administrative rule continued in full force and effect under this act with any more legal stature than that of an administrative rule. Nothing contained in this act shall be deemed to be a legislative approval of any rule whose force and effect has been extended by this act, and nothing contained herein shall constitute a legislative finding that any of the rules whose force and effect have been extended hereunder are consistent with the legislative intent of the statute(s) pursuant to which they were promulgated.

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

Approved April 9, 2008.

CHAPTER 387
(H.B. No. 643)

AN ACT

RELATING TO INVASIVE SPECIES; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 19, TITLE 22, IDAHO CODE, TO PROVIDE A TITLE, TO PROVIDE FINDINGS OF THE LEGISLATURE, TO PROVIDE FOR ADMINISTRATION, TO DEFINE TERMS, TO PROHIBIT CERTAIN ACTIONS AND TO PROVIDE EXCEPTIONS, TO PROVIDE FOR DUTIES OF THE DEPARTMENT AND DIRECTOR, TO PROVIDE FOR RULES AND ORDERS, TO PROVIDE FOR INSPECTIONS, TO PROVIDE FOR THE DISPOSITION OF INVASIVE SPECIES, TO PROVIDE FOR HOLD ORDERS, TO PROVIDE FOR THE INVASIVE SPECIES FUND, TO PROVIDE FOR CONTROL AND ERADICATION COSTS, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR COOPERATIVE AGREEMENTS, TO AUTHORIZE THE DEPARTMENT TO CONDUCT CERTAIN CONTROL MEASURES, TO PROVIDE FOR DELEGATION OF CERTAIN AUTHORITY BY THE DEPARTMENT, TO CLARIFY THAT DESIGNATED PROVISIONS SHALL NOT TERMINATE OR MODIFY EXISTING CIVIL OR CRIMINAL LIABILITIES RELATING TO PLANT PESTS, TO PROVIDE THAT CERTAIN PERSONS AND ENTITIES SHALL BE HELD HARMLESS IN RELATION TO IMPLEMENTATION OF DESIGNATED PROVISIONS AND TO PROVIDE FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 19, Title 22, Idaho Code, and to read as follows:

CHAPTER 19
THE IDAHO INVASIVE SPECIES ACT OF 2008

22-1901. TITLE. This chapter shall be known as "The Idaho Invasive Species Act of 2008."

22-1902. LEGISLATIVE FINDINGS. The legislature finds that:

(1) The purpose of this chapter is to address the concerns about the increasing threat of invasive species by providing policy direction, planning and authority to combat invasive species infestations throughout the state and to prevent the introduction of new species that may be harmful;

(2) The land, water and other resources of Idaho are being severely affected by invasions of an increasing number of harmful, invasive species;

(3) These invasions are damaging Idaho's environment and causing economic hardships;

(4) Idaho is a national leader in the control of invasive species, particularly noxious weeds and agricultural pests, and has a strong network of local, state, federal, tribal and private entities actively and cooperatively combating the threat;

(5) Prevention, early detection, rapid response and eradication are the most effective and least costly strategies against invasive species because they combat new invasions before they expand beyond feasible control;

(6) Implementing these strategies requires the state of Idaho to enhance its capacity to prioritize risks, prevent new invasions, employ early detection and rapid response techniques, apply state of the art control and management strategies, coordinate multiple public and private efforts and involve the public;

(7) An effective invasive species program must foster and support local initiatives; and

(8) The multitude of public and private entities with an interest in controlling and preventing the spread of harmful invasive species in Idaho need a mechanism for cooperation and collaboration to meet the threat of invasive species.

22-1903. ADMINISTRATION. This chapter shall be administered by the Idaho state department of agriculture.

22-1904. DEFINITIONS. Unless otherwise noted in this chapter the definitions as set forth in section 22-2005, Idaho Code, are adopted by reference.

(1) "Environmental harm" means to cause significant adverse effects on uses of natural resources or on plants or animals.

(2) "Invasive species" means species not native to Idaho, including their seeds, eggs, spores, larvae or other biological material capable of propagation, that cause economic or environmental harm and are capable of spreading in the state. "Invasive species" does not include crops, improved forage grasses, domestic livestock, or other beneficial nonnative organisms.

22-1905. PROHIBITED ACTIONS. No person may import, export, purchase, sell, barter, distribute, propagate, transport or introduce an invasive species into or within the state of Idaho and no person may possess an invasive species, except:

(1) Under a permit issued by the director;

(2) When being transported to an appropriate state authority, or another destination as such authority may direct, in a sealed container for purposes of identifying the species or reporting the presence of the species;

(3) When being transported for disposal as part of an approved control activity under a permit issued pursuant to section 22-1906, Idaho Code;

(4) When the specimen has been lawfully acquired dead and, in the case of plant species, all seeds are removed or are otherwise rendered nonviable;

(5) In the form of herbaria or other preserved specimens, so long as such specimens are rendered nonviable; or

(6) As the director may otherwise prescribe by rule.

22-1906. DUTIES OF THE DEPARTMENT AND DIRECTOR. The department may prevent and control, by such means as shall be prescribed and provided by law, rule or by order of the department, all invasive species that may cause economic or environmental harm to the state. The director shall:

(1) After due investigation, report the detection of new invasive species within the state to the appropriate state and federal officials;

(2) Issue permits for the transport or possession of an invasive

species into, within or through the state of Idaho. Permits shall include requirements to ensure the containment of that species, as may be prescribed in rule.
These duties shall not usurp existing provisions of the Idaho Code, programs that deal with invasive species issues, or the individual missions of any state agency or duplicate efforts existing upon passage of this act.

22-1907. RULES AND ORDERS. The director is hereby authorized to promulgate rules necessary for the efficient enforcement of the provisions of this chapter. Rulemaking authority shall include, but not be limited to, the determination of which species are invasive and the establishment of procedures for testing, sampling, inspection, certification, permitting, compliance verification and recordkeeping. The director may by written order designate a species as invasive until such time as it may be added to the official rules of the department.

22-1908. AUTHORITY TO CONDUCT INSPECTIONS. (1) In order to accomplish the purposes of this chapter, the director may enter upon and inspect any public or private premises, lands, bodies of water, or means of conveyance, or article of any person within this state, for the purpose of inspecting, surveying, treating, controlling, collecting samples, or destroying any invasive species.

(2) The director may establish check stations at points of entry to the state, or other facilities and sites throughout the state, as necessary to carry out the provisions of this chapter.

22-1909. DISPOSITION OF INVASIVE SPECIES. The director is authorized to seize, decontaminate or destroy any invasive species found in this state from public or private ownership or control as necessary to carry out the provisions of this chapter.

22-1910. HOLD ORDER. The director may issue hold orders to take prompt regulatory action in invasive species emergencies on any article, commodity, vehicle or other means of transportation entering this state in violation of this chapter or rules promulgated hereunder.

22-1911. INVASIVE SPECIES FUND. There is hereby established in the state treasury an invasive species fund.

(1) The fund shall receive such appropriations as deemed necessary by the governor and the legislature to accomplish the goals of this chapter. The fund shall also receive moneys from the collection of reasonable fees for permits or as otherwise required by this chapter or rules promulgated hereunder. The fund may also receive, at the discretion of the director, moneys from any other lawful source including, without limitation, fees, penalties, fines, gifts, grants, legacies of money, property, securities or other assets, or any other source, public or private.

(2) Moneys in the invasive species fund are subject to appropriation for the purposes of this chapter. The fund shall be used to support activities related to the prevention, detection, control and management of invasive species in Idaho.

(3) All interest or other income accruing from moneys deposited to the fund shall be redeposited and accrue to the fund. Any unexpended

balance left in the fund at the end of any fiscal year shall carry forward without reduction to the following fiscal year.

22-1912. CONTROL AND ERADICATION COSTS -- DEFICIENCY WARRANTS -- COOPERATION WITH OTHER ENTITIES AND CITIZENS. Whenever the director determines that there exists the threat of an infestation of an invasive species on state-owned land or water, private, forested, range or agricultural land or water, and that the infestation is of such a character as to be a menace to state, private, range, forest or agricultural land or water, the director shall cause the infestation to be controlled and eradicated, using such moneys as have been appropriated or may hereafter be made available for such purposes. Provided however, that whenever the cost of control and eradication exceeds the moneys appropriated or otherwise available for that purpose, the state board of examiners may authorize the issuance of deficiency warrants against the general fund for up to five million dollars ($5,000,000) in any one (1) year for such control and eradication. Control and eradication costs may include, but are not limited to, costs for survey, detection, inspection, enforcement, diagnosis, treatment and disposal of infected or infested materials, cleaning and disinfecting of infected premises or vessels and indemnity paid to owners for infected or infested materials destroyed by order of the director. The director, in executing the provisions of this chapter insofar as it relates to control and eradication, shall have the authority to cooperate with federal, state, county and municipal agencies and private citizens in control and eradication efforts; provided, that in the case of joint federal/state programs, state moneys shall only be used to pay the state's share of the cost of the control and eradication efforts. Such moneys for which the state shall thus become liable shall be paid as a part of the expenses of the Idaho state department of agriculture out of appropriations that shall be made by the legislature for that purpose from the general fund of the state. In all appropriations hereafter made for expenses of the department, account shall be taken of and provision made for this item of expense.

22-1913. PENALTIES FOR VIOLATIONS. (1) Any person who knowingly violates any provision of this chapter, or of the rules promulgated hereunder for carrying out the provisions of this chapter, or who fails or refuses to comply with any requirements herein specified, or who interferes with the department, its agents, designees or employees, in the execution, or on account of the execution of its or their duties under this chapter or rules promulgated hereunder, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than three thousand dollars ($3,000) or be imprisoned in a county jail for not more than twelve (12) months or be subject to both such fine and imprisonment.

(2) Any person who violates or fails to comply with any of the provisions of this chapter or any rules promulgated hereunder may be assessed a civil penalty by the department or its duly authorized agent of not more than ten thousand dollars ($10,000) for each offense and shall be liable for reasonable attorney's fees.

(a) Assessment of a civil penalty may be made in conjunction with any other department administrative action.

(b) No civil penalty may be assessed unless the person charged was given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act.
(c) If the department is unable to collect such penalty or if any person fails to pay all or a set portion of the civil penalty as determined by the department, it may recover such amount by action in the appropriate district court.
(d) Any person against whom the department has assessed a civil penalty under the provisions of this section may, within twenty-eight (28) days of the final action by the agency making the assessment, appeal the assessment to the district court of the county in which the violation is alleged by the department to have occurred.
(e) All civil penalties collected pursuant to this section shall be remitted to the invasive species fund as authorized under section 22-1911, Idaho Code.

(3) Nothing in this chapter shall be construed as requiring the director to report minor violations for prosecution when he believes that the public interest will be best served by suitable warnings or other administrative action.

22-1914. COOPERATIVE AGREEMENTS. (1) The department may enter into cooperative agreements with persons and entities including, but not limited to, civic groups and governmental agencies, to adopt and execute plans to detect and control areas infested with invasive species. Such cooperative agreements may include provisions for funding to implement agreements.

(2) If an invasive species occurs and cannot be adequately controlled by individual persons, owners, tenants or local units of government, the department may conduct the necessary control measures independently or on a cooperative basis with federal or other units of government.

(3) The department shall have the authority to delegate selected and clearly identified elements of its authorities and duties to another agency of the state with appropriate expertise or administrative capacity upon mutual agreement with that agency. The department is authorized to enter into memoranda of agreement with other state agencies to implement the delegations authorized in this subsection. Such delegation may include provisions of funding for implementation of the delegations. The department shall retain primary authority and responsibility for all requirements of this chapter unless otherwise directed herein.

22-1915. NO EFFECT ON EXISTING LIABILITY. The enactment of this chapter does not terminate or modify any civil or criminal liability relating to plant pests which exists prior to the effective date of this chapter.

22-1916. HOLD HARMLESS. Any state or federal agency or contractor, its officers, agents and employees implementing or enforcing the provisions of this chapter shall be held harmless against all claims arising from the good faith enforcement and implementation of the provisions of this chapter and rules promulgated hereunder, in accordance with the Idaho tort claims act, chapter 9, title 6, Idaho Code.

22-1917. 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 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 9, 2008.

CHAPTER 388
(H.B. No. 654, As Amended)

AN ACT

RELATING TO ABORTION AND CONTRACEPTIVES; AMENDING CHAPTER 6, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-615, IDAHO CODE, TO PROVIDE THAT IT IS A CRIMINAL ACT TO COERCE OR ATTEMPT TO COERCE A WOMAN TO OBTAIN AN ABORTION, TO PROVIDE FOR RECOVERY OF DAMAGES BY CIVIL SUIT, TO PROVIDE PENALTIES AND TO PROVIDE DEFINITIONS; AND AMENDING SECTION 18-615, IDAHO CODE, TO REDESIGNATE THE SECTION.

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

SECTION 1. That Chapter 6, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-615, Idaho Code, and to read as follows:

18-615. CRIMINAL ACT TO COERCE OR ATTEMPT TO COERCE A WOMAN TO OBTAIN AN ABORTION. (1) A person violates the provisions of this section when, knowing that a woman is pregnant, and with the intent to induce the pregnant woman to abort, whether by a medical procedure or otherwise:

(a) Threatens to inflict physical injury or death on the pregnant woman; or

(b) Conspires to inflict physical injury or death on the pregnant woman; or

(c) Unlawfully inflicts physical injury on the pregnant woman.

(2) A pregnant woman injured by reason of a person's violation of the provisions of this section may bring a civil suit for recovery of damages for such injury, whether or not the perpetrator is criminally prosecuted or convicted. In such a civil suit, the pregnant woman shall be entitled to recover her reasonable attorney's fees and costs if she is the prevailing party.

(3) Violations of the provisions of this section are classified and punishable as follows:

(a) A violation of subsection (1)(a) or (1)(b) of this section constitutes a misdemeanor punishable by not more than six (6) months in jail, or a fine of not more than one thousand dollars ($1,000), or both.

(b) A violation of subsection (1)(c) of this section constitutes a

felony punishable by imprisonment for not more than five (5) years, or a fine of not more than five thousand dollars ($5,000), or both.

(4) The term "physical injury" means a condition of the body, such as a wound or external or internal injury, whether of a minor or serious nature, caused by physical force.

(5) The term "woman" includes a minor female.

SECTION 2. That Section 18-615, Idaho Code, be, and the same is hereby amended to read as follows:

18-615<u>6</u>. SEVERABILITY. If any one (1) or more provision, section, subsection, sentence, clause, phrase, or word of this chapter or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this chapter shall remain effective notwithstanding such unconstitutionality. The legislature hereby declares that it would have passed every section of this chapter and each provision, section, subsection, sentence, clause, phrase or word thereof irrespective of the fact that any one (1) or more provision, section, subsection, sentence, clause, phrase or word be declared unconstitutional.

Approved April 9, 2008.

CHAPTER 389
(H.B. No. 656, As Amended)

AN ACT

RELATING TO DEVELOPMENT IMPACT FEES; AMENDING SECTION 67-8203, IDAHO CODE, TO REVISE THE DEFINITION OF "DEVELOPMENT"; AND DECLARING AN EMERGENCY.

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

SECTION 1. 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. As used in this chapter, "development" shall not include activities that would otherwise be subject to payment of the development impact fee if such activities are undertaken by a taxing district, as defined in section 63-201, Idaho Code, in the course of carrying out the taxing district's public responsibilities, unless the adopted impact fee ordinance expressly includes taxing districts as being subject to development impact fees.

(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 installation 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" 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.

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 9, 2008.

CHAPTER 390
(H.B. No. 661)

AN ACT

RELATING TO THE CORPORATE HEADQUARTERS INCENTIVE ACT OF 2005; REPEALING CHAPTER 29, TITLE 63, IDAHO CODE, RELATING TO THE IDAHO CORPORATE HEADQUARTERS INCENTIVE ACT OF 2005; AMENDING SECTION 63-3067, IDAHO CODE, TO DELETE CERTAIN REBATE PAYMENTS FROM THE STATE REFUND

ACCOUNT; AMENDING SECTION 63-4401, IDAHO CODE, TO DELETE APPLICATION AND CODE REFERENCES; AND AMENDING SECTION 63-4406, IDAHO CODE, TO DELETE A CODE REFERENCE.

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

SECTION 1. That Chapter 29, Title 63, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 63-3067, Idaho Code, be, and the same is hereby amended to read as follows:

63-3067. REVENUE RECEIVED -- STATE REFUND ACCOUNT. (1) A sum equal to the amount withheld under section 63-3035A, Idaho Code, shall be distributed fifty percent (50%) to the public school income fund to be utilized to facilitate and provide substance abuse programs in the public school system, and fifty percent (50%) shall be distributed to the counties to be utilized for county juvenile probation services. These funds shall be distributed quarterly to the counties based upon the percentage the population of the county bears to the population of the state as a whole.

(2) All moneys except as provided in subsection (1) of this section, and except as hereinafter provided, received by the state of Idaho under this act shall be deposited by the state tax commission, as received by it, with the state treasurer and shall be placed in and become a part of the general account under the custody of the state treasurer. Providing however,

~~(a)~~ that an amount equal to twenty percent (20%) of the amount deposited with the state treasurer shall be placed in the "state refund account" which is hereby created for the purpose of repaying overpayments, for the purpose of remitting to counties and taxing districts for personal property exempt from taxation pursuant to section 63-602EE, Idaho Code, as provided in subsection (3) of this section, for the purpose of depositing in the trust accounts specified in section 63-3067A, Idaho Code, such amounts as may be designated by individuals for the purpose of depositing in the Idaho ag in the classroom account an amount as may be designated by the individual receiving a refund for such overpayment, and for the purpose of paying any other erroneous receipts illegally assessed or collected, penalties collected without authority and taxes and licenses unjustly assessed, collected or which are excessive in amount. Whenever necessary for the purpose of making prompt payment of refunds, the board of examiners, upon request from the state tax commission, and after review, may authorize the state tax commission to transfer any additional specific amount from income tax collections to the "state refund account." There is appropriated out of the state refund account so much thereof as may be necessary for the payment of the refunds herein provided. Claims for, and payment of refunds under the provisions of this section shall be made in the same manner as other claims against the state of Idaho~~;~~

~~(b) an amount equal to any amount required to be rebated under section 63-2909, Idaho Code, is continuously appropriated for the purpose of paying any such rebate.~~

(3) Any unencumbered balance remaining in the state refund account

on June 30 of each and every year in excess of the sum of one million five hundred thousand dollars ($1,500,000) shall be transferred to the general fund and the state controller is hereby authorized and directed on such dates to make such transfers unless the board of examiners, which is hereby authorized to do so, changes the date of transfer or sum to be transferred.

SECTION 3. That Section 63-4401, Idaho Code, be, and the same is hereby amended to read as follows:

63-4401. SHORT TITLE. ~~--APPLICATION.~~ This chapter shall be known and may be cited as "The Idaho Small Employer Incentive Act of 2005." ~~No provision of this chapter applies to a person, taxpayer, or other entity entitled to, applying for, or receiving any credit, rebate or other benefit under chapter 29, 39 or 43, title 63, Idaho Code.~~

SECTION 4. That Section 63-4406, Idaho Code, be, and the same is hereby amended to read as follows:

63-4406. LIMITATIONS, AND OTHER PROVISIONS ON CREDITS AGAINST INCOME TAXES. (1) 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 a credit under this chapter to the shareholders, partners or beneficiaries in proportion to their share of the income from the S corporation, partnership, trust or estate; and

(b) The method by which the carryover of credits and the duty to recapture credits shall survive and be transferred in the event of reorganizations, mergers or liquidations.

(2) In the case of a unitary group of corporations filing a combined report under subsection (t) of section 63-3027, Idaho Code, credits against income tax provided by sections 63-4403, 63-4404 and 63-4405, Idaho Code, 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 limitation in subsection (3) 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 or members who earned the credit are no longer included in the combined group.

(3) The total of all credits allowed by sections 63-4403, 63-4404 and 63-4405, Idaho Code, together with any credits carried forward under subsection (4) of this section shall not exceed 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~~, chapter 29, title 63, Idaho Code,~~ and the Idaho income tax act.

(4) If the credits exceed the limitation under subsection (3) of this section, the excess amount may be carried forward for a period that does not exceed:

(a) The next fourteen (14) taxable years in the case of credits allowed by sections 63-4403 and 63-4404, Idaho Code; or

(b) The next ten (10) taxable years in the case of credits allowed by section 63-4405, Idaho Code.

Approved April 9, 2008.

CHAPTER 391
(H.B. No. 670)

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 2009; APPROPRIATING MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2009; DIRECTING THAT $9,150,000 BE EXPENDED FOR TECHNOLOGY PROGRAMS; DIRECTING THAT $2,262,800 BE DISTRIBUTED FOR THE REPLACEMENT OF CERTAIN LEVY FUNDS; DIRECTING THAT $9,950,000 BE DISTRIBUTED FOR SOFTWARE AND TEXTBOOK MATERIAL PURCHASES AND PROVIDING THAT EXPENDITURES BE MATCHED BY LOCAL FUNDS; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT; AMENDING SECTION 33-1004E, IDAHO CODE, TO PROVIDE FOR A BASE SALARY INCREASE FOR CLASSIFIED STAFF; DIRECTING THAT $50,000 BE ALLOCATED TO STUDY AND DEVELOP PLANS THAT ADDRESS CHALLENGES FACING RURAL SCHOOLS; AND PROVIDING REAPPROPRIATION OF CERTAIN UNEXPENDED AND UNENCUMBERED FUNDS.

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, 2008, through June 30, 2009:

FROM:

General Fund	$539,844,200
Public School Endowment Earnings Reserve Fund Transfer	29,692,900
Federal Mineral Royalties	1,500,000
Public Education Stabilization Fund	2,262,800
Liquor Control Fund	1,200,000
Miscellaneous Receipts/Balances	2,300,000
Federal Grant Fund	7,232,800
TOTAL	$584,032,700

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, 2008, through June 30, 2009:

FROM:

General Fund	$539,844,200
Public Education Stabilization Fund	2,262,800
TOTAL	$542,107,000

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, 2008, through June 30, 2009:

FROM:

Public School Income Fund	$576,799,900
Federal Grant Fund	7,232,800
TOTAL	$584,032,700

SECTION 4. Of the moneys appropriated in Section 3 of this act, $9,150,000 shall be expended by the Superintendent of Public Instruction as follows:

(1) The 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 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 $2,262,800 to school districts, allocated according to the same proportions as the moneys distributed in fiscal year 2007, pursuant to Section 63-3638(10), Idaho Code, for the replacement of school maintenance and operations levy funds.

SECTION 6. Of the moneys appropriated in Section 3 of this act, $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. 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 $25,696 per support unit.

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 aver-

age 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 $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 $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 $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 ~~$19,783~~20,376 by the district classified staff allowance determined as provided in section 33-1004(4), Idaho Code. The amount so determined is the district's apportionment for classified staff.

4. The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections 1., 2. and 3., of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 9. Of the moneys appropriated in Section 3 of this act, up to $50,000 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 10. Of the moneys described in Section 7, Chapter 352, Laws of 2007, First Regular Session of the Fifty-ninth Idaho Legislature to study and develop plans that address the challenges of rural schools, any unexpended and unencumbered funds shall be reappropriated for the period beginning July 1, 2008, through June 30, 2009, for the same purposes.

Approved April 9, 2008.

CHAPTER 392
(H.B. No. 672)

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 2009; DIRECTING THAT $7,000,000 OF THE MONEYS ACCRUING PURSUANT TO SECTIONS 63-2506 AND 63-2552A, IDAHO CODE, AND SUCH OTHER MONEYS WHICH MAY BECOME AVAILABLE PURSUANT TO SECTION 63-7439, IDAHO CODE, BE EXPENDED FOR THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; DIRECTING THE DISTRIBUTION OF FUNDS FOR THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO FEATURES OF THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; DIRECTING THAT $2,800,000 BE USED FOR THE LITERACY PROGRAMS AND EXPRESSING LEGISLATIVE INTENT THAT THE STATE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF EDUCATION COORDINATE CERTAIN PROGRAMS; DIRECTING THAT $3,972,500 BE ALLOCATED TO IMPLEMENT 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 IDAHO STANDARDS ACHIEVEMENT TEST EDUCATION AND COMPUTERIZED PLATO REMEDIATION SERVICES FOR CERTAIN STUDENTS AND REQUIRING A LOCAL EXPENDITURE MATCH; DIRECTING THE IDAHO DIGITAL LEARNING ACADEMY TO UTILIZE STATE FUNDS TO ACHIEVE CERTAIN GOALS; DIRECTING THAT $50,000 BE USED TO STUDY AND DEVELOP CONCURRENT SECONDARY/POSTSECONDARY COURSES; 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, 2008, through June 30, 2009:

FROM:

General Fund	$ 28,526,300
Cigarette/Tobacco and Lottery Income Taxes	7,000,000
Federal Grant Fund	134,923,100
TOTAL	$170,449,400

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2008, through June 30, 2009:

FROM:

General Fund	$28,526,300

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, 2008, through June 30, 2009:

FROM:

Public School Income Fund	$ 35,526,300
Federal Grant Fund	134,923,100
TOTAL	$170,449,400

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, 2008, through June 30, 2009.

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 pro-

grams, student assistance programs that address early identification and referral, and aftercare.

(4) Districts shall submit an annual evaluation of their programs to the State Department of Education as to the effectiveness of their programs.

SECTION 7. Of the moneys appropriated in Section 3 of this act, $2,800,000 shall be used for literacy programs, as outlined in Sections 33-1614, 33-1615 and 33-1207A(2), Idaho Code. It is legislative intent that the State Board of Education and the State Department of Education coordinate federally funded literacy programs with state literacy programs, resulting in well-coordinated, complementary literacy efforts.

SECTION 8. Of the moneys appropriated in Section 3 of this act, $3,972,500 shall be utilized by the Superintendent of Public Instruction to implement an early math education program, similar in approach to the literacy programs described in Section 7 of this act.

SECTION 9. Of the moneys appropriated in Section 3 of this act, $6,040,000 shall be distributed for support of programs for students with non-English or limited-English proficiency, as follows:

(1) The State Department of Education shall distribute $5,290,000 to school districts pro rata, based upon the population of limited-English proficient students under criteria established by the department.

(2) The State Department of Education shall use $750,000 to continue the competitive grant program for school districts in which the population of English language learners failed to meet Adequate Yearly Progress (AYP) in math or reading, as defined in federal law. Of this amount, $700,000 shall be distributed annually to school districts in three-year grant cycles, in which the recipients will receive full grant awards each of the three (3) years, contingent on appropriation. The remaining $50,000 will be used for evaluation and administration of the program.

(3) The department shall develop the program elements governing the use of these funds, modeled on the training, intervention, and remediation elements of the program described in Section 7 of this act. The purpose of these funds is to improve the English language skills of English language learners, to enable such students to better access the educational opportunities offered in public schools. The Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee and the House of Representatives and Senate Education Committees, by no later than February 1, 2009, on the program design, uses of funds, and effectiveness of the program.

SECTION 10. Of the moneys appropriated in Section 3 of this act, $5,000,000 shall be distributed to provide remedial coursework for students failing to achieve proficiency in the Idaho Standards Achievement Test and to fund the PLATO computerized remediation services to schools. The Superintendent of Public Instruction shall determine the formulas and methodologies by which such funds are distributed, and the permissi-

ble 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. 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 12. Of the moneys appropriated in Section 3 of this act, $50,000 shall be used to study and develop a plan for implementing concurrent secondary/postsecondary courses offered to qualifying eleventh-grade and twelfth-grade students in Idaho's public high schools. Such moneys shall be used to defray the costs of a task force, appointed by the Superintendent of Public Instruction, that shall develop a statewide, unified plan for delivering concurrent college credit coursework to high school students. Such task force shall include, at a minimum, representation from public school administrators, teachers and board members, institutions of higher education, the State Department of Education and the State Board of Education, and private industry. Legislative leadership shall appoint legislators to this task force. The task force shall deliver its recommendations to the Governor and the 2009 Idaho Legislature.

SECTION 13. 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 9, 2008.

CHAPTER 393
(H.B. No. 673)

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 2009; 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; AND DIRECTING THAT UP TO $100,000 MAY BE EXPENDED TO ADDRESS RECOMMENDATIONS AND FINDINGS OUTLINED IN THE SAFE AND SECURE SCHOOLS ASSESSMENT.

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, 2008, through June 30, 2009:

FROM:

General Fund	$18,400,000
School District Building Account	18,450,000
TOTAL	$36,850,000

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 $7,770,000 for the period July 1, 2008, through June 30, 2009.

SECTION 4. Of the General Fund moneys appropriated in Section 1 of this act, up to $100,000 may be expended by the Superintendent of Public Instruction to address the recommendations and findings outlined in the Safe and Secure Schools Assessment. Moneys shall be used to provide crisis response guidelines, establish standardized safety and security measures for schools, identify school-related security equipment that meets or exceeds industry standards, and to prepare necessary information to apply for federal funding.

Approved April 9, 2008.

CHAPTER 394
(H.B. No. 681)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2009.

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

SECTION 1. In addition to the appropriation made in Section 1, Senate Bill 1480, as enacted by the Second Regular Session of the Fifty-ninth Idaho Legislature, there is hereby appropriated to the

Office of the Governor for the Office of Energy Resources the following amount to be expended from the listed funds for the period July 1, 2008, through June 30, 2009:

FROM:	
Renewable Energy Resources Fund	$400,000
Petroleum Price Violation Fund	7,600
TOTAL	$407,600

Approved April 9, 2008.

CHAPTER 395
(H.B. No. 683)

AN ACT

RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF AGRICULTURE; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2009; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2009; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2009; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2008; AND DECLARING AN EMERGENCY FOR SECTION 4 OF THIS ACT.

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

SECTION 1. The appropriation made in Section 1, House Bill 613, as enacted by the Second Regular Session of the Fifty-ninth Idaho Legislature, to the Department of Agriculture is hereby reduced by the following amount for the designated program according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
ADMINISTRATION:			
FROM:			
General Fund		$25,300	$25,300
Agriculture in the Classroom Fund	$38,500		38,500
TOTAL	$38,500	$25,300	$63,800

SECTION 2. The appropriation made in Section 1, House Bill 613, as enacted by the Second Regular Session of the Fifty-ninth Idaho Legislature, to the Department of Agriculture is hereby reduced by the following amount for the designated program according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

AGRICULTURAL RESOURCES:
FOR:

Personnel Costs	$114,800
Operating Expenditures	106,100
TOTAL	$220,900

FROM:

Agricultural Smoke Management Fund	$220,900

SECTION 3. In addition to the appropriation made in Section 1, House Bill 613, as enacted by the Second Regular Session of the Fifty-ninth Idaho Legislature, there is hereby appropriated to the Department of Agriculture 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, 2008, through June 30, 2009:
MARKETING AND DEVELOPMENT:
FOR:

Trustee and Benefit Payments	$75,000

FROM:

Rural Economic Development Integrated Freight Transportation Fund	$75,000

SECTION 4. In addition to the appropriation made in Section 1, Chapter 266, Laws of 2007, there is hereby appropriated to the Department of Agriculture the following amount to be expended for the designated program to reimburse the Department of Fish and Game for costs related to the escape of domestic elk according to the designated expense class from the listed fund for the period July 1, 2007, through June 30, 2008:
ADMINISTRATION:
FOR:

Operating Expenditures	$60,800

FROM:

General Fund	$60,800

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

Approved April 9, 2008.

CHAPTER 396
(H.B. No. 687)

AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2009.

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 for Professional-Technical Education the following amount to be expended according to the

designated expense class from the listed funds for the period July 1, 2008, through June 30, 2009:

FOR:	
Personnel Costs	$66,900
FROM:	
General Fund	$50,000
Miscellaneous Revenue Fund	16,900
TOTAL	$66,900

Approved April 9, 2008.

CHAPTER 397
(H.B. No. 691)

AN ACT

RELATING TO DISPOSAL OF COUNTY PROPERTY; AMENDING SECTION 31-808, IDAHO CODE, TO REVISE PROVISIONS AND PROCEDURES FOR DISPOSAL OF TAX DEEDED PROPERTY BY A COUNTY, TO REVISE PROCEDURES FOR NOTICE TO ALL PARTIES IN INTEREST AND TO PROVIDE PROCEDURES FOR HOLDING AND DISPOSING OF EXCESS FUNDS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 31-808, Idaho Code, be, and the same is hereby amended to read as follows:

31-808. SALE OF COUNTY PROPERTY -- GENERAL PROCEDURE -- SALE OF PROPERTY ACQUIRED THROUGH TAX DEED -- PROCEDURE AFTER ATTEMPTED AUCTION -- EXCHANGE OF COUNTY PROPERTY -- SALE OF CERTAIN ODD-LOT PROPERTY -- SALE, EXCHANGE OR DONATION OF PROPERTY TO OTHER UNITS OF GOVERNMENT. (1) A board of county commissioners shall have the power and authority to sell or offer for sale at public auction any real or personal property belonging to the county not necessary for its use. However, personal property not exceeding two hundred fifty dollars ($250) in value may be sold at private sale without notice or public auction. Prior to offering the property for sale, the board of county commissioners shall advertise notice of the auction in a newspaper, as defined in section 60-106, Idaho Code, either published in the county or having a general circulation in the county, not less than ten (10) calendar days prior to the auction. If the property to be sold is real property, the notice to be published shall contain the legal description as well as the street address of the property. If the property is outside the corporate limits of a city and does not have a street address, then the description shall also contain the distance and direction of the location of the real property from the closest city.

If the property to be sold is acquired by tax deed, the notice required to be published shall include, next to the description of the property, the name of the taxpayer as it appears in the delinquent tax certificate upon which the tax deed was issued. The property shall be sold to the highest bidder. However, the board of county commissioners shall set the minimum bid for the tax deeded property to include all property taxes owing, interest and costs but they may reserve the right

to reject any and all bids and shall have discretionary authority to reject or accept any bid which may be made for an amount less than the total amount of all delinquent taxes, late charges, interest and costs, ~~and--interest~~ including other costs associated with the property, advertising, and sale, which may have accrued against any property so offered for sale, including the amount specified in the tax deed to the county. Such action by the board in setting the minimum bid shall be duly noted in their minutes. Failure to do so shall not invalidate a sale. For tax deeded property, the board of county commissioners shall conduct an auction no later than fourteen (14) months from the issuance of the tax deed.

(2) (a) Proceeds from the sale of county property not acquired by tax deed shall be paid into the county treasury for the general use of the county.

(b) If the property to be sold has been acquired by tax deed, pursuant to the provisions of chapter 10, title 63, Idaho Code, the proceeds from the sale, after ~~reimbursement-to-the--county--for--the cost--of--advertising--and--sale,-shall-be-apportioned-to-the-taxing districts-in-which-the-property-is-situated-according--to--the--levy applied--to--the--year--of--delinquency--upon-which-the-tax-deed-was issued-to-the-county~~ payment of all delinquent taxes, late charges, interest and costs, including the cost for maintaining the property, shall be apportioned by the board of county commissioners to parties in interest as defined in section 63-201, Idaho Code, and then to the owner(s) of record of such property at the time the tax deed was issued on the property.

(c) Once such tax deeded property has been sold, the board of county commissioners shall within thirty (30) days notify all parties in interest of such sale and the amount of the excess proceeds. Such parties in interest shall respond to the board of county commissioners, within sixty (60) days of receiving such notice, making claim on the proceeds. No responses postmarked or received after the sixtieth day shall be accepted. The board of county commissioners shall then make payment to parties in interest in priority of the liens pursuant to law, within sixty (60) days. All funds available after payment to parties in interest shall be returned to the owner(s) of record of the property at the time the tax deed was issued. All costs associated with the compliance of this section shall be deducted from any amounts refunded to the parties in interest or owner(s) of record.

(3) Any property sold may be carried on a recorded contract with the county for a term not to exceed ten (10) years and at an interest rate not to exceed the rate of interest specified in section 28-22-104(1), Idaho Code. The board of county commissioners shall have the authority to cancel any contract if the purchaser fails to comply with any of the terms of the contract and the county shall retain all payments made on the contract. The title to all property sold on contract shall be retained in the name of the county until full payment has been made by the purchaser. However, the purchaser shall be responsible for payment of all property taxes during the period of the contract.

(4) Any sale of property by the county shall vest in the purchaser all of the right, title and interest of the county in the property, including all delinquent taxes which have become a lien on the property since the date of issue of the tax deed, if any.

(5) In addition to the purchase price, a purchaser of county property, including property acquired by tax deed, shall pay all fees required by law for the transfer of property. No deed for any real estate purchased pursuant to the provisions of this section shall be delivered to a purchaser until such deed has been recorded in the county making the sale.

(6) Should the county be unable to sell at a public auction any real or personal property belonging to the county, including property acquired by tax deed, it may sell the property without further notice by public or private sale upon such terms and conditions as the county deems necessary. Distribution of the proceeds of sale shall be as set forth in subsection (2) of this section.

(7) The board of county commissioners may at its discretion, when in the county's best interest, exchange and do all things necessary to exchange any of the real property now or hereafter held and owned by the county for real property of equal value, public or private, to consolidate county real property or aid the county in the control and management or use of county real property.

(8) The board of county commissioners may, by resolution, declare certain parcels of real property as odd-lot property, all or portions of which are not needed for public purposes and are excess to the needs of the county. For purposes of this subsection, odd-lot property is defined as that property that has an irregular shape or is a remnant and has value primarily to an adjoining property owner. Odd-lot property may be sold to an adjacent property owner for fair market value that is estimated by a land appraiser licensed to appraise property in the state of Idaho. If, after thirty (30) days' written notice, an adjoining property owner or owners do not desire to purchase the odd-lot property, the board of county commissioners may sell the property to any other interested party for not less than the appraised value. When a sale of odd-lot property is agreed to, a public advertisement of the pending sale shall be published in one (1) edition of the newspaper as defined in subsection (1) of this section, and the public shall have fifteen (15) days to object to the sale in writing. The board of county commissioners shall make the final determination regarding the sale of odd-lot property in an open meeting.

(9) In addition to any other powers granted by law, the board of county commissioners may at their discretion, grant to or exchange with the federal government, the state of Idaho, any political subdivision or taxing district of the state of Idaho or any local historical society which is incorporated as an Idaho nonprofit corporation which operates primarily in the county or maintains a museum in the county, with or without compensation, any real or personal property or any interest in such property owned by the county or acquired by tax deed, after adoption of a resolution by the board of county commissioners that the grant or exchange of property is in the public interest. Notice of such grant or exchange shall be as provided in subsection (1) of this section and the decision may be made at any regularly or specially scheduled meeting of the board of county commissioners. The execution and delivery by the county of the deed conveying an interest in the property shall operate to discharge and cancel all levies, liens and taxes made or created for the benefit of the state, county or any other political subdivision or taxing district and to cancel all titles or claims of title including claims of redemption to such real property asserted or existing at the

time of such conveyance. However, if the property conveyed is subject to a lien for one (1) or more unsatisfied special assessments, the lien shall continue until all special assessments have been paid in full. At no time shall a lien for a special assessment be extinguished prior to such special assessment having been paid in full. Any property conveyed to any local historical society by the county shall revert to the county when the property is no longer utilized for the purposes for which it was conveyed.

(10) When the county has title to mineral rights severed from the property to which they attach, and the mineral rights have value of less than twenty-five dollars ($25.00) per acre, the board of county commissioners may act to return the mineral rights to the land from which they were severed in the following manner: the proposed action must appear on the agenda of a regular meeting of the board of county commissioners; and the motion to make the return must be adopted unanimously by the board voting in open meeting.

(11) If there are excess funds and the owner(s) of record of the property at the time the tax deed was issued on the property cannot be located, then the county treasurer shall put all remaining excess funds in an interest-bearing trust for three (3) years. The county may charge for the actual costs for performing the search, and after three (3) years, any remaining funds shall be transferred to the county indigent fund. The levy set to fund this portion of the indigent budget shall be calculated based on the budget subject to the limitation in section 63-802, Idaho Code, less the money received from the interest-bearing trust.

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, 2008.

Approved April 9, 2008.

CHAPTER 398
(H.B. No. 695)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAM FOR FISCAL YEAR 2008; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAM FOR FISCAL YEAR 2009; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS FOR THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAM; AND DECLARING AN EMERGENCY FOR SECTION 1 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 Department of Health and Welfare for the Substance Abuse Treatment and Prevention 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:	
Trustee and Benefit Payments	$2,145,400
FROM:	
General Fund	$2,145,400

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 and Prevention Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
General Fund		$ 9,814,900	$ 9,814,900
Cooperative Welfare Fund (Federal)	$391,800	2,725,300	3,117,100
TOTAL	$391,800	$12,540,200	$12,932,000

SECTION 3. There is hereby reappropriated to the Department of Health and Welfare for the Substance Abuse Treatment and Prevention Program any unexpended and unencumbered balances of the Cooperative Welfare Fund, as appropriated for the Substance Abuse Treatment and Prevention Program for fiscal year 2008 to be used for purposes as originally appropriated. 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. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after passage and approval.

Approved April 9, 2008.

CHAPTER 399
(H.B. No. 494)

AN ACT

RELATING TO INSURANCE AND INVESTMENTS; AMENDING CHAPTER 7, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-732, IDAHO CODE, TO PROVIDE FOR THE INVESTMENT, REINVESTMENT AND USE OF FUNDS OF A DOMESTIC RECIPROCAL INSURER.

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

SECTION 1. That Chapter 7, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-732, Idaho Code, and to read as follows:

41-732. DOMESTIC RECIPROCAL INSURER. Notwithstanding the provisions of chapter 1, title 57, Idaho Code, and section 67-2328, Idaho Code, funds of a domestic reciprocal insurer which is comprised of and exclusively insures members who are political subdivisions of the state, as defined in section 6-902(2), Idaho Code, and which exclusively insures against risk pertaining to property and casualty claims, shall be invested, reinvested and used in the manner and subject to the conditions, restrictions and limitations set forth in this chapter.

Approved April 11, 2008.

CHAPTER 400
(H.B. No. 599, As Amended, As Amended in the Senate, As Amended in the Senate)

AN ACT

RELATING TO TAXATION OF PERSONAL PROPERTY; AMENDING SECTION 63-201, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-602KK, IDAHO CODE, TO PROVIDE A PARTIAL EXEMPTION FROM TAXATION OF PERSONAL PROPERTY, TO PROVIDE A TRIGGER WHEN THE SECTION IS FIRST EFFECTIVE, TO PROVIDE TAXES THAT ARE NOT AFFECTED BY PERSONAL PROPERTY EXEMPTIONS, TO PROVIDE FOR REIMBURSEMENT TO LOCAL GOVERNMENTS OF PERSONAL PROPERTY TAX AND TO PROVIDE PROCEDURES; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION OF SALES TAX MONEYS TO COUNTIES AND OTHER TAXING DISTRICTS FOR REPLACEMENT OF MONEYS FOR PERSONAL PROPERTY TAX REDUCTION; AMENDING SECTIONS 63-510 AND 63-1703, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 33-1103, IDAHO CODE, TO REVISE THE DEFINITION OF "MARKET VALUE FOR ASSESSMENT PURPOSES"; AMENDING SECTION 63-313, IDAHO CODE, TO PROVIDE THAT FOR TRANSIENT PERSONAL PROPERTY VALUED AT OVER ONE HUNDRED THOUSAND DOLLARS, ANY EXEMPTION TO THE TAXPAYER SHALL BE ALLOCATED AMONG COUNTIES BASED ON THE PRORATED VALUE; AMENDING SECTION 63-802, IDAHO CODE, TO PROVIDE THE EFFECT OF CERTAIN SALES TAX DOLLARS ON THE BUDGET BASE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-201, Idaho Code, be, and the same is hereby amended to read as follows:

63-201. DEFINITIONS. As used for property tax purposes in title 63, chapters 1 through 23, Idaho Code, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning:

(1) "Appraisal" means an estimate of property value for property tax purposes.

(a) For the purpose of estimated property value to place the value on any assessment roll, the value estimation must be made by the assessor or a certified property tax appraiser.

(b) For the purpose of estimating property value to present for an appeal filed pursuant to sections 63-501A, 63-407 and 63-409, Idaho

Code, the value estimation may be made by the assessor, a certified property tax appraiser, a licensed appraiser, or a certified appraiser or any party as specified by law.

(2) "Bargeline" means those water transportation tugs, boats, barges, lighters and other equipment and property used in conjunction with waterways for bulk transportation of freight or ship assist.

(3) "Cogenerators" means facilities which produce electric energy, and steam or forms of useful energy which are used for industrial, commercial, heating or cooling purposes.

(4) "Collection costs" are amounts authorized by law to be added after the date of delinquency and collected in the same manner as property tax.

(5) "Delinquency" means any property tax, special assessment, fee, collection cost, or charge collected in the same manner as property tax, that has not been paid in the manner and within the time limits provided by law.

(6) "Fixtures" means those articles that, although once movable chattels, have become accessory to and a part of improvements to real property by having been physically incorporated therein or annexed or affixed thereto in such a manner that removing them would cause material injury or damage to the real property, the use or purpose of such articles is integral to the use of the real property to which it is affixed, and a person would reasonably be considered to intend to make the articles permanent additions to the real property. "Fixtures" includes systems for the heating, air conditioning, ventilation, sanitation, lighting and plumbing of such building. "Fixtures" does not include machinery, equipment or other articles that are affixed to real property to enable the proper utilization of such articles.

(7) "Floating home" means a floating structure that is designed and built to be used, or is modified to be used, as a stationary waterborne residential dwelling, has no mode of power of its own, is dependent for utilities upon a continuous utility linkage to a source originating on shore, and has a permanent continuous connection to a sewage system on shore.

(8) "Improvements" means all buildings, structures, ~~fixtures and fences~~ manufactured homes, as defined in section 39-4105(8), Idaho Code, mobile homes as defined in section 39-4105(9), Idaho Code, and modular buildings, as defined in section 39-4301(7), Idaho Code, erected upon or affixed to ~~the~~ land, ~~and~~ fences, water ditches constructed for mining, manufacturing or irrigation purposes, fixtures, and floating homes, whether or not such improvements are owned separately from the ownership of the land upon or to which the same may be erected, affixed or attached. The term "improvements" also includes all fruit, nut-bearing and ornamental trees or vines not of natural growth, growing upon the land, except nursery stock.

(~~7~~9) "Late charge" means a charge of two percent (2%) of the delinquency.

(~~8~~10) "Lawful money of the United States" means currency and coin of the United States at par value and checks and drafts which are payable in dollars of the United States at par value, payable upon demand or presentment.

~~(9) "Manufactured home" means a structure defined as a manufactured home in section 39-4105, Idaho Code.~~

(~~10~~11) "Market value" means the amount of United States dollars or

equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

(~~11~~2) "Operating property" means real and personal property operated in connection with any public utility, railroad or private railcar fleet, wholly or partly within this state, and which property is necessary to the maintenance and operation of the public utility, railroad or private railcar fleet, and the roads or lines thereof, and includes all rights-of-way accompanied by title; roadbeds; tracks; pipelines; bargelines; equipment and docks; terminals; rolling stock; equipment; power stations; power sites; lands; reservoirs, generating plants, transmission lines, distribution lines and substations; ~~and--all--immovable-or-movable-property-operated-in-connection-with-any-public-utility, railroad--or--private-railcar-fleet,-wholly-or-partly-within-this-state, and-necessary-to-the-maintenance-and-operation-of-such-road-or-line,--or in--conducting-its-business,~~ and ~~shall-include~~ all title and interest in such property, as owner, lessee or otherwise. The term includes electrical generation plants under construction, whether or not owned by or operated in connection with any public utility. ~~The-term-does-not include-personal-property--exempt--from--taxation--pursuant--to--section 63-602L~~ For the purpose of the appraisal, assessment and taxation of operating property, pursuant to chapter 4, title 63, Idaho Code, the value of intangible personal property shall be excluded from the taxable value of operating property in accordance with the provisions of section 63-602L, Idaho Code, and the value of personal property, other than intangible personal property, shall be excluded from the taxable value of operating property in accordance with the provisions of section 63-602KK, Idaho Code.

(~~12~~3) "Party in interest" means a person who holds a properly recorded mortgage, deed of trust or security interest.

(~~13~~4) "Person" means any entity, individual, corporation, partnership, firm, association, limited liability company, limited liability partnership or other such entities as recognized by the state of Idaho.

(~~14~~5) "Personal property" ~~includes-all-goods,-chattels,-stocks-and bonds,-equities-in-state-lands,-easements,-reservations,-leasehold--real properties--and--all-other-property-which-the-law-defines,-or-the-courts may-interpret,-declare-and-hold-to-be-personal-property-under--the--letter,-spirit,-intent-and-meaning-of-the-law,-for-the-purposes-of-property taxation.--For--the-purposes-of-payment-and-collection-of-property-taxes pursuant-to-chapter-9,-title-63,-Idaho-Code,-collection--of--delinquency pursuant--to--chapter--10,-title-63,-Idaho-Code,-and-seizure-and-sale-of personal-property-for-taxes-pursuant-to--chapter--11,--title--63,--Idaho Code,-personal-property-includes-manufactured-homes-not-declared-as-real property--pursuant--to-section-63-304,-Idaho-Code.~~ means everything that is the subject of ownership and that is not included within the term "real property."

(~~15~~6) "Private railcar fleet" means railroad cars or locomotives owned by, leased to, occupied by or franchised to any person other than a railroad company operating a line of railroad in Idaho or any company classified as a railroad by the interstate commerce commission and entitled to possess such railroad cars and locomotives except those possessed solely for the purpose of repair, rehabilitation or remanufacturing of such locomotives or railroad cars.

(~~16~~7) "Public utility" means electrical companies, pipeline companies, natural gas distribution companies, or power producers included within federal law, bargelines, and water companies which are under the jurisdiction of the Idaho public utilities commission. The term also includes telephone corporations, as that term is defined in section 62-603, Idaho Code, except as hereinafter provided, whether or not such telephone corporation has been issued a certificate of convenience and necessity by the Idaho public utilities commission.

This term does not include cogenerators, mobile telephone service or companies, nor does it include pager service or companies, except when such services are an integral part of services provided by a certificated utility company nor does the term "public utility" include companies or persons engaged in the business of providing solely on a resale basis, any telephone or telecommunication service which is purchased from a telephone corporation or company.

(~~17~~8) "Railroad" means every kind of railway, whether its line of rails or tracks be at, above or below the surface of the earth, and without regard to the kind of power used in moving its rolling stock, and shall be considered to include every kind of street railway, suburban railway or interurban railway excepting facilities established solely for maintenance and rebuilding of railroad cars or locomotives.

(~~18~~9) "Real property" means land and all rights and privileges thereto belonging or any way appertaining, all quarries and fossils in and under the land, and all other property which the law defines, or the courts may interpret, declare and hold to be real property under the letter, spirit, intent and meaning of the law, improvements and all standing timber thereon, including standing timber owned separately from the ownership of the land upon which the same may stand, except as modified in chapter 17, title 63, Idaho Code, and ~~all buildings, structures and improvements, or other fixtures of whatsoever kind on land, including water ditches constructed for mining, manufacturing or irrigation purposes, water and gas mains, wagon and turnpike toll roads, and toll bridges, and all rights and privileges thereto belonging, or any way appertaining, all quarries and fossils in and under the land, and all other property which the law defines, or the courts may interpret, declare and hold to be real property under the letter, spirit, intent and meaning of the law, for the purposes of property taxation. Manufactured homes constitute real property when located on taxable land, and after a statement of intent to declare as real property has been recorded, provided said statement has not been revoked~~. Timber, forest, forest land, and forest products shall be defined as provided in chapter 17, title 63, Idaho Code.

(~~19~~20) "Record owner" means the person or persons in whose name or names the property stands upon the records of the county recorder's office. Where the record owners are husband and wife at the time of notice of pending issue of tax deed, notice to one (1) shall be deemed and imputed as notice to the other spouse.

(2~~0~~1) "Special assessment" means a charge imposed upon property for a specific purpose, collected and enforced in the same manner as property taxes.

(2~~1~~2) "System value" means the market value for assessment purposes of the operating property when considered as a unit.

(2~~2~~3) "Tax code area" means a geographical area made up of one (1) or more taxing districts with one (1) total levy within the geographic area, except as otherwise provided by law.

(2~~3~~4) "Taxing district" means any entity or unit with the statutory authority to levy a property tax.

(2~~4~~5) "Taxable value" means market value for assessment purposes, less applicable exemptions or other statutory provisions.

(2~~5~~6) "Transient personal property" is personal property, specifically such construction, logging or mining machinery and equipment which is kept, moved, transported, shipped, hauled into or remaining for periods of not less than thirty (30) days, in more than one (1) county in the state during the same year.

(2~~6~~7) "Warrant of distraint" means a warrant ordering the seizure of personal property to enforce payment of property tax, special assessment, expense, fee, collection cost or charge collected in the same manner as personal property tax.

SECTION 2. That Chapter 6, 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 63-602KK, Idaho Code, and to read as follows:

63-602KK. PROPERTY EXEMPT FROM TAXATION -- CERTAIN PERSONAL PROPERTY. (1) On and after January 1, 2009, subject to subsection (2) of this section, each taxpayer's personal property, located in the county, which is not otherwise exempt and which is not operating property, shall be exempt to the extent of one hundred thousand dollars ($100,000). For the purposes of this section, a taxpayer includes two (2) or more individuals using the property in a common enterprise or a related group of two (2) or more organizations when the individuals or organizations are within a relationship described in section 267 of the Internal Revenue Code, as defined in section 63-3004, Idaho Code.

(2) This section shall not take effect on January 1, 2009, if on September 1, 2008, the state controller certifies that the receipts to the general fund for the fiscal year ending June 30, 2008, have not exceeded receipts to the general fund from the previous fiscal year by five percent (5%) or more. This section shall take effect on the first year when the state controller certifies to the state tax commission that receipts to the general fund for the fiscal year just ended have exceeded the receipts to the general fund during the previous fiscal year by five percent (5%) or more.

(3) No later than the third Monday of November of each year, the county clerk of each county shall certify to the state tax commission the amount of exemption from property taxes under subsection (1) of this section, in that county for that year. The certification shall identify the property receiving tax reductions, the value of the property, the property's location, the amount of the tax levy applicable to personal property in the location, and the tax before and after the exemption allowed in subsection (1) of this section. The certification shall be in the form prescribed by the state tax commission and shall include such additional information as the commission may require by rule as needed to implement the purpose of this section. The certification shall be reviewed and if necessary, corrected by the state tax commission.

(4) (a) Subject to the limitations of this section, the state tax commission shall reimburse from the amount appropriated for personal

property tax replacement in section 63-3638, Idaho Code, the county treasurer of each county for the reduction on the certification provided in subsection (3) of this section. The county treasurer shall reimburse from the amount received to each taxing district within the county an amount in proportion to the amount of reduction shown on the certification in subsection (3) of this section as corrected. The amount that would otherwise be attributable to tax revenues derived from tax levies on taxable personal property within an existing revenue allocation area as defined in section 50-2903(15), Idaho Code, on or before January 1, 2009, shall be paid directly by the county treasurer to such public body or agency entitled therein in accordance with the formula for such distribution set forth in section 50-2908, Idaho Code.

(b) The state tax commission shall pay one-half (1/2) of the reimbursement provided in this section no later than December 20 of each year, and the second one-half (1/2) shall be paid by no later than June 20 of the following year. The money received by the county tax collector under the provisions of this section may be considered by counties and other taxing districts and budgeted against at the same time, and in the same manner, and in the same year as revenues from taxation. The total amount paid to the county treasurers shall not exceed the amount certified to the state tax commission under subsection (3) of this section.

(c) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received from distributions pursuant to section 63-3638, Idaho Code, as property tax replacement for the taxable value of property exempt from taxation pursuant to this section shall be treated as property tax revenues.

(5) Nothing contained in this section shall affect the taxation of forest lands or forest products pursuant to chapter 17, title 63, Idaho Code, or the taxation of the net profits of mines pursuant to chapter 28, title 63, Idaho Code.

SECTION 3. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter, except as may otherwise be required in sections 63-3203 and 63-3709, Idaho Code, shall be distributed by the tax commission as follows:

(1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(2) Five million dollars ($5,000,000) per year is continuously appropriated and shall be distributed to the permanent building fund, provided by section 57-1108, Idaho Code.

(3) Four million eight hundred thousand dollars ($4,800,000) per year is continuously appropriated and shall be distributed to the water pollution control account established by section 39-3605, Idaho Code.

(4) An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously appropriated and shall be paid to any capital reserve fund,

established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess of the amounts which the association determines will keep it self-supporting.

(5) An amount equal to the sum required by the provisions of sections 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated by section 63-718(3), Idaho Code, is continuously appropriated and shall be paid as provided by sections 63-709 and 63-717, Idaho Code.

(6) An amount required by the provisions of chapter 53, title 33, Idaho Code.

(7) An amount required by the provisions of chapter 87, title 67, Idaho Code.

(8) One dollar ($1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes, and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(9) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue sharing account which is created in the state treasury, and the moneys in the revenue sharing account will be paid in installments each calendar quarter by the tax commission as follows:

(a) Twenty-eight and two-tenths percent (28.2%) shall be paid to the various cities as follows:

(i) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the population of that city bears to the population of all cities within the state; and

(ii) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the preceding year's market value for assessment purposes for that city bears to the preceding year's market value for assessment purposes for all cities within the state.

(b) Twenty-eight and two-tenths percent (28.2%) shall be paid to the various counties as follows:

(i) One million three hundred twenty thousand dollars ($1,320,000) annually shall be distributed one forty-fourth (1/44) to each of the various counties; and

(ii) The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state;

(c) Thirty-five and nine-tenths percent (35.9%) of the amount appropriated in this subsection (9) shall be paid to the several counties for distribution to the cities and counties as follows:

(i) Each city and county which received a payment under the provisions of section 63-3638(e), Idaho Code, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (9)(c) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each city's and county's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (9)(c) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each city and county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.

(iv) If the dollar amount of money available under this subsection (9)(c) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid fifty percent (50%) to the various cities in the proportion that the population of the city bears to the population of all cities within the state, and fifty percent (50%) to the various counties in the proportion that the population of a county bears to the population of the state; and

(d) Seven and seven-tenths percent (7.7%) of the amount appropriated in this subsection (9) shall be paid to the several counties for distribution to special purpose taxing districts as follows:

(i) Each such district which received a payment under the provisions of section 63-3638(e), Idaho Code, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (9)(d) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each special purpose taxing district's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (9)(d) in any quarter exceeds the amount distributed under paragraph (i) of this subsection (9)(d), each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. The state tax commission shall calculate district current property tax budgets to include any unrecovered foregone amounts as determined under section 63-802(1)(e), Idaho Code. When a special purpose taxing district is situated in more than one (1) county, the tax commission shall determine the portion attributable to the special purpose taxing district from each county in which it is situated.

(iv) If special purpose taxing districts are consolidated, the

resulting district is entitled to a base amount equal to the sum of the base amounts which were received in the last calendar quarter by each district prior to the consolidation.

(v) If a special purpose taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received.

(vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection (9)(d).

(vii) For purposes of this subsection (9)(d), a special purpose taxing district is any taxing district which is not a city, a county or a school district.

(10) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts which were received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

(11) Amounts necessary to pay refunds as provided in subsection (3) of section 63-3641, Idaho Code, to a developer of a retail commercial complex whose stores sell tangible personal property or taxable services subject to the sales and use tax up to an aggregate total of thirty-five million dollars ($35,000,000) per project shall be remitted to the demonstration pilot project fund created in subsection (3) of section 63-3641, Idaho Code, and shall be specific to and accounted for by each project.

(12) Amounts calculated in accordance with subsection (4) of section 63-602KK, Idaho Code, for annual distribution to counties and other taxing districts for replacement of property tax on personal property tax exemptions pursuant to subsection (1) of section 63-602KK, Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year.

(13) Any moneys remaining over and above those necessary to meet and reserve for payments under other subsections of this section shall be distributed to the general fund.

SECTION 4. That Section 63-510, Idaho Code, be, and the same is hereby amended to read as follows:

63-510. NOTIFICATION OF VALUATION DUE TO STATE TAX COMMISSION. (1) Prior to the first Monday of August the auditor of each county in the state shall notify the state tax commission of the net taxable value of all property situated within each taxing unit or district in the county from the property roll for the current year and shall provide an estimate of the net taxable value for each taxing unit or district from the current year's estimated subsequent and missed property rolls. Such notification shall also include an estimate of the net taxable value within any area annexed during the immediate prior year to any taxing unit or district.

(2) Prior to the first Monday of March the auditor of each county in the state shall notify the state tax commission of the net taxable value of all property situated within each taxing unit or district in the county from the subsequent and missed property rolls. Such notification shall also include an estimate of the net taxable value within any area annexed during the immediate prior year, and listed on the subsequent or missed property roll, to any taxing unit or district.

(3) The notification required in subsections (1) and (2) of this section shall be on forms prescribed and provided by the state tax commission and shall list separately the value exempt from property taxation in accordance with section 63-602G, Idaho Code, and the value in excess of the equalized assessment valuation as shown on the base assessment roll in any revenue allocation area, pursuant to chapters 20 and 29, title 50, Idaho Code.

(4) For the purposes of this section, "taxing district," as defined in section 63-201(2~~2~~4), Idaho Code, shall include each incorporated city in each county, regardless of whether said city certifies a property tax budget.

SECTION 5. That Section 63-1703, Idaho Code, be, and the same is hereby amended to read as follows:

63-1703. CERTAIN FOREST LANDS TO BE DESIGNATED FOR TAXATION BY OWNER — LIMITATIONS. For the purposes of appraisal, assessment and taxation under the provisions of this chapter, all forest lands in parcels of five (5) or more acres but less than five thousand (5,000), whether contiguous or not, as long as such parcels are held in common ownership, must be designated by the forest landowner to be subject to the provisions of either subsection (a) or (b) of this section. A forest landowner cannot have parcels designated under the provisions of both subsections (a) and (b) of this section at one (1) time. If the forest landowner fails to make a designation, his forest lands shall be subject to appraisal, assessment and taxation under the provisions of section 63-1702, Idaho Code. Once a designation is made by the forest landowner, such designation must remain in effect until the designation period expires, unless the forest lands are transferred to another owner using a different taxing category; in such case, the taxing category of the transferred forest lands shall be the same as that maintained by the new owner.

A forest landowner may change the designation of all forest lands in common ownership at the end of any designation period, subject to the recapture of any deferred taxes due as a result of such change. After January 1 and by December 31 of the tenth year of each designation period the forest landowner must notify the county assessor of any change in forest land designation. Failure to notify the county assessor will result in the continuation of the landowner's present designation until the end of the next designation period.

Any substantial change in the use of forest lands not conforming with the definition of forest land in section 63-1701, Idaho Code, during such ten (10) year period under the designations made in subsection (a) or (b) shall be reported by the landowner to the county assessor within thirty (30) days of the change in use. Upon notification of the change in use, the assessor shall appraise, assess and tax those acres as provided by applicable laws and rules. Failure to notify the assessor of the change in use when forest lands have been designated as subject to the provisions of subsection (a) or (b) shall cause forfeiture of such designation, and cause that property to be appraised, assessed and taxed as provided in section 63-1702, Idaho Code.

Forest lands designated for assessment pursuant to the provisions of section 63-1706, Idaho Code, shall be subject to the recapture of deferred taxes upon removal of such designation, a substantial change in use, or ownership transfer, except that there shall be no recapture initiated upon ownership transfer of forest lands designated as subject to the provisions of section 63-1706, Idaho Code, to a landowner with forest lands already designated as subject to the provisions of section 63-1706, Idaho Code, prior to the transfer, or who so designates his lands to be subject to the provisions of section 63-1706, Idaho Code. In the event payment is offered or made, it shall be accepted by the county treasurer and applied in the manner of payment of other property tax.

The dollar amount of deferred taxes subject to recapture shall be determined by the county assessor by applying current tax levies against the current values that would have been in effect if the lands were subject to appraisal and assessment during the current year under the provisions of section 63-1705, Idaho Code, if there has been a change in ownership or a removal of designation, or section 63-1702, Idaho Code, if there has been a change in use with no change in ownership, which

amount shall be multiplied by the number of years that the lands have been subject to the designation under section 63-1706, Idaho Code. The amount of the deferred tax shall accrue through designation periods, up to a maximum of ten (10) years, and shall apply to the most recent ten (10) years in which the parcel has been designated under the provisions of section 63-1706, Idaho Code. A credit shall be allowed for taxes actually paid under the provisions of section 63-1706, Idaho Code, for an identical ten (10) year period, up to the total amount of the deferred taxes. All deferred amounts shall be a lien against the land. Deferred tax amounts shall be calculated by the county assessor on forms prescribed by the state tax commission. Deferred tax amounts shall be supplied by the county assessor to the county treasurer by May 15 of the year following conveyance or within thirty (30) days of removal of designation, or of learning of a change in use. All deferred tax amounts shall be due and payable to the county treasurer on demand and shall become delinquent if not paid by the demand due date specified by the county treasurer on the forms prescribed by the state tax commission. If the deferred tax is not paid as provided above, the payment becomes delinquent and subject to late charges, and interest in the amounts provided in sections 63-201(~~7~~9) and 63-1001, Idaho Code, and subject to collection in the manner as set forth in chapter 10, title 63, Idaho Code. Estimated deferred tax amounts may be held by the county treasurer in a tax anticipation account from the date of conveyance until June 1 of the year following conveyance.

The county treasurer shall cause the deferred taxes and any penalty and interest paid pursuant to the provisions of this section to be apportioned to the various taxing authorities within which the property subject to the tax is located in the same manner as property taxes.

(a) A forest landowner may choose to have his forest land assessed, appraised and taxed under the provisions of section 63-1705, Idaho Code, by filing such choice with the county assessor on a form prescribed by the state tax commission. Designation filed pursuant to section 63-1705, Idaho Code, shall become effective the first day of January following the year of designation.

(b) A forest landowner may choose to have his forest land assessed, appraised and taxed under the provisions of section 63-1706, Idaho Code, by filing such choice with the county assessor on a form prescribed by the state tax commission. Designation filed pursuant to section 63-1706, Idaho Code, shall become effective the first day of January following the year of designation.

(c) All forest products or timber harvested from investment lands not designated as subject to the provisions of section 63-1702, 63-1705 or 63-1706, Idaho Code, and delivered to a point of utilization as logs or semiprocessed forest products (except those forest products harvested for the domestic use of the landowner under the provisions of section 63-1708, Idaho Code) shall be subject to the yield tax at the time of harvest in the same manner provided for in section 63-1706, Idaho Code.

SECTION 6. That Section 33-1103, Idaho Code, be, and the same is hereby amended to read as follows:

33-1103. DEFINITIONS -- BONDS -- LIMITATION ON AMOUNT -- ELECTIONS TO AUTHORIZE ISSUANCE. (1) For the purposes of this chapter the following definitions shall have the meanings specified: "Market value for

assessment purposes" means the amount of the last preceding equalized assessment of all taxable property and all property exempt from taxation pursuant to section 63-602G, Idaho Code, and property exempt from taxation pursuant to section 63-602KK, Idaho Code, within the school district on the tax rolls completed and available as of the date of approval by the electorate in the school bond election. "Aggregate outstanding indebtedness" means the total sum of unredeemed outstanding bonds, minus all moneys in the bond interest and redemption fund or funds accumulated for the redemption of such outstanding bonds, and minus the sum of all taxes levied for the redemption of such bonds, with the exception of that portion of such tax levies required for the payment of interest on bonds, which taxes remain uncollected. "Issue," "issued," or "issuance" means a formal delivery of bonds to any purchaser thereof and payment therefor to the school district.

(2) The board of trustees of any school district, upon approval of a majority thereof, may submit to the qualified school district electors of the district the question as to whether the board shall be empowered to issue negotiable coupon bonds of the district in an amount and for a period of time to be named in the notice of election.

(3) An elementary school district which employs not less than six (6) teachers, or a school district operating an elementary school or schools, and a secondary school or schools, or issuing bonds for the acquisition of a secondary school or schools, may issue bonds in an amount not to exceed five percent (5%) of the market value for assessment purposes thereof, less the aggregate outstanding indebtedness; and no other school district shall issue bonds in an amount to exceed at any time two percent (2%) of the market value for assessment purposes thereof less the aggregate outstanding indebtedness. The market value for assessment purposes, the aggregate outstanding indebtedness and the unexhausted debt-incurring power of the district shall each be determined as of the date of approval by the electors in the school bond election.

(4) Notice of the bond election shall be given, the election shall be conducted and the returns thereof canvassed, and the qualifications of electors voting or offering to vote shall be, as provided in sections 33-401 through 33-406, 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 7. That Section 63-313, Idaho Code, be, and the same is hereby amended to read as follows:

63-313. SPECIAL PROVISIONS FOR TRANSIENT PERSONAL PROPERTY. (1) All transient personal property shall be listed by the owner and shall show the quantity, name, model, serial number, if any, year of manufacture, date of purchase, cost, whether new or used and other identifying information required by the county assessor. The list of transient personal property shall identify the owner of the property and shall be filed with the home county assessor on or before the first day of November of each year. The owner of transient personal property may elect to treat as his home county that county in which he maintains his residence or

usual place of business or in which the transient personal property is usually kept. The report shall be made on forms prescribed by the state tax commission and shall identify periods of thirty (30) days or more during which the personal property is located in a county, specifying the location of the transient personal property for each month of the current calendar year with a projection of the location for the remaining months of November and December.

(2) The county assessor of the home county or the receiving county of the listing shall file within ten (10) days with the county assessor of all counties identified on the report a copy of the report. Each county so identified shall then place a prorated assessment on such personal property on the subsequent or missed property roll only for the length of time that the personal property was located in their county.

(3) In the event that any transient personal property has been or will be taxed for the current year in another state, the property shall be taxed for only that portion of the year that the transient personal property is kept and does remain in the state of Idaho.

(4) The provisions of this section shall not apply to transient personal property in transit through this state, or to transient personal property sold by the owner thereof in the home county upon which the taxes for the full year have been paid or secured, which said transient personal property is kept, moved, transported, shipped or hauled into and remaining in another county, and there kept or remaining either for the purpose of use or sale within the current year.

(5) For transient personal property valued at over one hundred thousand dollars ($100,000), any exemption in section 63-602KK, Idaho Code, available to the taxpayer shall be allocated among counties based on the prorated value provided in subsection (2) of this section.

SECTION 8. That Section 63-802, Idaho Code, be, and the same is hereby amended to read as follows:

63-802. LIMITATION ON BUDGET REQUESTS -- LIMITATION ON TAX CHARGES -- EXCEPTIONS. (1) Except as provided in subsection (3) of this section for tax year 1995, and each year thereafter, no taxing district shall certify a budget request for an amount of property tax revenues to finance an annual budget that exceeds the greater of:

(a) The dollar amount of property taxes certified for its annual budget for any one (1) of the three (3) tax years preceding the current tax year, whichever is greater, plus the dollar amount of moneys received pursuant to section 63-3638(12), Idaho Code, for the past tax year, which amount may be increased by a growth factor of not to exceed three percent (3%) plus the amount of revenue that would have been generated by applying the levy of the previous year, not including any levy described in subsection (4) of this section, or any school district levy reduction resulting from a distribution of state funds pursuant to section 63-3638(10), Idaho Code, to any increase in market value subject to taxation resulting from new construction or change of land use classification as evidenced by the value shown on the new construction roll compiled pursuant to section 63-301A, Idaho Code; and by the value of annexation during the previous calendar year, as certified by the state tax commission for market values of operating property of public utilities and by the county assessor; or

(b) The dollar amount of property taxes certified for its annual budget during the last year in which a levy was made; or

(c) The dollar amount of the actual budget request, if the taxing district is newly created except as may be provided in subsection (1)(h) of this section; or

(d) In the case of school districts, the restriction imposed in section 33-802, Idaho Code; or

(e) In the case of a nonschool district for which less than the maximum allowable increase in the dollar amount of property taxes is certified for annual budget purposes in any one (1) year, such a district may, in any following year, recover the foregone increase by certifying, in addition to any increase otherwise allowed, an amount not to exceed one hundred percent (100%) of the increase originally foregone. Said additional amount shall be included in future calculations for increases as allowed; or

(f) In the case of cities, if the immediately preceding year's levy subject to the limitation provided by this section, is less than 0.004, the city may increase its budget by an amount not to exceed the difference between 0.004 and actual prior year's levy multiplied by the prior year's market value for assessment purposes. The additional amount must be approved by sixty percent (60%) of the voters voting on the question at an election called for that purpose and held on the date in May or November provided by law, and may be included in the annual budget of the city for purposes of this section; or

(g) A taxing district may submit to the electors within the district the question of whether the budget from property tax revenues may be increased beyond the amount authorized in this section, but not beyond the levy authorized by statute. The additional amount must be approved by sixty-six and two-thirds percent (66 2/3%) or more of the voters voting on the question at an election called for that purpose and held on the May or November dates provided by section 34-106, Idaho Code. If approved by the required minimum sixty-six and two-thirds percent (66 2/3%) of the voters voting at the election, the new budget amount shall be the base budget for the purposes of this section; or

(h) When a nonschool district consolidates with another nonschool district or dissolves and a new district performing similar governmental functions as the dissolved district forms with the same boundaries within three (3) years, the maximum amount of a budget of the district from property tax revenues shall not be greater than the sum of the amounts that would have been authorized by this section for the district itself or for the districts that were consolidated or dissolved and incorporated into a new district; or

(i) In the instance or case of cooperative service agencies, the restrictions imposed in sections 33-315 through 33-318, Idaho Code.

(2) In the case of fire districts, during the year immediately following the election of a public utility or public utilities to consent to be provided fire protection pursuant to section 31-1425, Idaho Code, the maximum amount of property tax revenues permitted in subsection (1) of this section may be increased by an amount equal to the current year's taxable value of the consenting public utility or public utilities multiplied by that portion of the prior year's levy subject to the limitation provided by subsection (1) of this section.

(3) No board of county commissioners shall set a levy, nor shall the state tax commission approve a levy for annual budget purposes which exceeds the limitation imposed in subsection (1) of this section, unless authority to exceed such limitation has been approved by a majority of the taxing district's electors voting on the question at an election called for that purpose and held pursuant to section 34-106, Idaho Code, provided however, that such voter approval shall be for a period of not to exceed two (2) years.

(4) The amount of property tax revenues to finance an annual budget does not include revenues from nonproperty tax sources, and does not include revenue from levies that are voter approved for bonds, override levies or supplemental levies, plant facilities reserve fund levies, school emergency fund levies or for levies applicable to newly annexed property or for levies applicable to new construction as evidenced by the value of property subject to the occupancy tax pursuant to section 63-317, Idaho Code, for the preceding tax year.

SECTION 9. 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 10. This act shall be in full force and effect on and after January 1, 2009.

Approved April 11, 2008.

CHAPTER 401
(H.B. No. 607, As Amended in the Senate)

AN ACT
RELATING TO PUBLIC SCHOOL FUNDING; AMENDING SECTION 33-1002B, IDAHO CODE, TO REVISE THE BASIS FOR CALCULATING PUPIL TUITION-EQUIVALENCY ALLOWANCES AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 33-1002B, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002B. PUPIL TUITION-EQUIVALENCY ALLOWANCES. 1. Districts which educate pupils placed by Idaho court order in licensed homes, agencies, institutions or juvenile detention facilities shall be eligible for an allowance equivalent to forty-two percent (42%) of the previous year's ~~certified local annual tuition rate~~ gross per pupil cost calculated on a daily basis. This district allowance shall be in addition to support unit funding and included in district apportionment payments, subject to approval of district applications by the state superintendent of public instruction.

2. Districts which educate pupils placed by Idaho court order in a juvenile detention facility with a summer school program shall be eligi-

ble for an allowance equivalent to one-half (1/2) of forty-two percent (42%) of the previous year's ~~local annual tuition rate~~ gross per pupil cost calculated on a daily basis. This district allowance shall be in addition to support unit funding and included in district apportionment payments, subject to approval of district applications by the state superintendent of public instruction.

3. Districts which educate school age special education students who, due to the nature and severity of their disabilities are residing in licensed public or private residential facilities or homes, and whose parents are not patrons of the district, shall be eligible for an allowance equivalent to forty-two percent (42%) of the previous year's ~~certified--local--annual tuition rate~~ gross per pupil cost per child plus the excess cost rate that is annually determined by the state superintendent of public instruction. This district allowance shall be in addition to exceptional education support unit funding and included in district apportionment payments, subject to approval of district applications by the state superintendent of public instruction.

Approved April 11, 2008.

CHAPTER 402
(H.B. No. 620)

AN ACT

RELATING TO THE STATE FIRE MARSHAL; AMENDING SECTION 41-253, IDAHO CODE, TO PROVIDE FOR THE APPLICATION OF THE INTERNATIONAL FIRE CODE AND CERTAIN RULES BY ASSISTANTS TO THE STATE FIRE MARSHAL WHEN UNDERTAKING ENFORCEMENT ACTIONS; AMENDING SECTION 41-255, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT BY RULE OF UNIFORM TRAINING PROVISIONS FOR ASSISTANTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-256, IDAHO CODE, TO PROVIDE FOR A LOCAL APPEAL PROCEDURE, TO PROVIDE FOR NOTICE OF LOCAL APPEAL PROCEDURE, TO MAKE A TECHNICAL CORRECTION AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 41-259, IDAHO CODE, TO PROVIDE FOR ORDERS OF REMEDY OR REMOVAL BASED UPON VIOLATION OF THE INTERNATIONAL FIRE CODE; AMENDING SECTION 41-260, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPEALS FROM ORDERS OF REMEDY OR REMOVAL AND TO PROVIDE FOR APPEALS FROM LOCAL APPEAL DECISIONS; AMENDING SECTION 41-261, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PENALTIES ASSOCIATED WITH FAILING TO COMPLY WITH ORDERS OF REMEDY OR REMOVAL, TO PROVIDE FOR PENALTIES RELATING TO FAILURE TO COMPLY WITH LOCAL DECISIONS OR LOCAL APPEAL DECISIONS AND TO PROVIDE FOR THE AWARD OF REASONABLE ATTORNEY'S FEES AND COSTS TO CERTAIN PARTIES; AMENDING SECTION 41-262, IDAHO CODE, TO AUTHORIZE THE STATE FIRE MARSHAL AND ASSISTANTS TO TAKE SPECIFIED ACTION IN THE EVENT A PERSON FAILS TO COMPLY WITH CERTAIN ORDERS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 41-263, IDAHO CODE, TO PROVIDE FOR THE FAILURE TO PAY CERTAIN EXPENSES TO THE STATE FIRE MARSHAL'S OFFICE OR FIRE DISTRICT, TO PROVIDE FOR THE CERTIFICATION OF EXPENSES BY THE STATE FIRE MARSHAL OR HIS ASSISTANTS AND TO PROVIDE FOR REFUNDS OF CERTAIN EXPENSES TO THE STATE FIRE MARSHAL OR FIRE DISTRICT.

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

SECTION 1. That Section 41-253, Idaho Code, be, and the same is hereby amended to read as follows:

41-253. STATEMENT OF PURPOSE -- ADOPTION OF INTERNATIONAL FIRE CODE. (1) The purpose of sections 41-253 through 41-269, Idaho Code, is to protect human life from fire, and to prevent fires. These sections are intended to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises, and there is hereby adopted the "International Fire Code," 2000 edition, with appendices thereto, published by the International Code Council, Inc. and such later editions as may be so published and adopted by the state fire marshal, as the minimum standards for the protection of life and property from fire and explosions in the state of Idaho.

(2) Assistants to the state fire marshal, as provided in section 41-256, Idaho Code, shall apply a reasonable interpretation to the International Fire Code as adopted by the state fire marshal, and rules of the state fire marshal, when undertaking any enforcement action.

(3) For the purposes of sections 41-253 through 41-269, Idaho Code, the "International Fire Code" shall mean the publications as adopted under subsection (1) of this section.

SECTION 2. That Section 41-255, Idaho Code, be, and the same is hereby amended to read as follows:

41-255. DUTIES OF STATE FIRE MARSHAL. In addition to the duties prescribed in section 41-254, Idaho Code, the state fire marshal shall:

(1~~.~~) Administer and enforce this act.

(2~~.~~) Appoint, employ and discharge such deputies and other employees as in his judgment may be necessary, control their powers, prescribe their duties, and fix their compensation.

(3~~.~~) Keep books, records and accounts, which shall be open to inspection and audit by the state of Idaho at all times.

(4~~.~~) Purchase necessary equipment and supplies, and incur any other reasonable and necessary expense in connection with or required for the purpose of carrying out the provisions of this act.

(5~~.~~) Maintain in his office a record of all fires occurring in the state, and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby and whether such losses were covered by insurance, and if so, in what amount. All such records shall be public, except any testimony taken in an investigation under the provisions of this act which the state fire marshal in his discretion may withhold from the public.

(6) Establish by rule uniform training provisions for all persons acting as assistants to the state fire marshal as provided in section 41-256, Idaho Code.

SECTION 3. That Section 41-256, Idaho Code, be, and the same is hereby amended to read as follows:

41-256. ASSISTANTS TO STATE FIRE MARSHAL -- LOCAL APPEAL PROCEDURE. (1) The chief of the fire department, or his deputy, of every city or county, or fire protection district organized under state law in which a fire department is established, and in areas where no organized fire department exists the county sheriff, or his deputy, shall be assistants to the state fire marshal in carrying out the provisions of the ~~i~~International ~~f~~Fire ~~c~~Code and ~~such other regulations as set forth by the~~ rules of the state fire marshal.

(2) Any final decision made by an assistant to the state fire marshal involving an interpretation of the International Fire Code or rules of the state fire marshal shall contain a notification to any party subject to the decision that the decision may be appealed in a local appeal procedure that is substantially similar to the one set forth in the International Fire Code or rules adopted by the state fire marshal.

SECTION 4. That Section 41-259, Idaho Code, be, and the same is hereby amended to read as follows:

41-259. INSPECTION OF BUILDINGS -- ORDER OF REMEDY OR REMOVAL -- SERVICE OF ORDER. The state fire marshal, his deputies or assistants, upon the written and signed complaint of any person or whenever he or they shall deem it necessary, may at reasonable hours inspect buildings and premises within their jurisdiction, upon the presentation of proper credentials, except the interior of private dwellings, private garages appertaining to such residences, or buildings on farms of more than five (5) acres.

Whenever any of said officers shall find that any building or other structure which, for want of repairs, or lack of or insufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or due to violation of the International Fire Code or from any other cause, is especially liable to fire, and is so situated as to endanger life, other buildings or structures or said building or structure, he or they shall order the same to be remedied or removed, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, unless said owner or occupant avail himself of the appeals procedure set forth in this act.

The service of any such order shall be made upon the owner or occupant either by delivering to and leaving with the said person a true copy of the said order, or, by mailing such copy to the owner or occupant's last known address. All mailings shall be registered or certified, with return receipt.

SECTION 5. That Section 41-260, Idaho Code, be, and the same is hereby amended to read as follows:

41-260. APPEAL FROM ORDER OF REMEDY OR REMOVAL -- APPEAL FROM LOCAL APPEAL DECISION. If ~~such~~ an order to remedy or remove, or a local appeal decision regarding the interpretation of the International Fire Code or rules of the state fire marshal, is made by the deputies or assistants of the state fire marshal, such owner or occupant who receives the order, or a party aggrieved by a local appeal decision, may, within twenty (20) days after receipt of service of such order or local appeal decision, appeal to the state fire marshal, who shall within ten (10)

days, review such order or local appeal decision and if affirmed, file his decision thereon, and unless by his authority the order or local appeal decision is revoked or modified it shall remain in full force and be complied with within the time fixed in said order, local appeal decision, or decision of the state fire marshal.

Provided, however, that any such owner, ~~or~~ occupant or party who feels himself aggrieved by any such order or local appeal decision, or affirming of such order or local appeal decision, may within thirty (30) days after the making or affirming of any such order or local appeal decision by the state fire marshal, appeal such order or local appeal decision to the district court having jurisdiction of the property.

SECTION 6. That Section 41-261, Idaho Code, be, and the same is hereby amended to read as follows:

41-261. FAILURE TO COMPLY WITH ORDER OF REMEDY OR REMOVAL -- FAILURE TO COMPLY WITH LOCAL DECISION OR LOCAL APPEAL DECISION -- PENALTY -- CIVIL ACTION TO RECOVER PENALTY. Any owner or occupant failing to comply with such order or local decision, or local appeal decision within thirty (30) days after said appeal to the state fire marshal has been determined, or, if no appeal is taken, then within the time fixed in said order, local decision or local appeal decision shall be liable to a penalty of: ten dollars ($10.00) for each day's neglect beginning with the first day through the seventh day; fifty dollars ($50.00) per day on the eighth through the thirtieth day; and one hundred dollars ($100) per day on the thirty-first day and each day thereafter. In the event such enforcement action is brought by the office of the state fire marshal, the penalty shall be payable to the state fire marshal, for deposit in the arson, fire and fraud prevention account. In the event such enforcement action is brought by a fire district under the authority of the state fire marshal, the penalty shall then be payable to the fire district which has prosecuted the enforcement action.

The penalty herein provided, if not then paid, may be recovered in an action brought in any court of competent jurisdiction of the county where such property is located, in the name of the state, under the direction of the state fire marshal and/or any of the assistants herein designated, where such property is located, or by an attorney specially designated therefor by the attorney general, or by the attorney for a fire district in the event such enforcement action is brought by the district. The reasonable attorney's fees and costs incurred in bringing any such enforcement action, if any, shall be awarded to the state or the fire district bringing the enforcement action in addition to the assessment of any penalty, and shall be paid in the same manner as the penalty. If the court determines that the enforcement action has been brought frivolously or without reasonable cause, the court may award to the owner, ~~or~~ occupant or party who is the subject of the enforcement action such reasonable attorney's fees and costs of the defense or appeal of the enforcement action as the court determines is fair and just.

SECTION 7. That Section 41-262, Idaho Code, be, and the same is hereby amended to read as follows:

41-262. FAILURE TO COMPLY WITH ORDER OF REMEDY OR REMOVAL -- REPAIR OR DEMOLITION OF PREMISES -- EXPENSE. If any person fails to comply with the order of any officer, the state fire marshal or assistants to the state fire marshal under the preceding sections or with the order as modified on appeal as herein provided, and within the time fixed, then such officer, ~~is~~ the state fire marshal or assistants to the state fire marshal are hereby empowered and authorized to cause such building or premises to be repaired, torn down or demolished, with the materials removed and all dangerous conditions remedied, at the expense of the person who fails to comply with such order.

SECTION 8. That Section 41-263, Idaho Code, be, and the same is hereby amended to read as follows:

41-263. FAILURE TO PAY EXPENSE OF REPAIR OR DEMOLITION -- ASSESSMENT. If, within thirty (30) days thereafter, such person shall fail, neglect or refuse to repay ~~the marshal~~ the expenses for demolishing or repair of said building incurred under the provisions of this act, to the state fire marshal's office if the demolition or repair action was brought by the state fire marshal, or to a fire district if a fire district brought the demolition or repair action, the enforcing officer, state fire marshal or his assistants shall certify such expenses to the clerk of the city, fire district or county in which the property is situated, and the city, fire protection district or county shall certify to the county treasurer the amount of the assessment, which assessment shall be by said county treasurer, placed upon the tax roll and collected as other taxes, and when collected shall be refunded to the state fire marshal for deposit in the arson, fire and fraud prevention account if the demolition or repair action was brought by the state fire marshal, or to a fire district if a fire district brought the demolition or repair action.

Approved April 11, 2008.

CHAPTER 403
(H.B. No. 682)

AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE LEGISLATIVE COUNCIL FOR THE OFFICE OF PERFORMANCE EVALUATIONS FOR FISCAL YEAR 2009.

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 Legislative Council for the Office of Performance Evaluations the sum of $550,000 from the General Fund for the period July 1, 2008, through June 30, 2009. Such moneys shall be used by the Office of Performance Evaluations to manage an independent evaluation of the Idaho Transportation Department beginning in fiscal year 2009.

Approved April 11, 2008.

CHAPTER 404
(H.B. No. 696)

AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2009.

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 Idaho Transportation Department the following amounts to be expended for the designated programs according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MOTOR VEHICLES:			
FROM:			
State Highway Fund (Dedicated)	$ 93,200	$ 30,100	$ 123,300
II. HIGHWAY OPERATIONS:			
FROM:			
State Highway Fund (Dedicated)	$722,200		$ 722,200
III. CONTRACT CONSTRUCTION, RIGHT-OF-WAY ACQUISITION:			
FROM:			
State Highway Fund (Dedicated)		$648,500	$ 648,500
TOTAL	$815,400	$678,600	$1,494,000

Approved April 11, 2008.

CHAPTER 405
(S.B. No. 1413, As Amended, As Amended in the House)

AN ACT
RELATING TO LIQUOR LICENSES; AMENDING SECTION 23-903, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ISSUANCE OF LICENSES TO OWNERS, OPERATORS AND LESSEES OF CERTAIN FOOD, CONFERENCE AND LODGING FACILITIES.

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

SECTION 1. That Section 23-903, Idaho Code, be, and the same is hereby amended to read as follows:

23-903. LICENSE TO RETAIL LIQUOR. The director of the Idaho state police is hereby empowered, authorized, and directed to issue licenses to qualified applicants, as herein provided, whereby the licensee shall

be authorized and permitted to sell liquor by the drink at retail and, upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail by the drink, but only in accordance with the rules promulgated by the director and the provisions of this chapter. No license shall be issued for the sale of liquor on any premises outside the incorporated limits of any city except as provided in this chapter and the number of licenses so issued for any city shall not exceed one (1) license for each one thousand five hundred (1,500) of population of said city or fraction thereof, as established in the last preceding census, or any subsequent special census conducted by the United States bureau of the census or by an estimate that is statistically valid including adding the number of new residential utility connections or including adding the population of areas annexed into the city after the last census or special census was conducted, except that upon proper application thereof not more than two (2) licenses may be issued for each incorporated city with a population of one thousand five hundred (1,500) or less, unless the retail licensing of liquor by the drink has been previously disapproved under the provisions of sections 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code; provided, however, that any license heretofore issued may be renewed from year to year without regard to the population or status of the city for which such license is issued. Any license issued and which has remained in effect at its location for a consecutive period of ten (10) years or more shall be deemed to have been validly issued and may be renewed from year to year provided, however, that the applicant for the renewal of such license is not otherwise disqualified for licensure pursuant to section 23-910, Idaho Code, and, if the premises required special characteristics for original licensure, other than being either within or without the incorporated limits of a city, that said premises continue to have such special characteristics at the time of the application for renewal.

Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of an actual, bona fide golf course whether located within or without the limits of any city, or located on premises also operated as a winery, or ski resort, or to the lessee of any premises situate thereon, no part of which ski resort or the premises thereon is situate within the incorporated limits of any city. For the purpose of this section a golf course shall comprise an actual, bona fide golf course, which is regularly used for the playing of the game of golf, and having not less than nine (9) tees, fairways and greens laid out and used in the usual and regular manner of a golf course. Nine (9) hole courses must have a total yardage of at least one thousand (1,000) yards, and eighteen (18) hole courses must have a total yardage of at least two thousand (2,000) yards as measured by totaling the tee-to-green distance of all holes. The course must be planted in grass except that it may provide artificial tee mats. Where any such golf course is owned or leased by an association of members and is used or enjoyed by such members, or their guests, none of the disqualifications contained in section 23-910, Idaho Code, shall apply to such association as a licensee where such disqualifications, or any of them, would apply only to a member of such association where such member has no interest therein except as a member thereof.

Also for the purpose of this section a ski resort shall comprise real property of not less than ten (10) acres in size, exclusive of the

terrain used for skiing and upon which the owner, operator, or lessee of the ski resort has made available himself, or through others, including, but not limited to, the owners of condominiums, permanent bona fide overnight accommodations available to the general public for one hundred (100) persons or more, and which real property is contiguous to or located within the area in which skiing occurs, and which real property is regularly operated as a ski resort in the winter time, and where the owner, operator, or lessee of the ski resort is also the owner, operator, or lessee of the area served by a bona fide chair ski lift facility or facilities. Alternatively, for the purpose of this section a ski resort may also be defined as a downhill ski area, open to the public, comprising real property of not less than two hundred fifty (250) skiable acres, operating two (2) or more chair lifts with a vertical lift of one thousand (1,000) feet or more, and capable of transporting a minimum of one thousand eight hundred (1,800) skiers per hour. A ski resort qualifying under this definition shall also have on the premises a lodge facility providing shelter and food service to the public, the operator of which shall also be the valid owner or lessee of the grounds and facilities upon which the ski resort offers downhill skiing services to the public. The fees for licenses granted to ski resorts shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Not more than one (1) licensed premises shall be permitted on any golf course or any ski resort or within the area comprising the same.

Nothing herein contained shall prohibit the issuance of a license to the owner, operator or lessee of an actual, bona fide equestrian facility located on not less than forty (40) contiguous acres, with permanently erected seating of not less than six thousand (6,000) seats, no part of which equestrian facility or the premises thereon is situate within the incorporated limits of any city, and which facility shall have at least three (3) days per year of a professionally sanctioned rodeo. Not more than one (1) licensed premises shall be permitted at any equestrian facility or within an area comprising such a facility. The license shall be solely for the equestrian facility and shall not be transferred to any other location. The fees for licenses granted to equestrian facilities shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code.

Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of a restaurant operated on an airport owned or operated by a county or municipal corporation or on an airport owned or operated jointly by a county and municipal corporation, and which said airport is served by a trunk or local service air carrier holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board of the United States of America. Not more than one (1) license shall be issued on any airport.

Nothing herein contained shall prohibit the issuance of one (1) club license to a club as defined in section 23-902, Idaho Code. The holder of a club license is authorized to sell and serve alcoholic beverages for consumption only within the licensed establishment owned, leased or occupied by the club, and only to bona fide members of the club, and to serve and to sell alcoholic beverages for consumption to bona fide members' guests. A club license issued pursuant to the provisions of this section is not transferable and may not be sold. Any club license issued pursuant to the provisions of this section will revert to the director

when, in his judgment, the licensee ceases to operate as a bona fide club as defined in section 23-902, Idaho Code. No club may hold a liquor license and a club license simultaneously. A club which on July 1, 1983, holds a liquor license, may continue to possess that license. Any club which possesses a liquor license on January 1, 1983, or thereafter, and then sells that liquor license, may not obtain a club license, and the director shall not issue a club license to that club for a period of five (5) years following such sale. The fee for any license issued to a qualifying club within an incorporated municipality shall be as prescribed in subsections (1), (2) and (3) of section 23-904, Idaho Code. The fee for any license issued to a qualifying club not situate within an incorporated municipality shall be as specified for golf courses under section 23-904(6), Idaho Code. The provisions of section 23-916, Idaho Code, regarding county and city licenses, shall pertain to club licenses. The burden of producing sufficient documentation of qualifications for club licensure shall be with the club applicant.

Nothing in this chapter to the contrary shall prohibit the issuance of a license to the owner, operator, or lessee of an actual, bona fide convention center which is within the incorporated limits of a city having a population of three thousand (3,000) or greater, and which city does not have located therein a convention center with a valid convention center license to sell liquor by the drink. For the purpose of this section, a convention center means a facility having at least thirty-five thousand (35,000) square feet of floor space or a facility having at least one hundred twenty (120) sleeping rooms and an adjoining meeting room which will accommodate not less than three hundred fifty (350) persons, whether or not such room may be partitioned into smaller rooms, and provided that such meeting room shall contain at least three thousand (3,000) square feet of floor space. Such license must be placed in actual use in said convention center within one (1) year from the date of its issuance. The fee for any license issued to a qualifying convention center shall be as prescribed in subsection (3) of section 23-904, Idaho Code. No license issued to a convention center hereunder shall be transferable to another location or facility, nor shall the holder of a convention center license be eligible for the issuance of a license in the same city pursuant to any other provision of this chapter. For purposes of this section, the term holder shall include an owner, operator or lessee and shall include a stockholder, director, or officer of a corporation, or a partner in a partnership, which corporation or partnership has been issued a convention center license pursuant to this chapter. Not more than one (1) licensed premises shall be permitted on any convention center or within the area comprising the same, including convention centers that also comprise golf courses or ski resorts as herein defined.

Nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of a food, beverage and/or lodging facility that has been in continuous operation in the same location for at least seventy-five (75) years, except for temporary closings for refurbishing or reconstruction, or a food, beverage and lodging facility serving the public by reservation only, having a minimum of five (5) rooms operating in a structure that has been in existence for at least seventy-five (75) years and has been on the historic register for a minimum of ten (10) years, is situated within five hundred (500) yards of a natural lake containing a minimum of thirty-six thousand (36,000) acre

feet of water when full with a minimum of thirty-two (32) miles of shoreline, and is located in a county with a minimum population of sixty-five thousand (65,000). The provisions of section 23-910, Idaho Code, shall apply to licenses issued to continuous operation facilities. The fees shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Licenses issued to continuous operation facilities are not transferable.

Nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of the lodging, dining and entertainment facilities owned by a gondola resort complex and operated in conjunction with the other public services provided by a gondola resort complex located within the ownership/leasehold boundaries of a gondola resort complex.

A gondola resort complex means an actual, bona fide gondola capable of transporting people for recreational and/or entertainment purposes at least three (3) miles in length with a vertical rise of three thousand (3,000) feet, portions of which may be located within or over the limits of one (1) or more cities.

Nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of a winery also operating a golf course on the premises.

Subject to approval of the mayor and city council, nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of a food, conference and lodging facility constructed after ~~July 1, 2004~~ May 1, 2000, containing a minimum of ~~sixty~~ thirty-five thousand (60~~3~~35,000) square feet and ~~sixty~~ fifty-five (60~~5~~55) guest rooms with a minimum taxable value of ~~fifteen~~ three million dollars ($~~15~~3,000,000) in a city with a population of less than five thousand (5,000) according to the most recent census.

The provisions of section 23-910, Idaho Code, shall apply to licenses issued under the provisions of this section. The fees shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Licenses issued under the provisions of this section are not transferable.

Approved April 11, 2008.

CHAPTER 406
(S.B. No. 1425, As Amended in the House)

AN ACT

RELATING TO THE NATUROPATHIC PHYSICIANS LICENSING ACT; AMENDING SECTION 54-5108, IDAHO CODE, TO PROVIDE THAT MEMBERS OF THE BOARD OF NATUROPATHIC MEDICAL EXAMINERS SHALL SERVE AT THE PLEASURE OF THE GOVERNOR AND TO REVISE REQUIREMENTS FOR NOMINATIONS TO THE BOARD AND TO DELETE PROVISION FOR REMOVAL OF A BOARD MEMBER FOR CAUSE; TO PROHIBIT ISSUANCE OF NEW LICENSES UNTIL CERTAIN CONDITIONS ARE MET; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-5108, Idaho Code, be, and the same is hereby amended to read as follows:

54-5108. BOARD OF NATUROPATHIC MEDICAL EXAMINERS. (1) There is hereby established in the department of self-governing agencies, bureau of occupational licenses, the board of naturopathic medical examiners.

(2) The board shall consist of five (5) members, four (4) of whom shall be licensed pursuant to this chapter and one (1) of whom shall be a member of the public with an interest in the rights of consumers of naturopathic physician services.

(3) One (1) member of the initial board shall be appointed for a one (1) year term of office, one (1) member of the initial board shall be appointed for a two (2) year term of office, one (1) member of the initial board shall be appointed for a three (3) year term of office, one (1) member shall be appointed for a four (4) year term of office, and one (1) member of the initial board shall be appointed for a five (5) year term of office. Thereafter, the term of office for each member shall be five (5) years. Members shall serve at the pleasure of the governor.

(4) Appointments to the board shall be made by the governor. Prior to the expiration of the regular term of a member of the board or upon the occurrence of declaration of a vacancy in the membership of the board, the governor shall notify in writing the Idaho association of naturopathic physicians and the Idaho chapter of the American association of naturopathic physicians thereof, and each association shall, within thirty (30) days thereafter, nominate one (1) or more qualified persons to fill such vacancy and shall forthwith forward the nominations to the governor, who shall thereupon appoint from such nominees, the person to be a member of the board to fill such vacancy. ~~from nominations received from the Idaho association of naturopathic physicians, who shall nominate persons qualified for each position to be filled.~~

(5) The four (4) members of the board who are naturopathic physicians shall be licensed pursuant to this chapter, practicing within the state of Idaho for the duration of their appointment and shall have been practitioners within the state of Idaho for a minimum of two (2) years immediately preceding appointment.

(6) The initial four (4) licensed naturopathic physician members of the board shall be persons with at least two (2) years of experience in the practice of naturopathic medicine who are eligible to become licensed pursuant to this chapter. In the event of death, resignation or removal of any member before the expiration of the term to which appointed, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(7) ~~The governor may remove any member of the board for cause, prior to the expiration of the member's term.~~

~~(8)~~ The board, within thirty (30) days after its appointment, and at least annually thereafter, shall hold a meeting and elect a chairman. The board may hold additional meetings on the call of the chair or at the written request of any two (2) members of the board. The board may appoint such committees as it considers necessary to carry out its duties. A majority of the board shall constitute a quorum.

SECTION 2. Notwithstanding the provisions of Chapter 51, Title 54, Idaho Code, as of the effective date of this act, the Board of Naturopathic Medical Examiners shall issue no new licenses until administrative rules submitted by the Board of Naturopathic Medical Examiners are approved by the members of the First Regular Session of the Sixtieth Idaho Legislature, or as allowed sooner by Executive Order of the Governor.

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

Approved April 11, 2008.

CHAPTER 407
(S.B. No. 1485)

AN ACT

RELATING TO THE BOND BANK AUTHORITY; AMENDING SECTION 67-8716, IDAHO CODE, TO REVISE THE PLEDGE OF THE SALES TAX; AMENDING SECTION 67-8725, IDAHO CODE, TO REVISE PROCEDURES RELATING TO REPAYMENT OF RESERVE FUNDS AND THE RELATED INTERCEPT OF FUNDS PAYABLE TO A MUNICIPALITY; AMENDING SECTION 67-8727, IDAHO CODE, TO REVISE PROCEDURES RELATING TO THE INTERCEPT OF FUNDS PAYABLE TO A MUNICIPALITY; AND REPEALING SECTION 67-8728, IDAHO CODE, RELATING TO A LIMITED EXEMPTION FROM INTERCEPT PROVISIONS.

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

SECTION 1. That Section 67-8716, Idaho Code, be, and the same is hereby amended to read as follows:

67-8716. UNLIMITED SALES TAX ACCOUNT PLEDGE. (1) ~~If moneys expected to be intercepted pursuant to section 67-8725, Idaho Code, are expected to be insufficient to reimburse the state for its payments in respect of the municipal bonds, except for bonds the authority has specifically designated, at the time of issuance, not to receive payment from the sales tax, the state treasurer shall certify to and give notice to the state tax commission of the amount of the deficiency.~~

~~(2)~~ If sufficient moneys are not available to pay debt service on the bonds of the authority, except for bonds the authority has specifically designated not to receive payment from the sales tax, as of five (5) days prior to the scheduled payment date of ~~the~~ such bonds, the state treasurer shall give notice to the state tax commission, certifying the amount of the deficiency, at least five (5) days prior to the scheduled payment date. After receipt of the certified notice from the state treasurer pursuant to ~~section 67-8727, Idaho Code, or subsection (1) of this section or~~ this subsection (~~2~~1), the state tax commission shall:

(a) Immediately fix the amount necessary and in the amount of the deficiency stated in the notice; and

(b) Cause state sales tax moneys subject to distribution under sec-

tion 63-3638, Idaho Code, to be transferred from the state sales tax account and deposited in the bond bank authority fund, which is hereby statutorily created in the state treasury; provided however, that in no event shall a transfer of moneys from the state sales tax account under the provisions of this chapter impede or otherwise affect the payment of sales tax moneys pledged for the payment on other state bonds outstanding on the effective date of this act or subsequently issued as tax anticipation notes pursuant to section 63-3202, Idaho Code.

(~~3~~2) Moneys transferred from the state sales tax account to the bond bank authority fund pursuant to subsection (~~2~~1) of this section shall be deposited in the reserve fund as replacement moneys for amounts withdrawn from the reserve fund to pay debt service on the bonds pursuant to section 67-8725, Idaho Code, to the extent such moneys are derived from amounts appropriated to the reserve fund by the legislature, or shall be used to pay debt service when due on bonds for which other moneys available pursuant to section 67-8727, Idaho Code, are insufficient.

(~~4~~3) The state of Idaho pledges to and agrees with the holders of any bonds that the state will not alter, impair or limit the rights vested by the sales tax account pledge provided in this section and in section 63-3638, Idaho Code, with respect to the bonds until the bonds, together with applicable interest, are fully paid and discharged.

(~~5~~4) To the extent that other legally available revenues and funds of the state are sufficient to meet the certified deficiency, the transfer of moneys from the sales tax account in section 63-3638, Idaho Code, is abated.

SECTION 2. That Section 67-8725, Idaho Code, be, and the same is hereby amended to read as follows:

67-8725. PAYMENT TRANSFER -- NOTICE OF NONPAYMENT -- STATE FINANCIAL ASSISTANCE INTERCEPT MECHANISM -- STATE TREASURER DUTIES -- INTEREST AND PENALTY PROVISIONS.

(1) (a) Each municipality, with outstanding unpaid municipal bonds as set forth in this chapter held by or for the authority, ~~except for those municipal bonds described in section 67-8728, Idaho Code, and so designated by the authority at the time it issues bonds to acquire such municipal bonds,~~ shall transfer moneys sufficient for the scheduled debt service payment to its paying agent at least fifteen (15) days before any principal or interest payment date for the bonds in order that the bonds of the authority may be paid. The paying agent may be the trustee for the bonds of the authority that are secured by those municipal bonds.

(b) A municipality subject to this section and chapter with regard to any municipal bonds and which is unable to transfer the scheduled debt service payment to the paying agent at least fifteen (15) days before the scheduled payment date shall immediately notify the paying agent and the state treasurer by:

(i) Telephone;

(ii) A writing sent by facsimile transmission; and

(iii) A writing sent by first-class United States mail.

(c) If sufficient funds are not transferred to the paying agent as required by this subsection, the paying agent shall notify the

authority and the state treasurer of that failure in writing at least ten (10) days before the scheduled debt service payment date by:

(i) Telephone;

(ii) A writing sent by facsimile transmission; and

(iii) A writing sent by first-class United States mail.

(d) If sufficient moneys to pay the scheduled debt service payment have not been transferred to the paying agent at least ten (10) days before the scheduled payment date, the authority or the state treasurer shall cause sufficient moneys to be transferred from the reserve fund as provided in section 67-8713, Idaho Code, to the paying agent to make the scheduled debt service payment on the bonds of the authority.

(e) To the extent moneys transferred from the reserve fund are derived from moneys appropriated to the reserve fund by the legislature, the payment by the state treasurer:

~~(i) Discharges the obligation of the issuing municipality to its bondholders for the payment; and~~

~~(ii)~~ Transfers the rights represented by the ~~general~~ obligation of the municipality and/or authority from the bondholders to the state.

(2) (a) If one (1) or more payments on bonds are made by the state treasurer from moneys in the reserve fund that are derived from moneys appropriated to the reserve fund by the legislature, due to the failure of the municipality to make payment on its bonds in a timely manner, the state treasurer, subject to the limitations provided in paragraph (b) of this subsection shall:

(i) Immediately intercept any payments from:

(A) The receipts of any payment of property taxes; or

(B) Sales tax moneys that would be distributed pursuant to section 63-3638, Idaho Code; or

(C) Liquor revenues that would be distributed pursuant to section 23-404, Idaho Code; or

(D) Any other source of operating moneys provided by the state to the municipality that issued the municipal bonds that would otherwise be paid to the municipality by the state; and

(ii) Apply the intercepted payments to reimburse the state for payments made by the state for the bonds of the authority by deposit to the reserve fund up to the amount withdrawn from the reserve fund for such purpose until all obligations of the municipality to the state arising from those payments, including interest and penalties, are paid in full.

(b) ~~When intercepting payments under paragraph (a) of this subsection, the state treasurer shall intercept only such payments, if any, which would otherwise be lawfully available to the municipality for the repayment of its municipal bonds and further subject to the limitations of section 67-8728, Idaho Code~~ The foregoing intercept and transfer provisions shall operate by force of law and no consent thereto is required of the municipality in order to be enforceable, provided that such provisions shall not apply to any municipal bonds that were previously deemed exempt from intercept under section 67-8728, Idaho Code, when such section was in full force and effect.

(c) The state has no obligation to the municipality or to any per-

son or entity to replace any moneys intercepted under the authority of this subsection. Any funds intercepted under subsection (2)(a)(i) of this section shall be used only for payment of bonds of the authority and not the bonds of the municipality, and the municipality shall receive no credit against amounts due under its municipal bonds for any amounts intercepted under subsection (2)(a)(i) of this section.

(3) The municipality that issued municipal bonds for which the state has made all or part of a debt service payment, either from amounts in the reserve fund that are derived from moneys appropriated by the legislature or from moneys transferred from the state sales tax account pursuant to section 67-8716, Idaho Code, shall:

(a) Reimburse all moneys drawn by the state treasurer on its behalf;

(b) Pay interest to the state on all moneys paid by the state from the date the moneys are drawn to the date they are repaid at a rate not less than the average prime rate for national money center banks plus five percent (5%); and

(c) Pay all penalties required by this chapter.

(4) (a) The state treasurer shall establish the reimbursement interest rate after considering the circumstances of any prior draws by the municipality on the state, market interest and penalty rates, and the cost of funds, if any, that were required to be borrowed by the state to make payments on the bonds.

(b) The state treasurer may, after considering the circumstances giving rise to the failure of the municipality to make payment on its bonds in a timely manner, impose on the municipality a penalty of not more than five percent (5%) of the amount paid by the state for each instance in which a payment by the state is made.

(5)(a)(i) If the state treasurer determines that amounts obtained under this section will not reimburse the state in full within one (1) year from the state's payment of a municipality's scheduled debt service payment, the state treasurer shall pursue any legal action, including mandamus, against the municipality to compel it to:

(A) Levy and provide tax or other revenues to pay debt service on its municipal bonds when due; and

(B) Meet its repayment obligations to the state.

(ii) In pursuing its rights under paragraph (a) of this subsection, the state shall have the same substantive and procedural rights as would a holder of the bonds of a municipality.

(b) The attorney general shall assist the state treasurer in these duties.

(c) The municipality shall pay the attorney's fees, expenses and costs of the state treasurer and the attorney general.

(6) (a) Except as provided in paragraph (c) of this subsection, any municipality whose operating funds were intercepted under this section may replace those funds from other municipal moneys or from property taxes, subject to the limitations provided in this subsection. Said operating funds may also be replaced by the authority from excess amounts available to it if the municipality subsequently pays the delinquent payments on its municipal bonds and any penalties or costs of expenses due the authority in connection therewith.

(b) A municipality may use property taxes or other moneys to

replace intercepted funds only if the property taxes or other moneys were derived from:

(i) Taxes originally levied to make the payment but which were not timely received by the municipality;

(ii) Taxes from a supplemental levy made to make the missed payment or to replace the intercepted moneys;

(iii) Moneys transferred from the undistributed reserve, if any, of the municipality; or

(iv) Any other source of money on hand and legally available.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection, a municipality may not replace operating funds intercepted by the state with moneys collected by the municipality and held to make payments on its municipal bonds if that replacement would divert moneys from the payment of future debt service on ~~the~~ its municipal bonds and increase the risk that the state would be called upon an additional time to make payments on the bonds of the authority.

SECTION 3. That Section 67-8727, Idaho Code, be, and the same is hereby amended to read as follows:

67-8727. ALTERNATIVE INTERCEPT PROCEDURE. Notwithstanding any other provision of law to the contrary, to the extent that any bonds are not secured by moneys appropriated by the legislature to the reserve fund established pursuant to section 67-8713, Idaho Code, or such moneys are insufficient to pay debt service when due on the bonds, in lieu of the provisions set forth in section 67-8725, Idaho Code, the following provisions shall apply, provided that the provisions of section 67-8725, Idaho Code, shall continue to apply with respect to transfers of amounts in the reserve fund derived from moneys appropriated by the legislature:

(1) (a) Each municipality with outstanding unpaid municipal bonds as set forth in this chapter held by or for the authority, ~~except for--those-municipal-bonds-described-in-section-67-8728,-Idaho-Code, and-so-designated-by-the-authority-at-the-time-it--issues--bonds--to acquire--such--municipal-bonds,~~ shall transfer moneys sufficient for the scheduled debt service payment to its paying agent at least fifteen (15) days before any principal or interest payment date for the bonds. The paying agent may be the trustee for the bonds of the authority that are secured by those municipal bonds.

(b) A municipality which is unable to transfer the scheduled debt service payment to the paying agent at least fifteen (15) days before the scheduled payment date shall immediately notify the paying agent, the authority and the state treasurer by:

(i) Telephone;

(ii) A writing sent by facsimile transmission; and

(iii) A writing sent by first-class United States mail.

(c) If sufficient funds are not transferred to the paying agent as trustee for the bonds of the authority that are secured by those municipal bonds at least ten (10) days before the scheduled debt service payment date of those bonds, the trustee shall transfer any available funds pledged to secure payment of the bonds of the authority or the municipality held in any reserve fund or other pledged fund, or draw on any reserve surety policy securing ~~the~~ such bonds, sufficient amounts to make up any shortfall in the amount

necessary to pay debt service on the bonds on the scheduled payment date and deposit such amount in the debt service payment fund for those bonds.

(d) If the trustee is required to transfer funds pursuant to paragraph (c) of this subsection to pay debt service on the bonds of the authority or there are not sufficient funds available pursuant to paragraph (c) of this subsection to make up for any shortfall in the amount necessary to pay debt service on ~~the~~ such bonds in order that the bonds of the authority may be timely paid, at least ten (10) days before the scheduled debt service payment date of the bonds, the trustee shall notify the authority and the state treasurer by:

(i) Telephone;

(ii) A writing sent by facsimile transmission; and

(iii) A writing sent by first-class United States mail.

(e) Upon the notice provided in subsection (1)(d) of this section, the state treasurer~~, subject to the limitations provided in subsection (1)(e)(iii) of this section~~ shall:

(i) Immediately intercept any payments from:

(A) The receipts of any payment of property taxes; or

(B) Sales tax moneys that would be distributed pursuant to section 63-3638, Idaho Code; or

(C) Liquor tax moneys that would be distributed pursuant to section 23-404, Idaho Code; or

(D) Any other source of operating moneys provided by the state to the municipality that issued the municipal bonds that would otherwise be paid to the municipality by the state; and

(ii) Transfer the intercepted payments in the following order of priority:

(A) To the trustee for the bonds of the authority for deposit in the debt service payment fund for ~~the~~ such bonds until there are sufficient amounts on deposit to pay debt service on the bonds of the authority on the scheduled payment date; provided that if the state treasurer will be unable to transfer sufficient intercepted payments for such purpose, the state treasurer shall give notice to the state tax commission, certifying the amount of the deficiency, at least five (5) days prior to the scheduled payment date of the bonds;

(B) To the trustee for the bonds to reimburse any amounts transferred from a reserve or other pledged fund or surety policy pursuant to paragraph (c) of this subsection up to the required balance in such fund or required reimbursement of such surety; and

(C) To the state for the reimbursement of any moneys transferred from the state sales tax account pursuant to section 67-8716, Idaho Code, to pay debt service on the bonds on the scheduled payment date, together with any interest or penalties established pursuant to section 67-8725, Idaho Code;

(iii) ~~When intercepting payments under this subsection, the state treasurer shall intercept only such payments, if any, which would otherwise be lawfully available to the municipality for the repayment of its municipal bonds and further subject to~~

~~the limitations of section 67-8728, Idaho Code~~ The foregoing intercept and transfer provisions shall operate by force of law and no consent thereto is required of the municipality in order to be enforceable, provided that such provisions shall not apply to any municipal bonds which were previously deemed exempt from intercept under section 67-8728, Idaho Code, when such section was in full force and effect.

(f) The state has no obligation to the municipality or to any person or entity to replace any moneys intercepted under the authority of this subsection. Any funds intercepted under subsection (1)(e) of this section shall be used only for payment of bonds of the authority and not for the bonds of the municipality, and the municipality shall receive no credit against amounts due under its municipal bonds for any amounts intercepted under subsection (1)(e) of this section.

(2) (a) The municipal bonds or the agreement for purchase of the municipal bonds by the authority may provide for payment of interest and penalties and other terms for reimbursement of any amounts drawn from reserve funds, pledged funds, reserve surety policies or other credit enhancement to pay debt service on the bonds of the authority due to the failure of the municipality to make payment on its municipal bonds in a timely manner. To the extent that debt service on the bonds of the authority is paid from the state sales tax account pursuant to section 67-8716, Idaho Code, the provisions of sections 67-8725(3), (4) and (5), Idaho Code, shall apply.

(b) If the authority determines that amounts obtained under this section will not fully make up ~~any amounts which a municipality has failed to pay on~~ for failure of the municipality to pay its municipal bonds when due, together with any interest and penalties established pursuant to this section, within one (1) year from the payment of the municipality's scheduled debt service payment, the authority or the trustee for the bonds of the authority may pursue any legal action, including mandamus, against the municipality to compel the municipality to:

(i) Levy and provide tax or other revenues to pay debt service on its municipal bonds when due; and

(ii) Meet its repayment obligations, under its municipal bonds or otherwise, to the authority.

(c) In pursuing their rights under this subsection, the authority and the trustee shall also have the same substantive and procedural rights as a holder of the bonds of a municipality.

(d) The attorney general shall assist the authority in carrying out its duties under this subsection.

(e) The municipality shall pay the attorney's fees, expenses and costs of the authority, the trustee and the attorney general.

(3) (a) Except as provided in paragraph (c) of this subsection, any municipality whose operating funds were intercepted under this section may replace those funds from other municipal moneys or from property taxes, subject to the limitations provided in this subsection. Said operating funds may also be replaced by the authority from excess amounts available to it if the municipality subsequently pays the delinquent payments on its municipal bonds and any penalties or costs of expenses due the authority in connection therewith.

(b) A municipality may use property taxes or other moneys to replace intercepted funds only if the property taxes or other moneys were derived from:

(i) Taxes originally levied to make the payment but which were not timely received by the municipality;

(ii) Taxes from a supplemental levy made to make the missed payment or to replace the intercepted moneys;

(iii) Moneys transferred from the undistributed reserve, if any, of the municipality; or

(iv) Any other source of money on hand and legally available.

(c) Notwithstanding the provisions of subsections (3)(a) and (b) of this section, a municipality may not replace operating funds intercepted by the state with moneys collected by the municipality and held to make payments on its municipal bonds if that replacement would divert moneys from the payment of future debt service on ~~the~~ its municipal bonds and increase the risk that the state would be called upon an additional time to make payments on the bonds of the authority.

SECTION 4. That Section 67-8728, Idaho Code, be, and the same is hereby repealed.

Approved April 11, 2008.

CHAPTER 408
(S.B. No. 1514)

AN ACT

RELATING TO ELECTIONS; TO PROVIDE LEGISLATIVE FINDINGS RELATING TO A PERSON WHO CHANGES THEIR NAME TO THAT OF A POLITICAL MESSAGE AND SEEKS TO HAVE THAT POLITICAL MESSAGE PLACED ON THE BALLOT AS A CANDIDATE; AMENDING CHAPTER 9, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-903A, IDAHO CODE, TO PROVIDE DUTIES OF THE SECRETARY OF STATE OR COUNTY CLERK WHEN A PERSON HAS FILED AS A CANDIDATE AND THE PERSON HAS CHANGED THEIR NAME TO WORDS THAT CONVEY OR ATTEMPT TO CONVEY A POLITICAL MESSAGE AND TO PROVIDE FOR A NOTATION ON THE BALLOT IF CERTAIN CRITERIA ARE MET; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE FINDINGS. The Legislature finds that:

(1) The state has a compelling state interest in the matters described herein;

(2) The protection of the integrity and fairness of the ballot is integral to the protection of the right to vote;

(3) Ballots serve primarily to elect candidates not as fora for political expression;

(4) Neither the state, a political party, nor a candidate has the right to send a particularized political message on the ballot;

(5) Permitting candidates to convey or place a political message on the ballot by use of a changed name without explanation undermines bal-

lot integrity by transforming the ballot from a means of choosing candidates to a billboard for political advertising;

(6) To mix names of candidates with apparent political propositions is confusing to voters and will directly affect the integrity of the ballot, cause spoiled ballots due to double votes for the same office and potentially produce a result not intended by voters;

(7) It is necessary for the purpose of eliminating confusion to clarify the ballot and to advise voters that the vote to be cast is for a person and not a political proposition; and

(8) As a result of all of the above, it is appropriate to clarify the ballot with an explanation that voters are casting a vote for a person and not a political proposition.

SECTION 2. That Chapter 9, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-903A, Idaho Code, and to read as follows:

34-903A. NAME ON BALLOT. Should it appear to the secretary of state or county clerk that a person has filed as a candidate and that such person has changed their name and has changed their name to words that convey or attempt to convey a political message, the secretary of state or county clerk shall make an inquiry to determine: (i) if such person has changed their name; and (ii) if such name contains words that convey a political message to voters on the ballot; and (iii) if an explanation on the ballot would clarify the ballot and would assist in eliminating voter confusion. If the secretary of state or county clerk finds affirmatively that all three (3) criteria have been met, the secretary of state or county clerk shall be required to note on the ballot immediately following the name that appears to be a political proposition the following statement in parentheses: (A person, formerly known as ....), inserting in the blank within the parentheses the name by which the candidate who changed their name was formerly known.

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

Approved April 11, 2008.

CHAPTER 409
(H.B. No. 602, As Amended)

AN ACT

RELATING TO ALL-TERRAIN VEHICLES, UTILITY TYPE VEHICLES AND MOTORBIKES; AMENDING SECTION 49-102, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 49-114, IDAHO CODE, TO DEFINE A TERM, TO REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-402, IDAHO CODE, TO REMOVE ALL-TERRAIN VEHICLES OPERATED ON PUBLIC HIGHWAYS FROM ANNUAL FEE REQUIREMENT, TO PROVIDE A RESTRICTED VEHICLE LICENSE PLATE FEE FOR OPERATION OF CERTAIN VEHICLES, TO PROVIDE A CODE REFERENCE FOR REGISTRATION OF CERTAIN VEHICLES, TO REVISE TERMINOLOGY, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORREC-

TIONS; AMENDING SECTION 49-426, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE CODE REFERENCES, TO CLARIFY A CODE REFERENCE, TO REVISE AN EXEMPTION, TO REMOVE AN EXEMPTION FROM OPERATING FEES FOR CERTAIN VEHICLES, TO PROVIDE FOR CLOSURE OF CERTAIN ROADS TO CERTAIN VEHICLES, TO PROVIDE FOR CROSSING OF CERTAIN ROADS BY CERTAIN VEHICLES AND TO PROVIDE FOR USE OF CERTAIN VEHICLES ON CERTAIN UNPAVED HIGHWAYS; AMENDING SECTION 49-428, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-443, IDAHO CODE, TO PROVIDE FOR FURNISHING ONE LICENSE PLATE FOR CERTAIN VEHICLES AND TO PROVIDE FOR RESTRICTED VEHICLE LICENSE PLATES FOR CERTAIN VEHICLES; AMENDING SECTION 49-456, IDAHO CODE, TO DELETE AN OBSOLETE CODE REFERENCE, TO PROVIDE FOR VIOLATION OF LICENSE AND REGISTRATION STICKER REQUIREMENTS FOR OPERATION OF CERTAIN VEHICLES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-666, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 63-3622R, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 67-7101, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-7114, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-7122, IDAHO CODE, TO PROVIDE FOR REGISTRATION OF CERTAIN VEHICLES USED ON CERTAIN UNPAVED HIGHWAYS, TO PROVIDE CODE REFERENCES, TO PROVIDE FOR PLACEMENT OF A REGISTRATION STICKER, TO REMOVE AN EXCEPTION, TO REVISE A REGISTRATION REQUIREMENT FOR CERTAIN MOTORBIKES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-7123, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE TRANSFER OF REGISTRATION STICKER, TO PROVIDE FOR TRANSFER OF RESTRICTED VEHICLE LICENSE PLATE AND TO PROVIDE CODE REFERENCES.

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

SECTION 1. That Section 49-102, Idaho Code, be, and the same is hereby amended to read as follows:

49-102. DEFINITIONS -- A. (1) "Abandon" means to leave a vehicle on private property without the permission of the person having rights to the possession of the property, or on a highway or other property open to the public for the purposes of vehicular traffic or parking, or upon or within the right-of-way of any highway, for twenty-four (24) hours or longer.

(2) "Abandoned vehicle" means any vehicle observed by an authorized officer or reported by a member of the public to have been left within the limits of any highway or upon the property of another without the consent of the property owner for a period of twenty-four (24) hours or longer, except that a vehicle shall not be considered abandoned if its owner-operator is unable to remove it from the place where it is located and has notified a law enforcement agency and requested assistance.

(3) "Accident" means any event that results in an unintended injury or property damage attributable directly or indirectly to the motion of a motor vehicle or its load, a snowmobile or special mobile equipment.

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

(5) "Administrator" means the federal highway administrator, the chief executive of the federal highway administration, an agency within the U.S. department of transportation.

(6) "Age of a motor vehicle" means the age determined by subtracting the manufacturer's year designation of the vehicle from the year in which the designated registration fee is paid. If the vehicle has the same manufacturer's year designation as the year in which the fee is paid, or if a vehicle has a manufacturer's year designation later than the year in which the fee is paid, the vehicle shall be deemed to be one (1) year old.

(7) "Air-conditioning equipment" means mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(8) "Alcohol or alcoholic beverage" means:

(a) Beer as defined in 26 U.S.C. section 5052(a), of the Internal Revenue Code;

(b) Wine of not less than one-half of one percent (.005%) of alcohol by volume; or

(c) Distilled spirits as defined in section 5002(a)(8), of the Internal Revenue Code.

(9) "Alley" means a public way of limited use intended only to provide access to the rear or side of lots or buildings in urban districts.

(10) "All-terrain vehicle" or "ATV" means any recreation vehicle with three (3) or more tires, weighing under ~~eight~~ nine hundred ~~fifty~~ (85900) pounds, ~~forty-eight--(48)~~ fifty (50) inches or less in width, having a wheelbase of sixty-one (61) inches or less, traveling on low-pressure tires of ten (10) psi or less~~,--Such vehicles shall be registered under the provisions of section 49-402, Idaho Code, for--operation on--public--highways,--unless--exempted--under the provisions of section 49-426, Idaho Code~~ has handlebar steering and a seat designed to be straddled by the operator.

(11) "Amateur radio operator." (See "Radio operator, amateur," section 49-119, Idaho Code)

(12) "Ambulance" means a motor vehicle designed and used primarily for the transportation of injured, sick, or deceased persons, on stretchers, cots, beds, or other devices for carrying persons in a prone position.

(13) "Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a driver's license.

(14) "Approved driver training course" means a training course from a school licensed under the provisions of chapter 21 of this title.

(15) "Approved testing agency" means a person, firm, association, partnership or corporation approved by the director of the Idaho state police which is:

(a) In the business of testing equipment and systems;

(b) Recognized by the director as being qualified and equipped to do experimental testing; and

(c) Not under the jurisdiction or control of any single manufacturer or supplier for an affected industry.

(16) "Armed forces" means the army, navy, marine corps, coast guard and the air force of the United States.

(17) "Authorized emergency vehicle." (See "Vehicle," section 49-123, Idaho Code)

(18) "Authorized officer" means any member of the Idaho state police, or any regularly employed and salaried deputy sheriff, or other county employee designated to perform the function of removing abandoned vehicles or junk vehicles by the board of county commissioners of the

county in which a vehicle is located, or any regularly employed and salaried city peace officer or other city employee designated to perform the function of removing abandoned vehicles or junk vehicles by the city council, or a qualified person deputized or appointed by the proper authority as reserve deputy sheriff or city policeman, authorized within the jurisdiction in which the abandoned vehicle or junk vehicle is located.

(19) "Authorized transportation department employee" means any employee appointed by the board to perform duties relating to enforcement of vehicle laws as have been specifically defined and approved by order of the board (see section 40-510, Idaho Code).

(20) "Auto transporter" means a vehicle combination constructed for the purpose of transporting vehicles.

SECTION 2. That Section 49-114, Idaho Code, be, and the same is hereby amended to read as follows:

49-114. DEFINITIONS -- M. (1) "Major component part" means a rear clip, cowl, frame or inner structure forward of the cowl, body, cab, front end assembly, front clip or such other part which is critical to the safety of the vehicle.

(2) "Manifest" means a form used for identifying the quantity, composition, origin, routing, waste or material identification code and destination of hazardous material or hazardous waste during any transportation within, through, or to any destination in this state.

(3) "Manufactured home." (See section 39-4105, Idaho Code)

(4) "Manufacturer" means every person engaged in the business of constructing or assembling vehicles of a type required to be registered at an established place of business in this state. The term, for purposes of sections 49-1613 through 49-1615, 49-1617, 49-1622 and 49-1623, Idaho Code, shall include a distributor and other factory representatives.

(5) "Manufacturer's year designation" means the model year designated by the vehicle manufacturer, and not the year in which the vehicle is, in fact, manufactured.

(6) "Maximum gross weight" means the scale weight of a vehicle, equipped for operation, to which shall be added the maximum load to be carried as declared by the owner in making application for registration. When a vehicle against which a registration fee is assessed is a combination of vehicles, the term "maximum gross weight" means the combined maximum gross weights of all vehicles in the combination.

(7) "Metal tire." (See "Tires," section 49-121, Idaho Code)

(8) "Mileage" means actual distance that a vehicle has traveled.

(9) "Moped" means a limited-speed motor-driven cycle having:

(a) Both motorized and pedal propulsion that is not capable of propelling the vehicle at a speed in excess of thirty (30) miles per hour on level ground, whether two (2) or three (3) wheels are in contact with the ground during operation. If an internal combustion engine is used, the displacement shall not exceed fifty (50) cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged; or

(b) Two (2) wheels or three (3) wheels with no pedals, which is powered solely by electrical energy, has an automatic transmission,

a motor which produces less than two (2) gross brake horsepower, is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground and as originally manufactured, meets federal motor vehicle safety standards for motor-driven cycles. A moped is not required to be titled and no motorcycle endorsement is required for its operator.

(10) "Motorbike" means a vehicle as defined in section 67-7101, Idaho Code. Such vehicle shall be titled and may be approved for motorcycle registration pursuant to section 49-402, Idaho Code, upon certification by the owner of the installation and use of conversion components that make the motorbike compliant with federal motor vehicle safety standards.

(11) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground~~, but excluding~~ that meets the federal motor vehicle safety standards as originally designed, and includes a converted motorbike, but does not include a motor-driven cycle, a motorbike, a tractor and moped.

(1~~1~~2) "Motor carrier" means an individual, partnership, corporation or other legal entity engaged in the transportation by motor vehicle of persons or property in the furtherance of a business or for hire.

(1~~2~~3) "Motor home" means a vehicular unit designed to provide temporary living quarters, built into an integral part or permanently attached to a self-propelled motor vehicle chassis. The vehicle must contain permanently installed independent life support systems which meet the American National Standards Institute (ANSI) A119.7 Standard for Recreational Vehicles, and provide at least four (4) of the following facilities: cooking, refrigeration or ~~ice box~~ icebox, self-contained toilet, heating and/or air conditioning, a potable water supply system, including a faucet and sink, separate 110-125 volt electrical power supply and/or LP-gas supply.

(1~~3~~4) "Motorized wheelchair" means a motor vehicle with a speed not in excess of eight (8) miles per hour, designed for and used by a handicapped person.

(1~~4~~5) "Motor number." (See "Identifying number," section 49-110, Idaho Code)

(1~~5~~6) "Motor vehicle." (See "Vehicle," section 49-123, Idaho Code)

(1~~6~~7) "Motor vehicle liability policy" means an owner's or operator's policy of liability insurance, certified as provided in section 49-1210, Idaho Code, as proof of financial responsibility, and issued by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(1~~7~~8) "Motor vehicle record" means any record that pertains to a motor vehicle registration, motor vehicle title or identification documents or other similar credentials issued by the department or other state or local agency.

SECTION 3. 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).

(4) For operation of an all-terrain vehicle, utility type vehicle or ~~motorcycle--off-the-public-highways~~ motorbike, excluding a motorbike with an engine displacement of fifty (50) cubic centimeters or less, on public lands, a restricted vehicle license plate fee pursuant to section 49-450, Idaho Code, shall be paid. In addition, the registration fee specified in section 67-7122, Idaho Code, shall be paid as provided in section 67-7122, Idaho Code. The ~~r~~Registration and restricted vehicle license plate exemptions provided in section 49-426(2), ~~(3) and (4),~~ Idaho Code, ~~apply~~ applies to all-terrain vehicles, utility type vehicles, motorbikes and motorcycles used for the purposes described in subsections (2)~~, (3) and (4)~~ of section 49-426, Idaho Code.

(~~4~~5) For all motor homes the fee shall be as specified in subsection (1) of this section and shall be in addition to the fees provided for in section 49-445, Idaho Code.

(~~5~~6) Registration fees shall not be subject to refund.

(~~6~~7) A financial institution or repossession service contracted to a financial institution repossessing vehicles under the terms of a security agreement shall move the vehicle from the place of repossession to the financial institution's place of business on a repossession plate.

The repossession plate shall also be used for demonstrating the vehicle to a prospective purchaser for a period not to exceed ninety-six (96) hours. The registration fees for repossession plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee. The repossession plate shall be issued on an annual basis by the department.

(~~7~~8) In addition to the annual registration fee in this section, there shall be an initial program fee of twenty-five dollars ($25.00) and an annual program fee of fifteen dollars ($15.00) for all special license plate programs for those license plates issued pursuant to sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code. For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be an initial program fee of twenty-five dollars ($25.00) but there shall be no annual renewal fee. For special plates issued pursuant to sections 49-415C, 49-415D, 49-416A, 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 4. That Section 49-426, Idaho Code, be, and the same is hereby amended to read as follows:

49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this chapter with respect to operating fees shall not apply to:

(1) Motor vehicles owned or leased by the United States, the state, a city, a county, any department thereof, any political subdivision or municipal corporation of the state, any taxing district of the state, any state registered nonprofit subscription fire protection unit, or any organization, whether incorporated or unincorporated, organized for the operation, maintenance, or management of an irrigation project or irrigation works or system or for the purpose of furnishing water to its members or shareholders, but in other respects shall be applicable.

(2) Farm tractors, implements of husbandry, those manufactured homes which qualify for an exemption under the provisions of section 49-422, Idaho Code, road rollers, wheel mounted tar buckets, portable concrete and/or mortar mixers, wheel mounted compressors, tow dollies, portable toilet trailers, street sweepers, and similar devices as determined by the department which are temporarily operated or moved upon the highways need not be registered under the provisions of this chapter, nor shall implements of husbandry be considered towed units under registration of vehicle combinations as defined in section 49-108(2), Idaho Code. In addition, self-propelled wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf carts, lawn mowers, and scooters operated by persons who by reason of physical disability are otherwise unable to move about as pedestrians shall be exempt from registration requirements under the provisions of this chapter. Motorcycles, motorbikes, utility

type vehicles and all-terrain vehicles need not be ~~registered~~ licensed under the provisions of this chapter or registered pursuant to the provisions of section 67-7122, Idaho Code, if they are~~:~~

~~(a)--B~~being used exclusively in connection with agricultural, horticultural, dairy and livestock growing and feeding operations or used exclusively for snow removal purposes. Travel upon the public highways shall be limited to travel between farm or ranch locations. Motorcycles, motorbikes, utility type vehicles and all-terrain vehicles used for this purpose shall meet the emblem requirements of section 49-619, Idaho Code~~;--or~~

~~(b)--Used-exclusively-on-unpaved-highways-located--on--state--public lands-or-federal-public-lands-which-are-not-part-of-the-highway-system--of-the-state-of-Idaho,-a-county,-highway-district-or-city,-provided-the-registration-requirements-of--section--49-402--or--section 67-7122,-Idaho-Code,-are-met.~~

(3) Any political subdivision of the state of Idaho may, but only after sufficient public notice is given and a public hearing held, adopt local ordinances designating highways or sections of highways under its jurisdiction ~~upon which unregistered~~ are closed to all-terrain vehicles, utility type vehicles and ~~motorcycles--may--be--operated~~ motorbikes licensed pursuant to this chapter and registered pursuant to section 67-7122, Idaho Code, and those vehicles exempt from licensing and registration pursuant to subsection (2) of this section. ~~No~~ The operation of licensed and registered all-terrain vehicles, utility type vehicles and motorbikes and those vehicles exempt from licensing and registration pursuant to subsection (2) of this section shall not be permitted on controlled access highways. ~~shall-be-designated-under--this--subsection.~~ The requirements of title 18 and chapters 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of any ~~unregistered-motorcycle and~~ licensed and registered all-terrain vehicle, utility type vehicle or motorbike or those vehicles exempt from licensing and registration pursuant to subsection (2) of this section upon ~~such-designated~~ highways that are not closed to such vehicles. Costs related to the posting of signs on ~~such--designated~~ highways or sections of highways that are closed to such vehicles, indicating the ordinance, are eligible for reimbursement through the motorbike recreation account created in section 67-7126, Idaho Code.

(4) The Idaho transportation board may designate sections of state highways over which all-terrain vehicles, utility type vehicles and ~~motorcycles-not-registered-under-this-chapter-4~~ motorbikes licensed pursuant to this chapter and registered pursuant to section 67-7122, Idaho Code, and those vehicles exempt from licensing and registration pursuant to subsection (2) of this section may cross. The requirements of title 18, and chapters 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of ~~unregistered~~ licensed and registered all-terrain vehicles, utility type vehicles and ~~motorcycles~~ motorbikes and those vehicles exempt from licensing and registration pursuant to subsection (2) of this section when using designated crossings on state highways.

(5) Subject to the licensing requirement provided for in section 49-402(4), Idaho Code, all-terrain vehicles, utility type vehicles and motorbikes may be used on unpaved highways located on state public lands or federal public lands which are not part of the highway system of the state of Idaho, provided the registration requirements of section 67-7122, Idaho Code, are met.

SECTION 5. That Section 49-428, Idaho Code, be, and the same is hereby amended to read as follows:

49-428. DISPLAY OF PLATE AND STICKERS. (1) License plates assigned to a motor vehicle shall be attached, one (1) in the front and the other in the rear, with the exception of the following:

(a) The license plate assigned to a motorcycle, all-terrain vehicle, utility type vehicle, motorbike or semitrailer and the license plate assigned to a motor vehicle operated by a manufacturer, repossession agent or dealer shall be attached to the rear.

(b) Vehicles displaying year of manufacture, old timer, classic car or street rod license plates shall be allowed to display one (1) plate attached to the rear of the vehicle.

(c) The license plate attached to a tractor shall be attached to the front.

License plates shall be displayed during the current registration year. The annual registration sticker for the current registration year shall be displayed on each license plate, except for trailers and semitrailers on extended registration under the provisions of section 49-434, Idaho Code. For the purposes of this title, the license plates together with the registration stickers shall be considered as license plates for the year designated on the registration sticker.

(2) Every license plate shall at all times be securely fastened to the vehicle to which it is assigned to prevent the plate from swinging, be at a height not less than twelve (12) inches from the ground, measuring from the bottom of the plate, be in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible, and all registration stickers shall be securely attached to the license plates and shall be displayed as provided in section 49-443(4), Idaho Code.

SECTION 6. That Section 49-443, Idaho Code, be, and the same is hereby amended to read as follows:

49-443. LICENSE PLATES TO BE FURNISHED BY DEPARTMENT -- FORM AND CONTENTS. (1) The assessor or the department shall furnish to every owner whose vehicle is registered or licensed by that office, pursuant to sections 49-402 and 49-402A, Idaho Code, one (1) license plate for vehicles registered under the provisions of section 49-406, 49-406A or 49-408, Idaho Code, or a motorcycle, trailer, truck-tractor, or semitrailer~~,~~; one (1) restricted vehicle license plate for all-terrain vehicles, utility type vehicles and motorbikes licensed pursuant to this chapter; and two (2) license plates for every other motor vehicle. If a vehicle is issued one (1) plate only, that plate shall be displayed in accordance with the provisions of section 49-428, Idaho Code. For vehicles registered under the provisions of section 49-407, Idaho Code, the applicant shall provide one (1) plate to be displayed on the rear of the vehicle.

Commencing January 1, 1992, the color and design of the plates shall be comparable to the color and design of the statehood centennial issue of license plates with blue numerals and letters on a multicolored red, white and blue background. Each license plate must bear upon its face the inscriptions "Famous Potatoes" and "Scenic Idaho." The restricted vehicle license plate for all-terrain vehicles, utility type vehicles

and motorbikes shall be a white background with black numerals and letters, with "Idaho Restricted Vehicle" and the year of its expiration on its face and no other inscription. The restricted vehicle license plate shall be the same size required for the motorcycle license plate.

Every license plate shall have displayed upon it the registration number assigned to the vehicle and its owner and the name "Idaho" which may be abbreviated. The plates issued under the provisions of section 49-402(1), Idaho Code, and the required letters and numerals, including an identification of the county in which the motor vehicle to which the plates will be affixed is registered, shall be of sufficient size to be plainly readable from a distance of seventy-five (75) feet during daylight, and each license plate and registration sticker shall be treated with a fully reflectorized material according to specifications prescribed by the board.

(2) License plates shall be valid for a period of seven (7) years beginning with the date of issuance of new plates. At the end of the sixth year, the registered owner shall receive notice of the date upon which the plates will expire. The department shall implement a plate-number reservation program beginning prior to the 1999 plate issue and following once every seven (7) years thereafter, for a limited plate-number sequence in each county which chooses to offer a reservation program. Requests for license plate number reservations shall be submitted to the county during the open reservation period established by the department. The department may charge a minimal fee as determined by the board to recover costs to the department for reservation of license plate numbers. The provisions of this subsection (2) shall not apply to any license plates issued pursuant to the provisions of section 49-434(4), Idaho Code.

(3) If a license plate number has expired as provided in subsection (2) of this section and the number was not reserved, or if the vehicle registration is not renewed within sixty (60) days of its expiration, the plate number shall be available for use by another registrant. To obtain a specific number in the recycled license plate number file, the owner of a registered vehicle shall pay a one (1) time fee as determined by rule of the board.

The provisions of this subsection shall apply only to vehicles registered under the provisions of section 49-402(1), Idaho Code, and section 49-434(1), Idaho Code, as it applies to noncommercial vehicles.

(4) License plates issued for vehicles required to be registered in accordance with the provisions of sections 49-402 and 49-402A, Idaho Code, shall be issued color coded registration validation stickers showing the year of registration. Each registration validation sticker shall bear a number from 1 through 12, which number shall correspond to the month of the calendar year in which the registration of the vehicle expires and shall be affixed to the lower right-hand corner of the plates within the outlined rectangular area.

(5) License plates for utility trailers registered under the provisions of section 49-402A, Idaho Code, which are issued for five (5) or ten (10) years and license plates for rental utility trailers registered under the provisions of section 49-434, Idaho Code, which are issued for up to five (5) years, shall use the design in effect on the date of manufacture. If a design change occurs, plates from the effective date of the design change shall be manufactured using the new design. Unexpired plates need not be reissued to conform to a design change.

(6) For license plates which are lost, stolen, mutilated, or illegible, the owner shall apply for a duplicate or substitute. The assessor shall also furnish for each registration, and to validate the license plate, a pressure-sensitive, uniquely-numbered registration sticker, except for trailers and semitrailers registered under the nonexpiring provisions in section 49-434, Idaho Code. License plates issued for state, county and city motor vehicles shall be permanent and remain on the vehicle for which issued from year to year, and need no renewal or validation sticker.

(7) Whenever a vehicle is completely destroyed by fire or accident and the operator submits satisfactory proof of that destruction to the department or appropriate assessor's office, the registration use increment and fees shall be transferred to the replacement vehicle for a service transfer fee of five dollars ($5.00), which fee shall be retained by the registering authority. None of the original fees shall be subject to refund.

(8) The department shall furnish to every owner whose vehicle is registered under sections 49-434 and 49-435, Idaho Code, a pressure-sensitive, uniquely-numbered registration sticker to validate the license plate, provided however, the provisions of this subsection (8) shall not apply to trailers and semitrailers registered under the provisions of section 49-434(4), Idaho Code.

(9) The board shall have authority to require the return to the department of all license plates and registration stickers upon termination of the lawful use of them by the owner.

(10) The board may promulgate such rules as are necessary to implement the provisions of this section.

SECTION 7. That Section 49-456, Idaho Code, be, and the same is hereby amended to read as follows:

49-456. VIOLATIONS OF REGISTRATION PROVISIONS. It shall be unlawful for any person:

(1) To operate or for the owner to permit the operation upon a highway of any motor vehicle, trailer or semitrailer which is not registered and which does not have attached and displayed the license plates assigned to it for the current registration year, subject to the exemptions allowed in sections 49-426, 49-431~~,~~ <u>and</u> 49-432<u>,</u> ~~and 49-433,~~ Idaho Code.

(2) <u>To operate or for the owner to permit the operation on state and federal public lands or upon highways, or sections of highways, as permitted under section 49-426(3) and (4), Idaho Code, any all-terrain vehicle, utility type vehicle or motorbike that does not have a valid and properly displayed restricted license plate issued pursuant to this chapter and attached registration sticker issued pursuant to section 67-7122, Idaho Code, subject to the exemptions allowed in section 49-426(2), Idaho Code.</u>

<u>(3)</u> To display or cause or permit to be displayed, or to have in possession any registration card or license plate knowing the same to be fictitious or to have been ~~cancelled~~ <u>canceled</u>, revoked, suspended or altered.

(~~3~~<u>4</u>) To lend or knowingly permit the use by one not entitled to any registration card or license plate issued to the person so lending or permitting that use.

(~~4~~5) To fail or refuse to surrender to the department, upon demand, any registration card or license plate which has been suspended, ~~cancelled~~ canceled or revoked.

(~~5~~6) To use a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate, or knowingly to make a false statement or conceal a material fact or otherwise commit a fraud in any application.

SECTION 8. That Section 49-666, Idaho Code, be, and the same is hereby amended to read as follows:

49-666. MOTORCYCLE, MOTORBIKE, UTV AND ATV SAFETY HELMETS -- REQUIREMENTS AND STANDARDS. No person under eighteen (18) years of age shall ride upon or be permitted to operate a motorcycle, motorbike, utility type vehicle or an all-terrain vehicle unless at all times when so operating or riding upon the vehicle he is wearing, as part of his motorcycle, motorbike, UTV or ATV equipment, a protective safety helmet of a type and quality equal to or better than the standards established for helmets by the director, except the provisions of this section shall not apply when such vehicles are operated or ridden on private property, or when used as an implement of husbandry.

SECTION 9. That Section 63-3622R, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622R. MOTOR VEHICLES, USED MANUFACTURED HOMES, VESSELS, ALL-TERRAIN VEHICLES, TRAILERS, OFF-ROAD MOTORCYCLES, SNOWMOBILES AND GLIDER KITS. There are exempted from the taxes imposed by this chapter:

(a) Sales to nonresidents of motor vehicles, trailers, vessels, all-terrain vehicles (ATVs), motorcycles intended for off-road use and snowmobiles, for use outside of this state even though delivery be made within this state, but only when:

(1) The motor vehicles, vessels, ATVs, motorcycles intended for off-road use, snowmobiles or trailers will be taken from the point of delivery in this state directly to a point outside this state; and

(2) The motor vehicles, vessels, ATVs, motorcycles intended for off-road use, snowmobiles and trailers will be registered immediately under the laws of another state, will be titled in another state if required to be titled in that state, will not be used in this state more than sixty (60) days in any twelve (12) month period, and will not be required to be titled under the laws of this state.

(3) For the purpose of this subsection (a), the term "all-terrain vehicle" or "ATV" means ~~any recreational vehicle with three (3) or more tires, weighing under eight hundred fifty (850) pounds, forty-eight (48) inches or less in width, having a wheelbase of sixty-one (61) inches or less, traveling on low pressure tires of ten (10) psi or less~~ all-terrain vehicle or ATV as defined in section 49-102, Idaho Code.

(4) For the purpose of this section, the term "vessel" means any boat intended to carry one (1) or more persons upon the water which is either:

(i) Sold together with a motor, or

(ii) Eleven (11) feet in length or more, but shall not include canoes, kayaks or inflatable boats, unless such canoes, kayaks or inflatable boats are sold together with a motor.

(b) Sale of used manufactured homes, whether or not such used manufactured homes are sold for use outside this state, and whether or not such used manufactured homes are sold by a dealer. Every manufactured home sale after its sale as a "new manufactured home," as defined in section 63-3606, Idaho Code, is a sale as a used manufactured home.

(c) Sale or lease of motor vehicles with a maximum gross registered weight over twenty-six thousand (26,000) pounds, which shall be immediately registered under the international registration plan, whether or not base plated in Idaho, and the sale or lease of trailers which are part of a fleet of vehicles registered under the international registration plan when such vehicles and trailers are substantially used in interstate commerce. If such a motor vehicle or trailer is not substantially used in interstate commerce during any annual registration period under the international registration plan, it shall be deemed used in Idaho and subject to the use tax under section 63-3621, Idaho Code. For the purpose of this subsection, "substantially used in interstate commerce" means that the vehicles or trailers will be part of a fleet with a minimum of ten percent (10%) of the miles operated by the fleet accrued outside of Idaho in any annual registration period under the international registration plan.

(d) The sale or purchase of a glider kit when the glider kit will be used to assemble a glider kit vehicle as defined in section 49-123, Idaho Code, which will be immediately registered under a plan defined in subsection (c) of this section, provided that if the glider kit vehicle is not substantially used in interstate commerce as defined in subsection (c) of this section during any registration period, it shall be subject to the use tax under section 63-3621, Idaho Code.

(e) The use or other consumption of a motor vehicle temporarily donated to a driver's education program sponsored by a nonprofit educational institution as defined in section 63-3622O, Idaho Code.

SECTION 10. That Section 67-7101, Idaho Code, be, and the same is hereby amended to read as follows:

67-7101. DEFINITIONS. In this chapter:

(1) "All-terrain vehicle (ATV)" means any recreation vehicle with three (3) or more tires, under ~~eight~~ nine hundred ~~fifty~~ (85900) pounds and ~~forty-eight (48)~~ fifty (50) inches or less in width, having a wheelbase of sixty-one (61) inches or less, traveling on low-pressure tires of ten (10) psi or less, has handlebar steering and a seat designed to be straddled by the operator.

(2) "Board" means the park and recreation board created under authority of section 67-4221, Idaho Code.

(3) "Bona fide snowmobile program" means services or facilities as approved by the department that will benefit snowmobilers such as snowmobile trail grooming, plowing and maintaining snowmobile parking areas and facilities, and trail signing.

(4) "Dealer" means any person who engages in the retail sales of or rental of snowmobiles, motorbikes, or all-terrain vehicles.

(5) "Department" means the Idaho department of parks and recreation.

(6) "Designated parking area" means an area located, constructed, maintained, and signed with the approval of the land manager or owner.

(7) "Director" means the director of the department of parks and recreation.

(8) "Highway." (See section 40-109, Idaho Code, but excepting public roadway as defined in this section)~~;~~

(9) "Motorbike" means any self-propelled two (2) wheeled motorcycle or motor-driven cycle, excluding tractor, designed for or capable of traveling off developed roadways and highways and also referred to as trailbikes, enduro bikes, trials bikes, motocross bikes or dual purpose motorcycles.

(10) "Operator" means any person who is in physical control of a motorbike, all-terrain vehicle, or snowmobile.

(11) "Owner" means every person holding record title to a motorbike, all-terrain vehicle, or snowmobile and entitled to the use or possession thereof, other than a lienholder or other person having a security interest only.

(12) "Person" means an individual, partnership, association, corporation, or any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.

(13) "Public roadway" means all portions of any highway which are controlled by an authority other than the Idaho transportation department.

(14) "Snowmobile" means any self-propelled vehicle under one thousand (1,000) pounds unladened gross weight, designed primarily for travel on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners.

(15) "Utility type vehicle (UTV)" means any recreational motor vehicle other than an ATV, motorbike or snowmobile as defined in this section, designed for and capable of travel over designated unpaved roads, traveling on four (4) or more low-pressure tires of twenty (20) psi or less, maximum width less than seventy-four (74) inches, maximum weight less than two thousand (2,000) pounds, or having a wheelbase of ninety-four (94) inches or less. Utility type vehicle does not include golf carts, vehicles specially designed to carry a disabled person, implements of husbandry as defined in section 49-110(2), Idaho Code, or vehicles otherwise registered under title 49, Idaho Code.

(16) "Vendor" means any entity authorized by the department to sell recreational registrations.

(17) "Winter recreational parking locations" means designated parking areas established and maintained with funds acquired from the cross-country skiing account.

SECTION 11. That Section 67-7114, Idaho Code, be, and the same is hereby amended to read as follows:

67-7114. OPERATION UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCE. Any person driving or operating a snowmobile, motorbike, utility type vehicle or all-terrain vehicle under the influence of alcohol, drugs or any other intoxicating substance on a public roadway or highway, as authorized in this chapter or in section 49-426(3) and (4), Idaho Code, or ~~off-road~~ off road shall be guilty of a misdemeanor.

SECTION 12. That Section 67-7122, Idaho Code, be, and the same is hereby amended to read as follows:

67-7122. REQUIREMENTS -- REGISTRATION -- PROCEDURE. (1) On or before January 1 of each year, the owner of any all-terrain vehicle, motorbike or utility type vehicle as defined in section 67-7101, Idaho Code, or any motorcycle as defined in section 49-114, Idaho Code, used off public highways, on unpaved highways located on state public lands or federal public lands which are not part of the highway system of the state of Idaho or on highways ~~designated~~ as prescribed in section 49-426(3) and (4), Idaho Code, but excluding those vehicles used exclusively on private land for agricultural use or used exclusively for snow removal purposes as provided in section 49-426(2), Idaho Code, shall register that vehicle ~~at any vendor authorized by the department~~ with the county assessor or other county motor vehicle office as may be designated by the county assessor. A fee of ten dollars ($10.00) shall be charged for each registration, which fee includes a one dollar and fifty cent ($1.50) ~~vendor~~ fee to be retained by the county assessor and the remainder of which shall be remitted to the department together with a duplicate copy of the application form, noting the number of the registration sticker issued.

(2) ~~At the time of sale from any dealer,~~ ~~e~~Each motorbike, all-terrain vehicle or utility type vehicle sold to an Idaho resident, but excluding those vehicles to be used exclusively on private land for agricultural use or used exclusively for snow removal purposes as provided in section 49-426(2), Idaho Code, must be registered. ~~before it leaves the premises.~~

(a) Application blanks and registration stickers shall be supplied by the department and the registration sticker shall be issued to the person making application for registration. ~~The vendor issuing the registration sticker shall, upon receipt of the application in approved form, issue to the applicant a motorbike, ATV or UTV sticker and shall note the number of the sticker in his records and shall supply a duplicate copy of the application form, noting the number of the sticker issued, to the department.~~

(b) All registration stickers which are issued shall be in force through December 31 of the issued year. All registration stickers shall be renewed by the owner of the all-terrain vehicle, motorbike or utility type vehicle in the same manner provided for in the initial securing of the same or with any vendor authorized by the department. A vendor issuing a renewal registration sticker shall retain a one dollar and fifty cent ($1.50) vendor fee and remit the remainder of the ten dollar ($10.00) renewal registration sticker fee to the department together with a duplicate copy of the application form, noting the number of the registration sticker issued.

(c) The issued registration sticker shall be placed upon the restricted vehicle license plate of the all-terrain vehicle, motorbike or utility type vehicle or upon the license plate of a vehicle registered pursuant to section 49-402(3), Idaho Code, in such a manner that it is completely visible, does not cover the license plate numbers or letters and shall be kept in a legible condition at all times.

(~~2~~3) For operation of ~~an all-terrain vehicle or~~ a motorbike that meets the requirements specified in section 49-114(10), Idaho Code, on

the public highways, the vehicle shall also be registered pursuant to the provisions of section 49-402(3), Idaho Code~~, except for those highways defined in section 49-426, Idaho Code~~. A motorbike that meets the requirements specified in section 49-114(10), Idaho Code, and that is registered pursuant to section 49-402(3), Idaho Code, shall not be required to obtain a restricted license plate pursuant to section 49-402(4), Idaho Code.

SECTION 13. That Section 67-7123, Idaho Code, be, and the same is hereby amended to read as follows:

67-7123. TRANSFER OF REGISTRATION STICKER AND RESTRICTED VEHICLE LICENSE PLATE. The purchaser of an ~~off-highway motor~~ all-terrain vehicle, utility type vehicle or motorbike, which has been previously registered pursuant to section 67-7122, Idaho Code, and issued a restricted vehicle license plate pursuant to section 49-402, Idaho Code, shall within fifteen (15) days after acquiring same, make application to ~~a vendor~~ the county assessor or county motor vehicle office as may be designated by the county assessor for transfer to him of the sticker of registration and restricted vehicle license plate issued to the ~~off-highway~~ vehicle, giving the same information as on the original application and the number of the registration sticker and restricted vehicle license plate, and shall at the same time pay a transfer fee of one dollar and fifty cents ($1.50).

Approved April 14, 2008.

CHAPTER 410
(H.B. No. 680)

AN ACT

RELATING TO COMMUNITY INFRASTRUCTURE DISTRICTS; AMENDING TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 31, TITLE 50, IDAHO CODE, TO PROVIDE FOR LEGISLATIVE PURPOSE, TO PROVIDE FOR RELATIONSHIP TO OTHER LAWS AND A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR CREATION OF COMMUNITY INFRASTRUCTURE DISTRICTS, TO PROVIDE FOR DISTRICT ORGANIZATION, TO PROVIDE FOR DISTRICT POWERS, TO PROVIDE FOR CHANGE IN DISTRICT BOUNDARIES, TO PROVIDE FOR AMENDMENTS TO THE GENERAL PLAN, TO PROVIDE FOR FINANCES, TO PROVIDE FOR GENERAL OBLIGATION BONDS, TO PROVIDE FOR ELECTIONS, TO ESTABLISH LIMITS ON INDEBTEDNESS AND TO PROVIDE FOR A LEVY, TO PROVIDE FOR SPECIAL ASSESSMENTS AND SPECIAL ASSESSMENT BONDS, TO PROVIDE FOR REVENUE BONDS, TO PROVIDE FOR ELECTIONS, TO PROVIDE FOR TERMS OF BONDS, TO PROVIDE FOR NOTICE AND CONDUCT OF ELECTIONS, TO PROVIDE FOR COST OF ADMINISTRATION, TO PROVIDE FOR ANNUAL FINANCIAL STATEMENTS AND ANNUAL BUDGET CERTIFICATION, TO PROVIDE FOR DISCLOSURE, TO PROVIDE FOR DISTRICT DISSOLUTION, TO PROVIDE FOR EXEMPTIONS AND EXCLUSIONS, TO PROVIDE FOR LIMITATION OF LIABILITY, TO PROVIDE FOR APPEAL, TO PROVIDE FOR CONSISTENCY WITH OTHER STATE LAWS AND TO PROVIDE FOR SEVERABILITY.

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

SECTION 1. That Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 31, Title 50, Idaho Code, and to read as follows:

CHAPTER 31
COMMUNITY INFRASTRUCTURE DISTRICT ACT

50-3101. PURPOSE, RELATIONSHIP WITH OTHER LAWS AND SHORT TITLE. (1) The purpose of this chapter is:

(a) To encourage the funding and construction of regional community infrastructure in advance of actual developmental growth that creates the need for such additional infrastructure;

(b) To provide a means for the advance payment of development impact fees established in chapter 82, title 67, Idaho Code, and the community infrastructure that may be financed thereby; and

(c) To create additional financial tools and financing mechanisms that allow new growth to more expediently pay for itself.

(2) Only community infrastructure to be publicly owned by this state or a political subdivision thereof may be financed pursuant to this chapter.

(3) A community infrastructure district may only be formed pursuant to this chapter by a city in the city's incorporated area, or by a county in an area contained within a city's comprehensive plan with the city's consent.

(4) A community infrastructure district may be formed only after (i) prior review and approval by the governing body of each county or city in which the district is proposed to be located of a petition requesting the formation of the district, and (ii) the necessary approvals for site development under the local land use planning act, sections 67-6501 et seq., Idaho Code, and the planning and zoning ordinances of each county and city in which the district is proposed to be located have been obtained; provided however, that where there will be phased development, approvals obtained for the first phase of site development shall be sufficient for the initial creation and organization of the district. The formation of a district pursuant to this chapter shall not prevent the exercise by a county, city or other political subdivision of any of its powers on the same basis as on all other land within its jurisdiction. Notwithstanding the formation of a district, the development of real property located within the district shall remain subject to the provisions of chapter 65, title 67, Idaho Code, and the applicable planning and zoning ordinances of the counties and cities in which the district is located. The formation of a district pursuant to this chapter shall not prevent the subsequent establishment of other districts or the improvement or assessment of land within the district by a county, city or other political subdivision.

(5) This chapter shall be known and cited as the "Community Infrastructure District Act."

50-3102. DEFINITIONS. As used in this chapter, the following terms shall have the meanings as stated:

(1) "Assessment area" means real property within the boundaries of a community infrastructure district that is the subject of a specific special assessment as set forth in this chapter.

(2) "Community infrastructure" means improvements that directly or

indirectly benefit the district. Community infrastructure excludes public improvements fronting individual single family residential lots. Community infrastructure includes planning, design, engineering, construction, acquisition or installation of such infrastructure, including the costs of applications, impact fees and other fees, permits and approvals related to the construction, acquisition or installation of such infrastructure, and incurring expenses incident to and reasonably necessary to carry out the purposes of this chapter. Community infrastructure includes all public facilities as defined in section 67-8203(24), Idaho Code, and, to the extent not already included within the definition in section 67-8203(24), Idaho Code, the following:

(a) Highways, parkways, expressways, interstates, or other such designation, interchanges, bridges, crossing structures, and related appurtenances;

(b) Public parking facilities, including all areas for vehicular use for travel, ingress, egress and parking;

(c) Trails and areas for pedestrian, equestrian, bicycle or other nonmotor vehicle use for travel, ingress, egress and parking;

(d) Public safety facilities;

(e) Acquiring interests in real property for community infrastructure;

(f) Financing costs related to the construction of items listed in this subsection; and

(g) Impact fees.

(3) "Community infrastructure segment" means a separate or a discernible portion of a construction contract attributable to community infrastructure.

(4) "Debt service" means the principal of, interest on and premium, if any, on the bonds, when due, whether at maturity or prior redemption and fees and costs of registrars, trustees, paying agents or other agents necessary to handle the bonds and the costs of credit enhancement or liquidity support.

(5) "District" means a community infrastructure district formed pursuant to this chapter. A district shall only include contiguous property at the time of formation. Land that is connected by only a shoestring or strip of land which comprises a railroad or highway right-of-way shall not be considered contiguous for the purposes of this chapter. Subsequent to a district's formation, a district may include noncontiguous property but only as the same shall be specifically determined and authorized by the district board in its discretion and pursuant to section 50-3106.

(6) "District board" means the board of directors of the district.

(7) "District development agreement" means an agreement between a property owner or developer, the county or city, any other political subdivision of the state, and/or the district. A district development agreement shall be used to establish obligations of the parties to the agreement relating to district financing and development, including: intergovernmental agreements; the ultimate public ownership of the community infrastructure financed by the district; the understanding of the parties with regard to future annexations of property into the district; the total amount of bonds to be issued by the district and the property taxes and special assessments to be levied and imposed to repay the bonds and the provisions regarding the disbursement of bond proceeds; the financial assurances, if any, to be provided with respect to the

bonds; impact and other fees imposed by governmental authorities, including credit, prepayment and/or reimbursement with respect thereto; and other matters relating to the community infrastructure, such as construction, acquisition, planning, design, inspection, ownership and control. A district development agreement shall be in addition to and shall not supplant any development agreement entered into pursuant to section 67-6511A, Idaho Code, pursuant to which a governing body may require or permit as a condition of rezoning that an owner or developer make a written commitment concerning the use or development of the subject parcel.

(8) "General plan" means the general plan described in section 50-3103(1), Idaho Code, as the plan may be amended from time to time.

(9) "Governing body" means the county commissioners or city council that by law is constituted as the governing body of the county or city in which the district is located. Reference in this chapter to "governing body or bodies" shall mean the governing body or bodies of each county and city in which the district is located.

(10) "Owner" means the person listed as the owner of real property within the district or a proposed district on the current property rolls in effect at the time that the action, proceeding, hearing or election has begun; provided however, that if a person listed on the property rolls is no longer the owner of real property within the district or a proposed district and the name of the successor owner becomes known and is verified by recorded deed or other similar evidence of transfer of ownership, the successor owner shall be deemed to be the owner for the purposes of this chapter.

(11) "Market value for assessment purposes" means the amount of the last preceding equalized assessment of all taxable property and excludes all property exempt from taxation pursuant to section 63-602G, Idaho Code, within the community infrastructure district on the tax rolls completed and available as of the date of approval in the district bond issuance.

(12) "Person" means any entity, individual, corporation, partnership, firm, association, limited liability company, limited liability partnership, trust or other such entities as recognized by the state of Idaho. A "person in interest" is any person who is a qualified elector in the district, who is an owner of real property in the district or who is a real property taxpayer in the district.

(13) "Qualified elector" means a person who possesses all of the qualifications required of electors under the general laws of the state of Idaho and:

(a) Resides within the boundaries of a district or a proposed district and who is a qualified elector. For purposes of this chapter, such elector shall also be known as a "resident qualified elector"; or

(b) Is an owner of real property that is located within the district or a proposed district, who is not a resident qualified elector as set forth above. For purposes of this chapter, such elector shall also be known as an "owner qualified elector."

(14) "Special assessment" means an assessment imposed upon real property located within an assessment area for a specific purpose and of a special benefit to the affected property, collected and enforced in the same manner as property taxes, that may be apportioned according to the direct or indirect special benefits conferred upon the affected

property, as well as any or any combination of the following: acreage, square footage, front footage, the cost of providing community infrastructure for the affected property, or any other reasonable method as determined by the district board.

50-3103. CREATION OF DISTRICT. (1) The process for the creation and organization of a community infrastructure district shall be initiated by a petition signed by not less than two-thirds (2/3) of the district residents or by all of the owners of all the lands located in the proposed district. The petition shall be filed with the clerk of the governing body in which the proposed district will be located. If the proposed district will be located within two (2) or more counties and/or cities, a petition conforming to the requirements of this section shall be filed with the clerk of each jurisdiction's governing body. The petition shall state the name of the proposed district and the purpose for which it is formed, state that the formation of the district shall entitle the district to impose special assessments, levy property taxes and impose fees or charges to pay the cost of providing services, and shall be accompanied by a map depicting the boundaries of the proposed district, a legal description of the proposed district and a copy of the proposed general plan. The general plan shall describe or identify the community infrastructure to be financed by the district, the locations of the infrastructure and the estimated cost thereof, the proposed financing methods and the anticipated special assessments, tax levies or other charges, the approvals obtained pursuant to section 50-3101(3), Idaho Code, and may include possible alternatives, modifications or substitutions concerning locations, improvements, financing methods and other information provided in the general plan. The petition shall also include copies of any proposed district development agreement. The petition, together with all maps and other papers filed therewith, shall be open to public inspection in the office of the clerk in each county or city in which the petition is filed, during such business hours as the clerk may direct.

(2) Upon the filing of a petition, the governing body shall give notice of the filing of the petition and of the time and place set for a public hearing on the petition, which hearing shall be at a regular or special meeting held within not less than thirty (30) days nor more than ninety (90) days after the date of the filing of the petition. A notice of the time of the public hearing shall be published by the governing body twice, the first time not less than twelve (12) days prior to the hearing and the second time not less than five (5) days prior to the hearing, in a newspaper of general circulation in each county or city in which the proposed district will be located. A copy of such notice shall also be mailed to each district resident and each owner of real property in the district if known or such owner's agent if known, addressed to such person at his or her post office address if known or, if unknown, to a post office in the county or city where the district is located. Ownership of real property shall be determined as of the date of the adoption of the resolution ordering the hearing. The notice shall state that a community infrastructure district is proposed to be formed, giving the proposed boundaries thereof, and that any person who is a resident of or a real property taxpayer within the proposed district may, on the date fixed for the public hearing, appear and offer any testimony pertaining to the formation of the district and the proposed boundaries

thereof. If the district will be located within two (2) or more counties and/or cities, the governing bodies of such counties and/or cities shall coordinate their efforts and shall either hold a public hearing in each county or city in which the proposed district will be located, or hold a single public meeting in such county or city as the governing bodies shall unanimously agree. The notice shall also state that any political subdivision of this state within whose jurisdiction the proposed district will be located, including, without limitation, a highway district, a school district, a fire district or an ambulance district, may, on the date fixed for the public hearing, appear and offer testimony pertaining to the formation of the district and the proposed boundaries thereof. After hearing and considering any and all of the testimony given, the governing body shall thereupon approve a resolution either denying the petition or granting the same and, if granting the same, shall fix and describe in the resolution the boundaries of the proposed district and order the formation of the same. A resolution granting the petition may also include the approval of any district development agreement that has been approved by the governing body in the process of considering and approving the formation of the district. The boards of county commissioners and/or the city councils, as such governing bodies, are hereby specifically authorized to act in a joint manner for such purposes.

(3) Whenever a petition shall be filed as provided for in this section, the petitioner or petitioners shall deposit with each governing body a sum sufficient to defray the costs of publication and mailing of notice of the public hearing. In the event the district is formed, said petitioner or petitioners shall be entitled to be reimbursed such sum from the district, as a district formation cost related to the community infrastructure, from the district when moneys are available to the district. The amount required to be paid under this subsection shall be determined by each governing body and deposited before publication of the notice.

(4) The governing body may charge the petitioner or petitioners a reasonable fee for the governing body to retain outside advisors to assist the governing body in its consideration of the formation of the district. In the event the district is formed, the petitioner or petitioners shall be entitled to be reimbursed such fee from the district, as a district formation cost related to the community infrastructure, when moneys are available to the district.

50-3104. DISTRICT ORGANIZATION. (1) If the petition for formation of the district is granted, the district shall comply with the filing and recording requirements of section 63-215, Idaho Code, and shall also cause a copy of the applicable resolution to be delivered to the county assessor of each county in which the district is located, cause a copy of the applicable resolution to be recorded with the county clerk in each county in which the district is located, and cause a copy of the applicable resolution to be filed with the state tax commission.

(2) Members of the governing body or bodies at the time of formation shall serve as the district board. If the district is located entirely within the boundaries of a city, three (3) members of the city council chosen by the city council shall serve as the district board. If the district is located entirely within the boundaries of a county and outside the boundaries of any city, the county commissioners of the

county in which the district is located shall serve as the district board. If the district is located within the jurisdiction of more than one (1) governing body, two (2) members of each governing body shall be appointed by that governing body to serve on the district board and, in addition, the governing body within whose jurisdiction the largest land area of the district is located shall appoint another member from its governing body to serve as an additional member of the district board, so that the district board will always be comprised of an odd number of members. For purposes of determining which jurisdiction has such largest land area, the land area in the district that is within the incorporated city limits shall be considered as being the land area of the city, and shall not be considered as part of the land area of the county in which the city is located. If an area is added to the district pursuant to section 50-3106(2), Idaho Code, and such area is located in a city or county not already represented on the district board, or if the addition of such area changes the jurisdiction in which the largest land area of the district is located, the membership of the district board, at the time of addition of such area, shall be adjusted in conformity with the foregoing. If an area is deleted from the district pursuant to section 50-3106(1), Idaho Code, and, as a result, a county or city no longer has area within the district, or such deletion changes the jurisdiction in which the largest land area of the district is located, the membership of the district board, at the time of deletion of such area, shall be adjusted in conformity with the foregoing. If an area is annexed or deannexed by a city and, as a result, the jurisdiction of a county or city is changed, the membership of the district board at the time of such annexation or deannexation shall be adjusted in conformity with the foregoing. The boards of county commissioners and the city councils, as such governing bodies, are hereby specifically authorized to act in a joint manner for such purposes.

(3) Within thirty (30) days after the date of the resolution ordering formation of the district, and annually thereafter, the district board shall meet and elect a chairman and vice-chairman to act as the officers of the district board. The district board shall, unless otherwise agreed to by a majority of the board, meet in the county or city within which the largest land area of the district is located. The district shall keep the following records, which shall be open to public inspection:

(a) Minutes of all meetings of the district board;

(b) All resolutions;

(c) Accounts showing all moneys received and disbursed;

(d) The annual budget; and

(e) All other records required to be maintained by law.

(4) The district manager shall be the manager or equivalent of the city or county, the district treasurer shall be the treasurer of the city or county, the district clerk shall be the district clerk of the city or county, respectively, unless the district board engages an outside firm to perform the tasks of the district's manager, treasurer and clerk as well as other duties as may be prescribed by the district board.

(5) The district manager shall have charge and supervision of the daily operations of the district. The district manager may hire or otherwise employ and terminate the employment of such persons, including

professional, supervisory and clerical employees, as may be necessary and authorized by the board.

(6) The treasurer of the district shall have such duties as the district board may prescribe, together with the duty to keep account with the district; to place to the credit of the district all moneys received by him or her from the collection of special assessments, taxes or from any other sources, and all other moneys belonging to the district, and to pay over all moneys belonging to the district on legally drawn warrants or orders of the district board.

(7) The clerk of the district shall have such duties as the district board may prescribe, together with the duty to conduct district elections and to prepare and distribute legal notices.

(8) The district shall be separate and apart from any county or city. The members of the district board, when serving in their official capacity as members of the district board, shall act on behalf of the district and not as members of a board of county commissioners or as members of a city council.

(9) The district board shall administer in a reasonable manner the implementation of the general plan.

(10) The district shall exist until dissolved pursuant to section 50-3116, Idaho Code.

50-3105. DISTRICT POWERS. (1) A district formed pursuant to this chapter, although a political subdivision of this state, is not a governmental entity of general purposes and powers, but is a special limited purposes district, with powers only as permitted under this chapter, which powers include the power to finance community infrastructure consistent with the general plan and, in implementing the general plan, to:

(a) Enter into contracts and expend moneys for any community infrastructure purposes and/or district operations;

(b) Enter into intergovernmental agreements as provided for in sections 67-2326 through 67-2333, Idaho Code;

(c) Enter into district development agreements;

(d) Acquire interests in real property and personal property for community infrastructure, within or without the district, and sell, dedicate, lease or otherwise dispose of district property if the sale, dedication, lease or conveyance is not a violation of the terms of any contract or bond covenant of the district;

(e) Plan, design, engineer, acquire, construct and install community infrastructure, including acquiring, converting, renovating or improving existing facilities;

(f) Employ and establish and pay compensation for staff, counsel and consultants;

(g) Reimburse a county, city or other political subdivision of this state for staff and consultant services supplied by the county, city or other political subdivision;

(h) Accept gifts or grants and incur and repay loans for any community infrastructure;

(i) Enter into agreements with owners concerning the advance of money by owners for community infrastructure or the granting of real property by the owners for community infrastructure;

(j) Establish, impose and collect or cause to be collected special assessments on real property located within an assessment area of

the district and, in conjunction with the imposition of such assessments, set and collect or cause to be collected administrative fees for community infrastructure;

(k) Levy property taxes on real property located within the district and, in conjunction with the levy of such taxes, set and collect or cause to be collected administrative fees for community infrastructure;

(l) Incur expenses of the district incident to and reasonably necessary to implement the general plan, and pay the same, including the financial, legal and administrative costs of the district;

(m) Borrow money and incur indebtedness and evidence the same by certificates, notes, bonds or debentures, and enter into contracts, agreements and trust indentures to obtain credit enhancement or liquidity support for its bonds and process the issuance, registration, transfer and payment of its bonds and the disbursement and investment of proceeds of its bonds;

(n) Use public easements and rights-of-way in or across public property, roadways, highways, streets or other thoroughfares and other public easements and rights-of-way, whether in or out of the geographical limits of the district, county or city; and

(o) Sue and be sued and prosecute and defend, at law or in equity.

(2) Community infrastructure other than personalty, may be located only in or on lands, easements or rights-of-way publicly owned by this state or a political subdivision thereof.

(3) An agreement pursuant to subsection (1) of this section may include agreements to repay all or part of such advances, fees and charges from the proceeds of bonds if issued, or from advances, fees and charges collected from other owners or users or those having a right to use any community infrastructure. A person does not have authority to compel the issuance or sale of the bonds of the district or the exercise of any taxing power of the district to make repayment under any agreement.

(4) With respect to goods, services or construction to be paid for or financed pursuant to this chapter, the district, as a political subdivision of this state, shall comply with all applicable procurement statutes of this state, including section 67-2320, Idaho Code, and chapter 28, title 67, Idaho Code.

50-3106. CHANGE IN DISTRICT BOUNDARIES -- AMEND GENERAL PLAN. (1) After district formation, an area may be deleted from the district only following notice and hearing in the manner prescribed for the formation hearing, adoption of a resolution of intention to do so by the district board, and by voter approval by the qualified electors as provided in section 50-3112, Idaho Code. Lands within the district that are subject to the lien of property taxes, special assessments or other charges imposed pursuant to this chapter shall not be deleted from the district while there are bonds outstanding that are payable by such taxes, assessments or charges.

(2) After district formation, an area may be added to the district upon adoption of a resolution of intention to do so by the district board and the approvals of all the owners of the lands to be added and the governing body of each county or city within which such lands are located, subject to notice, hearing and adoption of a resolution in the manner as required for the formation of a district.

(3) If an area is deleted or added under subsection (1) or (2) of this section, the district board shall attend to the recording and filing requirements set forth in section 63-215, Idaho Code, and shall also cause a copy of the applicable resolution to be delivered to the county assessor of each county in which the district is located, cause a copy of the applicable resolution to be recorded with the county clerk in each county in which the district is located, and cause a copy of the applicable resolution to be filed with the state tax commission.

(4) The district board, following notice and hearing in the manner prescribed for the formation hearing, may amend the general plan in any manner that it determines will not substantially reduce the benefits to be received by any land within the district from the community infrastructure upon completion of the work to be performed under the general plan. No election shall be required for the purposes of this subsection.

50-3107. FINANCES. (1) Only community infrastructure to be publicly owned by this state or a political subdivision thereof may be financed pursuant to this chapter.

(2) Community infrastructure to be financed or acquired, or publicly or privately constructed pursuant to this chapter shall be subject to the required bidding procedures for any Idaho public agency.

(3) Community infrastructure shown in the general plan may be financed from the following sources of revenue:

(a) Proceeds received from the sale of bonds of the district;
(b) Moneys of a county or city contributed to the district;
(c) Property taxes or special assessments;
(d) State or federal grants or contributions;
(e) Private contributions;
(f) User, landowner and other fees and charges;
(g) Proceeds of loans or advances; and
(h) Any other moneys available to the district by law.

(4) The amount of indebtedness evidenced by general obligation bonds issued pursuant to section 50-3108, Idaho Code, special assessment bonds issued pursuant to section 50-3109, Idaho Code, and revenue bonds issued pursuant to section 50-3110, Idaho Code, shall not exceed the estimated cost of the community infrastructure to be financed with such bonds, plus all costs connected with the issuance and sale of such bonds, including formation costs, credit enhancement and liquidity support fees and costs. The total aggregate outstanding principal amount of general obligation bonds and other indebtedness for which the full faith and credit of the district are pledged shall not affect the general obligation bonding capacity of any county or city in which the district is located.

(5) Bonds issued by a district shall not be a general obligation of this state or any political subdivision thereof, including any county or city in which the district is located and shall not pledge the full faith and credit of this state or any political subdivision thereof, including any county or city in which the district is located.

50-3108. GENERAL OBLIGATION BONDS -- ELECTION -- MAXIMUM INDEBTEDNESS ALLOWED -- LEVY. (1) After district formation, whenever the district board shall deem it advisable to issue general obligation bonds of the district, the district board shall provide therefor by resolution,

which resolution shall specify and set forth the community infrastructure and other costs and expenses approved by the district board consistent with the general plan to be financed with the bonds, and make provision for the collection of an annual tax sufficient to pay the interest on the bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof as required by the constitution and laws of the state of Idaho.

(2) The resolution shall also provide for holding an election, held in compliance with section 50-3112, Idaho Code, to submit to the qualified electors of the district the question of authorizing the district to issue general obligation bonds of the district to provide money for said community infrastructure consistent with the general plan. The ballot used in such election shall be in form substantially as follows: "In favor of issuing bonds to the amount of ..... dollars for the purpose stated in Resolution No. ...," and "Against issuing bonds to the amount of ..... dollars for the purpose stated in Resolution No. ...".

(3) If two-thirds (2/3) of the qualified electors at such election assent to the issuing of the bonds and the incurring of the indebtedness thereby created for the purpose aforesaid, the district board shall thereupon be authorized to issue and create such indebtedness in the manner and for the purposes specified in said resolution, and the bonds shall be issued and sold in the manner provided by the laws of the state of Idaho, and the district board by further resolution shall be entitled to issue and sell the bonds in series or divisions up to the authorized amount without the further vote of the qualified electors, and to issue and sell such bonds at such times and in such amounts as the district board deems appropriate to carry out a community infrastructure project or projects in phases; provided however, that before any issuance of the bonds, including issuance in series or divisions and, in addition to such other determinations made by the district board as it may deem reasonable and prudent, the district board shall also determine whether reasonable financial assurance for the payment of the debt service on the bonds through additional collateral, payment guarantee or otherwise shall be required from a developer. The developer shall be consulted and shall be given a reasonable period of time within which to appear, either in person or in writing, and respond to any proposed financial assurance. If, following such developer's response, the district board determines that reasonable financial assurance shall be required, the district board shall specify the type and amount of the financial assurance required in its resolution.

(4) In no event shall the aggregate outstanding principal amount of general obligation bonds and any other indebtedness for which the full faith and credit of the district are pledged exceed twelve percent (12%) of the actual or adjusted market value for assessment purposes on all taxable real property within the district as such valuation existed on December 31 of the previous year.

(5) After the bonds are issued, the district shall enter in its minutes a record of the bonds sold and their number and dates and shall periodically collect the pledged revenues to pay the debt service on the bonds when due.

(6) Bond proceeds received by the district shall be held in a segregated account and shall be disbursed therefrom only for:

(a) The payment of community infrastructure and/or community infra-

structure segments approved by the district board and actually completed; or

(b) For the purpose of reimbursing actually paid expenditures relating to community infrastructure as approved by the district board; provided however, that lien releases with respect to the payment made must be obtained from the underlying providers of labor, work, services or materials as a condition to such payment; or

(c) For the payment or reimbursement of governmentally imposed impact fees as approved by the district board.

(7) Completion of community infrastructure may be phased and payment made pursuant to a draw schedule. Bond proceeds shall be expended on the community infrastructure within three (3) years after issuance. Prior to issuance of the bonds, the district board shall determine that such bond proceeds can reasonably be expended within that time.

(8) Each year, prior to the time for the certification required under section 50-3114, Idaho Code, the district board shall levy a tax upon all taxable real property within the district, sufficient, together with any money from the sources described in section 50-3107(3), Idaho Code, to pay debt service on the bonds when due. The levy shall be made by resolution entered upon the minutes of the district board, and it shall be the duty of the clerk of the district, immediately after entry of the resolution in the minutes, to transmit to the board of county commissioners in each county in which the district is located the certification required under section 50-3114, Idaho Code. Such tax levied shall then be collected and accounted for at the time and in the form and manner as other taxes are collected and accounted for under the laws of this state. Moneys derived from the levy of property taxes to pay the debt service on the bonds shall be kept separately from other funds of the district. A district's levy of property taxes shall constitute a lien on all taxable real property within the district.

(9) The district may issue and sell refunding bonds to refund general obligation bonds of the district authorized by this section. The principal amount of the refunding bonds may be more or less than the principal amount of the bonds being refunded, provided that the proceeds of the refunding bonds are used only for refunding purposes and payment of the costs thereof, and the total obligation of the district is not increased, that is, if the amount of the refunding bonds is more than the principal amount of the bonds being refunded, issuance of the refunding bonds will result in a net present value savings to the district. No election shall be required in connection with the issuance and sale of such refunding bonds. Refunding bonds issued pursuant to this section shall have a final maturity date no later than the final maturity date of the bonds being refunded.

50-3109. SPECIAL ASSESSMENTS -- BONDS. (1) After district formation, upon the submission of a petition signed by all the owners of all the lands located in a proposed assessment area, or whenever the district board shall deem it advisable, the district board shall adopt a resolution ordering that a hearing be held to determine whether a special assessment should be imposed and special assessment bonds be issued to provide money for community infrastructure consistent with the general plan and the exercise by the district board of any of its powers under section 50-3105, Idaho Code.

(2) Notice of the hearing shall be posted in three (3) public

places within the boundaries of the district not less than thirty (30) days before the hearing. Notice of the hearing shall also be published twice, the first time not less than twelve (12) days prior to the hearing and the second time not less than five (5) days prior to the hearing, in a newspaper of general circulation in each county or city in which the district is located. A copy of such notice shall also be mailed to each district resident and each owner of real property in the district if known or such owner's agent if known, addressed to such person at his or her post office address if known or, if unknown, to a post office in the county or city where the district is located. Ownership of real property shall be determined as of the date of the adoption of the resolution ordering the hearing. The notice shall include the following:

(a) A description of the real property to be included within the assessment area;

(b) A description of the method by which the amount of the proposed special assessment will be determined for each class of real property to which the special assessment is proposed to apply, in sufficient detail to enable the owner of the affected parcel to determine the amount of the special assessment;

(c) A description of the community infrastructure to be financed with special assessment bonds or revenues; and

(d) A statement that any person affected by the proposed special assessment may object in writing or in person at the hearing.

(3) If, after the hearing, the district board finds that it will be for the best interest of the district and the real property within the assessment area that the aggregate fair market value of the real property within the assessment area, including the value of the community infrastructure to be financed or paid for with the special assessments, and the infrastructure for which performance bonds or other financial assurances have been received, is at least three (3) times the aggregate principal amount of the special assessment bonds as determined by an MAI appraisal in form and substance acceptable to the district board, the district board shall adopt a resolution approving the imposition of the special assessment and, also by resolution, shall prepare a form of assessment roll numbering each assessment, giving the name, if known, of the owner of each lot or parcel of real property assessed, showing the amount chargeable to each such lot or parcel, and finding that each such lot or parcel is benefited to the amount of assessment imposed thereon. Such resolution shall be the final determination of the regularity, validity and correctness of the assessment roll, of each assessment contained therein, and of the amount thereof imposed on each such lot or parcel. Special assessments may be prepaid and permanently satisfied in whole or in part at any point in time. Prepayment of special assessments shall be paid in cash to the district in the following manner: (i) the interest on such portion to the next date special assessment bonds may be redeemed, plus (ii) the unpaid principal amount of such portion rounded up to the next highest multiple of one thousand dollars ($1,000), plus (iii) any premium due on such redemption date with respect to such portion, plus (iv) any administrative or other fees charged by the district with respect thereto, less (v) the amount by which any reserve fund associated with the special assessment may be reduced on the redemption date as a result of such prepayment.

(4) Special assessment bonds approved at the hearing shall be

issued in the manner provided by the laws of the state of Idaho, and the district board by further resolution shall be entitled to issue and sell the bonds in series or divisions up to the authorized amount without further hearing, and to issue and sell such bonds at such times and in such amounts as the district board deems appropriate to carry out a community infrastructure project or projects in phases. Bond proceeds shall be expended on the community infrastructure within three (3) years after issuance. Prior to issuance of the bonds, the district board shall determine that such bond proceeds can reasonably be expended within such time.

(5) After the bonds are issued, the district board shall enter in its minutes a record of the bonds sold and their numbers and dates and shall periodically collect the pledged revenues to pay the debt service on the bonds when due.

(6) Each year, prior to the time for the certification required under section 50-3114, Idaho Code, the district board shall impose a special assessment upon the real property within the assessment area of the district that will be subject to the special assessment sufficient, together with any moneys from the sources described in section 50-3107(3), Idaho Code, to pay debt service on the bonds when due, in addition to reasonable costs associated with the collection of the special assessment payments. The special assessment shall be made by resolution entered upon the minutes of the district board, and it shall be the duty of the clerk of the district, immediately after entry of the resolution in the minutes, to transmit to the board of county commissioners in each county in which the district is located, the certification required under section 50-3114, Idaho Code. Such special assessment shall then be collected and accounted for at the time and in the form and manner as property taxes are collected and accounted for under the laws of this state. Moneys derived from the imposition of the special assessment to pay the debt service on the bonds shall be kept separately from other moneys of the district.

(7) Special assessments against privately owned residential property shall be subject to the following provisions:

(a) The maximum amount of any special assessment that may be imposed shall not be increased over time by any amount exceeding two percent (2%) per year, up to a maximum of ten percent (10%);

(b) The special assessment shall be imposed for a specified time period, after which no further special assessment shall be imposed and collected; and

(c) Subject to the applicable laws of this state, nothing in this subsection shall preclude the establishment of different categories of residential property or changing the amount of the special assessment imposed upon a parcel whose size or use is changed. A change in the amount of a special assessment imposed upon a parcel due to a change in its size or use shall not require notice and hearing, if the method for changing the amount of special assessment was approved at the hearing approving the special assessment and was described in sufficient detail to enable the owner of the affected parcel to determine how the change in size or use of the parcel would affect the amount of the special assessment.

(8) A district's imposition of a special assessment shall constitute a lien on the real property within the assessment area subject to the special assessment, including real property acquired by the state or

its political subdivisions after the imposition of the special assessment, which shall be effective during the period in which the special assessment is imposed and shall have a priority coequal to the lien of real property taxes. A special assessment shall be subject to foreclosure by the district in the same manner as real property tax liens under the laws of this state, provided that a special assessment shall be subject to foreclosure at any time after thirty (30) days following written notice of delinquency to the owner of the real property to which the delinquency applies. The portion of proceeds of any foreclosure sale necessary to discharge the lien for the special assessment shall be deposited in the special bond fund for payment of any obligations secured thereby.

(9) No holder of special assessment bonds issued pursuant to this chapter may compel any exercise of the taxing power of the district, county or city to pay the bonds or the interest on the bonds. Special assessment bonds issued pursuant to this chapter are not a debt of the state of Idaho or any political subdivision thereof including the district, county or city, nor is the payment of special assessment bonds enforceable out of any moneys other than the revenue pledged to the payment of the bonds.

(10) Subject to the provisions of this section, a district may issue special assessment bonds at such times and in such amounts as the district deems appropriate to carry out a project or projects in phases, and payment may be made pursuant to a draw schedule.

(11) The district may issue and sell refunding bonds to refund any special assessment bonds of the district authorized in this chapter. The principal amount of the refunding bonds may be more or less than the principal amount of the bonds being refunded, provided the proceeds of the refunding bonds are used only for refunding purposes and payment of the costs thereof, and the total obligation of the district is not increased, that is, if the amount of the refunding bonds is more than the principal amount of the bonds being refunded, issuance of the refunding bonds will result in a net present value savings to the district. No election shall be required in connection with the issuance and sale of such refunding bonds. Refunding bonds issued pursuant to this section shall have a final maturity date no later than the final maturity date of the bonds being refunded.

50-3110. REVENUE BONDS -- ELECTION. (1) Subject to section 3, article VIII, of the constitution of the state of Idaho, after district formation, whenever the district board shall deem it advisable to issue revenue bonds of the district, the district board shall provide therefor by resolution, which resolution shall specify and set forth the community infrastructure consistent with the general plan to be financed with such bonds.

(2) The resolution shall also provide for holding an election, held in compliance with section 50-3112, Idaho Code, to submit to the qualified electors of the district the question of authorizing the district to issue revenue bonds of the district to provide moneys for such community infrastructure consistent with the general plan.

(3) Except as otherwise specifically set forth in this section, the provisions of the water and sewer district revenue bond act codified in chapter 41, title 42, Idaho Code, shall apply with respect to the issuance of revenue bonds and refunding bonds under this section in substan-

tially the same manner as if the district were a water and/or sewer district issuing bonds pursuant to the water and sewer district revenue bond act, and the district board shall conduct itself in the issuance of revenue bonds in substantially the same manner as the commissioners of a district under the water and sewer district revenue bond act.

(4) If the revenue bonds are approved at the election, the district board shall thereupon be authorized to issue and create such indebtedness in the manner and for the purposes specified in said resolution, and such bonds shall be issued and sold in the manner provided by the laws of the state of Idaho.

(5) After the bonds are issued, the district board shall enter in its minutes a record of the bonds sold and their numbers and dates and shall periodically collect the pledged revenues to pay the debt service on the bonds when due.

(6) Money derived from the collection of revenues pledged to pay the debt service on the bonds shall be kept separately from other moneys of the district.

(7) No holder of revenue bonds issued pursuant to this chapter may compel any exercise of the taxing power of the district, county or city to pay the bonds or the interest on the bonds. Revenue bonds issued pursuant to this chapter are not a debt of the state or any political subdivision thereof, including any county or city in which the district is located, nor are they the debt of the district, other than with respect to the revenue pledged to the payment of the bonds. The payment of revenue bonds is not enforceable out of any money other than the revenue pledged to the payment of the bonds.

(8) Subject to the provisions of this section, a district may issue revenue bonds at such times and in such amounts as the district deems appropriate to carry out a project in phases.

(9) The district may issue and sell refunding bonds to refund revenue bonds of the district authorized by this section. The principal amount of the refunding bonds may be more or less than the principal amount of the bonds being refunded, provided the proceeds of the refunding bonds are used only for refunding purposes and payment of the costs thereof, and the total obligation of the district is not increased, that is, if the amount of the refunding bonds is more than the principal amount of the bonds being refunded, issuance of the refunding bonds will result in a net present value savings to the district. No election shall be required in connection with the issuance and sale of such refunding bonds. Refunding bonds issued pursuant to this section shall have a final maturity date no later than the final maturity date of the bonds being refunded.

50-3111. TERMS OF BONDS. For any bonds issued under this chapter, the district board shall prescribe the denominations of the bonds, the principal amount of each issue and the form of the bonds and shall establish the maturities, which shall not exceed thirty (30) years, interest payment dates and interest rates, whether fixed or variable, not exceeding the maximum rate stated in the notice of the election or the resolution of the district board. The bonds, up to the aggregate authorized principal amount thereof, may be issued in whole or divided into series, and by supplementary resolution adopted from time to time by the district board, the district may issue any remaining principal amount of the bonds in one (1) or more subsequent divisions. No elec-

tion shall be required in connection with the issuance of any remaining principal amount of the bonds in a subsequent division. The bonds may be sold by competitive bid or negotiated sale for public or private offering at, below or above par. The proceeds of the bonds shall be deposited with the treasurer, or with a trustee or agent designated by the district board, to the credit of the district to be withdrawn for the purposes provided by this chapter. Pending that use, the proceeds may be invested as determined by the district board. The bonds shall be made payable as to both principal and interest solely from revenues of the district, and shall specify the revenues pledged for such purposes, and shall contain such other terms, conditions, covenants and agreements as the district board deems proper. The bonds may be payable from any combination of taxes or revenues of the types described in sections 50-3108, 50-3109 and 50-3110, Idaho Code.

50-3112. NOTICE AND CONDUCT OF ELECTION. (1) Any election pursuant to this chapter shall be a nonpartisan election, and in regard to election dates, shall be held in compliance with section 34-106, Idaho Code, or section 50-429, Idaho Code. Except as otherwise specifically set forth in this section, the district board shall cause the election to be held and conducted in the same manner prescribed by law for the holding of general elections in this state, including chapter 14, title 34, Idaho Code, and shall call the election by posting notices in three (3) public places within the boundaries of the district not less than thirty (30) days before the election. Notice shall also be published twice, the first time not less than twelve (12) days prior to the election and the second time not less than five (5) days prior to the election, in a newspaper of general circulation in each county or city in which the proposed district is located. A copy of such notice shall also be mailed to each district resident and each owner of real property in the district if known or such owner's agent if known, addressed to such person at his or her post office address if known or, if unknown, to a post office in the county or city where the district is located. Ownership of real property shall be determined as of the date of the adoption of the resolution ordering the hearing. The notice shall state:

(a) The place of holding the election;

(b) Subject to section 34-1409, Idaho Code, the hours during the day in which the polls will be open;

(c) If the election is a bond election, whether the bonds are general obligation bonds or revenue bonds, the total principal amount of bonds to be authorized, whether the bonds will be issued in series, the maximum rate of interest to be paid on the bonds and the maximum term of the bonds, not exceeding thirty (30) years;

(d) If the election is an election to change or eliminate an existing tax, the maximum tax amount to be imposed as a result of the change or elimination;

(e) The purposes for which property taxes levied and revenues raised will be used, including a description of the community infrastructure to be financed with tax revenues, district revenues or bond proceeds;

(f) That the imposition of property taxes will result in a lien for the payment thereof on real property within the district; and

(g) That a general plan is on file with the county clerk of each county in which the district is located.

(2) The district board shall determine the date of the election and the polling place or places for the election. The district board may establish, change, and consolidate election precincts within the district, as it deems necessary and appropriate, and shall define precinct boundaries.

(3) Subject to sections 50-3102(10) and 50-3102(13), Idaho Code, the current property rolls for the district and current voter lists in effect at the time that the election has begun shall be used to determine the qualified electors. If the district includes land lying partly in and partly out of any precinct, the voter lists may contain the names of all electors in the precinct, and the precinct boards at those precincts shall require that a prospective elector execute an affidavit stating that the elector is also a qualified elector.

(4) If the district is to be located within two (2) or more counties and/or cities, the election shall be held on the same day in each jurisdiction.

(5) The ballot material provided to each voter shall include:

(a) For an election concerning the issuance of bonds, an impartial description of the bonds to be issued and an impartial description of the property taxes to be imposed; the method of apportionment, collection and enforcement and other details sufficient to enable each qualified elector to reasonably estimate the amount of tax he or she will be obligated to pay; and a statement that the issuance of the bonds and the imposition of property taxes is for the provision of certain, but not necessarily all, community infrastructure that may be needed or desirable within the district, and that other taxes or assessments by other governmental entities may be presented for approval by qualified electors; and

(b) For an election to change an existing maximum tax or eliminate an existing tax, an impartial description of the change or elimination.

(6) Within ten (10) days after an election, the district board shall meet and canvass the returns, and declare the results thereof. At least a two-thirds (2/3) majority of the votes cast at the election shall be required for issuing bonds or changing an existing tax. The canvass may be continued for an additional period not to exceed thirty (30) days at the election of the district board for the purpose of completing the canvass. Failure of a required majority to vote in favor of the matter submitted shall not prejudice the submission of the same or similar matters at a later election. The canvass of any general obligation bond election shall be filed and recorded in each county in which the district is located.

(7) In any election held pursuant to this chapter, every voter may vote at any election held pursuant to this chapter, but shall be entitled to cast votes, as follows: (i) each resident qualified elector shall be entitled to one (1) vote; and (ii) each owner qualified elector shall be entitled to one (1) vote. An owner qualified elector shall not be entitled to an additional vote as a result of also being a resident of the district. When record title is held in more than one (1) name, the owners shall file with the clerk of the district at or prior to the election a designation in writing, of which one of the owners shall be deemed the owner for purposes of voting.

(8) In conducting an election, the polling official may require evidence of ownership of property and designation of the power to exer-

cise the vote of any owner consistent with the provisions of this section and section 50-3102(10), Idaho Code.

50-3113. COST OF ADMINISTRATION. Each year, prior to the time for the certification required under section 50-3114, Idaho Code, the district board may levy a tax upon all taxable real property within the district of up to one-hundredth of one percent (.01%) of the market value for assessment purposes on all taxable real property within the district, to be used only to reimburse or defray the administrative expenses of the district pursuant to a district development agreement. No election shall be required. The levy shall be made by resolution entered upon the minutes of the district board, and it shall be the duty of the clerk of the district, immediately after entry of the resolution in the minutes, to transmit to the board of county commissioners in each county in which the district is located, the certification required under section 50-3114, Idaho Code. Such tax shall then be collected and accounted for at the time and in the form and manner as other taxes are collected and accounted for under the laws of this state.

50-3114. ANNUAL FINANCIAL STATEMENTS AND ESTIMATES -- ANNUAL BUDGET -- CERTIFICATION. (1) When levying property taxes or imposing special assessments, and prior to certification of same to the county commissioners, the district board shall make annual statements and estimates of the administrative expenses of the district, the costs of community infrastructure to be financed by property taxes and special assessments and the amount of all other expenditures for community infrastructure proposed to be paid from property taxes and special assessments and of the amount to be raised to pay general obligation bonds and special assessment bonds of the district, all of which shall be provided for by the levy, imposition and collection of property taxes and special assessments. The annual estimates prepared by the district board shall include an amount determined by the district board, in consultation with the county tax collector, to defray the costs imposed upon the county tax collector's office for any additional administrative services that will be required in the collection of and accounting for such district property taxes and special assessments. Such additional costs shall be for those services not otherwise included in the general tax collection and accounting services already provided by the county tax collector's office and otherwise paid for by property tax revenues, and shall be reasonably related to, but shall not exceed, the actual cost of the additional administrative services provided. The district board shall file the annual statements and estimates with the district clerk and, not later than the time required by section 63-802A, Idaho Code, shall set and notify the county clerk of the date and location set for the annual budget hearing of the district. The district board shall publish a notice of the filing of the estimate, shall hold a public hearing on the portion of the estimate not relating to debt service on general obligation bonds and special assessment bonds and shall adopt a budget. Notice of the budget hearing shall be posted at least ten (10) days prior to the date of said meeting in at least one (1) conspicuous place within the district to be determined by the district board; a copy of the notice shall also be published in a newspaper of general circulation in the county or city in which the proposed district is located, in one (1) issue thereof, during such ten (10) day period. The place, hour and

day of the hearing shall be specified in said notice, as well as the place where the budget may be examined prior to the hearing. A full and complete copy of the proposed budget shall be published with and as a part of the publication of the notice of hearing. The budget shall be available for public inspection from and after the date of the posting of notices of hearing as in this section provided, at such place and during such business hours as the district board may direct. A quorum of the district board shall attend the hearing and explain the proposed budget and hear any and all objections to the proposed budget. The district board at the time of the certification required under subsection (2) of this section shall file with the board of county commissioners in each county in which the district is located a certified copy of the annual budget as previously prepared, approved and adopted.

(2) The district board, having determined the total amount required from property taxes and special assessments to raise the amount of money fixed by the annual budget, including the amount of money needed to satisfy annual bond payments, shall cause the amount of money so determined to be certified in dollars to the board of county commissioners in each county in which the district is located not later than the time required for certification under section 63-803, Idaho Code. Said certification shall list separately each tax levy and special assessment if more than one (1), and the purpose of each thereof, and shall otherwise comply with the requirements of section 63-803, Idaho Code.

(3) Following such certification to the county commissioners, district property taxes and special assessments shall then be collected and accounted for at the time and in the form and manner as other taxes are collected and accounted for under the laws of this state. Except as specifically provided otherwise in this chapter, all statutes of this state relating to the levy, imposition, collection, settlement and payment of property taxes, including the collection of delinquent taxes and sale of property for nonpayment of taxes and special assessments, apply to district property taxes and special assessments.

50-3115. DISCLOSURE. (1) The district board shall record with the county clerk in each county in which the district is located, upon the records of each parcel of real property within the district that will be encumbered with any future general obligation bond or special assessment bond repayment liability, a notice setting forth:

(a) The current obligation of a property owner within the district with respect to any bond repayment liability;

(b) That the obligation to retire the bonds will be the responsibility of any property owner in the district through the payment of real property taxes and special assessments collected by the county treasurer in addition to all other property tax payments;

(c) The estimated maximum tax or special assessment rate upon the parcel for bond repayment;

(d) Whether the tax or special assessment rate is to be maintained at any level by means of any developer agreement with the district; and

(e) That in the event of the failure to maintain the tax rate, the tax rate on a parcel will increase, as needed, to provide for bond repayment.

(2) Such notice may be separately recorded or included in a recorded district development agreement. The governing body, in its res-

olution approving formation of the district, shall require that a form disclosure, consistent with the foregoing, be signed and acknowledged by any purchaser of land within the district prior to purchase. The form disclosure shall be entitled "CID TAX AND SPECIAL ASSESSMENT DISCLOSURE NOTICE" and shall specifically and conspicuously set forth "YOU ARE PURCHASING REAL PROPERTY THAT IS INCLUDED WITHIN THE BOUNDARIES OF A COMMUNITY INFRASTRUCTURE DISTRICT." Further, the notice shall set forth such other notifications as determined appropriate by the district board that shall fully and fairly disclose the property owner's general obligation bond and special assessment repayment liability with examples provided.

50-3116. DISSOLUTION OF DISTRICT. (1) The district shall be dissolved by the district board by a resolution of the district board upon a determination that each of the following conditions exist:

(a) All community infrastructure owned by the district has been, or provision has been made for all community infrastructure to be conveyed, either to the state of Idaho or to a political subdivision thereof, which shall include a county or city in which the district is located, or to a public district or other authority authorized by the laws of this state to own such community infrastructure;

(b) The district has no outstanding bond obligations; and

(c) All obligations of the district pursuant to any contracts or agreements entered into by the district have been satisfied.

(2) All property within the district that is subject to the lien of district taxes or special assessments shall remain subject to the lien for the payment of general obligation bonds or special assessment bonds, as the case may be, notwithstanding dissolution of the district. The district shall not be dissolved if any revenue bonds of the district remain outstanding unless an amount of money sufficient, together with investment income thereon, to make all payments due on the revenue bonds, either at maturity or prior redemption, has been deposited with a trustee or escrow agent and pledged to the payment and redemption of the bonds. The district may continue to operate after dissolution only as needed to collect money and make payments on any outstanding bonds.

(3) The district shall send a notice of dissolution to the governing body or bodies, the county assessor of each county in which the district is located, and the state tax commission. The district shall also record a notice of dissolution with the county clerk in each county in which the district is located.

(4) Subject to the foregoing provisions of this section, if upon dissolution of the district there remain any excess moneys of the district, the district board shall, by resolution, cause the same to be fairly distributed among the current taxpayers of the district. If, as determined in the sole discretion of the district board, the amount to be distributed is de minimis, or the administrative cost of distribution is prohibitive, such remaining moneys shall be paid to the county treasurer of each county in which the district is located to be distributed among the cities and counties in which the district is located in proportion to which said cities and counties receive property tax revenues generally.

50-3117. EXEMPTIONS AND EXCLUSIONS. (1) All public utilities, as defined in section 61-129, Idaho Code, shall be exempt from taxation under this chapter.

(2) No railroad right-of-way may be included within a community infrastructure district without the consent of the railroad.

(3) No personal property within a community infrastructure district shall be subject to taxation under this chapter.

50-3118. LIMITATION OF LIABILITY. Neither any member of the district board nor any person acting on behalf of the district, while acting within the scope of his or her authority, shall be subject to any personal liability for any action taken or omitted within that scope of authority.

50-3119. APPEAL -- EXCLUSIVE REMEDY -- CONCLUSIVENESS. Any person in interest who feels aggrieved by the final decision of a governing body or a district board in the formation or governing of a district, including, with respect to any tax levy, special assessment or bond, may, within thirty (30) days after such final decision, seek judicial review by filing a written notice of appeal with the clerk of the district and with the clerk of the district court for the judicial district in which a majority of the land area of the district is located. After said thirty (30) day period has run, no one shall have any cause or right of action to contest the legality, formality or regularity of said decision for any reason whatsoever and, thereafter, said decision shall be considered valid and uncontestable and the validity, legality and regularity of any such decision shall be conclusively presumed. With regard to the foregoing, if the question of validity of any bonds issued pursuant to this chapter is not raised on appeal as aforesaid, the authority to issue the bonds, the legality thereof and of the levies or assessments necessary to pay the same shall be conclusively presumed and no court shall thereafter have authority to inquire into such matters.

50-3120. CONSISTENCY WITH STATE LAW. (1) A community infrastructure district shall develop community infrastructure consistent with the general plan and in compliance with the requirements of chapter 13, title 50, Idaho Code, and chapter 65, title 67, Idaho Code.

(2) A community infrastructure district shall be deemed to be of the same nature and afforded the same treatment as a local improvement district for purposes of application of section 58-336, Idaho Code, relating to lands benefitting by such district; section 67-8209, Idaho Code, authorizing development impact fee credits; and section 67-8214, Idaho Code, providing that other powers and rights of governmental entities are not affected.

50-3121. SEVERABILITY. The provisions of this chapter are hereby declared to be severable and if any provision or the application of the provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this chapter.

Approved April 15, 2008.

SENATE JOINT MEMORIALS

(S.J.M. No. 108)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARIES OF THE UNITED STATES DEPARTMENTS OF VETERANS AFFAIRS AND DEFENSE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the state of Idaho is home to thousands of veterans who have served our country honorably as members of the armed forces, and activated members of the National Guard and Reserve component forces; and

WHEREAS, each day we learn more about the price our military members pay to defend our freedom and protect our national security, including physical and mental illnesses and injuries sustained in the line of duty; and

WHEREAS, veterans can have a wide range of short-term and long-term health care problems including spinal cord injury, blindness, traumatic brain injury, posttraumatic stress reaction, loss of limbs and mental illness; and

WHEREAS, untreated combat-related illnesses and injuries can result in severe social problems, including alcohol and drug abuse, domestic violence, child abuse, familial disintegration, suicide and homelessness; and

WHEREAS, our returning service members have earned and deserve timely treatment for injuries and illnesses sustained while in service to the United States and Idaho; and

WHEREAS, there is an escalation of the number of combat veterans returning home who require health care services and it is imperative that the availability of those services keep up with that need.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we express our profound gratitude for the sacrifices made by our veterans including, but not limited to, those who suffer from medical or mental illnesses and injuries sustained while they are serving in the United States armed forces

and as activated members of the National Guard and Reserve component forces.

BE IT FURTHER RESOLVED that the Idaho Legislature hereby expresses our support for federal initiatives to ensure that our returning service members have timely access to the range and quality of health care services they require, while requesting that Congress and the President support, and work closely with state and local governments in implementing such initiatives.

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 Secretaries of the United States Departments of Veterans Affairs and Defense, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate January 25, 2008
Adopted by the House February 6, 2008

(S.J.M. No. 109)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Maintenance of Effort (MOE) provision in Section 108 of the College Opportunity and Affordability Act of 2007 (H.R. 4137) now before the United States House of Representatives would punish states for not maintaining or increasing higher education funding appropriations; and

WHEREAS, this would place the federal government in charge of determining when state legislatures and governors have adequately funded higher education; and

WHEREAS, this mandate in higher education would set a dangerous precedent for federal intrusion into state policy and appropriations authority; and

WHEREAS, state legislators are also concerned with the rising cost of higher education and are committed to making higher education affordable for all citizens; and

WHEREAS, state budgeting decisions should be made by state officials, not the United States Secretary of Education.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Congress should strike Section 108 from the College Opportunity and Affordability Act of 2007 (H.R. 4137) before sending the final bill to the President of the United States to sign into law.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate January 31, 2008
Adopted by the House February 13, 2008

(S.J.M. No. 111)

A JOINT MEMORIAL
TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Section 4, Article 4 of the United States Constitution declares: "The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence."; and

WHEREAS, even conservative estimates of the number of illegal immigrants residing in the United States range from twelve million to twenty million, with some estimates as high as thirty million; and

WHEREAS, the illegal entry into the United States by tens of millions of illegal immigrants approaches ten percent of this nation's population and should be considered an invasion; and

WHEREAS, the federal government has allowed this illegal immigration invasion to occur at an accelerating pace for the last several decades; and

WHEREAS, the North American Free Trade Agreement (NAFTA) and the Security and Prosperity Partnership of North America (SPP) are being used to nullify the Declaration of Independence and the United States Constitution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we emphatically urge and petition the President of the United States and the Congress of the United States and particularly the congressional delegation representing the state of Idaho to honor their oath of office to "support and defend the Constitution of the United States" by passing the necessary and appropriate legislation to resolve the illegal immigration crisis by:

(1) Securing our national borders;

(2) Stopping illegal immigration, including the ending of government incentives for illegal immigration; and

(3) Immediately implementing a guest-worker program that requires guest-workers to apply for work visas and that establishes compliance and enforcement standards.

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 President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate March 12, 2008
Adopted by the House March 27, 2008

(S.J.M. No. 113)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

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 while emphasizing our commitment to the Pacific Northwest Economic Region (PNWER) and other cooperative nations working for mutually beneficial goals; and

WHEREAS, the unique form of freedom and free enterprise system enjoyed by Americans, provided for in the United States Constitution and Declaration of Independence, is now being threatened by the North American Free Trade Agreement (NAFTA) between the United States and foreign countries; and

WHEREAS, Article 2205 of NAFTA allows for the withdrawal of the United States from the agreement and provides that "(a) A party may withdraw from this Agreement six months after it provides written notice of withdrawal to the other Parties. If a Party withdraws, the Agreement shall remain in force for the remaining Parties"; and

WHEREAS, by 2002, which was the last year United States government agencies tracked NAFTA specific job losses, over 1.5 million American jobs were verified as lost due to NAFTA, with the majority from the high wage manufacturing sector; and

WHEREAS, NAFTA-related trade imbalances have grown from an imbalance in 2002 of $85 billion to a trade deficit of nearly $139 billion with Mexico and Canada in 2007 pursuant to foreign trade statistics of the U.S. Census Bureau; and

WHEREAS, NAFTA has reduced the value of the dollar, harmed the U.S. economy, local communities and American families, undermined the free enterprise system in the United States, and resulted in a lack of parity regarding laws and regulations related to the environment and labor, as well as other laws and regulations placing America at a disadvantage; and

WHEREAS, the volume of imports from Mexico and Canada has soared since NAFTA, straining security checks at the U.S. border and threaten-

ing the economic and physical security of the United States with the potential loss of control of its borders; and

WHEREAS, future unrestricted foreign trucking allowed by NAFTA into the United States has the potential of posing a safety hazard to the American people due to inadequate maintenance and inspection, 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 undermine the very charge given to the U.S. Department of Homeland Security to defend our borders against threats; and

WHEREAS, NAFTA has resulted in spiraling deficits with Mexico and Canada, unfair agricultural trade, job loss, wage reductions and an erosion in standards of living, an erosion of the United States manufacturing base, an increase in health and environmental hazards, and an increase in the flow of illegal drugs and controlled substances into the country due to inadequate inspection practices; and

WHEREAS, continued participation in NAFTA should be conditioned on the renegotiation of the terms of NAFTA by the President of the United States to correct trade deficits, currency distortions and agricultural provisions. Continued participation should also be conditioned on certification to Congress by the President that the Government of Mexico is elected in free and fair elections, provides a fair, impartial and transparent justice system, and protects the rights of its citizens to organize into political parties, to have free speech and free media, and to assemble and organize associations to advance human rights and economic opportunities; and

WHEREAS, continued participation should also be conditioned on certification of gains in United States jobs and living standards by the U.S. Secretary of Labor, certification of increased domestic manufacturing by the U.S. Secretary of Commerce, certification by the U.S. Secretary of Agriculture that there has been a reduced incidence of contaminated and adulterated food, certification by the U.S. Administrator of the Environmental Protection Agency that conditions affecting public health in the United States - Mexico border zone have not worsened since January 1, 1994, and certification by the Attorney General of the United States that increased imports from NAFTA parties are not resulting in an increase in crime involving illegal drugs or other controlled substances; and

WHEREAS, unless the conditions for continued participation are met, congressional approval of NAFTA should cease to be effective and the President of the United States should provide written notice of withdrawal to the Governments of Mexico and Canada in accordance with Article 2205 of NAFTA.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives 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 require that specified conditions for the continued participation in NAFTA be enacted and that, should conditions for continued participation fail to be met, congressional approval of NAFTA should cease to be effective and the President of the United States should provide written notice of withdrawal to the Governments of Mexico and Canada in accordance with Article 2205 of NAFTA.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate March 20, 2008
Adopted by the House March 26, 2008

(S.J.M. No. 114)

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, TO MEMBERS OF THE UNITED STATES SENATE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS AND TO MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCIAL SERVICES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, regulation, oversight and consumer protection have traditionally and historically been powers reserved to state governments under the McCarran-Ferguson Act of 1945; and

WHEREAS, state legislatures are more responsive to the needs of their constituents and the need for insurance products and regulation to meet their state's unique market demands; and

WHEREAS, many states, including Idaho, have recently enacted and amended state insurance laws to modernize market regulation and provide insurers with greater ability to respond to changes in market conditions; and

WHEREAS, state legislatures, the National Conference of Insurance Legislators (NCOIL), the National Association of Insurance Commissioners (NAIC), and the National Conference of State Legislatures (NCSL) continue to address uniformity issues among states by the adoption of model laws that address market conduct, product approval, agent and company licensing and rate deregulation; and

WHEREAS, initiatives are being contemplated by certain members of the United States Congress that have the potential to destroy the state system of insurance regulation and create an unwieldy and inaccessible federal bureaucracy, all without consumer and constituent demand; and

WHEREAS, such initiatives include S.40/H.R.3200, the National Insurance Act of 2007, which is proposed optional federal charter legislation that would bifurcate insurance regulation and result in a quagmire of federal and state directives that would promote ambiguity and confusion; and

WHEREAS, S.40/H.R.3200 would allow companies to opt out of state insurance regulatory oversight and evade important state consumer protections; and

WHEREAS, the mechanism set up under S.40/H.R.3200 does not, and cannot by its very nature, respond as state regulation does, to states' individual and unique insurance markets and constituent concerns; and

WHEREAS, S.40/H.R.3200 has the potential to compromise state guaranty fund coverage, and employers could end up absorbing losses otherwise covered by these safety nets for businesses affected by insolvencies; and

WHEREAS, S.40/H.R.3200 would ultimately impose the costs of a new and needless federal bureaucracy upon businesses and the public; and

WHEREAS, many state governments derive general revenue dollars from the regulation of the business of insurance, including over $14 billion in premium taxes generated in 2006, of which the state of Idaho generated over $80 million; and

WHEREAS, S.40/H.R.3200 does not fully guarantee state premium tax revenues for a long-term period of time and has the potential to draw premium tax revenue from the states.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Legislature joins the National Conference of Insurance Legislators in expressing its strong opposition to S.40/H.R.3200 and any other such federal legislation that would threaten the power of state legislatures, governors, insurance commissioners and attorneys general to oversee, regulate and investigate the business of insurance and to protect consumers.

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, the congressional delegation representing the State of Idaho in the Congress of the United States, to members of the United States Senate Committee on Banking, Housing and Urban Affairs, and the United States House of Representatives Committee on Financial Services.

Adopted by the Senate March 20, 2008
Adopted by the House March 27, 2008

HOUSE JOINT MEMORIALS

(H.J.M. No. 6)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the federal survey process through which skilled nursing facilities are inspected is a federal process which is not available for significant state deviation or modification; and

WHEREAS, the federal survey process was developed in 1987 and was designed for typical residents in skilled nursing facilities at that time; and

WHEREAS, the acuity levels of patients now being cared for in skilled nursing facilities are significantly elevated from those of twenty years ago; and

WHEREAS, the federal survey process does not allow for trained, experienced surveyors to provide consulting of any kind when surveying a skilled nursing facility; and

WHEREAS, the punitive and negative design of the federal survey process often negatively impacts the morale, turnover and motivation of the workforce of the skilled nursing facility; and

WHEREAS, the costs of the very expensive federal survey process outweigh the benefits; and

WHEREAS, the state of Idaho has produced a survey process for assisted living providers which is not punitive, provides for significant consulting and, as current feedback indicates, a confidence building and learning experience for employees of the facility.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature urges the Idaho congressional delegation, the Idaho Department of Health and Welfare, the United States Department of Health and Human Services,

resident advocate groups in Idaho and industry representatives to negotiate how to improve the survey process in skilled nursing facilities in Idaho and that the Idaho Legislature supports measures to improve quality care in the skilled nursing facilities in Idaho and the Idaho Legislature also affirms our desire to be efficient with tax dollars.

BE IT FURTHER RESOLVED that the Idaho Legislature urges the Idaho congressional delegation to request support and necessary funding from the United States Congress for a pilot project in the state of Idaho to implement the changes negotiated by the aforementioned groups.

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 Secretary of the United States Department of Health and Human Services, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the state of Idaho in the Congress of the United States.

Adopted by the House February 19, 2008
Adopted by the Senate February 27, 2008

(H.J.M. No. 7)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Internet has been an extremely important means of exchanging information, and is relied upon in Idaho for business, education, recreation and other uses; and

WHEREAS, many Internet sites contain material that is pornographic, either obscene or inappropriate for children, and a majority of these sites originate within the United States but outside of the state of Idaho; and

WHEREAS, the availability of Internet pornography on the job costs Idaho employers significant numbers of work hours, strains employers' computer equipment, reduces productivity and leads to potentially hostile work environments for men and women; and

WHEREAS, while the custody, care and nurturing of children resides primarily with parents, the widespread availability of Internet pornography and the ability of children to circumvent existing filtering technology defeat the best attempts at parental supervision or control; and

WHEREAS, Internet pornographers are using evolving techniques to lure Idaho children and others into viewing and purchasing pornographic material, defying existing technology designed to block adult content; and

WHEREAS, current methods for protecting computers and computer networks from unwanted Internet content are expensive, block more than the intended content and are easily circumvented; and

WHEREAS, because children, employees and others may seek out pornography, warnings and other labels meant to help avoid inadvertent hits on pornographic sites may simply increase the likelihood that these sites will be visited; and

WHEREAS, credit card verification systems burden credit card companies, are expensive and time consuming to establish and maintain and these systems inhibit legal speech, and other forms of age verification have not been practicable; and

WHEREAS, prior congressional attempts to address children's access to Internet pornography have been held unconstitutional or otherwise have not passed constitutional scrutiny and have not been based on technology that allows individual Internet users to select what kind of Internet content enters their homes and workplaces; and

WHEREAS, protecting the physical and psychological well-being of Idaho's children by shielding them from inappropriate materials is a compelling interest of the Legislature of the State of Idaho; and

WHEREAS, although the state of Idaho has taken rigorous action in an attempt to shield Idaho's children from obscenity and other inappropriate adult content, it cannot effectively curb the programs with Internet pornography within its borders without the support of the United States government; and

WHEREAS, the United States remains in control of the Internet through the Department of Commerce and the National Telecommunications and Information Association; and

WHEREAS, the United States has the ability to create appropriate policies and enforcement tools to effectively deal with these issues.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we strongly urge the United States Congress to take action to help stop children and employees from accessing Internet pornography and that legislation be enacted to facilitate a technology-based solution that allows parents and employers to subscribe to Internet access services that exclude adult content.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 25, 2008
Adopted by the Senate March 11, 2008

(H.J.M. No. 8)

A JOINT MEMORIAL

TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF THE INTERIOR, THE COMMISSIONER OF THE BUREAU OF RECLAMATION, THE UNITED STATES ARMY CORPS OF ENGINEERS, THE GOVERNOR OF THE STATE OF IDAHO, THE MEMBERS OF THE IDAHO WATER RESOURCE BOARD, THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, water is among the most precious natural resources of the state of Idaho; and

WHEREAS, residents of Idaho have been experiencing shortages in water availability and deliveries in recent years; and

WHEREAS, continued, unprecedented drought, population growth and urban development, conjunctive administration, Endangered Species Act requirements and other additional demands are being placed on the already scarce water resources of the state; and

WHEREAS, Idaho stores a small percentage of its average annual runoff in comparison with other states; and

WHEREAS, additional storage would be beneficial for Idaho residents for irrigation, domestic, municipal, commercial, industrial, recreational, flood control, resident fisheries, wildlife and other purposes; and

WHEREAS, new storage reservoirs can take many years to plan, design and construct; and

WHEREAS, the Minidoka Dam enlargement, Teton Dam replacement, Twin Springs Dam, Galloway Dam and Lost Valley Dam have initially been identified by the Director of the Idaho Department of Water Resources as potential projects that could be constructed; and

WHEREAS, studies have been undertaken, or have been proposed, which indicate that there are potential storage sites that would provide significant additional storage to residents of the state of Idaho, which can be built in a safe, environmental and economical manner, and which will provide significant long-term benefits to the state of Idaho; and

WHEREAS, additional studies have been proposed specific to the Minidoka Dam enlargement, Teton Dam replacement and Twin Springs Dam; and

WHEREAS, the Bureau of Reclamation is agreeable to the study of Minidoka Dam enlargement, but the opportunity to do so is limited by the fact that environmental compliance and design work are ready to commence on the replacement of the spillway at the Minidoka Dam, making time of the essence for the storage enlargement study; and

WHEREAS, the United States Army Corps of Engineers, by virtue of the 2007 amendments to the federal Water Resource Development Act, has feasibility authority to study water supply and flood control on the Boise River, including Twin Springs Dam.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we support the study of additional water storage projects.

BE IT FURTHER RESOLVED that we encourage the Bureau of Reclamation, the United States Army Corps of Engineers, the Governor of the State of Idaho, the Idaho Water Resource Board, the Idaho Department of Water Resources, and other federal, state and local agencies to cooperate with the residents of the State of Idaho in initiating and completing the study of additional water storage projects including, but not necessarily limited to, the Minidoka Dam enlargement, Teton Dam replacement and Twin Springs Dam, identifying those projects that are feasible, and moving forward with implementation and construction of those water storage projects that most benefit the residents of the state of Idaho.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Secretary of the United States Department of the Interior, the Commissioner of the Bureau of Reclamation, the United States Army Corps of Engineers, the Governor of the State of Idaho, the members of the Idaho Water Resource Board, the Director of the Idaho Department of Water Resources, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 19, 2008
Adopted by the Senate March 12, 2008

(H.J.M. No. 11)

A JOINT MEMORIAL
TO THE SECRETARY OF THE INTERIOR, THE SECRETARY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE, THE CHIEF OF THE U.S. FOREST SERVICE, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the U.S. Forest Service was established in 1905 as an agency of the United States Department of Agriculture for the purpose of managing public lands in national forests and grasslands; and

WHEREAS, the Wild and Scenic Rivers Act establishes a National Wild and Scenic Rivers System for the protection of rivers with important scenic, recreational, fish and wildlife, and other values. The act designates specific rivers for inclusion in the system and prescribes the methods and standards by which additional rivers may be added; and

WHEREAS, the Middle Fork of the Clearwater River was included in the Wild and Scenic River System in 1968, authorizing, among other things, the acquisition of easements from private landowners for the protection of the character of the river and its surroundings but was to retain the right for rural agricultural uses, including light ranching and farming operations; and

WHEREAS, there have been instances where the U.S. Forest Service has initiated litigation against private property owners who hold easements pursuant to the Wild and Scenic Rivers Act relating to their ranching and farming operations without exhausting every effort such as mediation, consultation and coordination.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the U.S. Forest Service to exhaust every effort such as mediation, consultation and coordination with private property owners who hold easements pursuant to the Wild and Scenic Rivers Act, and have operated in good faith under such terms and conditions of said easement, before initiating litigious efforts against such citizens of the State of Idaho.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Secretary of the Interior, the Secretary of the United States Department of Agriculture, the Chief of the U.S. Forest Service, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 14, 2008
Adopted by the Senate March 20, 2008

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 124)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEASE-PURCHASE OF THE CORRECTIONAL ALTERNATIVE PLACEMENT PROGRAM FACILITY BY THE BOARD OF CORRECTION AND DIVISION OF PUBLIC WORKS.

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

WHEREAS, Section 20-209(1), Idaho Code, provides that the State Board of Correction shall provide for the care, maintenance and employment of all prisoners now or hereinafter committed to its custody; and

WHEREAS, Section 20-209(2), Idaho Code, provides that the State Board of Correction has authority to enter into contracts with private prison contractors for the construction and operation of a private prison facility to house Idaho prisoners; and

WHEREAS, Section 20-241A(1), Idaho Code, provides that the State Board of Correction may enter into contracts, including lease-purchase contracts, with private prison contractors to provide programs for the reformation, rehabilitation and treatment of prisoners; and

WHEREAS, the Correctional Alternative Placement Program (CAPP) is a facility designed to provide four hundred beds for Idaho prisoners, parole violators and retained jurisdiction offenders for purposes of programming, treatment, diversion and reentry; and

WHEREAS, the Legislature has previously expressed its commitment to the CAPP and wishes that the implementation of CAPP proceed without delay; and

WHEREAS, Section 67-5708, Idaho Code, provides that the Administrator of the Division of Public Works of the Department of Administration may enter into a lease-purchase or other time-purchase agreement with a party for the purchase of a facility where the Legislature has authorized such an agreement and has set a maximum cost thereof; and

WHEREAS, the State Board of Correction and Division of Public Works, after a competitive solicitation, have identified a vendor capable of building, leasing and operating a CAPP facility in Ada County, Idaho, and are prepared to enter into an agreement with Management and Training Corporation and MTC Corrections Holding, LLC for the lease-purchase of the CAPP facility; and

WHEREAS, the lease-purchase agreement will give the state control of the facility and will also give the state ownership of the real property and facility at the end of a twenty year lease-purchase period; and

WHEREAS, the lease-purchase agreement will reduce the annual costs to the state by $433,000 per year, as compared to the cost of a straight lease of the facility, due to favorable financing options available to the vendor and federal tax provisions and will provide the state with a total cost avoidance of $8,660,000 over the twenty year lease-purchase period as compared to a straight lease; and

WHEREAS, the annual payments under the lease-purchase agreement as set forth in the Lease Payment Schedule shall be $2,338,774 in year one and will gradually rise to $2,750,690 in year twenty.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State Board of Correction and Division of Public Works may enter into the lease-purchase agreement for the CAPP facility with Management and Training Corporation and MTC Corrections Holding, LLC, for a maximum cost of $50,416,857 over the twenty year period of the lease-purchase agreement.

BE IT FURTHER RESOLVED that adoption of this Concurrent Resolution shall constitute the necessary approval required by Section 67-5708, Idaho Code.

Adopted by the Senate January 31, 2008
Adopted by the House February 14, 2008

(S.C.R. No. 125)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RATIFYING CERTAIN FUEL TAX AGREEMENTS SIGNED BY THE GOVERNOR ON BEHALF OF THE STATE OF IDAHO WITH CERTAIN ENUMERATED INDIAN TRIBES, EFFECTIVE THE DATE OF SAID AGREEMENTS.

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

WHEREAS, the First Regular Session of the Fifty-ninth Idaho Legislature passed and the Governor signed House Bill No. 249, as amended, which provided that taxes imposed by Chapter 24, Title 63, Idaho Code, 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 an appropriate representative of a tribe before December 1, 2007; and

WHEREAS, Section 67-4002, Idaho Code, permits the Governor to enter into agreements with certain enumerated Indian Tribes regarding the assessment, nonassessment, collection, refund and sharing of any fuel tax imposed by the state and revenues from fuel taxes, subject to ratification by both houses of the Legislature by adoption of a concurrent resolution; and

WHEREAS, cooperation between the Governor on behalf of the state of Idaho and Coeur d'Alene, Kootenai, Nez Perce and Shoshone-Bannock Tribes relating to the assessment or nonassessment of state motor fuel taxes on fuels sold by these Tribes is desirable, mutually beneficial and preferable to litigating disputes arising out of such taxation; and

WHEREAS, the Governor engaged in good-faith negotiations with the

Coeur d'Alene, Kootenai, Nez Perce and Shoshone-Bannock Tribes and reached historic agreements with said Tribes prior to the December 1, 2007, statutory deadline;

WHEREAS, the Governor, on behalf of the state of Idaho, signed the Agreement for the Collection and Dissemination of Motor Fuel Taxes Within the Boundaries of the Coeur d'Alene Reservation, dated October 16, 2007, with the Coeur d'Alene Tribe; and

WHEREAS, the Governor, on behalf of the state of Idaho, signed the Motor Fuels Tax Agreement, dated October 24, 2007, with the Shoshone-Bannock Tribes; and

WHEREAS, the Governor, on behalf of the state of Idaho, signed the Motor Fuels Tax Agreement, dated November 30, 2007, with the Kootenai Tribe; and

WHEREAS, the Governor, on behalf of the state of Idaho, signed the Agreement for the Collection and Distribution of Motor Fuel Taxes, dated November 30, 2007, with the Nez Perce Tribe.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the following agreements are hereby ratified, effective the date of each agreement:

(1) The Agreement for the Collection and Dissemination of Motor Fuel Taxes Within the Boundaries of the Coeur d'Alene Reservation, dated October 16, 2007, signed by the Governor on behalf of the state of Idaho with the Coeur d'Alene Tribe;

(2) The Motor Fuels Tax Agreement, dated October 24, 2007, signed by the Governor on behalf of the state of Idaho with the Shoshone-Bannock Tribes;

(3) The Motor Fuels Tax Agreement, dated November 30, 2007, signed by the Governor on behalf of the state of Idaho with the Kootenai Tribe; and

(4) The Agreement for the Collection and Distribution of Motor Fuel Taxes, dated November 30, 2007, signed by the Governor on behalf of the state of Idaho with the Nez Perce Tribe.

Adopted by the Senate February 11, 2008
Adopted by the House February 22, 2008

(S.C.R. No. 126)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DEPARTMENT OF HEALTH AND WELFARE PERTAINING TO RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare pertaining to Rules Governing Tem-

porary Assistance for Families in Idaho are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.03.08, Department of Health and Welfare, Rules Governing Temporary Assistance for Families in Idaho, adopted as pending rules under Docket Number 16-0308-0701, 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 11, 2008
Adopted by the House February 21, 2008

(S.C.R. No. 129)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND REQUESTING THE PROFESSIONAL STANDARDS COMMISSION OF THE STATE DEPARTMENT OF EDUCATION TO STUDY AND ISSUE A REPORT MAKING RECOMMENDATIONS CONCERNING THE TRAINING OF SCHOOL ADMINISTRATORS IN TEACHER SUPERVISION AND EVALUATION.

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

WHEREAS, teacher quality is one of the most important factors affecting student learning and achievement; and

WHEREAS, administrative leadership including, specifically, administrator expertise in the supervision of teachers and the evaluation of teacher performance, is critical to teacher quality; and

WHEREAS, many Idaho school administrators have either not received high quality training in the supervision and evaluation of teachers or the training they have received is dated, no longer current or occurred many years prior to their becoming administrators; and

WHEREAS, administrators sufficiently trained in current best practices concerning teacher supervision and evaluation who participate in such training will likely have a positive effect on teacher quality and, in turn, on student learning and achievement.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Professional Standards Commission of the State Department of Education is requested to study the issue of administrator training, including opportunities for mentoring and continuing skills development, in the areas of teacher supervision and evaluation, and is requested to issue a report to the chairmen of the Senate and House of Representatives Education Committees by no later than September 1, 2008, which report should contain specific, practical recommendations for improving and enhancing the training of administrators in teacher supervision and evaluation.

Adopted by the Senate February 18, 2008
Adopted by the House March 12, 2008

(S.C.R. No. 130)

A CONCURRENT RESOLUTION

EXPRESSING FINDINGS OF THE LEGISLATURE AND REQUESTING THE GOVERNOR, THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF COMMERCE TO JOINTLY IDENTIFY ONE WEEK IN EACH CALENDAR YEAR TO CONDUCT OUTREACH AND EDUCATION ON THE INTERDEPENDENCE BETWEEN IDAHO'S URBAN AND RURAL ECONOMIES, TO SEEK NEW OPPORTUNITIES FOR RURAL AND URBAN COLLABORATION AND TO ENCOURAGE INDIVIDUAL CITIES AND RURAL COMMUNITIES THROUGHOUT THE STATE TO CONDUCT SIMILAR OBSERVANCES.

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

WHEREAS, the social, cultural and economic interdependence that connects Idaho's rural and urban areas is both a historic strength of the state and an asset desirable to retain into the future; and

WHEREAS, the advance of technology to improve food, fiber and building material production, processing and marketing has only furthered the interdependence between the core economic forces in Idaho's urban and rural areas; and

WHEREAS, modern agricultural practices being implemented throughout Idaho's rural areas rely increasingly on microprocessors and advanced information-based technologies produced and available in Idaho's urban areas; and

WHEREAS, the core industrial market for microprocessors and information technologies is in applications required for the production, manufacturing, distribution or otherwise adding value to food, fiber or building materials purchased and used by consumers; and

WHEREAS, more than one in seven jobs in Idaho's urban areas are directly attributable to the production and processing of goods derived from Idaho's rural areas according to the State Fact Sheet--Idaho prepared by the United States Department of Agriculture Economic Research Services; and

WHEREAS, many opportunities exist for enhancing the economic strengths of the state of Idaho by furthering partnerships and collaborations between rural industries and the goods and services available in Idaho cities; and

WHEREAS, an opportunity to identify, promote, expand upon and celebrate Idaho's successful rural and urban partnerships will help to secure such successes into the future.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we request the Governor of the State of Idaho, the Idaho Department of Agriculture and the Idaho Department of Commerce to jointly identify one week each year in which to conduct outreach and education on the interdependence between Idaho's urban and rural economies, to seek new opportunities for rural and urban collaboration and to encourage individual cities and rural communities throughout the state to conduct similar observances.

Adopted by the Senate February 18, 2008
Adopted by the House March 13, 2008

(S.C.R. No. 131)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE REAL ESTATE COMMISSION RELATING TO RULES OF THE IDAHO REAL ESTATE COMMISSION.

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 Real Estate Commission relating to Rules of the Idaho Real Estate Commission is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 33.01.01, Rules of the Idaho Real Estate Commission, Section 500, Minimum Teaching Standards of the Commission, Subsection 08, only, adopted as a pending rule under Docket Number 33-0101-0702, Idaho Real Estate Commission, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate February 29, 2008
Adopted by the House March 12, 2008

(S.C.R. No. 133)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING LEGISLATIVE AUTHORIZATION AND APPROVAL FOR THE LAVA HOT SPRINGS FOUNDATION OF THE STATE OF IDAHO TO ENTER INTO AN AGREEMENT OR AGREEMENTS WITH THE IDAHO STATE BUILDING AUTHORITY TO FINANCE AND PROVIDE CERTAIN IMPROVEMENTS AND RECREATIONAL EQUIPMENT.

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

WHEREAS, current facilities for use of the Lava Hot Springs Foundation are inadequate and new improvements and additional recreational equipment are appropriate to meet the needs of the Lava Hot Springs Foundation; and

WHEREAS, it is advantageous to arrange for financing of the new facilities through the Idaho State Building Authority in order to take advantage of tax-exempt financing.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Lava Hot Springs Foundation of the State of Idaho is hereby authorized to enter into an agree-

ment or agreements with the Idaho State Building Authority, upon such terms and conditions as may be reasonable and necessary, for the purpose of financing and providing certain improvements and recreational equipment for the Lava Hot Springs Foundation.

BE IT FURTHER RESOLVED that this resolution shall for all purposes constitute prior legislative approval in accordance with Section 67-6410, Idaho Code, with respect to the agreement or agreements and the facilities referred to herein.

Adopted by the Senate March 7, 2008
Adopted by the House March 12, 2008

(S.C.R. No. 135)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF MEDICAL EDUCATION NEEDS IN IDAHO.

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

WHEREAS, in compliance with Senate Bill No. 1210, of the First Regular Session of the Fifty-ninth Idaho Legislature, the State Board of Education engaged the consulting services of MGT of America, Inc. in August 2007 to conduct a medical education study to determine the need and feasibility of increased medical education opportunities in Idaho, and to provide an analysis of potential models of medical education for the state; and

WHEREAS, $300,000 was appropriated from the Idaho Millennium Fund to the office of the State Board of Education to engage the services of an independent consultant, of which $269,000 was expended; and

WHEREAS, the study was completed and presented to the State Board of Education in December 2007; and

WHEREAS, it was found that:

(1) Idaho has a need for more physicians as evidenced by statistics showing that Idaho ranks extremely low in the nation, and at the bottom among states of similar population, for number of physicians per capita.

(2) Idaho's physicians are relatively older than the national average age of physicians.

(3) Many Idaho counties are designated as "health professions shortage areas."

(4) Idaho is among the fastest growing states in the nation, which means the population growth will strain access to physicians and will increase competition with other states for physicians as the national shortage develops; and

WHEREAS, the results of the study need to be thoroughly reviewed to evaluate future medical professional needs in Idaho and to formulate a state plan for medical education.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second 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 committee to undertake and complete a study of medical education needs in Idaho. 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 requested to appoint the following legislators and ex-officio members to the study committee. Legislative members shall include the:

(1) President Pro Tempore of the Senate or his designee,
(2) Senate Majority Leader or his designee,
(3) Senate Minority Leader or his designee,
(4) Senate Finance Committee Chairman,
(5) Speaker of the House of Representatives or his designee,
(6) House Majority Leader or his designee,
(7) House Minority Leader or his designee, and
(8) House Appropriations Committee Chairman.

Ex-officio members shall include:

(1) The President of the University of Idaho or his designee,
(2) The President of Idaho State University or his designee,
(3) The President of Boise State University or his designee,
(4) The President of the Idaho Medical Association or his designee,
(5) The President of the Idaho Hospital Association or his designee, and
(6) Two members of the State Board of Education, or their designees as designated by the State Board of Education.

BE IT FURTHER RESOLVED that nonlegislative members of the committee who are appointed by the Legislative Council 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 scope and purpose of the study committee is to:

(1) Review and consider the findings of the Medical Education Study final report submitted by MGT of America, Inc.;
(2) Identify gaps in the MGT study and determine if and how those gaps should be filled;
(3) Complete and validate an Idaho inventory of medical education assets existing in Idaho;
(4) Evaluate future medical professional needs in Idaho; and
(5) Initiate a state plan for medical education that includes expanded opportunities at both the undergraduate and graduate levels.

BE IT FURTHER RESOLVED that the committee is encouraged to coordinate its efforts with the State Board of Education's Medical Education Study Committee and request that the State Board of Education Medical Education Study Committee present its findings to the committee.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixtieth Idaho Legislature.

Adopted by the Senate March 13, 2008
Adopted by the House April 1, 2008

(S.C.R. No. 136)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING APPROVAL FOR CERTAIN AGREEMENTS RELATING TO THE FINANCING AND OCCUPANCY OF HIGHER EDUCATION FACILITIES PREVIOUSLY APPROVED BY THE LEGISLATURE.

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

WHEREAS, the Legislature of the State of Idaho authorized and provided approval to the Department of Administration to enter into agreements with the Idaho State Building Authority for an academic building to serve Boise State University located in Nampa, Idaho, in House Concurrent Resolution No. 30 in 2003; and

WHEREAS, the Idaho State Building Authority financed the building known as the BSU West Campus Building and Boise State University uses and occupies such building under a facilities lease with the Idaho State Building Authority; and

WHEREAS, subsequent to the development of the BSU West Campus Building, the College of Western Idaho was established to serve certain educational needs of the citizens of southwestern Idaho; and

WHEREAS, the State Board of Education recommends that the BSU West Campus Building and other real and personal property held by Boise State University in Nampa, Idaho, will best serve the citizens of Idaho if it is transferred to the College of Western Idaho; and

WHEREAS, the College of Western Idaho and Boise State University concur in the recommendation of the State Board of Education.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature hereby authorizes and provides approval to the State Board of Education, the Department of Administration, and the Permanent Building Fund Advisory Council to enter into agreements with the Idaho State Building Authority, under such terms and conditions as may be reasonable and necessary, to provide for the occupancy of the BSU West Campus Building by the College of Western Idaho and to continue to use appropriations made by the Idaho Legislature for payments under the lease related to the BSU West Campus Building.

BE IT FURTHER RESOLVED that the Legislature approves the transfer of real and personal property located in Nampa, Idaho, by the State Board of Education and Boise State University to the College of Western Idaho under such terms and conditions as may be reasonable and necessary, notwithstanding any other provision of law that may apply to such transfer.

Adopted by the Senate March 13, 2008
Adopted by the House March 21, 2008

(S.C.R. No. 137)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND URGING THE CHICAGO CLIMATE EXCHANGE'S TECHNICAL ADVISORY COMMITTEE TO APPROVE A DESIGNATED "CROPPING REGION" FOR IDAHO BASED ON THE NRCS NORTHWESTERN WHEAT AND RANGE LAND REGION DESIGNATION BY THE NATURAL RESOURCES CONSERVATION SERVICE.

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

WHEREAS, carbon offset trading is creating new financial incentives for landowners to maintain their forests and agricultural lands and can provide another source of revenue for the many farmers and ranchers of the state of Idaho; and

WHEREAS, the Idaho Soil Conservation Commission is working with the Idaho Carbon Sequestration Advisory Committee to develop a carbon credit exchange framework for the state of Idaho for the purpose of providing guidance and assistance to farmers, ranchers, and private foresters to facilitate their participation in carbon offset trading; and

WHEREAS, the carbon credit exchange framework will provide a set of practices developed and designed to facilitate carbon credit trades for Idaho's landowners who adopt specific land management practices to sequester carbon which they will then be able to sell as carbon offsets to carbon-emitting industries; and

WHEREAS, pilot projects are being developed for range land and non-industrial forest land for possible trading through the Chicago Climate Exchange (CCX); and

WHEREAS, CCX is a United States corporation and the world's first voluntary, legally binding integrated trading system to reduce emissions of all six major greenhouse gases with offset projects worldwide; and

WHEREAS, charter members in the CCX's trading operations included DuPont, Ford Motor Company, the City of Chicago and International Paper and, at the local level, the University of Idaho is also a member; and

WHEREAS, rangeland, grassland and forestland acreages in Idaho have already been recognized by CCX as having approved, designated regions but CCX has not yet designated a cropland region for the state of Idaho; and

WHEREAS, the Idaho Soil Conservation Commission has requested that CCX's technical advisory committee consider approving a designated "cropping region" for Idaho based on the NRCS Northwestern Wheat and Range Land Resource Region designation by the Natural Resources Conservation Service (NRCS); and

WHEREAS, in support of its request, the Idaho Soil Conservation Commission has provided CCX with reports from Idaho's Agricultural Research Service Center located in Kimberly, Idaho, that address carbon sequestration as it relates to irrigated agriculture; and

WHEREAS, the Idaho Soil Conservation Commission is also working with researchers at the University of Idaho and Washington State University to compile, evaluate, and format available field research pertaining to impacts of different tillage systems, cropping systems, and other management practices with the goal of determining the carbon sequestration

potential of soils and crops occurring within the NRCS Northwestern Wheat and Range Land Resource Region for submission for consideration by CCX.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we are urging CCX's technical advisory committee to approve a designated "cropping region" for Idaho based on the NRCS Northwestern Wheat and Range Land Resource Region designation by the Natural Resources Conservation Service (NRCS).

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Concurrent Resolution to the Chicago Climate Exchange.

Adopted by the Senate March 14, 2008
Adopted by the House March 25, 2008

(S.C.R. No. 138)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH EXCEPTIONS, AND REJECTING CERTAIN AGENCY RULE DOCKETS THAT ARE NOT APPROVED.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event 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 Bureau of Occupational Licenses relating to Rules of the Board of Naturopathic Medical Examiners are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Insurance relating to Schedule of Fees, Licenses and Miscellaneous Charges are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Lands, relating to Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Water Resources relating to Adjudication Rules 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 Second 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 2008 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 24.24.01, Rules of the Bureau of Occupational Licenses, Rules of the Board of Naturopathic Medical Examiners, adopted as pending fee rules under Docket Number 24-2401-0701 (New Chapter), the entire rulemaking docket;

IDAPA 18.01.44, Rules of the Department of Insurance, Schedule of Fees, Licenses and Miscellaneous Charges, adopted as pending fee rules under Docket Number 18-0144-0701, the entire rulemaking docket;

IDAPA 20.03.04, Rules of the Department of Lands, Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho, adopted as pending fee rules under Docket Number 20-0304-0701; and

IDAPA 37.03.01, Department of Water Resources, Adjudication Rules, adopted as pending fee rules under Docket Number 37-0301-0701, the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 24.24.01, Rules of the Bureau of Occupational Licenses, Rules of the Board of Naturopathic Medical Examiners, adopted as pending fee rules under Docket Number 24-2401-0701 (New Chapter), the entire rulemaking docket; IDAPA 18.01.44, Rules of the Department of Insurance, Schedule of Fees, Licenses and Miscellaneous Charges, adopted as pending fee rules under Docket Number 18-0144-0701, the entire rulemaking docket; IDAPA 20.03.04, Rules of the Department of Lands, Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho, adopted as pending fee rules under Docket Number 20-0304-0701; and IDAPA 37.03.01, Department of Water Resources, Adjudication Rules, adopted as pending fee rules under Docket Number 37-0301-0701, the entire rulemaking docket are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

Adopted by the Senate March 19, 2008
Adopted by the House March 25, 2008

(S.C.R. No. 139)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES REVIEWED BY THE LEGISLATURE, WITH EXCEPTIONS.

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

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-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 2008 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 rule:

IDAPA 07.03.01, Rules of the Division of Building Safety, the entire rulemaking docket, adopted as a temporary rule under Docket Number 07-0301-0701.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the First Regular Session of the Sixtieth Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2008 legislative session shall expire by operation of statute upon adjournment of the Second 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 19, 2008
Adopted by the House March 25, 2008

(S.C.R. No. 140)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND APPROVING A CERTAIN PENDING FEE RULE OF THE DEPARTMENT OF LANDS RELATING TO RULES GOVERNING THE REGULATION OF BEDS, WATERS, AND AIRSPACE OVER NAVIGABLE LAKES IN THE STATE OF IDAHO.

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 finding of the Legislature is that certain Rules of the Department of Lands, relating to Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho are consistent with legislative intent; and

WHEREAS, IDAPA 20.03.04, Rules of the Department of Lands, Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lands in the State of Idaho was erroneously included in and rejected by Senate Concurrent Resolution No. 138, which was adopted by the Legislature during this legislative session; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Lands, relating to Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho, Docket Number 20-0304-0701, should be approved.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 20.03.04, Rules of the Department of Lands relating to Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho, Docket Number 20-0304-0701, be, and the same is hereby approved pursuant to Section 67-5224, Idaho Code.

Adopted by the Senate April 1, 2008
Adopted by the House April 2, 2008

HOUSE CONCURRENT RESOLUTIONS

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE SECOND 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 Second Regular Session of the Fifty-ninth Idaho Legislature in the Special Events Center at Boise State University at 3 p.m. on Monday, January 7, 2008.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second 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 7, 2008, at 3 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 7, 2008
Adopted by the Senate January 7, 2008

(H.C.R. No. 34)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND EXTENDING A HOSPITABLE WELCOME TO PARTICIPATING ATHLETES AND ALL GUESTS WHO COME TO VISIT THE GREAT STATE OF IDAHO DURING THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES, ENCOURAGING CITIZENS TO VOLUNTEER FOR POSITIONS REQUIRED TO HOST THE GAMES, SUPPORTING THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES PROGRAM AND THE SUSTAINING INFLUENCE IT HAS UPON INDIVIDUALS WITH INTELLECTUAL DISABILITIES AND CONGRATULATING AND EXPRESSING APPRECIATION TO THE GAMES ORGANIZING COMMITTEE OF THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES AND OTHER SPECIAL OLYMPICS OFFICIALS WHO HAVE WORKED TIRELESSLY TO ORGANIZE A SUCCESSFUL 2009 WORLDWIDE SPORTING EVENT IN THE STATE OF IDAHO.

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

WHEREAS, after a successful bid for the 2009 Special Olympics World Winter Games endorsed by state leaders including then-Governor Dirk Kempthorne, Senator Larry Craig, Senator Michael Crapo, Representative Mike Simpson, then-Representative C.L. "Butch" Otter, and Boise Mayor David Bieter, the host site was awarded to Boise, Idaho, for the 2009 Special Olympics World Winter Games to be held February 6 through 13, 2009;

WHEREAS, previous Special Olympics sites have included such noted cities as Nagano, Japan and Shanghai, China, hosting the 2009 Special Olympics World Winter Games is a privilege afforded the citizens of Idaho and provides an opportunity to showcase the beauties and potential of this great state to the rest of the world; and

WHEREAS, more than 3,000 athletes from 85 countries and regions of the world are expected to compete in seven Olympic-type winter sports events; and

WHEREAS, volunteerism is the backbone of the Special Olympics and over 6,000 volunteers will be given the opportunity to serve Idaho through filling needed hosting and event assignments; and

WHEREAS, the participation of world-class athletes with intellectual disabilities provides a venue for global discussions and action on the positive influence the Special Olympics can make on the lives of people with disabilities; and

WHEREAS, the 2009 Special Olympics World Winter Games will be the largest multi-sport event ever held in the state of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that a hospitable welcome be extended to participating athletes and all guests who come to visit the great state of Idaho during the 2009 Special Olympics World Winter Games.

BE IT FURTHER RESOLVED, that the Legislature and Serve Idaho, the Governor's Commission on Service and Volunteerism, encourage citizens to volunteer for positions required to host the games.

BE IT FURTHER RESOLVED, that the Legislature supports the 2009 Special Olympics World Winter Games program and the sustaining influence it has upon individuals with intellectual disabilities.

BE IT FURTHER RESOLVED, that the Legislature congratulates and expresses appreciation to the Games Organizing Committee of the 2009 Special Olympics World Winter Games and other Special Olympics officials who have worked tirelessly to organize a successful 2009 worldwide sporting event in the state of Idaho.

Adopted by the House January 21, 2008
Adopted by the Senate January 28, 2008

(H.C.R. No. 36)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND CONGRATULATING THE UNIVERSITY OF IDAHO AND ALL THOSE INDIVIDUALS WHO HAVE WORKED TO MAKE THE LIONEL HAMPTON JAZZ FESTIVAL A SUCCESS ON THEIR FINE EFFORTS THAT HAVE BEEN RECOGNIZED BY THE 2007 NATIONAL MEDAL OF ARTS AWARD AND ENCOURAGING THEIR CONTINUED EFFORTS.

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

WHEREAS, for over forty years, the Lionel Hampton Jazz Festival has brightened and enlightened the University of Idaho campus and Idaho; and

WHEREAS, on November 15, 2007, President George Bush bestowed the nation's most prestigious arts award, the National Medal of Arts, on the University of Idaho in recognition of the Lionel Hampton Jazz Festival; and

WHEREAS, Governor C. L. "Butch" Otter responded to the presentation of the National Medal of Arts award to the University of Idaho by stating, "The priceless legacy of music and learning embodied in the Lionel Hampton International Jazz Festival is a treasure not just for the University of Idaho, but for our entire state and indeed all lovers of the arts, everywhere. Recognition and acclaim that come with the National Medal of the Arts is well earned, greatly deserved and a reason for all Idahoans to celebrate"; and

WHEREAS, in addition to the annual presence of Lionel Hampton, in the past the Lionel Hampton Jazz Festival has featured such internationally acclaimed performers as Doc Severinsen, The Four Freshmen, Bobby McFerrin and Sarah Vaughn; and

WHEREAS, the Lionel Hampton Jazz Festival is much more than a showcase for the most accomplished musicians. The Lionel Hampton Jazz Festival celebrates four days of music with events that not only include the evening concerts, but also the Young Artists Concerts, the Jazz in the Schools program and Artist Workshops for students and other jazz lovers; and

WHEREAS, although Lionel Hampton left us on August 31, 2002, the Lionel Hampton Jazz Festival has continued under the directorship of Dr. Lynn Skinner, and now, with Dr. Skinner's recent retirement, under Artistic Director John Clayton, a six-time Grammy-nominated bassist, composer, arranger and conductor, and Executive Director Cami McClure;

WHEREAS, the 2008 Lionel Hampton Jazz Festival, to be held February 20 through 23 on the University of Idaho campus, will present a star-studded evening concert schedule, including such renowned artists as violinist Aaron Weinstein; the All-Star Rhythm Section, featuring Jeff Hamilton on drums, Russell Malone on guitar, Robert Hurst on bass and Bill Charlap on piano, performing with Atsuko Hashimoto on Hammond B3 organ, Tia Fuller on saxophone and Grace Kelly on saxophone; "Lionel, Red and Bunny," featuring Ed Polcer, Wycliffe Gordon and Houston Person; the legendary Dr. John; violinist Regina Carter; vocalist Roberta Gambarini; Roy Hargrove's RH Factor; Hank Jones with Gerald Clayton and Taylor Eigsti; Bobby Hutcherson with Warren Wolf on vibes; Dee Daniels with vocalist Sara Gazarek; Curtis Fuller with Ryan Porter; and Jon Hendricks with vocalist Sachal Vasandani; and

WHEREAS, the 2008 Lionel Hampton Jazz Festival will celebrate the 100th birthday of the late Lionel Hampton.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature congratulates the University of Idaho and all those individuals who have worked to make the Lionel Hampton Jazz Festival a success on their fine efforts that have been recognized by the 2007 National Medal of Arts award and encourages their continued efforts.

Adopted by the House February 6, 2008
Adopted by the Senate February 12, 2008

(H.C.R. No. 37)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DEPARTMENT OF PARKS AND RECREATION PERTAINING TO IDAHO SAFE BOATING 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 Parks and Recreation pertaining to Idaho Safe Boating Rules are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 26.01.30, Rules of the Department of Parks and Recreation, Idaho Safe Boating Rules, adopted as pending rules under Docket Number 26-0130-0701, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 13, 2008
Adopted by the Senate March 5, 2008

(H.C.R. No. 38)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS PERTAINING TO RULES OF THE CUSTODY REVIEW BOARD.

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 Juvenile Corrections pertaining to Rules of the Custody Review Board are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 05.01.03, Rules of the Custody Review Board, Section 102, relating to Structure and Composition of the Custody Review Board, Subsection 01.a, the amended language only, and Subsection 02.c, the amended language only, Rules of the Department of Juvenile Corrections, as adopted as a pending rule under Docket Number 05-0103-0701, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 14, 2008
Adopted by the Senate February 28, 2008

(H.C.R. No. 39)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE IDAHO BUREAU OF OCCUPATIONAL LICENSES PERTAINING TO RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS.

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 Bureau of Occupational Licenses pertaining to Rules of the Board of Drinking Water and Wastewater Professionals is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals, Section 300, relating to Requirements for License, Subsection 02, second sentence, only, and not any paragraph thereunder, Rules of the Idaho Bureau of Occupational Licenses, as adopted as a pending rule under Docket Number 24-0501-0701, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 14, 2008
Adopted by the Senate February 22, 2008

(H.C.R. No. 44)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF AGRICULTURE RELATING TO RULES GOVERNING PESTICIDE MANAGEMENT PLANS FOR GROUND WATER PROTECTION.

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 Agriculture relating to Rules Governing Pesticide Management Plans for Ground Water Protection are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 02.03.01, Rules Governing Pesticide Management Plans for Ground Water Protection, Section 102, DCPA Chemical Specific PMP, only, adopted as a pending rule under Docket Number 02-0301-0701, Department of Agriculture, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 19, 2008
Adopted by the Senate March 3, 2008

(H.C.R. No. 45)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT AN INTERIM COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF PROPERTY TAXES AND PROPERTY TAX REVENUE EXPENDITURES.

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

WHEREAS, rising property taxes are a major concern to residential property owners; and

WHEREAS, it is apparent that short-term or emergency reactions to rising property taxes result in ill-considered, piecemeal and counterproductive measures; and

WHEREAS, the Idaho Legislature has had many measures introduced over the past several years regarding the property tax in an effort to provide relief to payers of the property tax; and

WHEREAS, it is the desire of the Legislature that a property tax structure should encourage economic development, not hinder it; and

WHEREAS, it is reasonable to review expenditures of property tax revenue in order to consider property tax relief for the citizens of this state; and

WHEREAS, a large measure of the operational cost burden of this

state's criminal justice, juvenile justice and court systems is borne by property tax revenues, including costs associated with these systems' personnel, operations and facilities; and

WHEREAS, in order to provide property tax relief, it may be appropriate to find an alternative funding mechanism for this state's criminal justice, juvenile justice and court systems; and

WHEREAS, it is the goal of the Legislature to provide reasonable property tax relief to the citizens of this state.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second 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 fourteen member committee to undertake and complete a study of the state's property tax system, including expenditures of property tax revenues, with a goal of determining if such expenditures are reasonably borne by the state's property tax or if such expenditures might more reasonably be borne by other revenue sources. The principal goal of the committee shall be to make recommendations that provide Idahoans with property tax relief, encourage economic development, meet the needs of local units of government and further the improved administration of the state's criminal justice, juvenile justice and court systems. 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 First Regular Session of the Sixtieth Idaho Legislature.

Adopted by the House March 13, 2008
Adopted by the Senate March 27, 2008

(H.C.R. No. 46)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE OFFICE OF THE GOVERNOR RELATING TO RULES OF THE DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION.

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 Office of the Governor relating to Rules of the Division of Human

Resources and Personnel Commission is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 15.04.01, Rules of the Division of Human Resources and Personnel Commission, adopted as a pending rule under Docket Number 15-0401-0702, the Office of the Governor, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 21, 2008
Adopted by the Senate March 3, 2008

(H.C.R. No. 47)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF COMMERCE RELATING TO RULES OF THE IDAHO REGIONAL TRAVEL AND CONVENTION GRANT PROGRAM.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Commerce relating to Rules of the Idaho Regional Travel and Convention Grant Program are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 28.02.03, Rules of the Idaho Regional Travel and Convention Grant Program, Section 222, Plan Selection, Subsection 02.d, the amended language only, and Subsection 02.e, the amended language only, adopted as a pending rule under Docket Number 28-0203-0701, Rules of the Department of Commerce, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 21, 2008
Adopted by the Senate March 3, 2008

(H.C.R. No. 48)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING DISCUSSIONS REGARDING THE CHALLENGES FACING EFFORTS TO INCREASE CONCURRENT ENROLLMENT AND PROPOSING SOLUTIONS THAT CAN BECOME THE FOUNDATION FOR POLICY DISCUSSIONS DURING THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE.

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

WHEREAS, concurrent enrollment is being widely discussed within Idaho; and

WHEREAS, concurrent enrollment is entering a rapid growth phase throughout the state and attracting greater interest among high school students because it allows them to accelerate their education and become better prepared for postsecondary education; and

WHEREAS, high school students who take college level classes are more likely to succeed at the college and university level or in professional-technical courses; and

WHEREAS, concurrent enrollment opportunities are increasing and concurrent enrollment is being offered by most colleges and universities within the state; and

WHEREAS, concurrent enrollment could actually reduce educational costs to the taxpayers and reduce college and university expenses for families of the state of Idaho; and

WHEREAS, the Governor of the state of Idaho, the House of Representatives and Senate Education standing committees, the State Board of Education, the Department of Education, the Joint Finance-Appropriations Committee and state colleges and universities all see the value of increasing concurrent enrollment; and

WHEREAS, a clear vision of how to proceed has not yet developed among the different stakeholders; and

WHEREAS, questions remain unanswered concerning: from where funding for concurrent enrollment should come, and how to offer more classes to more students in more high schools.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we encourage the Governor of the state of Idaho, the State Board of Education, the Department of Education, state colleges and universities and other interested parties to join members of the Legislature in discussions regarding the challenges facing efforts to increase concurrent enrollment and proposing solutions that can become the foundation for policy discussions during the First Regular Session of the Sixtieth Idaho Legislature.

Adopted by the House March 6, 2008
Adopted by the Senate March 13, 2008

(H.C.R. No. 49)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, ADOPTING A STATE EMPLOYEE COMPENSATION POLICY, ADOPTING FUNDING RECOMMENDATIONS, AND DIRECTING IMPLEMENTATION OF COMPENSATION POLICIES.

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

WHEREAS, the Legislature has by law provided that the Governor and Division of Human Resources report to the Legislature their recommendations for proposed pay policies, together with the estimated costs thereof; and

WHEREAS, the Legislature has received and reviewed the report of the Governor dated January 7, 2008, and the report of the Division of Human Resources dated December 1, 2007.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that:

(1) It is the policy of the state of Idaho to provide a total compensation system that attracts, retains and recognizes state employees for their valuable service. The foundation of this system is to pay competitive job market average salaries, reward performance with a merit-based compensation philosophy, and a quality benefits package.

(2) The Change in Employee Compensation Committee recommends no adjustments be made to the current payline or compensation structure.

(3) The committee recommends that the Joint Finance-Appropriations Committee provide funding for a 3% increase in employee compensation for state employees to be distributed as follows:

(a) Agencies and institutions are first directed to allocate to all eligible state employees a 1% salary increase.

(b) Agencies and institutions are required to review and target any needed funding, based on merit, toward high turnover classifications, individuals below midpoint within their agency, and individuals below 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.

(4) The committee recommends the following for an active state employee benefit package:

(a) The Joint Finance-Appropriations Committee is directed to provide funding of $8,700 per full-time equivalent position for the employer portion of the benefit premiums. The Department of Administration is directed to collect no more than $16,400,000, equivalent to a 29% total employee premium increase for premiums from active state employees.

(b) State agencies and institutions are directed to remit all state funding for health insurance included in the appropriations for employees eligible to be enrolled in health insurance to the group insurance account created in section 67-5771, Idaho Code.

(c) The Department of Administration is 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 additional plan must maintain premiums at the 2008 premiums cost for both the employer and the employee.

(d) The Department of Administration is further directed to provide in fiscal year 2009 active employee insurance plans with benefits substantially similar to benefits provided in the fiscal year 2008 active employee insurance plans. If the Department of Administration is unable to maintain substantially similar benefits within the fiscal year 2009 funding designated in subsection (4)(a) above, the department shall notify both the Change in Employee Compensation Committee and

the Joint Finance-Appropriations Committee of any substantial benefit changes to the insurance plans.

(e) The Change in Employee Compensation Committee recognizes that there exist subsidies within the active employee insurance plans as well as within the active employee insurance premium charges. The Department of Administration shall be given the appropriate flexibility to address other inequities within the active employee insurance plans that are deemed appropriate by the Director of the Department of Administration.

(5) The committee further recommends that elected officials, judges, and commissioners be treated in a similar manner as state employees.

(6) Agencies and institutions shall create compensation and distribution plans to ensure such plans 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 only, copies of the agency approved compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2008.

(7) For fiscal year 2009, agencies and institutions are hereby directed to allocate salary savings to provide for employee salary needs based on performance, before other operational budget priorities are considered. Where applicable, employees whose salaries are below midpoint of their pay grade, or occupational groups with significant turnover shall be considered first in the order of salary savings distributions.

(8) The effective date of implementation of ongoing salary adjustments shall be June 15, 2008.

BE IT FURTHER RESOLVED that appropriations measures to fund nonclassified employees be prepared as nearly as possible in the same manner as for classified employees.

Adopted by the House March 5, 2008
Adopted by the Senate March 17, 2008

(H.C.R. No. 50, As Amended)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE TO DIRECT THE OFFICE OF PERFORMANCE EVALUATION TO COMMISSION AN INDEPENDENT EVALUATION OF THE IDAHO TRANSPORTATION DEPARTMENT.

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

WHEREAS, the Idaho Transportation Department (ITD) has responsibility for approximately 5,000 centerline miles of highways in Idaho with a budget of over 547 million dollars; and

WHEREAS, ITD estimates that its annual revenue shortfall on maintenance and construction is currently 245 million dollars; and

WHEREAS, highways are a critical infrastructure for Idaho's economy and for the mobility of its citizens; and

WHEREAS, the Legislature is deliberating on fee increases to provide more revenue to meet the ongoing and future needs of Idaho's highways; and

WHEREAS, the Legislature has the responsibility to ensure that current revenues and any potential new revenues are spent appropriately.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Joint Legislative Oversight Committee is requested to direct the Office of Performance Evaluations to manage an independent evaluation of the ITD by a qualified, out-of-state consultant(s) without current contractual relationships with ITD or any consultant or contractor that works for or with ITD and without any other conflict of interest with ITD. The evaluation shall address the following questions:

(1) As measured over an appropriate time frame, does the manner in which ITD schedules, finances and sets priorities for improvement projects minimize life-cycle costs?

(2) Does ITD have appropriate processes and criteria to measure and evaluate the quality of its maintenance and construction work on state highways and do these processes and criteria include value engineering?

(3) Does ITD have a process for identifying and selecting projects in writing that is followed in a timely basis to ensure project consideration, progress and completion?

(4) What practices are used in determining the best price to value ratio on project contracts?

(5) What metrics are being used to evaluate project success?

(6) Are there state policies or legislation that might hamper ITD's programs, increase costs or limit options for efficiency, and, if so, what are they?

(7) Are there any precautions undertaken by ITD to insulate it from construction cost fluctuations?

(8) Is there work that ITD is currently outsourcing that ITD is capable of performing in-house or work that is being done in-house and that could be outsourced, including planning, environmental studies, right-of-way acquisition, design, public contacts and actual construction, and, if so:

(a) Is ITD's staff adequate to perform work in-house that is being outsourced;

(b) Could cost savings result by either performing the work in-house or outsourcing the work; and

(c) Would the quality of the work improve by either performing the work in-house or by outsourcing it?

(9) Does ITD have a written maintenance project budget and modeling process to project what moneys and resources will be required at any given time to maintain existing and additional highways?

BE IT FURTHER RESOLVED that the independent evaluation address the ITD's contracting process and supervision with regard to consulting contracts, including:

(1) The selection of those consultants requested to submit proposals and whether qualified consultants are being given the opportunity to submit proposals or whether the scope of contacted consultants has been arbitrarily limited;

(2) Whether the scope of the project to be performed by the consultant has been carefully defined so as to limit the need for supplementals and add-ons; and

(3) The performance of ITD in supervising its consultants, including auditing the consultant's task performance, hours of work claimed and requests for payment.

BE IT FURTHER RESOLVED that the independent evaluation address the ITD's contracting and supervision with regard to construction contracts, including:

(1) Whether no frills designs are being employed that ensure efficiencies in the expenditure of taxpayer dollars and that enable projects to achieve the most construction for the dollar without sacrificing safety and while complying with federal and state guidelines;

(2) ITD's evaluation of methods and engineering competency employed by estimating project costs and whether such methods and engineering competency limit the awarding of contracts that substantially exceed the ITD estimate or limit the rebidding of contracts;

(3) Determine whether quality inspections by qualified inspectors or project engineers are being utilized;

(4) Examination of ITD's current policies and efforts to avoid and limit cost overruns and limit the supplemental amounts demanded by contractors. Also, whether there is a fair but firm appeals process in place, staffed with competent individuals, to address these issues; and

(5) Examination of ITD's internal review process on change orders, including the process for confirming change order costs and the utilization of value engineering in evaluating change orders.

BE IT FURTHER RESOLVED, that the Joint Legislative Oversight Committee is requested to direct the Office of Performance Evaluations to develop a scope of study to address the issues set forth above. As part of this study, the Office of Performance Evaluations shall develop and submit a report to the Legislature, not later than the Second Regular Session of the Sixtieth Idaho Legislature, on findings concerning best practices and appropriate performance measures. At the conclusion of each phase of the consultant's work, the Joint Legislative Oversight Committee is requested to submit a report of the completed results of the independent evaluation to the Sixtieth Idaho Legislature. The results so reported are to include action item recommendations upon which the Idaho Transportation Board and the Legislature can act to improve safety, efficiency and economies on surface transportation projects.

Adopted by the House March 17, 2008
Adopted by the Senate March 27, 2008

(H.C.R. No. 52)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND REQUESTING THE PARK AND RECREATION BOARD AND THE DEPARTMENT OF PARKS AND RECREATION TO PROVIDE FOR A WAIVER OF BASIC CAMPSITE FEES FOR CERTAIN DISABLED VETERANS.

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

WHEREAS, the state of Idaho is home to thousands of veterans who have served our country honorably as members of the armed forces, and activated members of the National Guard and Reserve component forces; and

WHEREAS, each day we learn more about the price our military members pay to defend our freedom and protect our national security, including physical illnesses and injuries sustained in the line of duty; and

WHEREAS, we express our profound gratitude for the sacrifices made by our veterans including, but not limited to, those who suffer from physical illnesses and injuries sustained while they were serving in the United States armed forces and as activated members of the National Guard and Reserve component forces; and

WHEREAS, we would like to help some disabled veterans be able to enjoy our state park system as a way of saying "thank you."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Park and Recreation Board and the Idaho Department of Parks and Recreation are encouraged to develop and implement a pilot program to be effective January 1, 2009, that provides for a waiver of basic campsite fees to any Idaho resident who is a disabled veteran and whose service-related disability is rated at fifty to ninety percent permanent and total, for those veterans using the state parks.

BE IT RESOLVED that the Idaho Park and Recreation Board and the Idaho Department of Parks and Recreation are requested to provide a report to the next three annual sessions of the Legislature regarding the implementation, fiscal impact, and performance of the three-year pilot discount program for veterans and whether such program should be continued. The Legislature further recognizes the importance of acknowledging the fiscal and operational impacts of such a discount program to the state as a whole, and particularly the Idaho Department of Parks and Recreation and the level of services they provide.

Adopted by the House March 10, 2008
Adopted by the Senate March 27, 2008

(H.C.R. No. 53)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DIVISION OF BUILDING SAFETY RELATING TO RULES GOVERNING PLUMBING SAFETY 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 Division of Building Safety relating to Rules Governing Plumbing Safety Licensing is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 07.02.05, rules of the Division of Building Safety relating to Rules Governing Plumbing Safety Licensing, adopted as a pending rule under Docket Number 07-0205-0701, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 10, 2008
Adopted by the Senate March 20, 2008

(H.C.R. No. 54)

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE GOVERNOR OF THE STATE OF IDAHO, THROUGH THE IDAHO OFFICE OF ENERGY RESOURCES, TO EXPLORE OPPORTUNITIES FOR THE DEVELOPMENT OF RENEWABLE RESOURCE ENERGY GENERATION ON STATE ENDOWMENT LANDS, ENCOURAGING THE IDAHO STATE BOARD OF LAND COMMISSIONERS TO EXPLORE OPPORTUNITIES FOR THE LEASE OF STATE ENDOWMENT LANDS FOR THE DEVELOPMENT OF RENEWABLE RESOURCE ENERGY GENERATION AND ENCOURAGING THE LEGISLATURE TO PROMOTE DEVELOPMENT OF IDAHO'S RENEWABLE RESOURCES ON STATE ENDOWMENT LANDS AND TO PROVIDE ENABLING AUTHORITY AS WELL AS ECONOMIC INCENTIVES FOR THE PURPOSE OF ENCOURAGING AND STIMULATING PRIVATE SECTOR DEVELOPMENT OF RENEWABLE RESOURCE ENERGY GENERATION TO MAXIMIZE POTENTIAL RETURNS FROM OUR ENDOWMENT LANDS FOR PUBLIC EDUCATION WHILE AT THE SAME TIME PROMOTING RURAL AND URBAN ECONOMIC DEVELOPMENT AND JOB STIMULATION.

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

WHEREAS, Idaho public schools represent a cornerstone of Idaho's future in relation to education, democracy and economic vitality; and

WHEREAS, adequate fiscal resources from multiple sources are important to sustaining Idaho's system of public education; and

WHEREAS, the state of Idaho owns and manages several million acres of land, known as the "trust" or "endowment" lands, granted to it by the federal government for the purpose of financing public institutions, chief among the beneficiaries being the public schools; and

WHEREAS, the original grant of land occurred in 1863 in the Organic Act of the Territory of Idaho which granted to the Idaho Territory sections sixteen and thirty-six of each township for the support of public schools; and

WHEREAS, pursuant to the Constitution of the State of Idaho, the lands are to be managed in such a manner as will secure the maximum long-term financial return to the institution to which granted or to the state if not specifically granted; and

WHEREAS, funding for Idaho's public schools is in part dependent upon the beneficial management and productive utilization of our nearly 2.5 million acres of endowment lands, acres of which are located throughout every county in Idaho; and

WHEREAS, utilizing Idaho's endowment lands to their fullest potential, securing the maximum long-term financial return for our public schools and children while stimulating Idaho's rural and urban areas, may require a new management approach and use of the lands which would simultaneously generate stable funding for public schools and ensure reliable low-cost energy sources for Idaho that protect the environment and promote economic growth; and

WHEREAS, endowment lands can serve as both a source of fiscal resources for public schools and rural economic development because many of Idaho's endowment lands are located in our most rural areas where renewable resource development would promote the economy through job growth and tax revenue stimulation; and

WHEREAS, in addition to traditional uses of grazing, logging and mineral exploration, Idaho's endowment lands are rich with renewable energy resources including wind, sun, geothermal, low impact hydro and biomass sources that should be developed as a means to generate fiscal resources for our public school system and as a means to generate electricity to meet the needs of Idaho's growing population; and

WHEREAS, developing in-state renewable resources on endowment lands would contribute to secure reliable energy by reducing dependence upon remote resources that must be transported over long distances and also contribute to a more secure funding source for Idaho's public education system through the dedicated endowment lands.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Governor of the State of Idaho, through the Idaho Office of Energy Resources, is encouraged to explore opportunities for the development of renewable resource energy generation on state endowment lands.

BE IT FURTHER RESOLVED, that the Idaho State Board of Land Commissioners is encouraged to explore opportunities for the lease of state endowment lands for the development of renewable resource energy generation.

BE IT FURTHER RESOLVED, that the legislature is encouraged to promote development of Idaho's renewable resources on state endowment lands and to provide enabling authority as well as economic incentives for the purpose of encouraging and stimulating private sector development of renewable resource energy generation to maximize potential returns from our endowment lands for public education while at the same time promoting rural and urban economic development and job stimulation.

Adopted by the House March 10, 2008
Adopted by the Senate March 27, 2008

(H.C.R. No. 57)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE ENCOURAGING AND SUPPORTING PROACTIVE EFFORTS, SUCH AS THOSE OF THE BLAKE WEBB MOTORCYCLE SAFETY AWARENESS FOUNDATION, TO EDUCATE AND INFORM IDAHOANS ABOUT THE IMPORTANCE OF MOTOCROSS RIDING SAFETY BOTH ON AND OFF THE TRACK.

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

WHEREAS, the predecessor to the sport of motocross first emerged in the 1920's as a British off-road event called "Scrambles," growing in popularity there, as well as throughout Europe, during the 1930's. Later, during the 1960's, motocross began to grow in popularity in the United States, fueling an explosive growth in the sport. Today top motocross riders have become household names and off-road motorcycle sales have soared throughout the country, including the state of Idaho; and

WHEREAS, the state of Idaho has ten motocross tracks located throughout the state with many citizens enjoying participation in the sport; and

WHEREAS, motocross tracks are often quite large and incorporate natural terrain features with varying amounts of man-made jumps and other features. Due to the nature of the sport, track safety is a primary concern with numerous issues affecting the safety of a particular track; and

WHEREAS, in order to afford a safer environment for motocross, flaggers are used on many tracks during races to keep riders safe by watching the track and other riders, keeping riders warned ahead of time with specific colored flags signaling specific cautions; and

WHEREAS, motocross can be a dangerous sport and there are particular dangers associated with unorganized practices such as jumps that are not flagged putting downed riders at risk of being landed upon, riders of all ages and abilities being on the track at the same time, bikes of all sizes being on the track at the same time, and lack of immediate on-site medical response; and

WHEREAS, the Blake Webb Motorcycle Safety Awareness Foundation, whose theme is "Grab a Flag, Save a Life" is a nonprofit organization dedicated to the memory of a 12-year-old Idaho boy, Blake Webb, who lost his life on March 17, 2007, in a tragic motorcycle accident while practicing on a track in Washington state; and

WHEREAS, the Blake Webb Motorcycle Safety Awareness Foundation is dedicated to increasing motocross safety while on and off the track with proceeds being used to make riders and spectators aware of the importance of riding safely, to purchase flags for tracks to be used during unorganized practices, and for the sponsorship of dirt bike schools.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho encourages and supports proactive efforts, such as those of the Blake Webb Motorcycle Safety Awareness Foundation, to educate and inform Idahoans about the importance of motocross riding safety both on and off the track.

Adopted by the House March 17, 2008
Adopted by the Senate March 27, 2008

(H.C.R. No. 58)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING APPROVAL FOR THE BOARD OF CORRECTION TO ENTER INTO AGREEMENTS WITH THE IDAHO STATE BUILDING AUTHORITY TO FINANCE AND DEVELOP A SECURE MENTAL HEALTH TREATMENT FACILITY.

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

WHEREAS, it is the responsibility of the State Board of Correction to establish, operate and maintain the Idaho Security Medical Program for persons displaying evidence of mental illness or psychological disorders and requiring diagnostic services and treatment in a maximum security setting in accordance with Section 66-1301, Idaho Code; and

WHEREAS, in 2007 the Legislative Interim Committee on Mental Health and Substance Abuse Treatment endorsed to the members of the First Regular Session of the Fifty-ninth Idaho Legislature the proposal by the Department of Correction to build a 300-bed secure mental health facility in Idaho to support the purposes of Chapter 13, Title 66, Idaho Code; and

WHEREAS, under current law, standards for appropriate mental health treatment in the Idaho Security Medical Program shall be jointly developed by the Department of Correction and the Department of Health and Welfare in accordance with Section 66-1312, Idaho Code; and

WHEREAS, under current law the Department of Correction is authorized to receive and admit patients of any institution or facility under the jurisdiction of the Department of Health and Welfare to the Idaho Security Medical Program if they have been determined by a court to be both dangerous and mentally ill as defined in Section 66-1305, Idaho Code; and

WHEREAS, patients admitted to the Idaho Security Medical Program may originate from civil commitments by the courts as unfit to proceed pursuant to Section 18-212, Idaho Code; referrals by the courts for psychosocial diagnosis and recommendations as part of the pretrial or presentence procedure of determination of mental competency to stand trial; mentally ill adult prisoners from city, county and state correctional institutions for diagnosis, evaluation or treatment; civil commitments by the courts pursuant to Section 66-329, Idaho Code; and criminal commitments of the Idaho Department of Correction requiring some form of specialized program not otherwise available; and

WHEREAS, residents coming to the Idaho Security Medical Program on the basis of a civil commitment 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; and

WHEREAS, the Department of Correction and the Department of Health and Welfare have demonstrated the need for a secure mental health treatment facility for prisoners and for commitments to the Department of Health and Welfare; and

WHEREAS, the Legislature has found that it is in the public interest and to the economic benefit of the state of Idaho to provide for adequate governmental facilities through the Idaho State Building Authority, pursuant to Section 67-6404, Idaho Code; and

WHEREAS, it is in the best interest of the state for the State Building Authority to finance and provide a facility to house the Idaho Security Medical Program under the jurisdiction of the State Board of Correction.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature hereby authorizes and provides approval for the State Board of Correction to enter into such agreements with the Idaho State Building Authority, under such terms and conditions as may be reasonable and necessary, to provide for the financing and development of a secure mental health treatment facility on state-owned land.

BE IT FURTHER RESOLVED that this resolution constitutes authorization to enter into agreements required by the provisions of Section 67-6410, Idaho Code.

BE IT FURTHER RESOLVED that the Legislature supports that the secure mental health facility operate at the highest level of efficiency possible. To that end, and in an effort to provide for accountability, the Legislature intends that the Board of Correction require operations staff to document validated patient treatment methods, provide for and implement such treatment methods, measure outcomes of such treatment methods, and report the results of such outcomes of the methods used to the Legislature on an annual basis.

Adopted by the House March 18, 2008
Adopted by the Senate March 20, 2008

(H.C.R. No. 59)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND COMMENDING THE LIFETIME ACHIEVEMENTS OF JOHN PIERRE MOLITOR, ONE OF THE ORIGINAL IDAHO LEGISLATIVE ADVISORS, WHO SERVED THE ASSOCIATED GENERAL CONTRACTORS, THE IDAHO LEGISLATURE AND THE STATE OF IDAHO, WITH HONOR AND DISTINCTION.

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

WHEREAS, John Pierre Molitor, a longtime advisor to the Idaho Legislature, passed away on February 2, 2008; and

WHEREAS, John was born in Walla Walla, Washington on October 3, 1914, graduated from Gonzaga Prep High School and acquired degrees in philosophy and liberal arts from Gonzaga University in 1939, where he also played basketball; and

WHEREAS, John taught English, Latin and algebra in Wilbur, Washington, where he also coached several high school sports; and

WHEREAS, John married Eileen Killoran on June 3, 1941; and

WHEREAS, in 1941, John accepted a position with the Kaiser Company as personnel manager at Grand Coulee Dam; and

WHEREAS, while at Grand Coulee, John played shortstop for The King and His Court, which played and won hundreds of exhibition fast-pitch softball games throughout the Northwest, outscoring opposing teams while using just a pitcher, catcher, first baseman and shortstop; and

WHEREAS, in 1948, John was hired as director of personnel and labor relations for J.A. Terteling & Sons, necessitating a move to Boise, Idaho, where he spent the rest of his life; and

WHEREAS, after six years with Terteling, John was named executive secretary of the Associated General Contractors (AGC), Idaho Branch, where he spent nearly 25 years as a legislative advisor, lobbying the Idaho Legislature on behalf of the construction industry; and

WHEREAS, John also served the state of Idaho as the administrator of the Contractors State License Board until 1977, when he retired from both the Board and from the AGC; and

WHEREAS, John served as the charter president of the Bronco Athletic Association, chairman of the Golf Course Building Committee at Crane Creek Country Club, first parish council president of St. Mary's Catholic Church, president of the Bishop Kelly High School Booster Club, charter member of the Capital City Kiwanis Club, past chairman of the Boise City Planning Commission and past member of the B.P.O.E. Elks Lodge in Boise; and

WHEREAS, for many years John paid surprise visits on Christmas Eve, dressed as Santa Claus, to dozens of Boise's youngest citizens, delivering candy and presents as well as joy to them and their parents; and

WHEREAS, John's lobbying career was distinguished by its professionalism, humility, honesty, integrity and respect for the political process; and

WHEREAS, John's lasting contributions to the state of Idaho, city of Boise, Idaho Legislature and Idaho's construction industry will be felt for many decades to come.

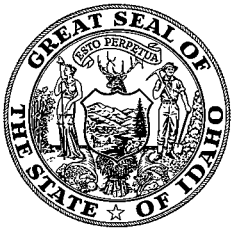
NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the lifetime achievements of John Pierre Molitor, one of the original Idaho legislative advisors, who served the AGC, the Idaho Legislature and the state of Idaho, with honor and distinction, be recognized and commended.

Adopted by the House March 26, 2008
Adopted by the Senate March 28, 2008

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, Second Regular Session thereof, which convened January 7, 2008, and which adjourned on April 2, 2008, 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 fifth day of May, 2008.

Ben Ysursa
Secretary of State

When errors appear in the enrolled bills received from the Legislature at the office of the Secretary of State, this office has no authority to correct them.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2007-05

ESTABLISHING A STATE POLICY REGARDING THE ROLE OF STATE GOVERNMENT IN REDUCING GREENHOUSE GASES

WHEREAS, there are indications that atmospheric concentrations of greenhouse gases are rising and are projected to continue to increase; and

WHEREAS, human activities contribute to creation of greenhouse gases; and

WHEREAS, greenhouse gases are believed to trap heat in the atmosphere and have been linked by the U.S. National Academy of Sciences to drought, reduced snow pack, altered precipitation patterns, more severe forest and rangeland fires, and forest diseases; and

WHEREAS, the Western Governors' Association projects that rising levels of greenhouse gases in the atmosphere could have economic and environmental impacts on the West in coming decades, and

WHEREAS, the causes and effects of rising greenhouse gases, to the degree they are understood, may extend to the Western United States and the State of Idaho, and it is incumbent upon states to take a leadership role in developing responsive state-level policies and programs to reduce greenhouse gas emissions, develop alternative energy sources and use energy efficiently,

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 that:

1. The Director of the Department of Environmental Quality shall take a leadership role to work with all state government departments and agencies and shall serve as the central point of contact for coordination and implementation of greenhouse gas reduction efforts and other associated activities.
2. The Director of the Department of Environmental Quality shall develop a greenhouse gas emission inventory and provide recommendations to the Governor on how to reduce greenhouse gas emissions in Idaho, recognizing Idaho's interest in continued growth, economic development and energy security.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at Boise, Idaho, on this 16th day of May 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. 2007-06

ESTABLISHING THE IDAHO COUNCIL ON CHILDRENS MENTAL HEALTH REPEALING AND REPLACING EXECUTIVE ORDER 2003-05

WHEREAS, children with serious emotional disturbances have unique abilities, concerns and diverse needs; and

WHEREAS, serious emotional disturbances interfere with the vital development and maturation of our State's most important resource - its children; and

WHEREAS, the appropriate treatment of children and youth with serious emotional disturbances is cost-effective because it enhances productivity, reduces utilization of more costly and invasive services, decreases social dependence and family disruption; and

WHEREAS, the State of Idaho desires to establish a comprehensive, community-based system of care emphasizing the natural support that families and peers provide; and

WHEREAS, these families would benefit from individualized services which are acceptable and accountable to them and others in the communities where they live; and

WHEREAS, children and youth with serious emotional disturbances and their families should participate in determining their destiny at the direct service level and at the policy and planning level; and

WHEREAS, the Idaho Legislature has set forth its policy for providing these services in the Idaho Children's Mental Health Services Act; and

WHEREAS, the implementation plan formulated from the recommendations of "The Needs Assessment of Idaho's Children with Serious Emotional Disturbances and Their Families" proposes that the Idaho Council on Children's Mental Health be established to provide state level leadership in the development of an integrated system of care for children with mental health needs.

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 the State of Idaho, do hereby establish the Idaho Council on Children's Mental Health.

The Council's responsibilities shall be:

To oversee the implementation of the plan and the legislative policy for providing access to treatment, prevention, and rehabilitation services for children with serious emotional disturbances;

To serve as a vehicle for inter- and intra-agency policy and program development;

To establish local level councils according to resources, population, need and geographic considerations;

To define the specific key duties, powers, goals, and outcomes to be achieved by the local councils;

To provide leadership through the development of standards, provision of technical assistance, monitoring, evaluating and reporting on the progress of the local councils; and

To evaluate and make recommendations regarding the funding and delivery of children's mental health services statewide.

Council membership shall be composed of representatives from the following:

1. the Office of the Governor;
2. the Legislature;
3. the Judiciary;
4. the Department of Health and Welfare;
5. the Department of Juvenile Corrections;
6. the Department of Education;
7. the State Planning Council on Mental Health;
8. a Parent Representative;
9. an Advocate;
10. a Representative of providers of children's mental health services;
11. a Country commissioner;
12. a Tribal representative ;
13. a Representative of the Hispanic community; and
14. a Representative of the statewide regions of the Idaho Council on Children's Health.

All council members shall be appointed by the Governor.

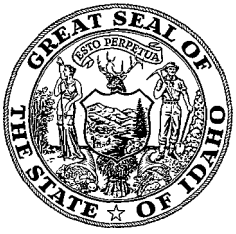
Council members' term shall be for the duration of this Executive Order.

The Governor hereby appoints Senator Denton Darrington to serve as the Chairman of the Council.

Staff for the Council will be provided by the Department of Health and Welfare.

The Council may establish subcommittees at its discretion.

This Executive Order shall cease to be in effect on September 29, 2008.



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 twenty-third day of June 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

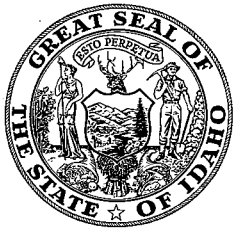
EXECUTIVE ORDER NO. 2007-07

PROHIBITING THE USE OF STATE FUNDS FOR MEMBERSHIP IN PROFESSIONAL ASSOCIATIONS BY STATE EMPLOYEES

WHEREAS, there is need for a uniform state policy regarding the payment of professional dues, fees and memberships for state employees. I find it is prudent to continue the policy for all state employees in the Executive Department that was first promulgated in Executive Order No. 81-11.

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 as follows:

No state money shall be used to pay for any kind of professional, occupational, or trade license, certificate, permit, or occupational registration for any state employee or officer; nor shall any state monies be used to pay for any kind of dues to any professional, occupational, or trade association in which membership is restricted to persons who are licensed, certified, or registered under Idaho law. This policy does not preclude the state or state departments from paying dues or license fees to organizations relating to their responsibilities in state government, or where such dues or license are part of a requirement of employment.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 18th day of July in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-08

ESTABLISHING THE IDAHO ALCOHOL AND DRUG-FREE WORKPLACE POLICY REPEALING AND REPLACING EXECUTIVE ORDER 2006-42

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 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, also is 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 Office of Drug Policy 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, C.L. "BUTCH" OTTER, 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:

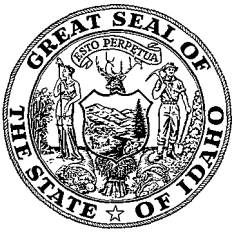
1. The consumption of alcohol on the job is prohibited. Employees may not work if their performance is impaired by the use of alcohol;
2. The unlawful manufacturing, distribution, dispensing, possession, or use of a controlled substance is prohibited, and if occurring on State property or during an employee's 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 Office of Drug Policy 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 Office of Drug Policy 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 Office of Drug Policy, 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 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 Office of Drug Policy, 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

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 31st Day of August in the year of our Lord two thousand and seven and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-09

RELATING TO THE STATE PROCUREMENT PROCESS AND INTERNATIONAL OUTSOURCING

WHEREAS, Idaho State departments and agencies procure millions of dollars worth of goods and services annually, by contract, through public and private vendors; and

WHEREAS, the citizens of Idaho are entitled to know how and where their tax dollars are being spent, including whether their taxes are being spent to utilize workers located in countries outside of the United States; and

WHEREAS, the citizens of Idaho are also entitled to know the economic effect of state contracts performed outside the United States; and

WHEREAS, international outsourcing can potentially decrease revenue and draw jobs away from Idahoans and Americans;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the power and authority vested in me under the Constitution and laws of Idaho do hereby order:

1. The Division of Purchasing in the Department of Administration shall develop policies and procedures to ensure that all vendors seeking to enter into a service contract with the State or a contract to develop, sell or lease software to the State of Idaho disclose:
   a. The location by country where services under or related to the contract will be performed; and
   b. The location by country where any subcontracted services under or related to the contract will be performed.
2. In developing the policies and procedures directed under this Executive Order, the Division of Purchasing must consider the requirements of Idaho's competitive bidding and contracting laws, the best interest of the State of Idaho and its citizens, as well as applicable federal requirements.
3. The Division of Purchasing shall not award a service contract to a vendor that fails to provide the information required above or adhere to polices and procedures established by the Division of Purchasing.

4. The Division of Purchasing shall not award a contract to a vendor who submits a bid or proposal to perform services, or have a subcontractor perform services, at a site outside the United States, or for the development, sale or licensing of software for the State unless one of the following conditions is met:
   a. The vendor or its subcontractor provides a unique service or software; the particular service or software is deemed mandatory for the purpose of the purchasing agency or department; and no comparable domestically provided service or software can adequately match the unique features of that provided by the vendor or its subcontractor; or
   b. The vendor or its subcontractor is a foreign firm hired to market Idaho services or products to a foreign country; or
   c. The State, as determined by the Division of Purchasing and the using agency, if applicable, would incur a significant and substantial cost if it failed to use the vendor or subcontractor; or
   d. The vendor or its subcontractor maintains a significant business presence in the United States and only performs a de minimus portion of work under the contract outside the United States.
5. If the contractor or subcontractor declares that services or work under the contract will be performed in the United States during the term of a contract and then proceeds to shift services or work outside of the United States, the contractor shall be in breach of the contract, unless the Division of Purchasing and the using agency first determine in writing that extraordinary circumstances require the shift or that a failure to shift would result in economic hardship to the State of Idaho.
6. For the purposes of this Executive Order, and only this Order, the term "State" or "State of Idaho" shall mean all state offices, departments, divisions, bureaus, boards, commissions, excluding the legislative and judicial branches of government and excluding the lieutenant governor, the secretary of state, the state controller, the state treasurer, the attorney general and the superintendent of public instruction.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 31st day of August in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-10

ESTABLISHING A CAMPAIGN LEADERSHIP TEAM FOR THE IDAHO STATE EMPLOYEES CHARITABLE GIVING CAMPAIGN REPEALING AND REPLACING EXECUTIVE ORDER 2004-04

WHEREAS, Idaho state employees desire help to improve their communities; and

WHEREAS, Idaho state employees have traditionally been very generous in contributing to help those most in need or vulnerable; and

WHEREAS, the State of Idaho has an interest in establishing a single state employee charitable campaign which minimizes workplace distraction and administrative cost to Idaho's taxpayers, as well as ensuring the voluntary nature of employees participation; and

WHEREAS, a workplace charitable giving campaign can build morale by providing an opportunity for Idaho state employees to contribute positively to their communities as state employees; and

WHEREAS, Idaho state employees should have the ability to choose to give to any 501(C)(3) organization;

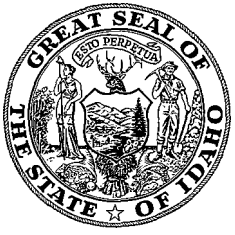
NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this State do hereby order as follows:

The creation of a Campaign Leadership Team comprised of state employees, appointed by the Governor, which shall include a chair and co-chair, in order to establish policy and govern the Idaho state employee charitable giving campaign.

Each state department head shall appoint a campaign coordinator representing each department in order to provide leadership in planning and completing the Idaho state employee charitable giving campaign for their department.

The Campaign Leadership Team shall annually provide a report of the statewide results to the Governor.

The Executive Order repeals and replaces Executive Order 2004-04.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 31st Day of August in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-11

ESTABLISHING THE OFFICE OF ENERGY RESOURCES WITHIN THE OFFICE OF THE GOVERNOR

WHEREAS, energy production, generation, transmission and conservation are vital to Idaho; and

WHEREAS, long-term energy supplies are critical to the well-being and future of Idaho; and

WHEREAS, it is the responsibility of state government to explore energy production and employ measures to reduce wasteful, uneconomical and unnecessary uses of energy, which diminish Idaho's energy resources; and

WHEREAS, the Office of Energy Resources was previously assigned to the Idaho Department of Water Resources under Executive Order 2001-06, which expired;

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 the State of Idaho do hereby order:

1. Creation of the "Office of Energy Resources" within the Office of the Governor.
2. The Governor shall appoint an administrator (hereafter "Administrator") to lead the Office of Energy Resources. The Administrator shall serve at the pleasure of the Governor and shall be subject to confirmation by the Idaho Senate. The Administrator shall be the official in Idaho designated to oversee energy planning, policy and coordination, and to fulfill the duties provided in this Executive Order. Employees of the Office of Energy Resources shall be nonclassified for the purposes of Chapter 53, Title 67 of the Idaho Code.
3. That the duties, powers and authorities of the Office of Energy Resources shall include:
   a) Advising the Governor, the Legislature and other public officials of the State's energy requirements, supply, transmission, management, conservation and efficiency efforts;
   b) Coordinating and cooperating with federal and state agencies, departments and divisions, and local governments on issues concerning the State's energy requirements, supply, transmission, management, conservation and efficiency efforts;
   c) Pursuing and accepting federal delegation of responsibility and authority for matters that affect the energy supply, transmission, management, consumption and conservation by the citizens of Idaho other than energy codes and standards for buildings and those matters under the jurisdiction of the Idaho Public Utilities Commission;
   d) Preparing and, as necessary, implementing contingency plans for the conservation and allocation of energy supplies not otherwise regulated by the Idaho Public Utilities Commission during periods of shortages and supply interruptions;
   e) Provide technical assistance to all state agencies, departments, divisions and local governments for energy

conservation projects and renewable energy resource opportunities, and help those entities secure funding where available for energy conservation projects and renewable energy resource opportunities;

f) Assisting local governments, school districts and public institutions by providing technical assistance and funding for programs to improve energy management and reduce energy consumption;

g) Providing public information and data on energy supplies, transmission, delivery, demands, technologies, efficiency measures and conservation;

h) Promoting energy conservation through research, public information, education, training, technical assistance, funding assistance and other activities;

i) Promoting the utilization of renewable energy resources through funding and technical assistance, research and public information;

j) Assisting in the development of energy-efficient technologies;

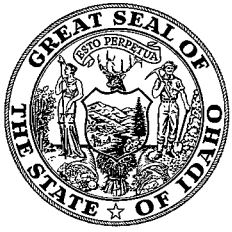
k) Entering into other agreements or contracts and do that which is necessary to carry out the provisions of this Executive Order and in the performance of other duties as may be directed by the Governor.

4. The Office of Energy Resources may accept private contributions, state or federal funds, funds from other public agencies or any other source. The moneys shall be expended solely for the purposes provided in this Executive Order and accounted for as provided by law.

5. All orders, regulations, contracts and licenses which are in effect at the time this Executive Order is signed shall continue in effect according to their terms until modified or terminated.

6. The duties, responsibilities and authority of this Executive Order shall not alter any existing responsibilities, jurisdiction or planning functions of state agencies established by state or federal law; nothing in this Executive Order shall be construed to provide or imply any regulatory authority by the Office of Energy Resources over public utilities that are subject to the jurisdiction of the Idaho Public Utilities Commission.

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 in Boise on this 4th day of September in the year of our Lord two thousand and seven and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-12

DESIGNATING THE STATE ENTITY RESPONSIBLE FOR DEVELOPING AND DELIVERING COMPREHENSIVE COMPUTER-BASED CAREER INFORMATION REPEALING AND REPLACING EXECUTIVE ORDER 2006-04

WHEREAS, the Carl D. Perkins Career and Technical Education Act of 2006 (P.L. 109-270) mandates that in order to receive a grant under Section 118 of the Act the Idaho Division of Professional-Technical Education and the Governor of the State of Idaho shall jointly designate an entity in the state to:

1. Provide support for career guidance and academic counseling programs designed to promote improved career and education decision making by students (and parents, as appropriate) regarding education (including postsecondary education) and training options and preparations for high skill, high wage, or high demand occupations and non-traditional fields;
2. Make available to students, parents, teachers, administrators, faculty, and career guidance and academic counselors, and to improve accessibility with respect to, information and planning resources that relate academic and career and technical educational preparation to career goals and expectations;
3. Provide academic and career and technical education teachers, faculty, administrators, and career guidance and academic counselors with the knowledge, skills, and occupational information needed to assist parents and students, especially special populations, with career exploration, educational opportunities, education financing, and exposure to high skill, high wage, or high demand occupations and non-traditional fields, including occupations and fields requiring a baccalaureate degree;
4. Assist appropriate State entities in tailoring career related educational resources and training for use by such entities, including information on high skill, high wage, or high demand occupations in current or emerging professions and on career ladder information;
5. Improve coordination and communication among administrators and planners of programs authorized by this Act and by section 15

of the Wagner-Peyser Act at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data;

6. Provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements; and
7. Provide readily available occupational information such as information relative to employment sectors; information on occupation supply and demand; and other information provided pursuant to section 15 of the Wagner-Peyser Act as the jointly designated State entity considers relevant;

WHEREAS, career information is critical in helping people make successful career decisions, understand the link between educational preparation and work, explore education and career alternatives, and successfully seek work;

NOW, THEREFORE, I, 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:

1. Designate the Department of Labor as the entity responsible for oversight and management of Idaho's comprehensive, computer-based system of career information known as the Idaho Career Information System; and
2. Designate the Idaho Workforce Development Council to support and assist the Department of Labor in the development and implementation of the Idaho Career Information System; and
3. Direct the Division of Professional-Technical Education to enter into an agreement with the Department of Labor for the period of July 1, 2007, through June 30, 2008, to immediately implement Paragraph 1 of this Executive Order.

This Executive Order shall cease to be effective one (1) year after its entry into force.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 27th day of September in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-13

ESTABLISHING THE GOVERNOR'S SELECT COMMITTEE ON HEALTH CARE

WHEREAS, the Idaho Health Care Summit (Summit) was convened in August to identify and address the State's most pressing health care issues; and

WHEREAS, the Summit identified many health care issues facing Idahoans today and recommendations for addressing these issues; and

WHEREAS, one of the issues identified by the Summit was the need to build Idaho's health care workforce, especially as the need for physicians, nurses and other skilled professionals increases across the State; and

WHEREAS, the Summit also identified prevention and early intervention as important aspects of the continuum of care that cannot be overlooked; and

WHEREAS, the Summit confirmed the need for affordable, comprehensive insurance coverage in Idaho; and

WHEREAS, the Summit recognized the important role that personal responsibility plays in health care today, including, but not limited to, individuals making healthy choices; and

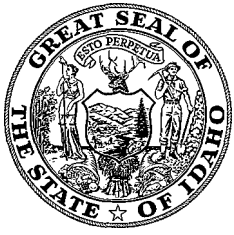
WHEREAS, the State has a vested interest in finding workable, realistic solutions to health care issues raised during the Summit;

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:

1. Create the Governor's Select Committee on Health Care (Committee);
2. Members of the Committee shall be appointed by and serve at the pleasure of the Governor;
3. The chair of the Committee shall be appointed by and serve at the pleasure of the Governor; and
4. The Committee shall:
   a. Review and evaluate the recommendations of the Idaho Health Care Summit and periodically report its findings to the Governor;
   b. Provide additional recommendations to the Governor, beyond those proposed at the Summit, for addressing Idaho's health care issues;
   c. Gather, review and evaluate health care data and information from State agencies, within the limits of state and federal law, and report its findings and analysis to the Governor;
   d. Conduct meetings in each region of the State to gather public comments and perspectives;
   e. Propose ways to further encourage public and private sector partnerships for providing health care services in Idaho; and
   f. Work closely with the Governor and Legislature to evaluate existing state laws, policies and procedures concerning health care in Idaho.

5. Committee members will serve without compensation; however, they shall receive reimbursement for the actual costs of attending Committee meetings.

This Executive Order shall cease to be effective December 31, 2010.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Idaho Falls on this 28th day of September in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-14

ESTABLISHING A STATEWIDE WILDFIRE REHABILITATION COMMITTEE

WHEREAS, numerous uncontrolled wildfires burn throughout many counties in Idaho each year; and

WHEREAS, over 2 million acres of private, county, state and federal land burned in Idaho during the 2007 fire season; and

WHEREAS, there is a tremendous threat to the sagebrush steppe ecosystem and other landscapes from invasive plant species and noxious weeds, including cheat grass, in the aftermath of these wildfires across Idaho; and

WHEREAS, there is a need to coordinate rehabilitation efforts among private landowners, local governments, state and federal agencies in the wake of these wildfires to recover our private and public lands; and

WHEREAS, cooperation among the private and public sectors will help efficiently and effectively rehabilitate the lands we all use; and

WHEREAS, the loss of vegetation necessary to intercept and retain normal precipitation will significantly increase the danger of mudflows, erosion and flooding in burned areas and areas below or downstream of burned areas, which in turn can cause the loss of top soil resulting in negative, long-term impacts; and

WHEREAS, the State of Idaho should lead a statewide rehabilitation effort for areas impacted by wildfire this year, coordinating private, local and federal efforts;

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:

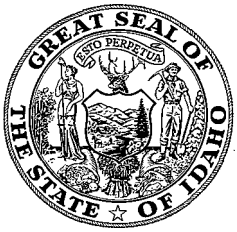
1. The establishment of the "Statewide Wildfire Rehabilitation Committee" (Committee).

2. The Committee shall consist of the following representatives (or their designees) who shall serve at the pleasure of the Governor:
   a. Director of the Idaho Department of Agriculture;
   b. Director of the Idaho Department of Environmental Quality;
   c. Director of Idaho Fish and Game;
   d. Director of the Idaho Department of Lands;
   e. Director of the Idaho State Police;
   f. Administrator of the Governor's Office of Species Conservation;
   g. Director of the Idaho Department of Water Resources; and
   h. Director of the Idaho Department of Transportation.
3. Additionally the Governor may appoint representatives to the Committee, who will serve at the pleasure of the Governor, from the following:
   a. Developed outdoor recreation, off highway vehicle users, or commercial recreation activities;
   b. Federal grazing permitees, or other land-use permitees within areas impacted by wildfire;
   c. Nationally recognized conservation organizations;
   d. Regionally or locally recognized conservation organizations;
   e. The timber industry;
   f. County or local elected officials; or
   g. American Indian tribes within or adjacent to the area impacted by wildfire.
4. The Chair of the Committee shall be appointed by the Governor from the membership of the Committee. The Chair serves at the pleasure of the Governor.
5. The Committee shall:
   a. Coordinate with all private, local and federal rehabilitation efforts;
   b. Cooperate with local and federal agencies in developing a long-term strategy for recovering areas burned or directly impacted by wildfire this year;
   c. Coordinate and cooperate with surrounding states, including but not limited to Nevada, Utah and Wyoming, on wildfire prevention and suppression as well as rehabilitation efforts;
   d. Work with appropriate local and federal agencies to identify available state or federal land or alternative feed sources for livestock permittees in Idaho displaced by wildfire;
   e. Develop a long-term monitoring strategy to evaluate rehabilitation efforts in areas impacted by wildfire this year;
   f. Evaluate ways to reduce or prevent areas of continuous fine fuel on private and public land, including but not limited to "green strips";
   g. Coordinate with federal and county officials to protect recently reseeded private and public lands by closing public lands if necessary to prevent disturbance of these areas, as well as, identifying alternative public land for recreation. This includes, but is not limited to, utiliz-

ing state employees who are Peace Officer Standards and Training (POST) certified, to enforce and coordinate closures, educate the public about alternative recreational opportunities and aid local or federal entities with closures on county or federal land;

h. Seek federal and private funding for State rehabilitation projects; and

i. Evaluate and implement projects to restore areas impacted by wildfire this season for wildlife, aquatic species and plants, including but not limited to, rare and declining, petitioned or listed species.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 2nd day of October in the year of our Lord two thousand and seven and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-15

ESTABLISHING THE OFFICE OF ENERGY RESOURCES WITHIN THE OFFICE OF THE GOVERNOR REPEALING AND REPLACING EXECUTIVE ORDER 2007-11

WHEREAS, energy production, generation, transmission and conservation are vital to Idaho; and

WHEREAS, long-term energy supplies are critical to the well-being and future of Idaho; and

WHEREAS, it is the responsibility of state government to explore energy production and employ measures to reduce wasteful, uneconomical and unnecessary uses of energy, which diminish Idaho's energy resources; and

WHEREAS, the Division of Energy was previously assigned to the Idaho Department of Water Resources under Executive Order 2001-06, which expired;

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 the State of Idaho do hereby order:

1. Creation of the "Office of Energy Resources" within the Office of the Governor.

2. The Governor shall appoint an administrator (hereafter "Administrator") to lead the Office of Energy Resources (Office). The Administrator shall serve at the pleasure of the Governor and shall be subject to confirmation by the Idaho Sen-

ate. The Administrator shall be the official in Idaho designated to oversee energy planning, policy and coordination, and to fulfill the duties provided in this Executive Order.

3. Employees who previously worked for the Division of Energy, within the Department of Water Resources and are employed by the Office shall retain the employment status they enjoyed prior to the promulgation of this Executive Order. The aforementioned employees shall retain their status until they accept promotion or a new job title at which time their status shall change to non-classified. Employees of the Office hired after the effective date of this Executive Order, who did not previously work for the Division of Energy, shall be non-classified for the purposes of Chapter 53, Title 67 of the Idaho Code.

4. The duties, powers and authorities of the Office of Energy Resources shall include:

   a) Advising the Governor, the Legislature and other public officials of the State's energy requirements, supply, transmission, management, conservation and efficiency efforts;

   b) Coordinating and cooperating with federal and state agencies, departments and divisions, and local governments on issues concerning the State's energy requirements, supply, transmission, management, conservation and efficiency efforts;

   c) Pursuing and accepting federal delegation of responsibility and authority for matters that affect the energy supply, transmission, management, consumption and conservation by the citizens of Idaho other than energy codes and standards for buildings and those matters under the jurisdiction of the Idaho Public Utilities Commission;

   d) Preparing and, as necessary, implementing contingency plans for the conservation and allocation of energy supplies not otherwise regulated by the Idaho Public Utilities Commission during periods of shortages and supply interruptions;

   e) Provide technical assistance to all state agencies, departments, divisions and local governments for energy conservation projects and renewable energy resource opportunities, and help those entities secure funding where available for energy conservation projects and renewable energy resource opportunities;

   f) Assisting local governments, school districts and public institutions by providing technical assistance and funding for programs to improve energy management and reduce energy consumption;

   g) Providing public information and data on energy supplies, transmission, delivery, demands, technologies, efficiency measures and conservation;

   h) Promoting energy conservation through research, public information, education, training, technical assistance, funding assistance and other activities;

   i) Promoting the utilization of renewable energy resources through funding and technical assistance, research and public information;

j) Assisting in the development of energy-efficient technologies;

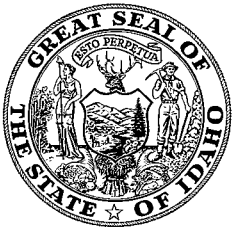
k) Entering into other agreements or contracts and do that which is necessary to carry out the provisions of this Executive Order and in the performance of other duties as may be directed by the Governor.

5. The Office of Energy Resources may accept private contributions, state or federal funds, funds from other public agencies or any other source. The moneys shall be expended solely for the purposes provided in this Executive Order and accounted for as provided by law.

6. All orders, regulations, contracts and licenses which are in effect at the time this Executive Order is signed shall continue in effect according to their terms until modified or terminated.

7. The duties, responsibilities and authority of this Executive Order shall not alter any existing responsibilities, jurisdiction or planning functions of state agencies established by state or federal law; nothing in this Executive Order shall be construed to provide or imply any regulatory authority by the Office of Energy Resources over public utilities that are subject to the jurisdiction of the Idaho Public Utilities Commission.

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 in Boise on this 19th day of October in the year of our Lord two thousand and seven and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-16

ESTABLISHING THE SCHEDULE FOR FLYING THE POW/MIA FLAG

WHEREAS, the State of Idaho owes a lasting debt of gratitude to all heroic members of our Armed Forces who have risked their safety to defend the lives and liberty of others; and

WHEREAS, the State will not forget our Nation's prisoners of war and those missing in action (POWs/MIAs) and the devoted service they have bravely rendered to our country, and neither will the State of Idaho fail to meet its obligation to their families; and

WHEREAS, an expression of our State's determination to keep faith with those who have so faithfully served and defended the United States; and

WHEREAS, Idaho recognizes the profound suffering of those who continue to await word of the fate of their loved ones, and the State is determined to help them gain the peace and consolation that word will bring; and

WHEREAS, the POW/MIA flag symbolizes Idaho's firm and united commitment to securing the release of any American who may still be held against their will, to obtaining the fullest possible accounting for the missing, and to repatriation of all recoverable American remains.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order as follows:

The POW/MIA flag shall fly over all state buildings 24/7, 365 days a year or until such time as all our unaccounted for and missing members of the Armed Forces are returned home to their families.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 24th day of October in the year of our Lord two thousand and seven and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-17

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

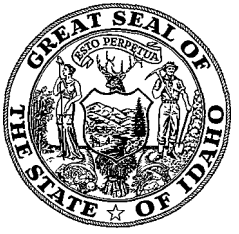
WHEREAS, all funds in the Disaster Emergency Account created by title 46, section 1005A of the Idaho Code have or soon will be expended; and

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, 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 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.
2. In no event may the revenues made available under this Executive Order exceed one percent (1%) of the annual appropriation of the General Fund Account moneys for this fiscal year.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 16th day of November, in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-18

ESTABLISHING A DOMESTIC VIOLENCE POLICY FOR ALL STATE AGENCIES, DEPARTMENTS, DIVISIONS AND OFFICES

WHEREAS, domestic violence occurs within a wide spectrum of relationships, including married and formerly married couples, couples with children and couples who live together or have lived together; it affects people of all ages in every socioeconomic, educational, racial, religious and occupational segment of society; and

WHEREAS, domestic violence can include physical, psychological, sexual and emotional abuse; and

WHEREAS, domestic violence can spill over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, absenteeism and employee turnover; and

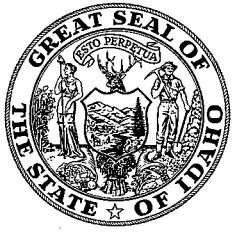
WHEREAS, in 2006, there were approximately 5,000 intimate partner violence crimes reported in Idaho, 4,955 domestic violence civil protection order filings, and 8,701 calls to the Idaho Domestic Violence Hotline; and

WHEREAS, the Bureau of National Affairs has estimated that domestic violence costs Idaho employers $17 million annually in lost time and productivity annually; and

WHEREAS, the State of Idaho does not tolerate any violence, including domestic violence;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the power and authority vested in me under the Constitution and laws of Idaho do hereby order all State agencies, offices, departments and divisions to:

1. Ensure that personnel policies and procedures prohibit discrimination against victims of domestic violence, protect the confidentiality of and are responsive to the needs of victims of domestic violence;
2. Inform employees of available resources for assistance by including information provided by the Idaho Coordinated Response to Domestic & Sexual Violence - a state-level committee of governmental and non-governmental organizations - on domestic violence awareness and services as part of new-employee orientation and integrate information on domestic violence into existing materials, literature, policies, protocols and procedures, as appropriate;
3. Include in training for human resources personnel information on domestic violence and its impact on the workplace as provided by the Idaho Coordinated Response to Domestic & Sexual Violence.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 20th day of November in the year of our Lord two thousand and seven and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-19

PRIORITIZING AND DEVELOPING RESEARCH AND CONSERVATION STRATEGIES FOR RARE AND DECLINING SPECIES IN IDAHO'S FORESTS

WHEREAS, in 2005 the State of Idaho, in response to a congressional mandate, developed a Comprehensive Wildlife Conservation Strategy (CWCS) identifying rare and declining species and priority habitats; and

WHEREAS, the Idaho CWCS identifies 229 species of greatest conservation need in the State, of which 64 species still lack essential information pertaining to their population status, historic range and distribution within Idaho; and

WHEREAS, the Idaho CWCS does not rank or prioritize the remaining 165 species of greatest conservation need; and

WHEREAS, the lack of prioritization makes it difficult for government agencies and private sector land managers to focus conservation efforts; and

WHEREAS, limited resources are available for research and management of high-priority species, making it imperative that we identify those species most requiring immediate attention;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the power and authority vested in me under the Constitution and laws of Idaho do hereby order:

1. The Governor's Office of Species Conservation (OSC), in conjunction with state agencies and private sector land managers, to develop and publish a list of priority forest-dwelling species from those listed in the Idaho CWCS; and
2. OSC to coordinate the collection of data, development of conservation strategies and other efforts as necessary for the list of priority forest-dwelling species with private land owners, federal, state and local governments and the tribes of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 4th day of December in the year of our Lord two thousand and seven and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C. L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-20

ESTABLISHING THE IDAHO 25 x '25 RENEWABLE ENERGY COUNCIL REPEALING AND REPLACING EXECUTIVE ORDER 2007-02

WHEREAS, it is the policy of Idaho to utilize to the fullest extent possible the natural resources we possess to increase our energy supply and diversity in an economically efficient and friendly 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; 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; and

WHEREAS, multiple agencies, authorities, and information sources are used to implement a wide variety of renewable energy programs in Idaho;

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 (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;
   F. Idaho Transportation Department; and
   G. Office of Energy Resources.
4. 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 energy future of Idaho pertaining to renewable energy will be encouraged to participate.
5. Additional members may be added by the Governor.
6. All members shall serve at the pleasure of the Governor.
7. The Council shall meet no less than twice annually. The chairman of the council shall be the administrator of the Office of Energy Resources or his representative.
8. 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 14th day of December in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-21

ESTABLISHING A POLICY TO REDUCE FOSSIL FUEL USE AND GREENHOUSE GAS EMISSIONS FROM STATE VEHICLES

WHEREAS, the State of Idaho has demonstrated leadership by establishing policies to reduce air pollution, wasteful, uneconomical and unnecessary uses of energy and greenhouse gas emissions caused by state government; and

WHEREAS, emissions from vehicles are a major source of greenhouse gas gases in Idaho as well as a major source of air pollution in Idaho's urban areas; and

WHEREAS, to perform their duties and service the citizens State of Idaho departments, offices and agencies own or lease a significant fleet of motor vehicles; and

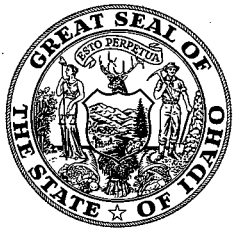
WHEREAS, the State of Idaho can and should lead by example managing its state vehicle fleet to improve and protect air quality, reduce greenhouse gas emissions and reduce the amount of fossil fuels purchased and used; and

WHEREAS, reducing fossil fuel use and increasing fuel efficiency in the state's vehicle fleet will not only reduce greenhouse gas and air pollutant emissions but will also maximize efficiency in state government operations and reduce annual operating costs;

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. All executive branch departments, agencies and offices of the State of Idaho shall decrease the amount of gasoline and diesel used in State vehicles by:
   a. increasing the fuel economy of its vehicles;
   b. increasing the operating efficiency; and
   c. reducing the number of miles driven by employees.
2. All executive branch departments, agencies and offices of the State of Idaho shall limit the purchase or lease of four-wheel drive sport utility vehicles and similar specialty vehicles to situations where there is a clear business need or the mission of the entity requires such vehicles.

3. All executive branch departments, agencies and offices of the State of Idaho shall give priority to the purchase and use of hybrid gas/electric and other fuel efficient/low emission and new petroleum efficient technology vehicles.
4. The Division of Purchasing will make available to all departments and agencies a list of available vehicle purchasing contracts, which will identify vehicles that meet the requirements of this executive order. Any purchase outside this list will need written justification signed by the director or administrator of the entity.
5. The Division of Purchasing will provide the Department of Environmental Quality and Office of the Governor a quarterly vehicle purchasing report.



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 seven, and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C. L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2008-01

ESTABLISHING THE PUBLIC SAFETY COMMUNICATIONS GOVERNANCE COUNCIL

WHEREAS, Public safety communication is defined as; communication infrastructure, equipment and adequate bandwidth in support of emergency management and public safety services in Idaho; and

WHEREAS, the presence of a cohesive safety communication council is critical to the citizens of the state of Idaho; and

WHEREAS, Public Safety Services (PSS) is defined as those services, systems, functions and facilities identified in the State of Idaho's Emergency Operation Plan.

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 Public Safety Communications Governance Council (PSCGC). The mission of the PSCGC is to manage the demand for state and statewide public safety communication needs in Idaho.
2. The Council's responsibilities shall be:
   A. Make decisions regarding public safety communications network architecture, network capacity and the management of that capacity.

B. Deal with crisis communications requirements.
C. Set levels of access during emergencies.
D. Develop innovative funding solutions to maintain and grow infrastructure as required.
E. Oversee the investment program status.
F. Sign service-level agreement with agencies who have been approved to use the systems.
G. Coordinate and manage relationships with partner agencies.
H. Set management priorities.

3. Voting membership shall include a chair and the directors of the following State entities or their designees:
   A. Adjutant General, Idaho Military Division (chair);
   B. Idaho State Police;
   C. Department of Administration;
   D. Idaho Transportation Department;
   E. Department of Health and Welfare; and
   F. Others as determined by the Chair.
4. Non-Voting members shall include the following.
   A. Executive Office of the Governor;
   B. State Communications (EMS/ITD Dispatch);
   C. Bureau of Homeland Security;
   D. Public Safety Communications (Microwave Services);
   E. Emergency Communications Commission;
   F. Statewide Interoperability Executive Council;
   G. Information Technology Resource Management Council; and
   H. Others as determined by the Chair.
5. All members shall serve at the pleasure of the Governor.
6. 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 4th day of January in the year of our Lord two thousand and eight, and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

INDEX

SECOND REGULAR SESSION - FIFTY-NINTH LEGISLATURE

SUBJECT INDEX

ABBREVIATIONS USED IN THIS INDEX

Approp = Appropriation
Assn = Association
Bd = Board
Com = Commission
Comm = Committee
Dept = Department
DEQ = Department of Environmental Quality
Dist = District
F&G = Fish and Game
H&W = Health and Welfare
PUC = Public Utilities Com
PERSI = Public Employee Retirement System of Idaho
UCC = Uniform Commercial Code

ABORTION
Attempt to coerce woman to obtain abortion..... Ch.388 - 1067
H&W Dept web site, fetus information..... Ch.348 - 958
ACCIDENTS
Leaving scene, order restitution to victim..... Ch.152 - 440
ACCOUNTING AND ACCOUNTANTS
Accountancy Bd, approp, add'l..... Ch.141 - 406
Professional licensing requirements, reciprocity..... Ch.128 - 350
ACCOUNTS
Liquor Acct, increase funds to community colleges..... Ch.252 - 738
ACTS
Anatomical Gift Act, amend..... Ch.256 - 748
Community Infrastructure District Act, add..... Ch.410 - 1139
Corporate Headquarters Incentive Act, repeal..... Ch.390 - 1071
County Option Kitchen/Table Wine Act, amend..... Ch.181 - 546
Credit Report Protection Act, add..... Ch.177 - 522
Energy Efficient State Buildings Act, add..... Ch.274 - 780
Hospital Assessment Act, add..... Ch. 91 - 252
Idaho Entity Transaction Act, amend..... Ch. 36 - 72
Invasive Species Act of 2008, add..... Ch.387 - 1062
Naturopathic Physicians Licensing Act, amend..... Ch.406 - 1114
New Capital Investments Incentive Act, add..... Ch.234 - 712
Outdoor Sport Shooting Range Act, add..... Ch.116 - 321
Professional Geologists Act added..... Ch.249 - 730
Public Adjuster Licensing Act, add..... Ch.179 - 531
Reduced Cigarette Ignition Propensity Act, add..... Ch.278 - 791
Secure Rural Schools act, replacement funds..... Ch.384 - 1056
Small Employer Incentive Act, amend..... Ch. 90 - 250
Uniform Criminal Extradition Act, amend..... Ch.136 - 384

Uniform Limited Liability Company Act, add..... Ch.176 - 479
Uniform Mediation Act, add..... Ch. 35 - 66
Uniform Power of Attorney Act, add..... Ch.186 - 559
Uniform Securities Act, amend..... Ch.143 - 415
ADMINISTRATION DEPARTMENT
Administrative rules coordinator powers, corrections.... Ch.183 - 554
Approp..... Ch.290 - 815
Approp, add'l..... Ch.375 - 1019
Approp, Capitol Com..... Ch.273 - 779
Idaho Education Network, school telecommunications..... Ch.260 - 753
Integrated property records system, multiagency use..... Ch.332 - 916
ADMINISTRATIVE RULES
See RULES
AERONAUTICS
Search/rescue operations, local and state coordination.. Ch. 39 - 93
AGING, COMMISSION ON
Approp..... Ch.163 - 462
AGRICULTURE
Agriculture Dept pesticide rule rejected..... HCR 34 - 1193
Carbon trading, designate Idaho cropping region..... SCR137 - 1183
Crop residue burning, DEQ preapproval, fee, records..... Ch. 71 - 186
Dept, approp..... Ch.265 - 761
Dept, approp amended..... Ch.395 - 1082
Dept, approp, Soil Conservation Com..... Ch.283 - 803
Dept, Pest Control Deficiency Fund, approp..... Ch. 28 - 60
Farm building exemptions from HVAC licensing..... Ch.255 - 747
Farm buildings definition, plumbing certificate exempt.. Ch.381 - 1051
Fertilization distributors, registration, labels, fees.. Ch.131 - 365
Food quality assurance institute commissioners..... Ch.208 - 661
Idaho Ag in the classroom, independent, funds..... Ch.205 - 658
Idaho Prune Commission, classified employees..... Ch. 89 - 247
Idaho rangeland, special license plates..... Ch.150 - 436
Interagency working group co-chairs designated..... Ch.153 - 442
Intermodal commerce authorities, increase grant..... Ch.154 - 444
Invasive Species Act of 2008..... Ch.387 - 1062
NAFTA, urge conditions, withdrawal..... SJM113 - 1164
Rural-urban partnerships, annual observance week..... SCR130 - 1178
Soil amendment tonnage fee, $15 minimum..... Ch.132 - 374
Stock watering, defer water adjudication claims..... Ch.149 - 434
U.S. Forest Service, mediate disputes..... HCR 11 - 1172
Univ. of Idaho, approp, Agricultural Extension..... Ch.243 - 723
Wolves, depredation of livestock, control..... Ch.294 - 821
AIR POLLUTION
See POLLUTION
AIRPLANES AND AIRCRAFT
Aircraft engine fuel tax increase..... Ch. 31 - 63
ALCOHOLIC BEVERAGES
See LIQUOR
ALIENS
See IMMIGRATION AND IMMIGRANTS
ALTERNATIVE DISPUTE RESOLUTION
See MEDIATION AND ARBITRATION
ANATOMICAL GIFTS
See ORGAN DONATIONS

ANIMALS
See also WILDLIFE
Cruelty to animals, crime revised..... Ch. 47 - 119
Dogfighting participant, felony; spectator misdemeanor.. Ch. 32 - 64
Grizzly bear damage, reimbursement from State..... Ch.101 - 283
Horse races, bonus for winning Idaho breeders..... Ch. 26 - 38
Wolves, depredation of livestock, control..... Ch.294 - 821
ANNEXATION
City annexation procedures, landowner consent..... Ch.118 - 327
APPEALS
Appellate Public Defender, approp..... Ch.237 - 717
Court of Appeals, add fourth judge..... Ch. 24 - 36
Fire code interpretations, appeal of decisions..... Ch.402 - 1105
Tax Appeals Bd, approp..... Ch.271 - 775
Tax Appeals Bd, approp increased..... Ch. 12 - 16
APPOINTMENTS
Naturopathic Medical Examiners, appointments..... Ch.406 - 1114
APPRAISALS AND APPRAISERS
Real estate, licensing, examination fee..... Ch.108 - 305
APPROPRIATIONS
Administration Dept..... Ch.290 - 815
Administration Dept, approp, add'l..... Ch.375 - 1019
Administration Dept, Idaho State Capitol Com..... Ch.273 - 779
Agriculture Dept..... Ch.265 - 761
Agriculture Dept, approp amended..... Ch.395 - 1082
Agriculture Dept, Soil Conservation Com..... Ch.283 - 803
Appellate Public Defender..... Ch.237 - 717
Aquifer Planning and Management Fund..... Ch.321 - 888
Attorney General..... Ch.197 - 628
Attorney General, add'l..... Ch. 1 - 3
Catastrophic Health Care Cost Fund..... Ch.236 - 717
Commerce Dept..... Ch.286 - 809
Commerce Dept, add'l..... Ch. 3 - 4
Commerce Dept, add'l., Special Olympics World Games..... Ch.325 - 894
Community college account, increase funding..... Ch.252 - 738
Community Health Center Grant Fund..... Ch.377 - 1020
Correction Dept..... Ch.222 - 682
Correction Dept, amend..... Ch. 79 - 206
Corrections Dept, private prisons..... Ch.346 - 935
DEQ, add'l..... Ch.361 - 990
Education Bd, colleges, general education..... Ch.263 - 759
Education Bd, Com for Libraries..... Ch.122 - 341
Education Bd, Com for Libraries, add'l..... Ch.323 - 892
Education Bd, community college support..... Ch.291 - 817
Education Bd, community colleges, add'l..... Ch.376 - 1020
Education Bd, Historical Society..... Ch.121 - 340
Education Bd, Idaho School for Deaf and Blind..... Ch.293 - 820
Education Bd, medical education programs..... Ch.292 - 818
Education Bd, Office of..... Ch.264 - 761
Education Bd, Public Broadcasting System..... Ch.195 - 616
Education Bd, special programs..... Ch.247 - 727
Education Bd, Vocational Rehabilitation Division..... Ch.289 - 814
Education Dept/Public Instruction Superintendent..... Ch.266 - 765
Education Dept/Public Instruction Super'tdt, add'l..... Ch.373 - 1017

Education Dept/Public Instruction Super'tdt, add'l..... Ch. 30 - 62
Educational Support Program/Division of Operations..... Ch.391 - 1074
Educational Support Program/Facilities Division..... Ch.393 - 1080
Educational support, teachers..... Ch.363 - 993
Environmental Quality Dept..... Ch.284 - 803
Finance Dept..... Ch.120 - 339
Fire Suppression Deficiency Fund..... Ch. 28 - 60
Fish and Game Dept..... Ch.272 - 775
Governor, Office of..... Ch.230 - 701
Governor, Office of, Aging Com..... Ch.163 - 462
Governor, Office of, Arts Com..... Ch.262 - 759
Governor, Office of, Blind/Visually Impaired Com..... Ch.337 - 925
Governor, Office of, Drug Policy Office (line veto)..... Ch.224 - 688
Governor, Office of, Drug Policy Office (line veto)..... Ch.225 - 689
Governor, Office of, Energy Resources Office..... Ch.281 - 801
Governor, Office of, Energy Resources Office, add'l..... Ch.394 - 1081
Governor, Office of, Financial Management Division..... Ch.229 - 700
Governor, Office of, Human Resources Division..... Ch.341 - 932
Governor, Office of, Human Rights Com..... Ch.282 - 802
Governor, Office of, Idaho Women's Com..... Ch.308 - 855
Governor, Office of, Military Division..... Ch.184 - 556
Governor, Office of, PERSI..... Ch.228 - 699
Governor, Office of, Species Conservation..... Ch.242 - 723
Governor, Office of, State Liquor Dispensary..... Ch.309 - 856
Guardian Ad Litem Fund..... Ch.342 - 933
H&W Dept, Child Welfare Program..... Ch.357 - 980
H&W Dept, Children's Mental Health Program..... Ch.355 - 977
H&W Dept, Community Developmental Disabilities..... Ch.354 - 975
H&W Dept, Community Developmental Disabilities..... Ch.164 - 462
H&W Dept, Independent Councils..... Ch.352 - 971
H&W Dept, Indirect Support Services..... Ch.353 - 973
H&W Dept, Indirect Support Services, amend..... Ch.167 - 466
H&W Dept, Medical Assistance approp amended..... Ch.267 - 766
H&W Dept, Medical Assistance Services..... Ch.268 - 768
H&W Dept, mental health, approp amended..... Ch.165 - 464
H&W Dept, Physical Health Services..... Ch.377 - 1020
H&W Dept, psychiatric hospitalization..... Ch.269 - 771
H&W Dept, psychiatric hospitalization, approp increase.. Ch. 82 - 211
H&W Dept, public health services..... Ch.358 - 982
H&W Dept, public health services, amend..... Ch.168 - 467
H&W Dept, Service Integration Program..... Ch.270 - 774
H&W Dept, substance abuse treatment..... Ch.324 - 892
H&W Dept, substance abuse treatment (line veto)..... Ch.224 - 688
H&W Dept, substance abuse, add'l..... Ch.398 - 1087
H&W Dept, substance abuse, approp increased..... Ch.166 - 465
H&W Dept, Welfare Division..... Ch.326 - 895
Hazardous Substance Emergency Response Fund..... Ch. 28 - 60
Idaho State Police..... Ch.235 - 714
Idaho State Police, additional..... Ch.373 - 1017
Idaho State Police, add'l..... Ch.356 - 980
Industrial Com..... Ch.287 - 811
Insurance Dept..... Ch.223 - 687
Juvenile Corrections Dept..... Ch.169 - 469
Juvenile Corrections Dept, approp increased..... Ch. 21 - 33

Labor Dept..... Ch.288 - 812
Land Commissioners, Endowment Fund Investment Bd..... Ch.339 - 928
Lands Dept..... Ch.322 - 890
Lands Dept, approp reduced..... Ch.375 - 1019
Lava Hot Springs Foundation..... Ch.241 - 722
Legislative Council (line veto)..... Ch.279 - 799
Legislative Council, add'l., Performance Evaluations.... Ch.403 - 1109
Lieutenant Governor..... Ch.344 - 935
Millennium Income Fund, tobacco cessation programs..... Ch.276 - 788
Parks and Recreation Dept..... Ch.277 - 789
Parks and Recreation Dept, add'l..... Ch. 96 - 262
Pest Control Deficiency Fund..... Ch. 28 - 60
Professional-Technical Education Bd..... Ch.245 - 725
Professional-Technical Education Bd, add'l..... Ch.396 - 1083
Public Health Trust Fund..... Ch.244 - 724
Public schools, administrators..... Ch.362 - 991
Public schools, Children's programs division..... Ch.392 - 1077
Public Utilities Com..... Ch.162 - 461
Public Works Div, from Permanent Building Fund..... Ch.338 - 926
Revenue & Tax Dept, State Tax Comm, add'l..... Ch. 95 - 262
Revenue & Taxation Dept, State Tax Com..... Ch.340 - 930
Revenue & Taxation Dept, Tax Appeals Bd..... Ch.271 - 775
Revenue &Tax Dept, Tax Appeals Bd, increase..... Ch. 12 - 16
School bond levy equalization support, projects..... Ch. 70 - 184
Secretary of State..... Ch.310 - 857
Secretary of State, add'l..... Ch.374 - 1018
Secure Rural Schools act, replacement funds..... Ch.384 - 1056
Self-Governing Agencies Dept, amended..... Ch. 4 - 4
Self-Governing Agencies, Accountancy Bd, add'l..... Ch.141 - 406
Self-Governing Agencies, boards..... Ch.359 - 985
Self-Governing Agencies, Building Safety Div..... Ch.280 - 800
Self-Governing Agencies, State Lottery..... Ch.174 - 477
Self-Governing Agencies, Veterans Services Div..... Ch.173 - 475
State Controller..... Ch.221 - 681
State Controller, add'l..... Ch. 2 - 3
State Independent Living Council Fund..... Ch.246 - 726
Supreme Court..... Ch.342 - 933
Supreme Court, add'l..... Ch.345 - 935
Tax/PUC/Industrial Com salary increase, approp..... Ch.285 - 807
Transportation Dept..... Ch.360 - 987
Transportation Dept, add'l..... Ch.404 - 1110
Treasurer, State..... Ch.343 - 933
Univ. of Idaho, Agricultural Research/Extension..... Ch.243 - 723
Water Resource Bd, water storage, projects..... Ch.370 - 1015
Water Resources Dept..... Ch.321 - 888
Water Resources Dept, approp amended..... Ch. 29 - 61

ARBITRATION
See MEDIATION AND ARBITRATION

ARMED FORCES
See MILITARY AND MILITIA

ARTS
Com, approp..... Ch.262 - 759
Lionel Hampton Jazz Festival, congratulations..... HCR 36 - 1190

ASSESSMENTS AND ASSESSORS
Urban renewal district, property valuation, tax levy.... Ch.253 - 740
ASSISTED LIVING AND NURSING HOMES
Residential care administrator licensing exams..... Ch. 93 - 258
Skilled nursing facility, improve survey process..... HCR 6 - 1168
ATHLETICS
Boxing, promoter tax, support amateur boxing..... Ch.113 - 317
Idaho 2009 Special Olympics, welcome..... HCR 34 - 1188
Idaho Special Olympics, special license plates..... Ch.193 - 604
Special Olympics Idaho, tax donations..... Ch.218 - 674
Special Olympics World Games, approp..... Ch.325 - 894
ATTORNEY GENERAL
Approp..... Ch.197 - 628
Approp, add'l..... Ch. 1 - 3
ATTORNEYS
Appellate Public Defender, approp..... Ch.237 - 717
AUDITS AND AUDITORS
County revenues/expenditures summary, publication..... Ch. 37 - 88
School district, audit deadlines, funding withheld..... Ch.160 - 457
Soil conservation districts, independent audits, when... Ch.383 - 1053
AUTOMOBILES
See MOTOR VEHICLES
AWARDS
Lionel Hampton Jazz Festival, congratulations..... HCR 36 - 1190
BALLOTS
See ELECTIONS; INITIATIVES AND REFERENDUMS
BANKS AND FINANCIAL INSTITUTIONS
Bank finance, federal requirements, treasury stock..... Ch.140 - 401
BARBERS
Barber examinations, board approval, fees..... Ch.110 - 309
BEER
See LIQUOR
BIG GAME
See WILDLIFE; FISH AND GAME
BINGO AND RAFFLES
Charitable gaming, recordkeeping, accounting..... Ch. 43 - 99
Operators, criminal background checks on..... Ch. 40 - 95
BLIND
Blind and Visually Impaired Com, approp..... Ch.337 - 925
Idaho School for Deaf and Blind, approp..... Ch.293 - 820
BOARDS
Board/com/council members, $100 day..... Ch. 80 - 207
General/medical/regulatory, approp..... Ch.359 - 985
Idaho Bd of Scaling Practices, membership..... Ch.200 - 645
Idaho Contractors Bd, honorarium for members..... Ch.107 - 304
Naturopathic Medical Examiners, appointments..... Ch.406 - 1114
Scaling Practices Bd members, knowledge requirement..... Ch.201 - 649
Shorthand Reporters Bd, powers, licensing, funds..... Ch. 68 - 175
Speech/Hearing Services Licensure, member terms..... Ch. 64 - 166
Veterinary Medicine Bd, employ executive director..... Ch.204 - 655
BOATS
Parks & Recreation Dept boating rules rejected..... HCR 37 - 1191
BONDS
GARVEE highway transportation bonding authority..... Ch.367 - 1004

Idaho bond bank authority, intercept/transfer..... Ch.407 - 1116
BOXING
See ENTERTAINMENT
BUILDING AUTHORITY
BSU property, transfer to College of Western Idaho..... SCR136 - 1182
Lava Hot Springs, financing improvements, approval..... SCR133 - 1179
Secure mental facility, authorize financing/development. HCR 38 - 1205
State buildings, energy efficiency requirements..... Ch.274 - 780
BUILDING SAFETY DIVISION
Approp..... Ch.280 - 800
Building Safety Div plumbing rule rejected..... HCR 33 - 1201
Building Safety Div rules rejected..... SCR139 - 1185
Manufactured home installer, responsible employee..... Ch.380 - 1050
BUILDINGS
CAPP correctional facility, lease-purchase agreement.... SCR124 - 1174
Charter school transfer of physical location..... Ch.171 - 471
College building/leases, repeal legislative resolution.. Ch.161 - 461
Energy savings performance, facilities, contractors..... Ch.366 - 1001
Heating/cooling installation, farm building exemptions.. Ch.255 - 747
BUSINESS
Capital investments, $1billion, property tax exemption.. Ch.234 - 712
Corporate Headquarters Incentive Act repealed..... Ch.390 - 1071
New business plants, local option tax exemption..... Ch.327 - 897
Operating and selling dental practice after death..... Ch.170 - 470
Personal property tax, $100,000 exemption, conditions... Ch.400 - 1089
Retailers with substantial nexus to collect sales tax... Ch. 49 - 120
Rural-urban partnerships, annual observance week..... SCR130 - 1178
Small employer tax incentive, average group earnings.... Ch. 90 - 250
Veterinary practice for sale after death, conditions.... Ch.135 - 378
BUSINESS ENTITIES
Idaho Entity Transaction Act amended..... Ch. 36 - 72
Property holding period, capital gains deduction..... Ch.314 - 873
Religious/charitable limited liability co., tax exempt.. Ch. 50 - 122
Uniform Limited Liability Company Act..... Ch.176 - 479
CAMPAIGNS AND CANDIDATES
Candidate name on ballot, include former name..... Ch.408 - 1123
Election campaign fund, annual payments..... Ch. 62 - 154
CAMPING AND CAMPGROUNDS
State camping fee waiver for disabled veterans..... HCR 32 - 1200
CAPITAL PUNISHMENT
Death penalty notice, jury not to be separated..... Ch. 22 - 35
Death penalty, intent to seek, filing notice..... Ch.300 - 837
CAPITOL
Capitol building projects, Idaho residency inapplicable. Ch. 54 - 137
Com, special license plates, continue program..... Ch. 14 - 20
Idaho State Capitol Com, approp..... Ch.273 - 779
CATTLE
See LIVESTOCK
CHARITIES
Charitable limited liability company, tax exemption..... Ch. 50 - 122
Charitable trusts, tort liability limited..... Ch. 83 - 213
Perpetuities rule, power to transfer property, future... Ch. 77 - 204
Special Olympics Idaho, tax donations..... Ch.218 - 674

CHILD CARE
See DAY CARE
CHILDREN
Child support, medical coverage, reasonable cost..... Ch.328 - 899
Health insurance coverage through parent's policy..... Ch.296 - 825
Internet pornography, prevent child and employee access. HCR 7 - 1169
Permitting child to witness sex, felony..... Ch.240 - 721
Sex offenders, presence restricted, school property..... Ch.250 - 735
Teens at risk, secondary school students..... Ch.219 - 678
Two-pole fishing permit, nonresident children..... Ch.211 - 667
CHURCHES
See RELIGION AND CHURCHES
CIGARETTES
See TOBACCO
CIRCUIT BREAKER TAX RELIEF
See TAX AND TAXATION, PROPERTY
CITIES
City annexation procedures, landowner consent..... Ch.118 - 327
Community Infrastructure District Act..... Ch.410 - 1139
Domestic reciprocal insurers of political subdivisions.. Ch.399 - 1088
Firearms regulation preempted by State, exceptions..... Ch.304 - 844
Idaho bond bank authority, intercept/transfer..... Ch.407 - 1116
Liquor license, winery/ski resort, city limits..... Ch.335 - 920
Outdoor sport shooting ranges, local regulation, when... Ch.318 - 879
Sex offenders, sharing residence, local zoning..... Ch.124 - 343
Urban renewal district, tax levy, property valuation.... Ch.253 - 740
CIVIL ACTIONS
Non-compete agreements, rebuttable presumptions..... Ch.295 - 823
CODES
Idaho, codifier's miscellaneous corrections..... Ch. 27 - 39
Idaho, correction of code reference..... Ch. 10 - 13
Internal Revenue Code, references updated..... Ch. 6 - 7
COLLECTIONS AND COLLECTION AGENCIES
See DEBTORS AND CREDITORS
COLLEGES AND UNIVERSITIES
BSU property, transfer to College of Western Idaho..... SCR136 - 1182
Building/lease agreements, no prior resolution..... Ch.161 - 461
College student residency status, National Guard..... Ch. 66 - 168
College student, resident status requirements..... Ch.226 - 690
Community college account, increase funding..... Ch.252 - 738
Community college support, approp..... Ch.291 - 817
Community college tuition amounts, maximum..... Ch.133 - 375
General education programs, approp..... Ch.263 - 759
High school-college concurrent enrollment, discussions.. HCR 38 - 1195
Higher education, federally mandated funding, oppose.... SJM109 - 1162
Idaho Education Network, telecommunications for schools. Ch.260 - 753
License plates, College of Idaho, name change..... Ch. 13 - 17
Lionel Hampton Jazz Festival, congratulations..... HCR 36 - 1190
Medical education plan, legislative study comm..... SCR135 - 1180
Medical education programs, approp..... Ch.292 - 818
Scholarships for dependents of disabled soldiers..... Ch.185 - 557
State college savings program, revise..... Ch.275 - 782
State college savings, withdrawals, taxable income..... Ch.261 - 756
Univ. of Idaho, approp, Agricultural Extension..... Ch.243 - 723

Univ. of Idaho, approp, special programs..... Ch.247 - 727
COMMERCE
Dept, approp..... Ch.286 - 809
Dept, approp for Special Olympics World Games..... Ch.325 - 894
Dept, approp, add'l..... Ch. 3 - 4
Dept, rebate of film production expenses..... Ch.350 - 965
Dept, travel/convention grant rules rejected..... HCR 37 - 1195
Interagency working group co-chairs designated..... Ch.153 - 442
Intermodal commerce authorities, increase grant..... Ch.154 - 444
NAFTA, urge conditions, withdrawal..... SJM113 - 1164
Rural-urban partnerships, annual observance week..... SCR130 - 1178
COMMISSIONS
Athletic, promoter tax to support amateur boxing..... Ch.113 - 317
Board/com/council members, $100 day..... Ch. 80 - 207
Food quality assurance institute commissioners..... Ch.208 - 661
Health Quality Planning Com, terms, reports..... Ch.364 - 996
Idaho Prune Commission, classified employees..... Ch. 89 - 247
Idaho Women's Com, approp..... Ch.308 - 855
Judicial magistrates com, members, duties, waiver..... Ch. 38 - 89
Public Utilities Com, approp..... Ch.162 - 461
Soil Conservation Com, approp..... Ch.283 - 803
Tax/PUC/Industrial Com salary increase, approp..... Ch.285 - 807
COMMITTEES
Interagency Comm, Substance Abuse, members..... Ch. 94 - 258
Medical education plan, legislative study..... SCR135 - 1180
Property tax relief/expenditures, legislative study..... HCR 35 - 1193
Winter feeding advisory comm, appointees list..... Ch. 72 - 191
COMMODITIES
Food quality assurance institute commissioners..... Ch.208 - 661
Intermodal commerce authorities, increase grant..... Ch.154 - 444
COMMUNICATIONS
See TELECOMMUNICATIONS
COMPUTERS
See ELECTRONIC TECHNOLOGY
CONFLICTS OF INTEREST
See ETHICS
CONSERVATION
Soil conservation districts, independent audits, when... Ch.383 - 1053
Species Conservation Office, approp..... Ch.242 - 723
CONSERVATORS
See GUARDIANS AND CONSERVATORS
CONSTRUCTION
Capital investments, $1billion, property tax exemption.. Ch.234 - 712
Capitol building projects, Idaho residency inapplicable. Ch. 54 - 137
CAPP correctional facility, lease-purchase agreement.... SCR124 - 1174
College buildings/leases,concurrent resolution repealed. Ch.161 - 461
Development impact fees, taxing district excluded..... Ch.389 - 1068
John Molitor, legislative advisor, life achievements.... HCR 39 - 1206
Public works, license classes, unlimited, bid limits.... Ch.254 - 744
State buildings, energy efficiency requirements..... Ch.274 - 780
CONSUMERS
Annuity sales, responsibility to consumers..... Ch.202 - 650
Consumer credit report, voluntary security freeze..... Ch.177 - 522
Consumer Foreclosure Protection Act, fraud, warning..... Ch.192 - 601

Debt collectors/counselors, licensing requirements..... Ch.347 - 937
Insurance, state regulation, oppose federal preemption.. SJM114 - 1166
Seniors/disabled, assets taken, enhanced penalties..... Ch.257 - 749
CONTRACTORS
Capitol building projects, Idaho residency inapplicable. Ch. 54 - 137
Idaho Contractors Bd, honorarium for members..... Ch.107 - 304
John Molitor, legislative advisor, life achievements.... HCR 39 - 1206
Public works, license classes, unlimited, bid limits.... Ch.254 - 744
CONTRACTS
CAPP correctional facility, lease-purchase agreement.... SCR124 - 1174
Consumer Foreclosure Protection Act, fraud, warning..... Ch.192 - 601
Health insurance contracts, assignment by insurer..... Ch.139 - 400
Non-compete agreements, rebuttable presumptions..... Ch.295 - 823
Service contracts, types of damage covered..... Ch.137 - 395
State-Tribal motor fuels tax agreements ratified..... SCR125 - 1175
Trust deed transfers of real property..... Ch.365 - 999
CONTRIBUTIONS
Gifts to public servants, lobbyist disclosures..... Ch.306 - 846
CONTROLLED SUBSTANCES
Prescriptions database, misuse, misdemeanor..... Ch.129 - 362
Substance abuse, intensive outpatient treatment..... Ch. 94 - 258
Wholesale drug distributor,lawsuit disclosures, no bond. Ch.190 - 595
CONTROLLER, STATE
Approp..... Ch.221 - 681
Approp, add'l..... Ch. 2 - 3
CORPORATIONS
Bank finance, federal requirements, treasury stock..... Ch.140 - 401
Capital gains deduction,holding period disqualification. Ch.314 - 873
Corporate Headquarters Incentive Act repealed..... Ch.390 - 1071
Idaho Entity Transaction Act amended..... Ch. 36 - 72
CORRECTIONS
Assault on certain government officials, knowledge..... Ch.151 - 438
Bd member compensation, $100 day..... Ch. 80 - 207
CAPP correctional facility, lease-purchase agreement.... SCR124 - 1174
Dept, 2007 approp amended..... Ch. 79 - 206
Dept, approp..... Ch.222 - 682
Dept, approp, private prison..... Ch.346 - 935
Juvenile Corrections custody review rules rejected..... HCR 38 - 1191
Juvenile Corrections Dept, approp..... Ch.169 - 469
Juvenile Corrections Dept, approp increased..... Ch. 21 - 33
Juvenile, employee-offender sex prohibited..... Ch. 60 - 150
Juveniles in custody, determination to extend time..... Ch. 41 - 95
Medical costs, prisoners in Correction Dept custody..... Ch. 61 - 153
Overtime pay for workers, special circumstances..... Ch.138 - 396
Parole release date prior to holiday..... Ch. 42 - 99
Secure mental facility, authorize Building Authority.... HCR 38 - 1205
Sheriff compensation, special claims, payment..... Ch.302 - 841
COSMETOLOGY
Registration, licensing, exam oversight, fees..... Ch. 86 - 226
COUNCILS
Board/com/council members, $100 day..... Ch. 80 - 207
Regional wildlife, winter feeding comm appointees..... Ch. 72 - 191
State Independent Living Council Fund, approp..... Ch.246 - 726
Statewide Interoperability Council under Military Div... Ch.127 - 347

COUNSELING AND COUNSELORS
Associate marriage/family therapist, licensed..... Ch. 87 - 236
Debt collectors/counselors, licensing requirements..... Ch.347 - 937
COUNTIES
Community Infrastructure District Act..... Ch.410 - 1139
County medical assistance for indigents, date, payment.. Ch.189 - 593
County misdemeanor probation services..... Ch. 88 - 242
County revenues/expenditures summary, publication..... Ch. 37 - 88
County sheriff, newly-elected, sheriffs' school..... Ch.329 - 901
Domestic reciprocal insurers of political subdivisions.. Ch.399 - 1088
Federal lands, renewable energy income, funds..... Ch.206 - 659
Firearms regulation preempted by State, exceptions..... Ch.304 - 844
Local option tax exemption, new business plants..... Ch.327 - 897
Outdoor sport shooting ranges, local regulation, when... Ch.318 - 879
Property taxes payable by credit card..... Ch. 53 - 131
Recorder fees amended, lien searches, surveys..... Ch.111 - 312
Resident magistrate judge, waive right to..... Ch. 38 - 89
Sales of tax-deeded property, bids, proceeds..... Ch.397 - 1084
Sex offenders, sharing residence, local zoning..... Ch.124 - 343
Sheriff compensation, special claims, payment..... Ch.302 - 841
Taxing district boundaries, when not recognized..... Ch. 7 - 8
Urban renewal district, tax levy, property valuation.... Ch.253 - 740
Vehicle liability release fees, county money..... Ch. 55 - 138
COURTS
Conservator, who may be appointed..... Ch.145 - 429
County misdemeanor probation services..... Ch. 88 - 242
Court of Appeals, add fourth judge..... Ch. 24 - 36
Court reporter compensation up to Supreme Court..... Ch. 33 - 64
Death penalty, intent to seek, filing notice..... Ch.300 - 837
Developmentally disabled persons, guardian/conservator.. Ch. 73 - 192
Driver's license suspension following incarceration..... Ch. 45 - 118
Formal testacy proceeding, publication notice deleted... Ch. 75 - 200
Funding, property tax support, legislative study comm... HCR 35 - 1193
Government records reproduction, admissible as original. Ch. 5 - 6
Guardian Ad Litem Fund, approp..... Ch.342 - 933
Guardians to protect wards against convicted felons..... Ch. 74 - 194
Jury not to be separated, death penalty notice..... Ch. 22 - 35
Justices/judges salaries increased..... Ch.220 - 680
No-contact order, repeat violators, penalties..... Ch.259 - 752
Northern Idaho adjudication petition, defer rights..... Ch.149 - 434
Northern Idaho water adjudications, excludes Basin 98... Ch.159 - 456
State Law Library, location..... Ch. 25 - 38
Supreme Court seat, filling in on a case..... Ch. 34 - 66
Supreme Court, approp..... Ch.342 - 933
Supreme Court, approp, add'l..... Ch.345 - 935
Supreme Court, protected by State Police..... Ch. 85 - 222
Uniform Mediation Act, add..... Ch. 35 - 66
Victim restitution order, leaving accident scene..... Ch.152 - 440
CREDIT AND CREDITORS
See DEBTORS AND CREDITORS
CREDIT CARDS
See PAYMENT METHODS
CRIMINAL OFFENSES & PROCEDURES
Abortion, attempt to coerce woman to obtain..... Ch.388 - 1067

Assault on certain government officials, knowledge..... Ch.151 - 438
Background check on those with student contact..... Ch.349 - 961
Conducted Energy Device (stun gun), restrict possession. Ch.333 - 918
County misdemeanor probation services..... Ch. 88 - 242
Crime victim restitution, eligible claimants..... Ch.140 - 401
Criminal background checks by State Lottery..... Ch. 40 - 95
Cruelty to animals, crime revised..... Ch. 47 - 119
Death penalty, intent to seek, filing notice..... Ch.300 - 837
Dogfighting participant, felony; spectator misdemeanor.. Ch. 32 - 64
Driver's license suspension following incarceration..... Ch. 45 - 118
Financial power of attorney, improper use..... Ch.209 - 662
Gifts to public servants, when prohibited..... Ch.306 - 846
Misappropriation of personal identifying information.... Ch. 78 - 205
Misuse of public funds by public employees..... Ch. 56 - 143
Misuse of public funds, restitution from retirement..... Ch.238 - 718
No-contact order, repeat violators, penalties..... Ch.259 - 752
Permitting child to witness sex, felony..... Ch.240 - 721
Prescriptions database, misuse, misdemeanor..... Ch.129 - 362
Scrap dealing violations, persons found guilty..... Ch.100 - 282
Sex between supervisor & offender/parolee, felony..... Ch. 60 - 150
Sex offenders, proximity, school property, misdemeanor.. Ch.250 - 735
Sex offenders, sharing residence, local zoning..... Ch.124 - 343
State and federal criminal records check, fees..... Ch. 48 - 120
Tampering with electronic monitoring of sex offender.... Ch. 65 - 168
Theft, offset demands against another..... Ch. 23 - 35
Uniform Criminal Extradition Act amended..... Ch.136 - 384
Unlicensed outfitter/guide, compensation, penalties..... Ch.112 - 314
Violence victims, address confidentiality program..... Ch.232 - 703
Welfare fraud control program, prosecute offenders..... Ch.188 - 591

CROPS
See AGRICULTURE

DAIRY PRODUCTS
See AGRICULTURE

DAY CARE
Child care provider, public fraud investigations..... Ch.187 - 588

DAYS
See HOLIDAYS AND DAYS

DEAF
Idaho School for Deaf and Blind, approp..... Ch.293 - 820

DEATH
Community property right of survivorship..... Ch.175 - 477
Decedent's estate, homestead allowance, family..... Ch.182 - 548
Formal testacy proceeding, publication notice deleted... Ch. 75 - 200
Human bodies, storage/transport, registration..... Ch.256 - 748
Operating and selling dental practice after death..... Ch.170 - 470
Penalty, intent to seek, filing notice..... Ch.300 - 837
Penalty, notice, jury not to be separated..... Ch. 22 - 35
Self-proved wills, acknowledgment methods..... Ch. 76 - 202
Veterinary practice for sale after death, conditions.... Ch.135 - 378

DEBTORS AND CREDITORS
Consumer credit report, voluntary security freeze..... Ch.177 - 522
Consumer Foreclosure Protection Act, fraud, warning..... Ch.192 - 601
Debt collectors/counselors, licensing requirements..... Ch.347 - 937
Decedent's estate, homestead allowance, family..... Ch.182 - 548

Exemptions from levy, vehicles up to $5000..... Ch. 57 - 146
Public charter schools, fiscal soundness standard..... Ch.251 - 737
Sales of tax-deeded property, bids, proceeds..... Ch.397 - 1084
DENTISTRY AND DENTISTS
Operating and selling dental practice after death..... Ch.170 - 470
DEVELOPMENT
Community Infrastructure District Act..... Ch.410 - 1139
Development impact fees, taxing district excluded..... Ch.389 - 1068
DISABLED
Conservator, who may be appointed..... Ch.145 - 429
Developmentally disabled persons, guardian/conservator.. Ch. 73 - 192
Disabled archers, crossbow use, name change..... Ch. 58 - 148
Exploitation, improper use, financial power of attorney. Ch.209 - 662
Group residences, considered single family dwellings.... Ch.123 - 342
Guardians to protect against convicted felon..... Ch. 74 - 194
Idaho 2009 Special Olympics, welcome..... HCR 34 - 1188
Idaho Special Olympics, special license plates..... Ch.193 - 604
Insurance coverage of dependents on parent's policy..... Ch.296 - 825
Scholarships for dependents of disabled soldiers..... Ch.185 - 557
Seniors/disabled, assets taken, enhanced penalties..... Ch.257 - 749
Special Olympics Idaho, tax donations..... Ch.218 - 674
Special Olympics World Games, approp..... Ch.325 - 894
State camping fee waiver for disabled veterans..... HCR 32 - 1200
Uniform Power of Attorney Act..... Ch.186 - 559
Volunteer emergency responders, disability benefits..... Ch.369 - 1009
DISASTERS
See also EMERGENCIES; SECURITY
DISEASES
Chronic renal disease victims, financial assistance..... Ch.199 - 644
DISTRICTS
Community Infrastructure District Act..... Ch.410 - 1139
Domestic reciprocal insurers of political subdivisions.. Ch.399 - 1088
Health, independent body, no taxing authority..... Ch.231 - 701
Highway, uniform district election administration..... Ch.258 - 751
Irrigation district division directors, eligibility..... Ch.212 - 668
Irrigation, canvass election returns, when..... Ch.207 - 660
Judicial, magistrates com, members, duties, waiver..... Ch. 38 - 89
Local improvement districts, preliminary study, notice.. Ch.301 - 838
Soil conservation, independent audits, frequency..... Ch.383 - 1053
Taxing district boundaries, when not recognized..... Ch. 7 - 8
Taxing, exclusion from development impact fees..... Ch.389 - 1068
Urban renewal district, tax levy, property valuation.... Ch.253 - 740
DIVORCE
See DOMESTIC RELATIONS
DOCTORS
See PHYSICIANS AND SURGEONS
DOGS
See ANIMALS
DOMESTIC RELATIONS
Associate marriage/family therapist, licensed..... Ch. 87 - 236
Child support, medical coverage, reasonable cost..... Ch.328 - 899
Community property right of survivorship..... Ch.175 - 477
Marriage ceremony, judges, tribal officials..... Ch. 46 - 118
Separated couples, income, property tax relief..... Ch.117 - 323

DOMESTIC VIOLENCE
Violence victims, address confidentiality program..... Ch.232 - 703
DONATIONS
See CONTRIBUTIONS; CHARITIES
DRIVERS
Class D driver's training instruction permit..... Ch.194 - 607
Driver's license, duplicate following suspension..... Ch. 18 - 24
Federal Real ID Act, refusal to participate..... Ch.385 - 1058
License plates, special, Capitol Com, continue program.. Ch. 14 - 20
License restrictions, illegal or non-citizen residents.. Ch. 63 - 154
License suspension following incarceration..... Ch. 45 - 118
Motorbikes/all-terrain/utility vehicles, restrictions... Ch.409 - 1124
School zone speed limits, signs, fines..... Ch.372 - 1017
Uninsured/underinsured motorist insurance policies..... Ch. 69 - 183
DRUGS
See CONTROLLED SUBSTANCES; PRESCRIPTIONS
EASEMENTS
Public right-of-way along rivers, agreements..... Ch.371 - 1016
ECONOMIC DEVELOPMENT
Capital investments, $1billion, property tax exemption.. Ch.234 - 712
Film production expenses, Commerce Dept rebate..... Ch.350 - 965
New business plants, local option tax exemption..... Ch.327 - 897
Renewable energy development on endowment lands..... HCR 34 - 1202
EDUCATION
Bd, approp, add'l., Com for Libraries..... Ch.323 - 892
Bd, approp, add'l., community colleges..... Ch.376 - 1020
Bd, approp, Com for Libraries..... Ch.122 - 341
Bd, approp, community college support..... Ch.291 - 817
Bd, approp, Historical Society..... Ch.121 - 340
Bd, approp, Idaho School for Deaf and Blind..... Ch.293 - 820
Bd, approp, medical education programs..... Ch.292 - 818
Bd, approp, Office of..... Ch.264 - 761
Bd, approp, Public Broadcasting System..... Ch.195 - 616
Bd, approp, special programs..... Ch.247 - 727
Bd, approp, Vocational Rehabilitation Division..... Ch.289 - 814
Bd, colleges, general programs, approp..... Ch.263 - 759
BSU property, transfer to College of Western Idaho..... SCR136 - 1182
Charter school transfer of physical location..... Ch.171 - 471
Class D driver's training instruction permit..... Ch.194 - 607
College of Idaho name change, license plates..... Ch. 13 - 17
College student residency status, National Guard..... Ch. 66 - 168
College student, resident status requirements..... Ch.226 - 690
Community college account, increase funding..... Ch.252 - 738
Community college tuition amounts, maximum..... Ch.133 - 375
Dept library, public school curricular materials..... Ch.217 - 674
Dept/Public Instruction Superintendent, approp..... Ch.266 - 765
Dept/Public Instruction Superintendent, approp, add'l... Ch. 30 - 62
Dept/Public Instruction Super'tdt, approp, add'l..... Ch.373 - 1017
Digital Learning Academy, independent governance..... Ch.119 - 332
Digital Learning Academy, sales tax exemption..... Ch.172 - 472
Educational Support Program/Facilities Div, approp..... Ch.393 - 1080
Educational Support Program/Operations Div, approp..... Ch.391 - 1074
Educational support, teachers, approp..... Ch.363 - 993
High school-college concurrent enrollment, discussions.. HCR 38 - 1195

Higher education, federally mandated funding, oppose.... SJM109 - 1162
Idaho Ag in the classroom, independent, funds..... Ch.205 - 658
Idaho Education Network, telecommunications for schools. Ch.260 - 753
Medical education plan, legislative study comm..... SCR135 - 1180
Mining industry education, special license plates..... Ch.210 - 664
New charter school, workshops, due diligence..... Ch.157 - 450
Public charter schools, fiscal soundness standard..... Ch.251 - 737
Public schools, administrators, approp..... Ch.362 - 991
Public schools, approp, Children's programs div..... Ch.392 - 1077
Public virtual school, charter requirements..... Ch.105 - 288
Pupil tuition-equivalency allowance, 42% of cost..... Ch.401 - 1104
Real estate brokers, coursework timeframe, standards.... Ch.142 - 407
Real estate education, certification application fee.... Ch.144 - 424
Scholarships for dependents of disabled soldiers..... Ch.185 - 557
School administrators, improve their training, report... SCR129 - 1177
School district, audit deadlines, withhold funding..... Ch.160 - 457
School trustees, zones, newly-consolidated districts.... Ch.351 - 968
Secure Rural Schools act, replacement funds..... Ch.384 - 1056
State college savings program, revise..... Ch.275 - 782
State college savings, withdrawals, taxable income..... Ch.261 - 756
Statewide substitute teacher list, background check..... Ch.349 - 961
Teacher Performance Evaluation Task Force..... Ch.363 - 993
Teacher salaries, experience in public schools..... Ch.158 - 455

ELDERLY
See SENIOR CITIZENS

ELECTIONS
Candidate name on ballot, include former name..... Ch.408 - 1123
County sheriff, newly-elected, sheriffs' school..... Ch.329 - 901
Election campaign fund, annual payments..... Ch. 62 - 154
Highway districts, uniform district election laws..... Ch.258 - 751
Irrigation district division directors, eligibility..... Ch.212 - 668
Irrigation district, canvass election returns, when..... Ch.207 - 660
Liquor sales okay on election days..... Ch.248 - 729
School cooperative service levy, voter approval..... Ch.104 - 287
School trustees, zones, newly-consolidated districts.... Ch.351 - 968

ELECTRICITY AND ELECTRICIANS
Energy facility, commercial purpose, endowment lands.... Ch.115 - 319
Geothermal energy electrical production, tax..... Ch.227 - 693
Renewable energy development on endowment lands..... HCR 34 - 1202

ELECTRONIC TECHNOLOGY
Conducted Energy Device (stun gun), restrict possession. Ch.333 - 918
Digital Learning Academy, independent governance..... Ch.119 - 332
Digital repository created for state publications..... Ch. 81 - 209
Electronic monitoring of violent sex predator on parole. Ch. 65 - 168
Government property records system, Administration Dept. Ch.332 - 916
Health Quality Planning Com, terms, reports..... Ch.364 - 996
Idaho Education Network, telecommunications for schools. Ch.260 - 753
Internet pornography, prevent child and employee access. HCR 7 - 1169

ELK (DOMESTIC CERVIDAE)
See ANIMALS

EMERGENCIES
Emergency care, defibrillator use, no liability..... Ch.299 - 836
Emergency communications, supplemental fee, disburse.... Ch.379 - 1048
Search/rescue operations, local and state coordination.. Ch. 39 - 93

Volunteer emergency responders, disability benefits..... Ch.369 - 1009
EMPLOYERS AND EMPLOYEES
Capitol building projects, Idaho residency inapplicable. Ch. 54 - 137
Dept of Labor Idaho career information system..... Ch. 97 - 263
Employer withholding returns, contents, due date..... Ch. 9 - 10
Idaho plant pest detection employees, nonclassified..... Ch. 89 - 247
Idaho Prune Commission, classified employees..... Ch. 89 - 247
Internet pornography, prevent child and employee access. HCR 7 - 1169
Misuse of public funds by public employees..... Ch. 56 - 143
Non-compete agreements, rebuttable presumptions..... Ch.295 - 823
Overtime pay, certain workers, emergency declaration.... Ch.138 - 396
Public employee classification, compensatory time off... Ch.196 - 617
Small employer tax incentive, average group earnings.... Ch. 90 - 250
State employee compensation and benefits..... HCR 39 - 1196
Veterinary Medicine Bd, employ executive director..... Ch.204 - 655
EMPLOYMENT SECURITY LAW
Claim eligibility, missed classes, records privacy..... Ch. 99 - 270
Covered employers, transferring accounts, factors..... Ch. 44 - 106
ENDOWMENT FUNDS AND LANDS
Endowment Fund Investment Bd, approp..... Ch.339 - 928
Endowment land leases, commercial purposes defined..... Ch.115 - 319
Endowment lands residential lease, 35 years..... Ch.103 - 285
Endowment lands, renewable energy development..... HCR 34 - 1202
ENERGY
Energy Efficient State Buildings Act..... Ch.274 - 780
Energy facility, commercial purpose, endowment lands.... Ch.115 - 319
Energy Resources Office, approp..... Ch.281 - 801
Energy Resources Office, approp, add'l..... Ch.394 - 1081
Energy savings performance, facilities, contractors..... Ch.366 - 1001
Energy-producing materials, sales tax exemption..... Ch.233 - 710
Geothermal energy electrical production, tax..... Ch.227 - 693
Renewable energy development on endowment lands..... HCR 34 - 1202
Renewable energy resources, federal lands, funds..... Ch.206 - 659
ENGINEERS AND SURVEYORS
Dam water storage projects, additional, study..... HCR 8 - 1170
Professional engineers/land surveyors, licensure..... Ch.378 - 1021
Surveys, county filing fees amended..... Ch.111 - 312
ENTERTAINMENT
Bingo, charity recordkeeping/accounting requirements.... Ch. 43 - 99
Boxing, promoter tax, support amateur boxing..... Ch.113 - 317
Film production expenses, Commerce Dept rebate..... Ch.350 - 965
Outdoor shooting range, noise standards, buffer..... Ch.116 - 321
ENVIRONMENT
Air quality, vehicle inspection/maintenance program..... Ch.368 - 1007
Carbon trading, designate Idaho cropping region..... SCR137 - 1183
DEQ preapprove field burning, fee, open records..... Ch. 71 - 186
DEQ, approp, add'l..... Ch.361 - 990
Environmental Quality Dept, approp..... Ch.284 - 803
Mining industry education, special license plates..... Ch.210 - 664
Suspended mine operations, water rights not lost..... Ch.239 - 719
U.S. Forest Service, mediate disputes..... HCR 11 - 1172
Water quality violators, civil penalties..... Ch.334 - 919
ESCROW
See REAL ESTATE

ESTATES
Community property right of survivorship..... Ch.175 - 477
Conservator, who may be appointed..... Ch.145 - 429
Developmentally disabled persons, guardian/conservator.. Ch. 73 - 192
Financial power of attorney, improper use..... Ch.209 - 662
Formal testacy proceeding, publication notice deleted... Ch. 75 - 200
Homestead allowance, surviving spouse/children..... Ch.182 - 548
Operating and selling dental practice after death..... Ch.170 - 470
Perpetuities rule, power to transfer property, future... Ch. 77 - 204
Self-proved wills, acknowledgment methods..... Ch. 76 - 202
Veterinary practice for sale after death, conditions.... Ch.135 - 378
ETHICS
Juvenile Corrections employee-offender sex prohibited... Ch. 60 - 150
Lobbyist reporting requirements, expenditures, content.. Ch.306 - 846
Misuse of public funds by public employees..... Ch. 56 - 143
Misuse of public funds, restitution from retirement..... Ch.238 - 718
Winery, financial interest in retailer's business..... Ch.180 - 544
EXAMINERS, STATE BOARD OF
Sheriff compensation, special claims, payment..... Ch.302 - 841
EXECUTIVE ORDERS
2007-05 thru 2007-21 1211
2008-01 1236
FARMS AND FARMING
See AGRICULTURE
FEDERAL LAWS AND RELATIONS
College Opportunity Act, oppose mandated funding..... SJM109 - 1162
Dam water storage projects, additional, study..... HCR 8 - 1170
Federal Real ID Act, refusal to participate..... Ch.385 - 1058
Illegal immigration, urge federal action..... SJM111 - 1163
Insurance, state regulation, oppose federal preemption.. SJM114 - 1166
Internet pornography, prevent child and employee access. HCR 7 - 1169
NAFTA, urge conditions, withdrawal..... SJM113 - 1164
Returning veterans, support their health care..... SJM108 - 1161
Secure Rural Schools act, replacement funds..... Ch.384 - 1056
Skilled nursing facility, improve survey process..... HCR 6 - 1168
U.S. Forest Service, mediate disputes..... HCR 11 - 1172
FEES
Barber examinations, board approval, fees..... Ch.110 - 309
Boxing promoter tax, support amateur boxing..... Ch.113 - 317
College student, resident status requirements..... Ch.226 - 690
Community college tuition amounts, maximum..... Ch.133 - 375
Cosmetology registration/licensing/exams, fees..... Ch. 86 - 226
County recorder fees, surveys and lien searches..... Ch.111 - 312
Development impact fees, taxing district excluded..... Ch.389 - 1068
Emergency communications, supplemental fee, disburse.... Ch.379 - 1048
Geologist professional bd, registration, fees..... Ch.249 - 730
Medical costs, prisoners in Correction Dept custody..... Ch. 61 - 153
Nursery/florist license fee increase..... Ch.130 - 364
Private hospital assessments, Medicaid, federal funds... Ch. 91 - 252
Real estate appraiser examination, national fees..... Ch.108 - 305
Real estate education, certification application fee.... Ch.144 - 424
Resorts, liquor license fees, licenses per owner..... Ch.178 - 529
Shorthand reporter license fees, Occupational Licenses.. Ch. 68 - 175
Soil amendment tonnage fee, $15 minimum..... Ch.132 - 374

State and federal criminal records check, fees..... Ch. 48 - 120
Truck registration, temporary permits, maximum weight... Ch.336 - 924
Water rights claim, filing fee reduced..... Ch.148 - 433
FERTILIZER
Distributor storage facility registration..... Ch.131 - 365
Labeling requirements, inspection fees..... Ch.131 - 365
FILM
See ENTERTAINMENT
FINANCE
Bank finance, federal requirements, treasury stock..... Ch.140 - 401
County revenues/expenditures summary, publication..... Ch. 37 - 88
Debt collectors/counselors, licensing requirements..... Ch.347 - 937
Dept, approp..... Ch.120 - 339
Idaho bond bank authority, intercept/transfer..... Ch.407 - 1116
Property taxes payable by credit card..... Ch. 53 - 131
Public charter schools, fiscal soundness standard..... Ch.251 - 737
School bond levy equalization support, projects..... Ch. 70 - 184
School district, audit deadlines, withhold funding..... Ch.160 - 457
Securities registration exemption, note & mortgage unit. Ch.143 - 415
Soil conservation districts, independent audits, when... Ch.383 - 1053
FINANCIAL INSTITUTIONS
See BANKS AND FINANCIAL INSTITUTIONS
FINANCIAL MANAGEMENT, DIVISION OF
Approp..... Ch.229 - 700
FIRE AND FIREFIGHTERS
Cigarette paper, tests on ignition strength..... Ch.278 - 791
Fire code interpretations, appeal of decisions..... Ch.402 - 1105
Fire insurance, exclude terrorism, amend definition..... Ch.216 - 671
Overtime pay for workers, special circumstances..... Ch.138 - 396
Volunteer emergency responders, disability benefits..... Ch.369 - 1009
FIREARMS
See WEAPONS
FISH AND GAME
Dept, approp..... Ch.272 - 775
Disabled archers, crossbow use, name change..... Ch. 58 - 148
Grizzly bear damage, reimbursement from State..... Ch.101 - 283
Nonresident small game hunting license, animals..... Ch. 59 - 148
Two-pole fishing permit, purchasers..... Ch.211 - 667
Unlicensed outfitter/guide, compensation, penalties..... Ch.112 - 314
Winter feeding advisory comm, appointees list..... Ch. 72 - 191
Wolves, depredation of livestock, control..... Ch.294 - 821
Youth hunter licenses, huntable furbearers..... Ch. 98 - 265
FOOD
Food quality assurance institute commissioners..... Ch.208 - 661
Grocery tax credit, annual increase..... Ch.316 - 876
FORESTS AND FORESTRY
Land Bd timber sales, use of funds..... Ch.114 - 319
U.S. Forest Service, mediate disputes..... HCR 11 - 1172
Water diversion, when permitted, notices, redress..... Ch.320 - 886
FRAUD
Public assistance provider fraud investigations..... Ch.187 - 588
Seniors/disabled, asset taken, enhanced penalties..... Ch.257 - 749
FUELS
Aircraft engine fuel tax increase..... Ch. 31 - 63

Energy-producing materials, sales tax exemption..... Ch.233 - 710
State-Tribal motor fuels tax agreements ratified..... SCR125 - 1175
FUNDS
Aquifer Planning and Management, approp..... Ch.321 - 888
Catastrophic Health Care Cost Fund, approp..... Ch.236 - 717
Community Health Center Grant, approp..... Ch.377 - 1020
Election campaign fund, annual payments..... Ch. 62 - 154
Fire Suppression Deficiency Fund, approp..... Ch. 28 - 60
Guardian ad Litem Fund, approp..... Ch.342 - 933
Hazardous Substance Emergency Response Fund, approp..... Ch. 28 - 60
Industrial Special Indemnity Fund claim notice..... Ch.102 - 285
Intercept/transfer, Idaho bond bank authority..... Ch.407 - 1116
Millennium Income Fund, tobacco cessation programs..... Ch.276 - 788
Misuse of public funds, restitution from retirement..... Ch.238 - 718
Permanent Building, approp to Public Works Div..... Ch.338 - 926
Pest Control Deficiency Fund, approp..... Ch. 28 - 60
Public Health Trust Fund, approp..... Ch.244 - 724
Renewable energy resources fund created..... Ch.206 - 659
Rural economic development, increase grant..... Ch.154 - 444
Shorthand reporter license fees, Occupational Licenses.. Ch. 68 - 175
Special Olympics Idaho Fund created..... Ch.218 - 674
Veterans Support Fund, tax donations..... Ch. 17 - 23
FUNERALS
Mortician licensing, minimum funeral expense..... Ch.109 - 307
GAMBLING
Charitable gaming, recordkeeping, accounting..... Ch. 43 - 99
Criminal background checks by State Lottery..... Ch. 40 - 95
GASOLINE
See FUELS
GEOGRAPHY
Government property records system, Administration Dept. Ch.332 - 916
GEOLOGY AND GEOLOGISTS
Geologist professional bd, registration, fees..... Ch.249 - 730
GIFTS
See CONTRIBUTIONS
GOVERNMENT
Administrative rules coordinator powers, corrections.... Ch.183 - 554
Agency rules, continue in effect, exceptions..... Ch.386 - 1060
Assault on certain government officials, knowledge..... Ch.151 - 438
Dept of Labor Idaho career information system..... Ch. 97 - 263
Digital Learning Academy, independent governance..... Ch.119 - 332
Domestic reciprocal insurers of political subdivisions.. Ch.399 - 1088
Energy savings performance, facilities, contractors..... Ch.366 - 1001
Idaho plant pest detection employees, nonclassified..... Ch. 89 - 247
Idaho Prune Commission, classified employees..... Ch. 89 - 247
Integrated property records system, Administration Dept. Ch.332 - 916
Interagency working group co-chairs designated..... Ch.153 - 442
Lobbyist reporting requirements, expenditures, content.. Ch.306 - 846
Misuse of public funds by public employees..... Ch. 56 - 143
Misuse of public funds, restitution from retirement..... Ch.238 - 718
Overtime pay, certain workers, special circumstances.... Ch.138 - 396
Public assistance provider fraud investigations..... Ch.187 - 588
Public employee classification, compensatory time off... Ch.196 - 617
Records reproduction, formats, admissible as original... Ch. 5 - 6

State buildings, energy efficiency requirements..... Ch.274 - 780
State employee compensation and benefits..... HCR 39 - 1196
GOVERNOR
Executive Orders
2007-05 thru 2007-21 1211
2008-01 1236
Governor's address, joint legislative session..... HCR 33 - 1188
Office of, approp..... Ch.230 - 701
Office of, approp, add'l., Energy Resources Office..... Ch.394 - 1081
Office of, approp, Arts Com..... Ch.262 - 759
Office of, approp, Blind/Visually Impaired Com..... Ch.337 - 925
Office of, approp, Com on Aging..... Ch.163 - 462
Office of, approp, Drug Policy Office (line veto)..... Ch.225 - 689
Office of, approp, Drug Policy Office (line veto)..... Ch.224 - 688
Office of, approp, Energy Resources Office..... Ch.281 - 801
Office of, approp, Financial Management Division..... Ch.229 - 700
Office of, approp, Human Resources Division..... Ch.341 - 932
Office of, approp, Human Rights Com..... Ch.282 - 802
Office of, approp, Idaho Women's Com..... Ch.308 - 855
Office of, approp, Military Division..... Ch.184 - 556
Office of, approp, PERSI..... Ch.228 - 699
Office of, approp, Species Conservation Office..... Ch.242 - 723
Office of, approp, State Liquor Dispensary..... Ch.309 - 856
Speech/Hearing Services Licensure Bd, appointments..... Ch. 64 - 166
GUARDIANS AND CONSERVATORS
Conservator, who may be appointed..... Ch.145 - 429
Developmentally disabled persons, jurisdiction..... Ch. 73 - 192
Financial power of attorney, improper use..... Ch.209 - 662
Guardian Ad Litem Fund, approp..... Ch.342 - 933
Uniform Power of Attorney Act..... Ch.186 - 559
Ward to be protected from convicted felons..... Ch. 74 - 194
GUNS
See WEAPONS
HANDICAPPED
See DISABLED
HEALTH
Catastrophic Health Care Cost Fund, approp..... Ch.236 - 717
Community Health Center Grant Fund, approp..... Ch.377 - 1020
County medical assistance for indigents, date, payment.. Ch.189 - 593
Districts, independent body, no taxing authority..... Ch.231 - 701
Field burning, DEQ preapproval, fee, open records..... Ch. 71 - 186
Health Quality Planning Com, terms, reports..... Ch.364 - 996
High risk reinsurance pool, secondary insurance..... Ch.297 - 830
Insurance, coverage of dependents on parent's policy.... Ch.296 - 825
Managed care organization regulation, duties..... Ch.203 - 651
Managed care reform, substance use exemption..... Ch.317 - 879
Public Health Trust Fund, approp..... Ch.244 - 724
Returning veterans, support their health care..... SJM108 - 1161
Student use of epinephrine auto-injector authorized..... Ch.305 - 846
HEALTH AND WELFARE DEPARTMENT
2007 approp, Medical Assistance, amend..... Ch.267 - 766
Approp, Child Welfare Program..... Ch.357 - 980
Approp, Children's Mental Health program..... Ch.355 - 977
Approp, Community Developmental Disabilities..... Ch.354 - 975

Approp, Community Developmental Disabilities Service.... Ch.164 - 462
Approp, Independent Councils..... Ch.352 - 971
Approp, Indirect Support Services..... Ch.353 - 973
Approp, Indirect Support Services, amend..... Ch.167 - 466
Approp, Medical Assistance Services..... Ch.268 - 768
Approp, mental health programs, amend..... Ch.165 - 464
Approp, Physical Health Services, add'l..... Ch.377 - 1020
Approp, psychiatric hospitalization..... Ch.269 - 771
Approp, psychiatric hospitalization, increase..... Ch. 82 - 211
Approp, public health services..... Ch.358 - 982
Approp, public health services, amend..... Ch.168 - 467
Approp, Service Integration Program..... Ch.270 - 774
Approp, substance abuse treatment..... Ch.324 - 892
Approp, substance abuse treatment (line veto)..... Ch.224 - 688
Approp, substance abuse, add'l..... Ch.398 - 1087
Approp, substance abuse, increase approp..... Ch.166 - 465
Approp, Welfare Division..... Ch.326 - 895
H&W Dept web site, fetus information..... Ch.348 - 958
Health Quality Planning Com, terms, reports..... Ch.364 - 996
Hospital assessments, Medicaid services, federal funds.. Ch. 91 - 252
Human bodies, storage/transport, registration..... Ch.256 - 748
Insurers to cooperate in Medicaid cases..... Ch.147 - 432
Managed care reform, substance use exemption..... Ch.317 - 879
Mentally ill patients, outpatient/inpatient treatment... Ch.331 - 910
Skilled nursing facility, improve survey process..... HCR 6 - 1168
Substance abuse treatment programs, services..... Ch. 94 - 258
Temporary Assistance, Families in Idaho rule rejected... SCR126 - 1176
HEATING AND COOLING
Installation standards, farm building exemptions..... Ch.255 - 747
HIGHER EDUCATION
See COLLEGES AND UNIVERSITIES; EDUCATION
HIGHWAYS
Designated pilot project routes amended..... Ch.156 - 447
Districts, uniform district election administration..... Ch.258 - 751
Federal lands, renewable energy income, funds..... Ch.206 - 659
GARVEE highway transportation bonding authority..... Ch.367 - 1004
Motorbikes/all-terrain/utility vehicles, restrictions... Ch.409 - 1124
Mountain pass, commercial vehicles to use chains..... Ch.330 - 902
National Purple Heart Trail, Interstate I-90..... Ch.215 - 671
Trucks carrying wet concrete, safety inspections..... Ch.155 - 445
HISTORICAL SOCIETY
Approp..... Ch.121 - 340
HOLIDAYS AND DAYS
Rural-urban partnerships, annual observance week..... SCR130 - 1178
HOMELAND SECURITY
See SECURITY; TERRORISM
HOMES AND HOUSING
Circuit-breaker tax relief, income of separated couples. Ch.117 - 323
Consumer Foreclosure Protection Act, fraud, warning..... Ch.192 - 601
Floating homes, reasonableness of rent changes..... Ch.303 - 842
Group residences, considered single family dwellings.... Ch.123 - 342
Housing/Finance Assn, receive school property..... Ch.307 - 853
Manufactured home installer, responsible employee..... Ch.380 - 1050
Property tax deferral, eligibility, interest repealed... Ch.214 - 669

Sales of tax-deeded property, bids, proceeds..... Ch.397 - 1084
HORSE RACING
See RACING
HORSES
See ANIMALS; RACING
HOSPITALS
Mentally ill patients, outpatient/inpatient treatment... Ch.331 - 910
Private, Hospital Assessment Act, federal funds..... Ch. 91 - 252
HOTELS AND MOTELS
Certain lodging facilities, liquor license issuance..... Ch.405 - 1110
HUMAN RESOURCES DIVISION
Approp..... Ch.341 - 932
Rules docket 15-0401-0702 rejected..... HCR 36 - 1194
HUMAN RIGHTS
Com, approp..... Ch.282 - 802
HUNTING
See FISH AND GAME
IDAHO CODE
See CODES
IDENTITY AND NAMES
Candidate name on ballot, include former name..... Ch.408 - 1123
Federal Real ID Act, refusal to participate..... Ch.385 - 1058
Violence victims, address confidentiality program..... Ch.232 - 703
IMMIGRATION AND IMMIGRANTS
Driver's license restrictions, illegals, non-citizens... Ch. 63 - 154
Illegal immigration, urge federal action..... SJM111 - 1163
IMMUNITY
See LIABILITY
INCOME TAX
See TAX AND TAXATION, INCOME
INDIANS
See NATIVE AMERICANS
INDIGENTS
See PUBLIC ASSISTANCE
INDUSTRIAL COMMISSION
Approp..... Ch.287 - 811
Industrial Commissioner salary increase, approp..... Ch.285 - 807
Industrial Special Indemnity Fund claim notice..... Ch.102 - 285
INFORMATION SYSTEMS
Government property records system, Administration Dept. Ch.332 - 916
Health Quality Planning Com, terms, reports..... Ch.364 - 996
INFRASTRUCTURE
Community Infrastructure District Act..... Ch.410 - 1139
INITIATIVES AND REFERENDUMS
See also ELECTIONS; VOTING AND VOTERS
INSPECTIONS AND INSPECTORS
Fertilizer inspection fees, exceptions..... Ch.131 - 365
Safety inspections, trucks carrying wet concrete..... Ch.155 - 445
Vehicle inspection/maintenance program, air quality..... Ch.368 - 1007
INSURANCE
Annuity sales, responsibility to consumers..... Ch.202 - 650
Child support, medical coverage, reasonable cost..... Ch.328 - 899
Coverage of dependents on parent's policy..... Ch.296 - 825
Dept, approp..... Ch.223 - 687

Domestic reciprocal insurers of political subdivisions.. Ch.399 - 1088
Fire policy, exclude terrorism, amend definition..... Ch.216 - 671
Health insurance contracts, assignment by insurer..... Ch.139 - 400
High risk reinsurance pool, secondary insurance..... Ch.297 - 830
Insurance Dept fee rules rejected..... SCR138 - 1184
Insurance, state regulation, oppose federal preemption.. SJM114 - 1166
Insurers to cooperate and inform H&W Dept..... Ch.147 - 432
Managed care organization regulation, duties..... Ch.203 - 651
Managed care reform, substance use exemption..... Ch.317 - 879
Public adjuster licensing requirements..... Ch.179 - 531
Service contracts, types of damage covered..... Ch.137 - 395
Uninsured/underinsured motorist insurance policies..... Ch. 69 - 183
INTERNATIONAL RELATIONS
NAFTA, urge conditions, withdrawal..... SJM113 - 1164
INTERNET
See ELECTRONIC TECHNOLOGY
INVESTMENTS
Annuity sales, responsibility to consumers..... Ch.202 - 650
Capital investments, $1billion, property tax exemption.. Ch.234 - 712
Capital, tax credits, qualified investments..... Ch.319 - 881
New business plants, local option tax exemption..... Ch.327 - 897
State college savings program, revise..... Ch.275 - 782
IRRIGATION
District elections, canvass returns, when..... Ch.207 - 660
Irrigation district division directors, eligibility..... Ch.212 - 668
Local improvement districts, preliminary study, notice.. Ch.301 - 838
Water diversion, when permitted, notices, redress..... Ch.320 - 886
JUDGES
Assault on certain government officials, knowledge..... Ch.151 - 438
Court of Appeals, add fourth judge..... Ch. 24 - 36
Judicial magistrates com, members, duties, waiver..... Ch. 38 - 89
Justices/judges salaries increased..... Ch.220 - 680
Marriage ceremony, federal or tribal judge..... Ch. 46 - 118
Supreme Court seat, filling in on a case..... Ch. 34 - 66
JURIES
Jury not to be separated, death penalty notice..... Ch. 22 - 35
JUVENILES
Corrections Dept employee-offender sex prohibited..... Ch. 60 - 150
Court sentencing, extension of time determination..... Ch. 41 - 95
Juvenile Corrections custody review rules rejected..... HCR 38 - 1191
Juvenile Corrections Dept, approp..... Ch.169 - 469
Juvenile Corrections Dept, approp increased..... Ch. 21 - 33
Teens at risk, secondary school students..... Ch.219 - 678
Youth hunter licenses, huntable furbearers..... Ch. 98 - 265
KINDERGARTENS
See EDUCATION; SCHOOLS AND SCHOOL DISTRICTS
LABOR
Capitol building projects, Idaho residency inapplicable. Ch. 54 - 137
Dept, approp..... Ch.288 - 812
Dept, Idaho career information system..... Ch. 97 - 263
Employment security, covered employer, account transfer. Ch. 44 - 106
Idaho plant pest detection employees, nonclassified..... Ch. 89 - 247
Idaho Prune Commission, classified employees..... Ch. 89 - 247
Industrial Special Indemnity Fund claim notice..... Ch.102 - 285

NAFTA, urge conditions, withdrawal..... SJM113 - 1164
Non-compete agreements, rebuttable presumptions..... Ch.295 - 823
Public employee classification, compensatory time off... Ch.196 - 617
Unemployment eligibility, missed classes, records..... Ch. 99 - 270
LAND USE
City annexation procedures, landowner consent..... Ch.118 - 327
Community Infrastructure District Act..... Ch.410 - 1139
Development impact fees, taxing district excluded..... Ch.389 - 1068
Outdoor shooting range, noise standards, buffer..... Ch.116 - 321
Outdoor sport shooting ranges, local regulation, when... Ch.318 - 879
Sex offenders, sharing residence, local zoning..... Ch.124 - 343
Single family dwellings, includes some group residences. Ch.123 - 342
LANDLORDS AND TENANTS
Endowment lands residential lease, 35 years..... Ch.103 - 285
Floating homes, reasonableness of rent changes..... Ch.303 - 842
LANDS
Carbon trading, designate Idaho cropping region..... SCR137 - 1183
Com, approp, Endowment Fund Investment Bd..... Ch.339 - 928
Dept, approp..... Ch.322 - 890
Dept, approp reduced..... Ch.375 - 1019
Dept, Fire Suppression Deficiency Fund, approp..... Ch. 28 - 60
Dept, landowner agreements, public right-of-way..... Ch.371 - 1016
Dept, navigable waters rules approved after all..... SCR140 - 1186
Dept, navigable waters rules rejected..... SCR138 - 1184
Dept, property records system, Administration Dept..... Ch.332 - 916
Endowment land leases, energy facility purpose..... Ch.115 - 319
Endowment lands residential lease, 35 years..... Ch.103 - 285
Endowment lands, renewable energy development..... HCR 34 - 1202
Federal, renewable energy income, funds distribution.... Ch.206 - 659
Idaho rangeland, special license plates..... Ch.150 - 436
Invasive Species Act of 2008..... Ch.387 - 1062
Land Bd timber sales, use of funds..... Ch.114 - 319
Professional land surveying, corners, monuments..... Ch.378 - 1021
Transportation Dept, land sale, purchase option..... Ch.382 - 1052
LAW ENFORCEMENT
Assault on certain government officials, knowledge..... Ch.151 - 438
County sheriff, newly-elected, sheriffs' school..... Ch.329 - 901
Overtime pay for workers, special circumstances..... Ch.138 - 396
State Police to protect Supreme Court..... Ch. 85 - 222
Uniform Criminal Extradition Act amended..... Ch.136 - 384
Volunteer emergency responders, disability benefits..... Ch.369 - 1009
LAWYERS
See ATTORNEYS
LEASES
Endowment land leases, commercial purposes defined..... Ch.115 - 319
Endowment lands residential lease, 35 years..... Ch.103 - 285
Floating homes, reasonableness of rent changes..... Ch.303 - 842
Property tax on leased items, sales tax exemption..... Ch. 92 - 257
LEGISLATIVE COUNCIL
Approp (line veto)..... Ch.279 - 799
Approp, add'l., Office of Performance Evaluations..... Ch.403 - 1109
LEGISLATURE
Concurrent resolutions for college buildings repealed... Ch.161 - 461
Governor's address, joint legislative session..... HCR 33 - 1188

John Molitor, legislative advisor, life achievements.... HCR 39 - 1206
LIABILITY
Crime victim restitution, eligible claimants..... Ch.140 - 401
Domestic reciprocal insurers of political subdivisions.. Ch.399 - 1088
Emergency care, defibrillator use, no liability..... Ch.299 - 836
Tobacco products use tax liability, sellers..... Ch. 20 - 30
Tort liability limitation, charitable trusts..... Ch. 83 - 213
Uninsured/underinsured motorist insurance policies..... Ch. 69 - 183
Water quality violators, civil penalties..... Ch.334 - 919
LIBRARIES AND LIBRARIANS
Com for Libraries, approp..... Ch.122 - 341
Com, approp, add'l..... Ch.323 - 892
Education Dept library, public school curricula..... Ch.217 - 674
State Law Library, location..... Ch. 25 - 38
State publications, digital repository replaces print... Ch. 81 - 209
LICENSE PLATES
See MOTOR VEHICLES
LICENSES
Associate marriage/family therapist, licensed..... Ch. 87 - 236
Barber examinations, board approval, fees..... Ch.110 - 309
Class D driver's training instruction permit..... Ch.194 - 607
Cosmetology registration/licensing/exams, fees..... Ch. 86 - 226
Debt collectors/counselors, licensing requirements..... Ch.347 - 937
Drinking Water Professionals licensing rule rejected.... HCR 39 - 1192
Driver's license suspension following incarceration..... Ch. 45 - 118
Driver's license, duplicate following suspension..... Ch. 18 - 24
Driver's,restrictions,illegal or non-citizen residents.. Ch. 63 - 154
Escrow agency licensing requirements, disciplinary acts. Ch.311 - 858
Geologist professional bd, registration, fees..... Ch.249 - 730
Insurance, Public Adjuster Licensing Act..... Ch.179 - 531
Liquor license issuance, certain lodging facilities..... Ch.405 - 1110
Liquor license, winery/ski resort, city limits..... Ch.335 - 920
Liquor, fees increased, maximum licenses increased..... Ch.178 - 529
Manufactured home installer, responsible employee..... Ch.380 - 1050
Mortgage broker/lender testing, bond, reports..... Ch.313 - 863
Mortgage lenders, licensing exemptions, locations..... Ch.312 - 861
Mortician licensing, minimum funeral expense..... Ch.109 - 307
Motorbikes/all-terrain/utility vehicles, plates, fees... Ch.409 - 1124
Naturopathic physicians, license moratorium, rules..... Ch.406 - 1114
Nonresident small game hunting license, animals..... Ch. 59 - 148
Nursery/florist license fee increase..... Ch.130 - 364
Nursing licensee, disciplinary action, grounds..... Ch. 67 - 172
Operating and selling dental practice after death..... Ch.170 - 470
Plumbing certificate exception, farm buildings defined.. Ch.381 - 1051
Professional engineers/land surveyors, licensure..... Ch.378 - 1021
Professional licensing requirements, reciprocity..... Ch.128 - 350
Property tax appraiser and cadastral certification..... Ch. 52 - 128
Public works contractors, bid limits, unlimited class... Ch.254 - 744
Real estate appraisers, licensing, examination fee..... Ch.108 - 305
Residential care administrator licensing exams..... Ch. 93 - 258
Shorthand reporter license fees, disciplinary action.... Ch. 68 - 175
Social workers, inactive license status authorized..... Ch. 15 - 21
Truck campers, titling, dealer licenses..... Ch.106 - 294
Truck registration, temporary permits, maximum weight... Ch.336 - 924

Two-pole fishing permit, purchasers..... Ch.211 - 667
Unlicensed outfitter/guide, compensation, penalties..... Ch.112 - 314
Wholesale drug distributor,lawsuit disclosures,no bond.. Ch.190 - 595
Winery, financial interest in retailer's business..... Ch.180 - 544
Youth hunter licenses, huntable furbearers..... Ch. 98 - 265
LIENS
Certified lien search, county fee deleted..... Ch.111 - 312
Unclaimed property liens, no interest paid..... Ch. 11 - 16
LIEUTENANT GOVERNOR
Approp..... Ch.344 - 935
LIQUOR
Acct, increase funds to community colleges..... Ch.252 - 738
License, fees increased, maximum licenses increased..... Ch.178 - 529
Liquor license issuance, certain lodging facilities..... Ch.405 - 1110
Liquor license, winery/ski resort, city limits..... Ch.335 - 920
Sales okay on election days..... Ch.248 - 729
State Liquor Dispensary, approp..... Ch.309 - 856
Substance abuse, intensive outpatient treatment..... Ch. 94 - 258
Wine, distribution, retail sales, definitions amended... Ch.181 - 546
Winery, financial interest in retailer's business..... Ch.180 - 544
LITIGATION
Non-compete agreements, rebuttable presumptions..... Ch.295 - 823
Northern Idaho adjudication petition, defer rights..... Ch.149 - 434
Northern Idaho water adjudications, excludes Basin 98... Ch.159 - 456
Water rights claim, filing fee reduced..... Ch.148 - 433
LIVESTOCK
Stock watering, defer water adjudication claims..... Ch.149 - 434
U.S. Forest Service, mediate disputes..... HCR 11 - 1172
Wolves, depredation of livestock, control..... Ch.294 - 821
LOANS
Mortgage broker/lender testing, bond, reports..... Ch.313 - 863
Mortgage lenders, licensing exemptions, locations..... Ch.312 - 861
LOBBYING AND LOBBYISTS
John Molitor, legislative advisor, life achievements.... HCR 39 - 1206
Lobbyist reporting requirements, expenditures, content.. Ch.306 - 846
LOGGING AND LUMBER
Idaho Bd of Scaling Practices, membership..... Ch.200 - 645
Land Bd timber sales, use of funds..... Ch.114 - 319
Scaling Practices Bd members, knowledge requirement..... Ch.201 - 649
LOTTERY, STATE
Approp..... Ch.174 - 477
Criminal background checks, persons required to have.... Ch. 40 - 95
Reporting/accounting by charitable bingo organization... Ch. 43 - 99
MAGISTRATES
See JUDGES
MANUFACTURED HOMES
See HOMES
MANUFACTURING AND MANUFACTURERS
Energy-producing materials, sales tax exemption..... Ch.233 - 710
MARRIAGE
See DOMESTIC RELATIONS
MEDIATION AND ARBITRATION
Uniform Mediation Act, add..... Ch. 35 - 66

MEDICAL
Child support, medical coverage, reasonable cost..... Ch.328 - 899
Chronic renal disease victims, financial assistance..... Ch.199 - 644
County medical assistance for indigents, date, payment.. Ch.189 - 593
Emergency care, defibrillator use, no liability..... Ch.299 - 836
Fetus information on H&W Dept web site..... Ch.348 - 958
Health insurance contracts, assignment by insurer..... Ch.139 - 400
High risk reinsurance pool, secondary insurance..... Ch.297 - 830
Human bodies, storage/transport, registration..... Ch.256 - 748
Managed care organization regulation, duties..... Ch.203 - 651
Medicaid cases, insurers to cooperate with H&W Dept..... Ch.147 - 432
Medicaid provider fraud investigations..... Ch.187 - 588
Medical costs, prisoners in Correction Dept custody..... Ch. 61 - 153
Medical education plan, legislative study comm..... SCR135 - 1180
Medical education programs, approp..... Ch.292 - 818
Mentally ill patients, outpatient/inpatient treatment... Ch.331 - 910
Naturopathic physicians bd members, rules, licenses..... Ch.406 - 1114
Physician assistant prescriptions, sales tax exemptions. Ch. 19 - 29
Student use of epinephrine auto-injector authorized..... Ch.305 - 846
MEDICAL ASSISTANCE
See PUBLIC ASSISTANCE
MEDICARE AND MEDICAID
See PUBLIC ASSISTANCE
MEETINGS, PUBLIC
Veterinary Medicine Bd, open meetings law..... Ch.135 - 378
MEMORIALS
Higher education, federally mandated funding, oppose.... SJM109 - 1162
Illegal immigration, urge federal action..... SJM111 - 1163
Insurance, state regulation, oppose federal preemption.. SJM114 - 1166
Internet pornography, prevent child and employee access. HCR 7 - 1169
NAFTA, urge conditions, withdrawal..... SJM113 - 1164
Returning veterans, appreciate, support health care..... SJM108 - 1161
Skilled nursing facility, improve survey process..... HCR 6 - 1168
Study additional dam water storage projects..... HCR 8 - 1170
U.S. Forest Service, mediate disputes..... HCR 11 - 1172
MENTAL HEALTH
Committed patients, outpatient/inpatient treatment..... Ch.331 - 910
Returning veterans, support their health care..... SJM108 - 1161
Secure mental facility, authorize Building Authority.... HCR 38 - 1205
MILITARY AND MILITIA
Div,Hazardous Substance Emergency Response Fund,approp.. Ch. 28 - 60
Division, approp..... Ch.184 - 556
Military Div, rulemaking authority..... Ch.125 - 345
Military Div, Statewide Interoperability Council..... Ch.127 - 347
National Guard, various provisions repealed..... Ch.126 - 346
National Guard, college student residency status..... Ch. 66 - 168
National Purple Heart Trail, Interstate I-90..... Ch.215 - 671
Returning veterans, appreciate, support health care..... SJM108 - 1161
Scholarships for dependents of disabled soldiers..... Ch.185 - 557
Veterans Support Fund, tax donations..... Ch. 17 - 23
MILK AND MILK PRODUCTS
See AGRICULTURE
MINERALS AND MINING
Mining industry education, special license plates..... Ch.210 - 664

Suspended mine operations, water rights not lost..... Ch.239 - 719
MINORS
See CHILDREN; JUVENILES
MOBILE HOMES
See HOMES
MODEL LAWS
See UNIFORM AND MODEL LAWS
MONEY
Misuse of public funds by public employees..... Ch. 56 - 143
Property taxes payable by credit card..... Ch. 53 - 131
MORTGAGES
Consumer Foreclosure Protection Act, fraud, warning..... Ch.192 - 601
Mortgage broker/lender testing, bond, reports..... Ch.313 - 863
Mortgage lenders, licensing exemptions, locations..... Ch.312 - 861
Note & mortgage unit, securities registration exemption. Ch.143 - 415
MORTICIANS
Mortician licensing, minimum funeral expense..... Ch.109 - 307
MOSQUITO ABATEMENT
See PESTS AND PESTICIDES
MOTOR FUELS
See FUELS
MOTOR VEHICLES
Commercial vehicles, use of chains in mountain pass..... Ch.330 - 902
Driver's license restrictions, illegals, non-citizens... Ch. 63 - 154
Driver's license, duplicate following suspension..... Ch. 18 - 24
Exemptions from levy, vehicles up to $5000..... Ch. 57 - 146
License plates, College of Idaho, name change..... Ch. 13 - 17
License plates, special, Capitol Com, continue program.. Ch. 14 - 20
License plates, special, Idaho 2009 Special Olympics.... Ch.193 - 604
License plates, special, Idaho rangeland..... Ch.150 - 436
License plates, special, mining industry education..... Ch.210 - 664
License suspension following incarceration..... Ch. 45 - 118
Motorbikes/all-terrain/utility vehicles, regulation..... Ch.409 - 1124
Rebuilt salvage vehicles, certificates, fees..... Ch. 84 - 215
School zone speed limits, signs, fines..... Ch.372 - 1017
Truck campers, titling, dealer licenses..... Ch.106 - 294
Truck registration, temporary permits, maximum weight... Ch.336 - 924
Trucks carrying wet concrete, safety inspections..... Ch.155 - 445
Trucks, designated pilot project routes amended..... Ch.156 - 447
Uninsured/underinsured motorist insurance policies..... Ch. 69 - 183
Vehicle classes, definitions, federal standards..... Ch.198 - 630
Vehicle inspection/maintenance program, air quality..... Ch.368 - 1007
Vehicle liability release fees, county money..... Ch. 55 - 138
MOTORBIKES AND MOTORCYCLES
Motocross riding safety, Blake Webb Foundation..... HCR 37 - 1203
MOVIES AND THEATERS
See ENTERTAINMENT
MUSIC
Lionel Hampton Jazz Festival, congratulations..... HCR 36 - 1190
NATIONAL GUARD
See MILITARY AND MILITIA
NATIVE AMERICANS
Marriage ceremony, tribal judge or official..... Ch. 46 - 118
State-Tribal motor fuels tax agreements ratified..... SCR125 - 1175

NATURAL RESOURCES
Mining industry education, special license plates..... Ch.210 - 664
NATUROPATHS
Bd appointments, license moratorium pending rules..... Ch.406 - 1114
Naturopathic Medical Examiner rules rejected..... SCR138 - 1184
NUCLEAR ENERGY AND WASTE
See ENERGY
NUISANCES
Outdoor shooting range, noise standards, not nuisance... Ch.116 - 321
Outdoor sport shooting ranges, local regulation, when... Ch.318 - 879
NURSERIES AND FLORISTS
Nursery license fee, increase..... Ch.130 - 364
NURSING AND NURSES
Disciplinary action against licensee, grounds..... Ch. 67 - 172
Skilled nursing facility, improve survey process..... HCR 6 - 1168
NURSING HOMES
See ASSISTED LIVING AND NURSING HOMES
OCCUPATIONAL LICENSES BUREAU
Drinking Water Professionals licensing rule rejected.... HCR 39 - 1192
Naturopathic Medical Examiner rules rejected..... SCR138 - 1184
OLYMPICS
See ATHLETICS
OPEN MEETING LAW
See MEETINGS, PUBLIC
ORDINANCES
See COUNTIES; CITIES
ORGAN DONATIONS
Human bodies, storage/transport, registration..... Ch.256 - 748
OUTFITTERS AND GUIDES
Unlicensed outfitter/guide, compensation, penalties..... Ch.112 - 314
PARDONS AND PAROLE
Parole release date prior to holiday..... Ch. 42 - 99
Parolee/probationer, sex with supervisor, felony..... Ch. 60 - 150
Violent sex predator,electronic monitoring on probation. Ch. 65 - 168
PARENTS
Child support, medical coverage, reasonable cost..... Ch.328 - 899
Health insurance coverage for their dependents..... Ch.296 - 825
PARI-MUTUEL WAGERING
See RACING; GAMBLING
PARKING
See MOTOR VEHICLES; TRANSPORTATION
PARKS AND RECREATION
Dept, approp..... Ch.277 - 789
Dept, approp, add'l..... Ch. 96 - 262
Lava Hot Springs Foundation, approp..... Ch.241 - 722
Lava Hot Springs, financing improvements, approval..... SCR133 - 1179
Parks & Recreation Dept boating rules rejected..... HCR 37 - 1191
State camping fee waiver for disabled veterans..... HCR 32 - 1200
PAYMENT METHODS
Consumer credit report, voluntary security freeze..... Ch.177 - 522
Property taxes payable by credit card..... Ch. 53 - 131
PERFORMANCE EVALUATIONS
Idaho Transportation Dept, performance evaluation..... HCR 30 - 1198
Office of, approp, add'l..... Ch.403 - 1109

PERSI
See RETIREMENT
PESTS AND PESTICIDES
Agriculture Dept pesticide rule rejected..... HCR 34 - 1193
Idaho plant pest detection employees, nonclassified..... Ch. 89 - 247
PHARMACIES AND PHARMACISTS
Practitioner definition, pharmacist..... Ch. 51 - 124
Prescriptions database, misuse, misdemeanor..... Ch.129 - 362
PHYSICIANS AND SURGEONS
Medical education plan, legislative study comm..... SCR135 - 1180
Naturopathic physicians, license moratorium, rules..... Ch.406 - 1114
Physician assistant prescriptions, sales tax exemptions. Ch. 19 - 29
PLANNING AND ZONING
City annexation procedures, landowner consent..... Ch.118 - 327
Community Infrastructure District Act..... Ch.410 - 1139
Development impact fees, taxing district excluded..... Ch.389 - 1068
Outdoor sport shooting ranges, local regulation, when... Ch.318 - 879
Sex offenders, sharing residence, local zoning..... Ch.124 - 343
Single family dwellings, includes some group residences. Ch.123 - 342
PLANTS
Invasive Species Act of 2008..... Ch.387 - 1062
PLUMBING AND PLUMBERS
Building Safety Div plumbing rule rejected..... HCR 33 - 1201
Certificate exemption, farm buildings defined..... Ch.381 - 1051
PODIATRY AND PODIATRISTS
Podiatry Bd member, payment, state classification..... Ch. 16 - 22
POLICE, IDAHO STATE
Approp..... Ch.235 - 714
Approp, additional..... Ch.373 - 1017
Approp, add'l..... Ch.356 - 980
State and federal criminal records check, fees..... Ch. 48 - 120
State Police to protect Supreme Court..... Ch. 85 - 222
Volunteer emergency responders, disability benefits..... Ch.369 - 1009
POLITICAL PARTIES
Election campaign fund, annual payments..... Ch. 62 - 154
POLLUTION
Air quality, vehicle inspection/maintenance program..... Ch.368 - 1007
Field burning, DEQ preapproval, fee, open records..... Ch. 71 - 186
Noise, outdoor sport shooting ranges, protections..... Ch.318 - 879
POWER
See ENERGY
POWER OF ATTORNEY
Exploitation, improper use, financial power of attorney. Ch.209 - 662
PRESCRIPTIONS
Prescriptions database, misuse, misdemeanor..... Ch.129 - 362
Sales tax exemption, physician assistants..... Ch. 19 - 29
Wholesale drug distributor,lawsuit disclosures,no bond.. Ch.190 - 595
PRISONS AND PRISONERS
CAPP correctional facility, lease-purchase agreement.... SCR124 - 1174
Juvenile Corrections employee-offender sex prohibited... Ch. 60 - 150
Medical costs, prisoners in Correction Dept custody..... Ch. 61 - 153
Parole release date prior to holiday..... Ch. 42 - 99
Secure mental facility, authorize Building Authority.... HCR 38 - 1205
Uniform Criminal Extradition Act amended..... Ch.136 - 384

Violent sex predator on probation,electronic monitoring. Ch. 65 - 168
PRIVACY
Consumer credit report, voluntary security freeze..... Ch.177 - 522
Misappropriation of personal identifying information.... Ch. 78 - 205
Real property "sold" price not confidential..... Ch.298 - 834
PROBATE
See ESTATES
PROBATION
See CRIMINAL OFFENSES AND PROCEDURES
PROFESSIONAL-TECHNICAL EDUCATION
Bd, approp..... Ch.245 - 725
Bd, approp, add'l..... Ch.396 - 1083
Chronic renal disease victims, financial assistance..... Ch.199 - 644
PROFESSIONS
Associate marriage/family therapist, licensed..... Ch. 87 - 236
Barber examinations, board approval, fees..... Ch.110 - 309
Boxing, promoter tax, support amateur boxing..... Ch.113 - 317
Cosmetology registration/licensing/exams, fees..... Ch. 86 - 226
Court reporter compensation up to Supreme Court..... Ch. 33 - 64
Escrow agency licensing requirements, disciplinary acts. Ch.311 - 858
Geologist professional bd, registration, fees..... Ch.249 - 730
Insurance, Public Adjuster Licensing Act..... Ch.179 - 531
Mortgage broker/lender testing, bond, reports..... Ch.313 - 863
Nursing licensee, disciplinary action, grounds..... Ch. 67 - 172
Pharmacists, practitioner defined..... Ch. 51 - 124
Professional engineers/land surveyors, licensure..... Ch.378 - 1021
Professional licensing requirements, reciprocity..... Ch.128 - 350
Property tax appraiser and cadastral certification..... Ch. 52 - 128
Real estate education, certification application fee.... Ch.144 - 424
Residential care administrator licensing exams..... Ch. 93 - 258
School administrators, improve their training, report... SCR129 - 1177
Shorthand Reporters Bd, powers, licensing, funds..... Ch. 68 - 175
Unlicensed outfitter/guide, compensation, penalties..... Ch.112 - 314
Wholesale drug distributor,lawsuit disclosures,no bond.. Ch.190 - 595
PROPERTY
Assets transfer, presumption, Medicaid ineligibility.... Ch.146 - 430
BSU property, transfer to College of Western Idaho..... SCR136 - 1182
Business, capital gains deduction, holding period..... Ch.314 - 873
Cadastral (land ownership) certification program..... Ch. 52 - 128
Capital investments, $1billion, property tax exemption.. Ch.234 - 712
Circuit-breaker tax relief, income of separated couples. Ch.117 - 323
City annexation procedures, landowner consent..... Ch.118 - 327
Community property right of survivorship..... Ch.175 - 477
Consumer Foreclosure Protection Act, fraud, warning..... Ch.192 - 601
Decedent's estate, homestead allowance, family..... Ch.182 - 548
Depreciable property, adjusted basis, time period..... Ch.319 - 881
Development impact fees, taxing district excluded..... Ch.389 - 1068
Endowment lands residential lease, 35 years..... Ch.103 - 285
Exemptions from levy, vehicles up to $5000..... Ch. 57 - 146
Federal, renewable energy income, funds distribution.... Ch.206 - 659
Floating homes, reasonableness of rent changes..... Ch.303 - 842
Geothermal energy-producing operating property..... Ch.227 - 693
Government property records system, Administration Dept. Ch.332 - 916
Grizzly bear damage, reimbursement from State..... Ch.101 - 283

Idaho rangeland, special license plates..... Ch.150 - 436
Invasive Species Act of 2008..... Ch.387 - 1062
Leased items, sales tax exemption on property tax..... Ch. 92 - 257
New business plants, local option tax exemption..... Ch.327 - 897
Perpetuities rule, power to transfer property, future... Ch. 77 - 204
Personal property tax, $100,000 exemption, conditions... Ch.400 - 1089
Professional land surveying, corners, monuments..... Ch.378 - 1021
Public right-of-way along rivers, agreements..... Ch.371 - 1016
Real property "sold" price not confidential..... Ch.298 - 834
Religious/charitable limited liability co., tax exempt.. Ch. 50 - 122
Sales of tax-deeded property, bids, proceeds..... Ch.397 - 1084
School property transfers to charter schools..... Ch.191 - 598
Surveys, lien searches, county recorder fees..... Ch.111 - 312
Taxing district boundaries, when not recognized..... Ch. 7 - 8
Theft, offset demands against another..... Ch. 23 - 35
Transfer from school to Housing/Finance Assn..... Ch.307 - 853
Transportation Dept, land sale, purchase option..... Ch.382 - 1052
Trust deed transfers of real property..... Ch.365 - 999
Unclaimed property, no interest paid..... Ch. 11 - 16

PROPERTY TAX
See TAX AND TAXATION, PROPERTY

PUBLIC ASSISTANCE
Chronic renal disease victims, financial assistance..... Ch.199 - 644
County medical assistance for indigents, date, payment.. Ch.189 - 593
H&W Dept TAFI rule rejected..... SCR126 - 1176
Medicaid cases, insurers to cooperate with H&W Dept..... Ch.147 - 432
Medicaid ineligibility, transfers, not fair value..... Ch.146 - 430
Medicaid services, hospital assessments, federal funds.. Ch. 91 - 252
Property tax deferral, eligibility, interest repealed... Ch.214 - 669
Property tax relief, income of separated couples..... Ch.117 - 323
Public assistance provider fraud investigations..... Ch.187 - 588
Welfare fraud control program established..... Ch.188 - 591

PUBLIC BROADCASTING
Idaho Educational Public Broadcasting, approp..... Ch.195 - 616

PUBLIC EMPLOYEE RETIREMENT SYSTEM
See RETIREMENT

PUBLIC EMPLOYEES
See EMPLOYERS AND EMPLOYEES; GOVERNMENT

PUBLIC OFFICERS
Misuse of funds, restitution from retirement accounts... Ch.238 - 718

PUBLIC RECORDS
See RECORDS

PUBLIC UTILITIES
See UTILITIES

PUBLIC WORKS
Capitol building projects, Idaho residency inapplicable. Ch. 54 - 137
CAPP correctional facility, lease-purchase agreement.... SCR124 - 1174
Contractor license classifications,unlimited,bid limit.. Ch.254 - 744
Division, approp from Permanent Building Fund..... Ch.338 - 926
Energy savings performance, facilities, contractors..... Ch.366 - 1001

PUBLICATIONS
Public school curricular materials, Education Dept..... Ch.217 - 674
State publications, digital repository replaces print... Ch. 81 - 209

PURCHASING
Scrap dealer records, purchases under $10..... Ch.213 - 669
Scrap dealing violations, persons found guilty..... Ch.100 - 282
RACING
Horse races, bonus for winning Idaho breeders..... Ch. 26 - 38
RADIO
See TELECOMMUNICATIONS
REAL ESTATE
Appraiser Bd, licensing power, examination fee..... Ch.108 - 305
Brokers, required coursework, timeframe, standards..... Ch.142 - 407
Com, teaching standards rule rejected..... SCR131 - 1179
Consumer Foreclosure Protection Act, fraud, warning..... Ch.192 - 601
Course provider records retention..... Ch.142 - 407
Escrow agency licensing requirements, disciplinary acts. Ch.311 - 858
Mortgage broker/lender testing, bond, reports..... Ch.313 - 863
Mortgage lenders, licensing exemptions, locations..... Ch.312 - 861
Real estate education, certification application fee.... Ch.144 - 424
Real property "sold" price not confidential..... Ch.298 - 834
Trust deed transfers of real property..... Ch.365 - 999
RECORDS
Consumer credit report, voluntary security freeze..... Ch.177 - 522
County recorder fees, surveys and lien searches..... Ch.111 - 312
Employer withholding returns, contents, due date..... Ch. 9 - 10
Employment security information, when disclosed..... Ch. 99 - 270
Field burning, DEQ preapproval, fee, open records..... Ch. 71 - 186
Government property records system, Administration Dept. Ch.332 - 916
Government, reproduction, formats, admissibility..... Ch. 5 - 6
Health Quality Planning Com, terms, reports..... Ch.364 - 996
Lobbyist reporting requirements, expenditures, content.. Ch.306 - 846
Managed care organization regulation, duties..... Ch.203 - 651
Property tax appraiser and cadastral certification..... Ch. 52 - 128
Real estate course provider records retention..... Ch.142 - 407
Real property "sold" price not confidential..... Ch.298 - 834
Rebuilt salvage vehicles, certificates, fees..... Ch. 84 - 215
Scrap dealer records, purchases under $10..... Ch.213 - 669
Self-proved wills, acknowledgment methods..... Ch. 76 - 202
State and federal criminal records check, fees..... Ch. 48 - 120
State publications, digital repository replaces print... Ch. 81 - 209
Violence victims, address confidentiality program..... Ch.232 - 703
RECREATION
Certain lodging facilities, liquor license issuance..... Ch.405 - 1110
Idaho rangeland, special license plates..... Ch.150 - 436
Lava Hot Springs, financing improvements, approval..... SCR133 - 1179
Motocross riding safety, Blake Webb Foundation..... HCR 37 - 1203
Outdoor shooting range, noise standards, buffer..... Ch.116 - 321
Outdoor sport shooting ranges, local regulation, when... Ch.318 - 879
Resorts, liquor license fees, licenses per owner..... Ch.178 - 529
Two-pole fishing permit, purchasers..... Ch.211 - 667
RECYCLING
Scrap dealer records, purchases under $10..... Ch.213 - 669
Scrap dealing violations, persons found guilty..... Ch.100 - 282
REFERENDUMS
See INITIATIVES AND REFERENDUMS

RELIGION AND CHURCHES
Religious limited liability company, tax exemption..... Ch. 50 - 122
RENTERS
See LANDLORDS AND TENANTS; LEASES
RESIDENTIAL CARE FACILITIES
See ASSISTED LIVING AND NURSING HOMES
RESOLUTIONS, CONCURRENT
Agriculture Dept pesticide rule rejected..... HCR 34 - 1193
BSU property, transfer to College of Western Idaho..... SCR136 - 1182
Building Safety Div plumbing rule rejected..... HCR 33 - 1201
Building Safety Div rules rejected..... SCR139 - 1185
CAPP correctional facility, lease-purchase agreement.... SCR124 - 1174
Carbon trading, designate Idaho cropping region..... SCR137 - 1183
Certain administrative rules rejected..... SCR138 - 1184
Commerce Dept grant program rules rejected..... HCR 37 - 1195
Concurrent resolutions for college buildings repealed... Ch.161 - 461
Drinking Water Professionals licensing rule rejected.... HCR 39 - 1192
Endowment lands, renewable energy development..... HCR 34 - 1202
Governor's address, joint legislative session..... HCR 33 - 1188
H&W Dept TAFI rule rejected..... SCR126 - 1176
High school-college concurrent enrollment, discussions.. HCR 38 - 1195
Human Resources Div rules rejected..... HCR 36 - 1194
Idaho 2009 Special Olympics, welcome..... HCR 34 - 1188
Idaho Transportation Dept, performance evaluation..... HCR 30 - 1198
John Molitor, legislative advisor, life achievements.... HCR 39 - 1206
Juvenile Corrections custody review rules rejected..... HCR 38 - 1191
Lands Dept, navigable waters rule approved after all.... SCR140 - 1186
Lava Hot Springs, financing improvements, approval..... SCR133 - 1179
Lionel Hampton Jazz Festival, congratulations..... HCR 36 - 1190
Medical education plan, legislative study comm..... SCR135 - 1180
Motocross riding safety, Blake Webb Foundation..... HCR 37 - 1203
Motor fuels tax agreements with tribes ratified..... SCR125 - 1175
Parks & Recreation Dept boating rules rejected..... HCR 37 - 1191
Property tax relief/expenditures,legislative study comm. HCR 35 - 1193
Real Estate Com, teaching rules rejected..... SCR131 - 1179
Rural-urban partnerships, annual observance week..... SCR130 - 1178
School administrators, improve their training, report... SCR129 - 1177
Secure mental facility, authorize Building Authority.... HCR 38 - 1205
State camping fee waiver for disabled veterans..... HCR 32 - 1200
State employee compensation and benefits..... HCR 39 - 1196
RESORTS
See RECREATION
RESTAURANTS
Resorts, liquor license fees, licenses per owner..... Ch.178 - 529
RETIREMENT
Misuse of public funds, restitution from retirement..... Ch.238 - 718
PERSI, approp..... Ch.228 - 699
Podiatry Bd member, payment, state classification..... Ch. 16 - 22
REVENUE AND TAXATION
See TAX AND TAXATION
RIGHT-OF-WAY
See EASEMENTS
RIVERS
Lands Dept, agreements for public right-of-way..... Ch.371 - 1016

ROADS
See HIGHWAYS
RULES
Administrative rules coordinator powers, corrections.... Ch.183 - 554
Agency rules, continue in effect, exceptions..... Ch.386 - 1060
Agriculture Dept pesticide rule rejected..... HCR 34 - 1193
Building Safety Div plumbing rule rejected..... HCR 33 - 1201
Building Safety Div rules rejected..... SCR139 - 1185
Certain administrative rules rejected..... SCR138 - 1184
Commerce Dept grant program rules rejected..... HCR 37 - 1195
Drinking Water Professionals licensing rule rejected.... HCR 39 - 1192
H&W Dept TAFI rule rejected..... SCR126 - 1176
Human Resources Div rules rejected..... HCR 36 - 1194
Juvenile Corrections custody review rules rejected..... HCR 38 - 1191
Lands Dept, navigable waters rule UN-rejected..... SCR140 - 1186
Military Div, rulemaking authority..... Ch.125 - 345
Naturopathic physician,license moratorium pending rules. Ch.406 - 1114
Parks & Recreation Dept boating rules rejected..... HCR 37 - 1191
Real Estate Com, teaching rules rejected..... SCR131 - 1179
Social Work Examiners Bd, inactive licenses..... Ch. 15 - 21
SAFETY
Commercial vehicles, use of chains in mountain pass..... Ch.330 - 902
Motocross riding safety, Blake Webb Foundation..... HCR 37 - 1203
Safety inspections, trucks carrying wet concrete..... Ch.155 - 445
School zone speed limits, signs, fines..... Ch.372 - 1017
SALARIES
See WAGES
SALES
Annuity sales, responsibility to consumers..... Ch.202 - 650
Land Bd timber sales, use of funds..... Ch.114 - 319
Liquor sales okay on election days..... Ch.248 - 729
Operating and selling dental practice after death..... Ch.170 - 470
Real property "sold" price not confidential..... Ch.298 - 834
Retailers with substantial nexus to collect sales tax... Ch. 49 - 120
School property transfers to charter schools..... Ch.191 - 598
Scrap dealer records, purchases under $10..... Ch.213 - 669
Scrap dealing violations, persons found guilty..... Ch.100 - 282
Service contracts, types of damage covered..... Ch.137 - 395
Tobacco products, non-permitholders, tax liability..... Ch. 20 - 30
Transportation Dept, land sale, purchase option..... Ch.382 - 1052
Truck campers, titling, dealer licenses..... Ch.106 - 294
Trust deed transfers of real property..... Ch.365 - 999
Veterinary practice for sale after death, conditions.... Ch.135 - 378
Wholesale drug distributor,lawsuit disclosures,no bond.. Ch.190 - 595
Wine, definitions amended..... Ch.181 - 546
Winery, financial interest in retailer's business..... Ch.180 - 544
SALES TAX
See TAX AND TAXATION, SALES
SCHOLARSHIPS
Scholarships for dependents of disabled soldiers..... Ch.185 - 557
SCHOOLS AND SCHOOL DISTRICTS
Administrative staff, salary multiplier increased..... Ch.362 - 991
Audit report deadlines, withhold funding..... Ch.160 - 457
Background check on those with student contact..... Ch.349 - 961

Bond levy equalization support, prior projects..... Ch. 70 - 184
Charter school transfer of physical location..... Ch.171 - 471
Cooperative service district levy, voter approval..... Ch.104 - 287
Digital Learning Academy, independent governance..... Ch.119 - 332
Digital Learning Academy, sales tax exemption..... Ch.172 - 472
Educational Support Program/Facilities Div, approp..... Ch.393 - 1080
Educational Support Program/Operations Div, approp..... Ch.391 - 1074
Educational support, teachers, approp..... Ch.363 - 993
Endowment lands, renewable energy development..... HCR 34 - 1202
Federal lands, renewable energy income, funds..... Ch.206 - 659
High school-college concurrent enrollment, discussions.. HCR 38 - 1195
Idaho Ag in the classroom, independent, funds..... Ch.205 - 658
Idaho Education Network, telecommunications for schools. Ch.260 - 753
Idaho School for Deaf and Blind, approp..... Ch.293 - 820
New charter school, workshops, due diligence..... Ch.157 - 450
Property transfer to Housing/Finance Assn..... Ch.307 - 853
Public charter school, fiscal soundness standard..... Ch.251 - 737
Public school curricular materials, Education Dept..... Ch.217 - 674
Public schools, administrators, approp..... Ch.362 - 991
Public schools, approp, Children's programs div..... Ch.392 - 1077
Public virtual school, charter requirements..... Ch.105 - 288
Pupil tuition-equivalency allowance, 42% of cost..... Ch.401 - 1104
School administrators, improve their training, report... SCR129 - 1177
School property transfers to charter schools..... Ch.191 - 598
School zone speed limits, signs, fines..... Ch.372 - 1017
Secure Rural Schools act, replacement funds..... Ch.384 - 1056
Sex offenders, presence restricted, school property..... Ch.250 - 735
Student use of epinephrine auto-injector authorized..... Ch.305 - 846
Teacher experience, public school, delete accredited.... Ch.158 - 455
Teacher Performance Evaluation Task Force..... Ch.363 - 993
Trustees, zones, newly-consolidated districts..... Ch.351 - 968

SCRAP DEALING
See RECYCLING

SEARCH AND RESCUE OPERATIONS
Responsibilities of sheriff, Homeland Security..... Ch. 39 - 93

SEAT BELTS
See SAFETY

SECRETARY OF STATE
Address confidentiality program for violence victims.... Ch.232 - 703
Approp..... Ch.310 - 857
Approp, add'l..... Ch.374 - 1018
Candidate name on ballot, include former name..... Ch.408 - 1123
Lobbyist reporting requirements, expenditures, content.. Ch.306 - 846

SECURITIES
Registration exemption, note/mortgage unit, conditions.. Ch.143 - 415

SECURITY
Consumer credit report, voluntary security freeze..... Ch.177 - 522
Federal Real ID Act, refusal to participate..... Ch.385 - 1058
Search/rescue operations, local and state coordination.. Ch. 39 - 93
State Police to protect Supreme Court..... Ch. 85 - 222

SELF-GOVERNING AGENCIES
Accountancy Bd, approp, add'l..... Ch.141 - 406
Dept, approp, amended..... Ch. 4 - 4
Dept, approp, Building Safety Division..... Ch.280 - 800

Dept, approp, general/medical/regulatory bds..... Ch.359 - 985
Dept, approp, Idaho State Lottery..... Ch.174 - 477
Dept, approp, Veterans Services Division..... Ch.173 - 475
Speech/Hearing Services Licensure Bd, member terms..... Ch. 64 - 166
SENIOR CITIZENS
Exploitation, improper use, financial power of attorney. Ch.209 - 662
Group residences, considered single family dwellings.... Ch.123 - 342
Property tax deferral, eligibility, interest repealed... Ch.214 - 669
Seniors/disabled, assets taken, enhanced penalties..... Ch.257 - 749
SENTENCING
Conducted Energy Device (stun gun), criminal use..... Ch.333 - 918
County misdemeanor probation services..... Ch. 88 - 242
Driver's license suspension following incarceration..... Ch. 45 - 118
Juveniles in custody, determination to extend time..... Ch. 41 - 95
Misuse of public funds, restitution from retirement..... Ch.238 - 718
No-contact order, repeat violators, penalties..... Ch.259 - 752
Order victim restitution, leaving accident scene..... Ch.152 - 440
SEX OFFENSES AND OFFENDERS
Permitting child to witness sex, felony..... Ch.240 - 721
Sex between supervisor & offender/parolee, felony..... Ch. 60 - 150
Sex offenders, presence restricted, school property..... Ch.250 - 735
Sex offenders, sharing residence, local zoning..... Ch.124 - 343
Violent sex predator on probation,electronic monitoring. Ch. 65 - 168
SHERIFFS
County sheriff, newly-elected, sheriffs' school..... Ch.329 - 901
Search/rescue operations, local and state coordination.. Ch. 39 - 93
Sheriff compensation, special claims, payment..... Ch.302 - 841
SOCIAL WORK
Examiners Bd rule, inactive license status..... Ch. 15 - 21
SOIL
Carbon trading, designate Idaho cropping region..... SCR137 - 1183
Conservation Com, approp..... Ch.283 - 803
Conservation districts, independent audits, frequency... Ch.383 - 1053
Soil amendment tonnage fee, $15 minimum..... Ch.132 - 374
SOLID WASTES
See WASTES
SPEED LIMITS
See MOTOR VEHICLES
SPORTS
See ATHLETICS
STATE AGENCIES
See GOVERNMENT
STATE SCHOOL AND HOSPITALS
See HOSPITALS; DISABLED
STATEHOUSE
See CAPITOL
STATUTES
See CODES
STUDENTS
Background check on those with student contact..... Ch.349 - 961
College student residency status, National Guard..... Ch. 66 - 168
College student, resident status requirements..... Ch.226 - 690
Community college tuition amounts, maximum..... Ch.133 - 375
Pupil tuition-equivalency allowance, 42% of cost..... Ch.401 - 1104

Scholarships for dependents of disabled soldiers..... Ch.185 - 557
State college savings program, revise..... Ch.275 - 782
State college savings, withdrawals, taxable income..... Ch.261 - 756
Student use of epinephrine auto-injector authorized..... Ch.305 - 846
Teens at risk, secondary school students..... Ch.219 - 678
STUDIES
Dam water storage projects, additional, study..... HCR 8 - 1170
Health Quality Planning Com, terms, reports..... Ch.364 - 996
Idaho Transportation Dept, performance evaluation..... HCR 30 - 1198
Local improvement districts, preliminary study, costs... Ch.301 - 838
Medical education plan, legislative comm..... SCR135 - 1180
Property tax relief/expenditures, legislative comm..... HCR 35 - 1193
Statewide comprehensive aquifer planning/management..... Ch.134 - 377
SUBSTANCE ABUSE
Interagency comm members,intensive outpatient treatment. Ch. 94 - 258
Managed care reform, substance use exemption..... Ch.317 - 879
Millennium Income Fund, prevention programs..... Ch.276 - 788
SUNSHINE LAW
See RECORDS; MEETINGS, PUBLIC
SUPERINTENDENT OF PUBLIC INSTRUCTION
See EDUCATION
SUPREME COURT
See COURTS
SURVEYING AND SURVEYORS
See ENGINEERS AND LAND SURVEYORS
TAX AND TAXATION
Appeals Bd, approp..... Ch.271 - 775
Boxing promoter tax, support amateur boxing..... Ch.113 - 317
Com, approp..... Ch.340 - 930
Com, establish Cadastral (land ownership) certification. Ch. 52 - 128
Com, unclaimed property, no interest paid..... Ch. 11 - 16
Document reproduction, formats, admissible as original.. Ch. 5 - 6
Internal Revenue Code, references updated..... Ch. 6 - 7
State-Tribal motor fuels tax agreements ratified..... SCR125 - 1175
Tax Appeals Bd, approp increased..... Ch. 12 - 16
Tax Comm, approp., add'l..... Ch. 95 - 262
Tax Commissioner salary increase, approp..... Ch.285 - 807
Taxing district boundaries, when not recognized..... Ch. 7 - 8
TAX AND TAXATION, INCOME
Corporate Headquarters Incentive Act repealed..... Ch.390 - 1071
Credit, other taxes paid, part-year residence..... Ch.315 - 874
Credit, taxable income, depreciation, investments..... Ch.319 - 881
Deduction, capital gains, holding period definition..... Ch.314 - 873
Definition of "person" revised..... Ch. 8 - 9
Employer withholding returns, contents, due date..... Ch. 9 - 10
Grocery tax credit, annual increase..... Ch.316 - 876
Idaho tax code, correct code reference..... Ch. 10 - 13
Small employer tax incentive, average group earnings.... Ch. 90 - 250
Special Olympics Idaho, tax donations..... Ch.218 - 674
Taxable income, withdrawals from college savings..... Ch.261 - 756
Veterans Support Fund, tax donations..... Ch. 17 - 23
TAX AND TAXATION, PROPERTY
Circuit-breaker relief, income of separated couples..... Ch.117 - 323
Community Infrastructure District Act..... Ch.410 - 1139

Exemption, county option, new business plants..... Ch.327 - 897
Exemption, geothermal energy-producing property..... Ch.227 - 693
Exemption, new $1billion capital investments..... Ch.234 - 712
Exemption, religious/charitable limited liability co.... Ch. 50 - 122
Health districts, no taxing authority..... Ch.231 - 701
Personal property tax, $100,000 exemption, conditions... Ch.400 - 1089
Property tax appraiser and cadastral certification..... Ch. 52 - 128
Property tax deferral, eligibility, interest repealed... Ch.214 - 669
Property tax on leased items, sales tax exemption..... Ch. 92 - 257
Property tax relief/expenditures,legislative study comm. HCR 35 - 1193
Property taxes payable by credit card..... Ch. 53 - 131
Sales of tax-deeded property, bids, proceeds..... Ch.397 - 1084
School cooperative service levy, voter approval..... Ch.104 - 287
Tax levy, urban renewal district, property valuation.... Ch.253 - 740
TAX AND TAXATION, SALES
Aircraft engine fuel tax increase..... Ch. 31 - 63
Corporate Headquarters Incentive Act repealed..... Ch.390 - 1071
Exemption, prescriptions by physician assistants..... Ch. 19 - 29
Exemption, property tax on leased items..... Ch. 92 - 257
Exemptions, Idaho Digital Learning Academy..... Ch.172 - 472
Production exemption, energy-producing materials..... Ch.233 - 710
Rebate, purchase of energy-producing operating property. Ch.227 - 693
Retailers to collect sales tax, substantial nexus..... Ch. 49 - 120
Sales tax revenue, replace personal property tax..... Ch.400 - 1089
Tobacco products use tax liability, non-permitholders... Ch. 20 - 30
TEACHING AND TEACHERS
Educational support, teachers, approp..... Ch.363 - 993
Experience/education factor, public school experience... Ch.158 - 455
Idaho Ag in the classroom, independent, funds..... Ch.205 - 658
Mining industry education, special license plates..... Ch.210 - 664
Public virtual school, charter requirements..... Ch.105 - 288
School administrators, improve their training, report... SCR129 - 1177
Statewide substitute teacher list, background check..... Ch.349 - 961
Teacher Performance Evaluation Task Force..... Ch.363 - 993
TECHNOLOGY
See ELECTRONIC TECHNOLOGY
TELECOMMUNICATIONS
Emergency communications, supplemental fee, disburse.... Ch.379 - 1048
Idaho Education Network, telecommunications for schools. Ch.260 - 753
Military Div, Statewide Interoperability Council..... Ch.127 - 347
TELEVISION
See TELECOMMUNICATIONS; ENTERTAINMENT
TENANTS
See LANDLORDS AND TENANTS
TERRORISM
Fire insurance, exclude terrorism, amend definition..... Ch.216 - 671
THEATERS
See ENTERTAINMENT
TIMBER
See FORESTS AND FORESTRY; LOGGING AND LUMBER
TOBACCO
Cessation programs, Millennium Income Fund..... Ch.276 - 788
Cigarette paper, tests on ignition strength..... Ch.278 - 791
Tobacco products use tax liability, non-permitholders... Ch. 20 - 30

TORTS
Crime victim restitution, eligible claimants..... Ch.140 - 401
Tort liability limitation, charitable trusts..... Ch. 83 - 213
TRADE
NAFTA, urge conditions, withdrawal..... SJM113 - 1164
TRANSPORTATION
Air quality, vehicle inspection/maintenance program..... Ch.368 - 1007
Class D driver's training instruction permit..... Ch.194 - 607
Commercial vehicles, use of chains in mountain pass..... Ch.330 - 902
Dept, approp..... Ch.360 - 987
Dept, approp, add'l..... Ch.404 - 1110
Dept, land sale, neighbor's first option to purchase.... Ch.382 - 1052
Designated pilot project routes amended..... Ch.156 - 447
Driver's license restrictions, illegals, non-citizens... Ch. 63 - 154
Driver's license, duplicate following suspension..... Ch. 18 - 24
Federal Real ID Act, refusal to participate..... Ch.385 - 1058
GARVEE highway transportation bonding authority..... Ch.367 - 1004
Idaho Transportation Dept, performance evaluation..... HCR 30 - 1198
Interagency working group co-chairs designated..... Ch.153 - 442
Intermodal commerce authorities, increase grant..... Ch.154 - 444
License plates, College of Idaho, name change..... Ch. 13 - 17
License plates, special, Capitol Com, continue program.. Ch. 14 - 20
License plates, special, Idaho 2009 Special Olympics.... Ch.193 - 604
License plates, special, Idaho rangeland..... Ch.150 - 436
License plates, special, mining industry education..... Ch.210 - 664
Motorbikes/all-terrain/utility vehicles, regulation..... Ch.409 - 1124
National Purple Heart Trail, Interstate I-90..... Ch.215 - 671
Rebuilt salvage vehicles, certificates, fees..... Ch. 84 - 215
Safety inspections, trucks carrying wet cement..... Ch.155 - 445
School zone speed limits, signs, fines..... Ch.372 - 1017
Truck campers, titling, dealer licenses..... Ch.106 - 294
Truck registration, temporary permits, maximum weight... Ch.336 - 924
Uninsured/underinsured motorist insurance policies..... Ch. 69 - 183
Vehicle classes, definitions, federal standards..... Ch.198 - 630
Vehicle liability release fees, county money..... Ch. 55 - 138
TREASURER, STATE
Approp..... Ch.343 - 933
TRUCKING AND TRUCKS
See TRANSPORTATION; MOTOR VEHICLES
TRUSTS
Charitable trusts, tort liability limited..... Ch. 83 - 213
Perpetuities rule, power to transfer property, future... Ch. 77 - 204
State college savings program, authorize trusts..... Ch.275 - 782
UNEMPLOYMENT
See EMPLOYMENT SECURITY LAW
UNIFORM AND MODEL LAWS
Fire code interpretations, appeal of decisions..... Ch.402 - 1105
Uniform Criminal Extradition Act amended..... Ch.136 - 384
Uniform Limited Liability Company Act..... Ch.176 - 479
Uniform Mediation Act, add..... Ch. 35 - 66
Uniform Power of Attorney Act..... Ch.186 - 559
Uniform Securities Act, amend..... Ch.143 - 415
UNIVERSITIES
See COLLEGES AND UNIVERSITIES

UNIVERSITY OF IDAHO
See COLLEGES AND UNIVERSITIES
UTILITIES
Public Utilities Com, approp..... Ch.162 - 461
Public Utilities Commissioner salary increase, approp... Ch.285 - 807
VEHICLES
See MOTOR VEHICLES
VESSELS
See BOATS
VETERANS
National Purple Heart Trail, Interstate I-90..... Ch.215 - 671
Returning veterans, appreciate, support health care..... SJM108 - 1161
Scholarships for dependents of disabled soldiers..... Ch.185 - 557
Services Division, approp..... Ch.173 - 475
State camping fee waiver for disabled veterans..... HCR 32 - 1200
Veterans Support Fund, tax donations..... Ch. 17 - 23
VETERINARY MEDICINE
Bd, employ executive director and personnel..... Ch.204 - 655
Bd, open meetings law applies..... Ch.135 - 378
Veterinary practice for sale after death, conditions.... Ch.135 - 378
VETOED BILLS
Approp, substance abuse treatment (line veto)..... Ch.224 - 688
Governor, Office of, Drug Policy Office (line veto)..... Ch.225 - 689
Legislative Council, approp (line veto)..... Ch.279 - 799
VICTIMS
Crime victim restitution, eligible claimants..... Ch.140 - 401
Restitution for leaving scene of accident..... Ch.152 - 440
Seniors/disabled, assets taken, enhanced penalties..... Ch.257 - 749
Violence victims, address confidentiality program..... Ch.232 - 703
VISUALLY IMPAIRED
See BLIND
VOCATIONAL EDUCATION
See PROFESSIONAL-TECHNICAL EDUCATION
VOCATIONAL REHABILITATION
Chronic renal disease victims, financial assistance..... Ch.199 - 644
Division, approp..... Ch.289 - 814
VOLUNTEERS
Volunteer emergency responders, disability benefits..... Ch.369 - 1009
VOTING AND VOTERS
Candidate name on ballot, include former name..... Ch.408 - 1123
Irrigation district election, canvass returns, when..... Ch.207 - 660
School cooperative service levy, voter approval..... Ch.104 - 287
WAGES
Board/com/council members, $100 day..... Ch. 80 - 207
Court reporter compensation up to Supreme Court..... Ch. 33 - 64
Idaho Contractors Bd, honorarium for members..... Ch.107 - 304
Justices/judges salaries increased..... Ch.220 - 680
Overtime pay, certain workers, emergency declaration.... Ch.138 - 396
Podiatry Bd member, payment, retirement classification.. Ch. 16 - 22
School administrative staff salary multiplier..... Ch.362 - 991
School operations staff salary multiplier..... Ch.391 - 1074
Sheriff compensation, special claims, payment..... Ch.302 - 841
Small employer tax incentive, average group earnings.... Ch. 90 - 250
State employee compensation and benefits..... HCR 39 - 1196

Tax/PUC/Industrial Com salary increase, approp..... Ch.285 - 807
Teacher experience in public school..... Ch.158 - 455
WASTES
Scrap dealer records, purchases under $10..... Ch.213 - 669
Scrap dealing violations, persons found guilty..... Ch.100 - 282
WATER
Dam water storage projects, additional, study..... HCR 8 - 1170
Drinking Water Professionals licensing rule rejected.... HCR 39 - 1192
Northern Idaho adjudication petition, defer rights..... Ch.149 - 434
Northern Idaho water adjudications, excludes Basin 98... Ch.159 - 456
Rights not forfeited, suspended mine operations..... Ch.239 - 719
Water diversion, when permitted, notices, redress..... Ch.320 - 886
Water quality violators, civil penalties..... Ch.334 - 919
WATER RESOURCES DEPARTMENT
Adjudication rules rejected..... SCR138 - 1184
Approp..... Ch.321 - 888
Approp amended..... Ch. 29 - 61
Aquifer Planning and Management Fund, approp..... Ch.321 - 888
Dam water storage projects, additional, study..... HCR 8 - 1170
Statewide comprehensive aquifer planning/management..... Ch.134 - 377
Water Resource Bd, water storage, projects, approp..... Ch.370 - 1015
Water rights claim, filing fee reduced..... Ch.148 - 433
WEAPONS
Conducted Energy Device (stun gun), restrict possession. Ch.333 - 918
Firearms regulation, state preemption, local ordinances. Ch.304 - 844
Outdoor shooting range, noise standards, buffer..... Ch.116 - 321
Outdoor sport shooting ranges, local regulation..... Ch.318 - 879
WELFARE
See PUBLIC ASSISTANCE
WILDLIFE
Grizzly bear damage, reimbursement from State..... Ch.101 - 283
Huntable furbearers, youth hunting licenses..... Ch. 98 - 265
Invasive Species Act of 2008..... Ch.387 - 1062
Nonresident small game hunting license, animals..... Ch. 59 - 148
Winter feeding advisory comm, appointees list..... Ch. 72 - 191
Wolves, depredation of livestock, control..... Ch.294 - 821
WILLS
Self-proved wills, acknowledgment methods..... Ch. 76 - 202
WINE
See LIQUOR
WOLVES
See WILDLIFE
WOMEN
Abortion, attempt to coerce woman to obtain..... Ch.388 - 1067
Fetus information on H&W Dept web site..... Ch.348 - 958
Idaho Women's Com, approp..... Ch.308 - 855
WORKERS COMPENSATION
Industrial Special Indemnity Fund claim notice..... Ch.102 - 285
Volunteer emergency responders, disability benefits..... Ch.369 - 1009
ZONING
See PLANNING AND ZONING

TABLE OF AMENDMENTS, REPEALS, ADDITIONS AND REFERENCES

SECOND REGULAR SESSION - FIFTY-NINTH LEGISLATURE

CODE INDEX

Code citation, action, session law chapter number and page number are shown for bills which passed

TITLE 1			
1-215	New Section Added	Ch. 34 -	66
1-1102	Amended	Ch. 33 -	65
1-2102	Referred to	Ch. 24 -	37
1-2203	Amended	Ch. 38 -	90
1-2204	Amended	Ch. 38 -	91
1-2205	Amended	Ch. 38 -	92
1-2301A	Amended	Ch.347 -	958
1-2404	Amended	Ch. 24 -	36
TITLE 4			
4-101	Amended	Ch. 25 -	38
TITLE 5			
5-337	Amended	Ch.299 -	836
TITLE 6			
Ch.9	Referred to	Ch.119 -	336
Ch.9	Referred to	Ch.232 -	705
6-902	Referred to	Ch.399 -	1089
Ch.16	New Heading Added	Ch. 27 -	40
6-1601	Amended	Ch. 83 -	213
6-1605	Amended	Ch. 83 -	214
TITLE 9			
Ch.3	Referred to	Ch.119 -	336
Ch.3	Referred to	Ch.332 -	918
9-335	Amended	Ch. 27 -	40
9-337 thru 9-347	Referred to	Ch. 35 -	69
9-340A thru 9-340H	Referred to	Ch. 81 -	210
9-340C	Amended	Ch. 99 -	278
9-340C	Amended	Ch.232 -	706
9-340D	Amended	Ch. 27 -	41
9-340D	Amended	Ch. 71 -	187
9-340D	Referred to	Ch.179 -	542
9-801	New Section Added	Ch. 35 -	67
9-802	New Section Added	Ch. 35 -	67

9-803	New Section Added	Ch. 35 -	68
9-804	New Section Added	Ch. 35 -	68
9-805	New Section Added	Ch. 35 -	69
9-806	New Section Added	Ch. 35 -	69
9-807	New Section Added	Ch. 35 -	70
9-808	New Section Added	Ch. 35 -	70
9-809	New Section Added	Ch. 35 -	70
9-810	New Section Added	Ch. 35 -	71
9-811	New Section Added	Ch. 35 -	71
9-812	New Section Added	Ch. 35 -	71
9-813	New Section Added	Ch. 35 -	71
9-814	New Section Added	Ch. 35 -	71
TITLE 11			
11-605	Amended	Ch. 57 -	147
TITLE 14			
14-506	Referred to	Ch.275 -	787
14-532	Amended	Ch. 11 -	16
TITLE 15			
15-2-401	Amended	Ch.182 -	549
15-2-402	Amended	Ch.182 -	549
15-2-403	Amended	Ch.182 -	550
15-2-404	Repealed	Ch.182 -	550
15-2-405	Amended	Ch.182 -	550
15-2-406	New Section Added	Ch.182 -	552
15-2-502	Amended	Ch. 76 -	202
15-2-504	Amended	Ch. 76 -	203
15-2-801	Referred to	Ch.186 -	525
15-3-403	Amended	Ch. 75 -	200
15-3-412	Amended	Ch. 75 -	201
15-5-308	Amended	Ch. 74 -	195
15-5-311	Amended	Ch. 74 -	196
15-5-312	Amended	Ch. 74 -	196
15-5-316	Amended	Ch. 74 -	197
15-5-405	Amended	Ch. 27 -	45
15-5-410	Amended	Ch.145 -	429
15-5-501	Repealed	Ch.186 -	559
15-5-502	Repealed	Ch.186 -	559
15-5-503	Repealed	Ch.186 -	559
15-5-504	Repealed	Ch.186 -	559
15-5-505	Repealed	Ch.186 -	559
15-5-506	Repealed	Ch.186 -	559
15-5-507	Repealed	Ch.186 -	559
15-6-401	New Section Added	Ch.175 -	478
15-6-402	New Section Added	Ch.175 -	478
Ch.8	Referred to	Ch.186 -	575
15-9-101	Amended	Ch. 73 -	192
15-9-201	Amended	Ch. 73 -	193
15-10-101	Amended	Ch. 73 -	193
15-10-201	Amended	Ch. 73 -	193
15-11-101	Amended	Ch. 73 -	194
15-12-101	New Section Added	Ch.186 -	560
15-12-102	New Section Added	Ch.186 -	560
15-12-103	New Section Added	Ch.186 -	561
15-12-104	New Section Added	Ch.186 -	561

15-12-105	New Section Added	Ch.186 - 561
15-12-106	New Section Added	Ch.186 - 561
15-12-107	New Section Added	Ch.186 - 562
15-12-108	New Section Added	Ch.186 - 562
15-12-109	New Section Added	Ch.186 - 562
15-12-110	New Section Added	Ch.186 - 563
15-12-111	New Section Added	Ch.186 - 563
15-12-112	New Section Added	Ch.186 - 564
15-12-113	New Section Added	Ch.186 - 564
15-12-114	New Section Added	Ch.186 - 564
15-12-115	New Section Added	Ch.186 - 565
15-12-116	New Section Added	Ch.186 - 565
15-12-117	New Section Added	Ch.186 - 566
15-12-118	New Section Added	Ch.186 - 566
15-12-119	New Section Added	Ch.186 - 566
15-12-120	New Section Added	Ch.186 - 567
15-12-121	New Section Added	Ch.186 - 568
15-12-122	New Section Added	Ch.186 - 568
15-12-123	New Section Added	Ch.186 - 568
15-12-201	New Section Added	Ch.186 - 568
15-12-202	New Section Added	Ch.186 - 569
15-12-203	New Section Added	Ch.186 - 569
15-12-204	New Section Added	Ch.186 - 570
15-12-205	New Section Added	Ch.186 - 571
15-12-206	New Section Added	Ch.186 - 571
15-12-207	New Section Added	Ch.186 - 572
15-12-208	New Section Added	Ch.186 - 572
15-12-209	New Section Added	Ch.186 - 573
15-12-210	New Section Added	Ch.186 - 574
15-12-211	New Section Added	Ch.186 - 574
15-12-212	New Section Added	Ch.186 - 575
15-12-213	New Section Added	Ch.186 - 576
15-12-214	New Section Added	Ch.186 - 577
15-12-215	New Section Added	Ch.186 - 578
15-12-216	New Section Added	Ch.186 - 578
15-12-217	New Section Added	Ch.186 - 579
15-12-301	New Section Added	Ch.186 - 579
15-12-302	New Section Added	Ch.186 - 584
15-12-401	New Section Added	Ch.186 - 585
15-12-402	New Section Added	Ch.186 - 585
15-12-403	New Section Added	Ch.186 - 585
TITLE 16		
16-2403	Amended	Ch.219 - 678
TITLE 18		
18-101A	Amended	Ch. 60 - 151
18-212	Referred to	HCR 58 - 1205
18-310	Referred to	Ch. 56 - 145
18-609	Amended	Ch.348 - 958
18-615	Amended and Redesignated 18-616	Ch.388 - 1068
18-615	New Section Added	Ch.388 - 1067
18-616	Redesignated from 18-615	Ch.388 - 1068
18-901	Referred to	Ch.333 - 918
18-903	Referred to	Ch.333 - 918
18-915	Amended	Ch. 88 - 242

18-915	Amended	Ch.151 - 439
18-917	Referred to	Ch.333 - 918
18-918	Referred to	Ch.232 - 704
18-918	Referred to	Ch.333 - 918
18-920	Amended	Ch.259 - 752
18-1351 thru 18-1362	Referred to	Ch.119 - 336
18-1356	Amended	Ch.306 - 851
18-1361	Referred to	Ch.119 - 336
18-1361A	Referred to	Ch.119 - 336
18-1505	Amended	Ch.209 - 662
18-1506	Amended	Ch.240 - 721
18-1506	Referred to	Ch.232 - 704
18-1508	Referred to	Ch.232 - 704
18-1508A	Referred to	Ch.232 - 704
18-2406	Amended	Ch. 23 - 36
18-3126	Amended	Ch. 78 - 205
18-3302J	New Section Added	Ch.304 - 845
18-3325	New Section Added	Ch.333 - 918
18-4004A	Amended	Ch.300 - 837
18-5414	Referred to	Ch.232 - 705
18-5701	Amended	Ch. 56 - 143
18-5702	Amended	Ch. 56 - 144
18-5702	Amended (as amended by Sec.2, S1349)	Ch.238 - 718
18-5703	Amended	Ch. 56 - 145
18-5704	Repealed	Ch. 56 - 146
18-6101	Referred to	Ch.232 - 704
18-6110	Amended	Ch. 60 - 152
18-7902	Referred to	Ch.232 - 704
18-7905	Referred to	Ch.232 - 704
18-7906	Referred to	Ch.232 - 704
18-8004A	Referred to	Ch. 22 - 35
18-8007	Referred to	Ch.152 - 442
18-8105	Amended	Ch. 27 - 45
Ch.83	Referred to	Ch. 65 - 168
Ch.83	Referred to	Ch.123 - 343
18-8329	Amended	Ch.250 - 736
18-8331	New Section Added	Ch.124 - 343
Ch.84	Referred to	Ch.123 - 343
TITLE 19		
19-403	Amended	Ch. 56 - 146
19-2126	Amended	Ch. 22 - 35
19-3947	New Section Added	Ch. 88 - 243
19-4501	Amended	Ch.136 - 386
19-4502	Amended	Ch.136 - 386
19-4503	Amended	Ch.136 - 386
19-4505	Repealed	Ch.136 - 387
19-4506	Amended	Ch.136 - 387
19-4507	Amended	Ch.136 - 387
19-4508	Amended	Ch.136 - 387
19-4509	Amended	Ch.136 - 388
19-4510	Amended	Ch.136 - 388
19-4511	Amended	Ch.136 - 388

19-4512	Amended	Ch.136 - 388
19-4513	New Section Added	Ch.136 - 389
19-4513	Repealed	Ch.136 - 389
19-4514	Amended	Ch.136 - 389
19-4515	New Section Added	Ch.136 - 390
19-4515	Repealed	Ch.136 - 390
19-4516	Amended	Ch.136 - 390
19-4517	Amended	Ch.136 - 390
19-4518	Amended	Ch.136 - 391
19-4519	Amended	Ch.136 - 391
19-4520	Amended	Ch.136 - 391
19-4521	Amended	Ch.136 - 391
19-4522	Amended	Ch.136 - 391
19-4523	Amended	Ch.136 - 392
19-4524	Amended	Ch.136 - 393
19-4525	Amended	Ch.136 - 393
19-4526	Amended	Ch.136 - 393
19-4527	Amended and Redesignated 19-4531	Ch.136 - 393
19-4528	Amended	Ch.136 - 393
19-4529	New Section Added	Ch.136 - 394
19-4529	Repealed	Ch.136 - 394
19-4530	New Section Added	Ch.136 - 394
19-4530	Repealed	Ch.136 - 394
19-4531	Redesignated from 19-4527	Ch.136 - 393
19-4531	Repealed	Ch.136 - 394
19-4532	Repealed	Ch.136 - 394
19-4533	Repealed	Ch.136 - 394
19-4534	Repealed	Ch.136 - 394
19-5101	Amended	Ch. 88 - 244
19-5109	Amended	Ch. 88 - 244
19-5304	Amended	Ch.140 - 402
19-5304	Amended	Ch.152 - 440
19-5611	Referred to	Ch. 88 - 247
19-5701	New Section Added	Ch.232 - 703
19-5702	New Section Added	Ch.232 - 704
19-5703	New Section Added	Ch.232 - 704
19-5704	New Section Added	Ch.232 - 705
19-5705	New Section Added	Ch.232 - 705
19-5706	New Section Added	Ch.232 - 705
19-5707	New Section Added	Ch.232 - 705
19-5708	New Section Added	Ch.232 - 705
TITLE 20		
20-208	Amended	Ch. 80 - 208
20-209	Referred to	SCR124 - 1174
20-219	Amended	Ch. 65 - 168
20-219	Referred to	Ch.123 - 343
20-225	Referred to	Ch. 88 - 247
20-237B	Amended	Ch. 61 - 153
20-239A	New Section Added	Ch. 42 - 99
20-241A	Referred to	SCR124 - 1174
20-520	Amended	Ch. 41 - 96
TITLE 22		
22-603	Amended	Ch.131 - 365
22-605	Amended	Ch.131 - 369

22-607	Amended	Ch.131 - 371
22-608	Amended	Ch.131 - 372
22-609	Amended	Ch.131 - 373
22-610	Amended	Ch.131 - 373
22-620	Amended	Ch.131 - 374
22-1901	New Section Added	Ch.387 - 1062
22-1902	New Section Added	Ch.387 - 1062
22-1903	New Section Added	Ch.387 - 1063
22-1904	New Section Added	Ch.387 - 1063
22-1905	New Section Added	Ch.387 - 1063
22-1906	New Section Added	Ch.387 - 1063
22-1907	New Section Added	Ch.387 - 1064
22-1908	New Section Added	Ch.387 - 1064
22-1909	New Section Added	Ch.387 - 1064
22-1910	New Section Added	Ch.387 - 1064
22-1911	New Section Added	Ch.387 - 1064
22-1912	New Section Added	Ch.387 - 1065
22-1913	New Section Added	Ch.387 - 1065
22-1914	New Section Added	Ch.387 - 1066
22-1915	New Section Added	Ch.387 - 1066
22-1916	New Section Added	Ch.387 - 1066
22-1917	New Section Added	Ch.387 - 1067
Ch.20	Referred to	Ch. 89 - 249
22-2005	Referred to	Ch.387 - 1063
22-2019	Referred to	Ch. 28 - 61
22-2208	Amended	Ch.132 - 374
22-2305	Amended	Ch.130 - 364
22-2721	Amended	Ch.383 - 1053
22-4801	Repealed	Ch. 71 - 191
22-4802	Repealed	Ch. 71 - 191
22-4803	Repealed	Ch. 71 - 191
22-4803A	Repealed	Ch. 71 - 191
22-4804	Referred to	Ch. 71 - 191
22-4804	Repealed	Ch. 71 - 191
TITLE 23		
23-307	Amended	Ch.248 - 729
23-404	Amended	Ch.252 - 738
23-404	Referred to	Ch.407 - 1118
23-903	Amended	Ch.335 - 920
23-903	Amended	Ch.405 - 1110
23-904	Amended	Ch.178 - 529
23-927	Amended	Ch.248 - 729
23-957	Amended	Ch.178 - 530
23-1303	Amended	Ch.181 - 546
23-1325	Amended	Ch.180 - 544
TITLE 25		
25-3504	Amended	Ch. 47 - 119
25-3507	Amended	Ch. 32 - 64
TITLE 26		
26-201	Amended	Ch.140 - 404
26-203	Amended	Ch.140 - 404
26-307	Repealed	Ch.140 - 401
26-601	Amended	Ch.140 - 404
26-602	Amended	Ch.140 - 405

26-603	Repealed	Ch.140 -	401
26-702	Amended	Ch.140 -	405
26-708	Amended	Ch.140 -	406
26-2222	Amended	Ch.347 -	938
26-2223	Amended	Ch.347 -	940
26-2223A	Amended	Ch.347 -	941
26-2224	Amended	Ch.347 -	941
26-2225	New Section Added	Ch.347 -	943
26-2225	Repealed	Ch.347 -	942
26-2227	New Section Added	Ch.347 -	943
26-2228	Amended	Ch.347 -	944
26-2229	Amended	Ch.347 -	945
26-2229A	Amended	Ch.347 -	946
26-2230	Amended	Ch.347 -	947
26-2231	Amended	Ch.347 -	948
26-2232	Amended	Ch.347 -	948
26-2232A	New Section Added	Ch.347 -	950
26-2232A	Repealed	Ch.347 -	949
26-2233	Amended	Ch.347 -	950
26-2234	Amended	Ch.347 -	951
26-2235	Repealed	Ch.347 -	952
26-2236	Amended	Ch.347 -	952
26-2237	Amended	Ch.347 -	953
26-2238	Amended	Ch.347 -	953
26-2239	Amended	Ch.347 -	953
26-2240	Amended	Ch.347 -	954
26-2243	Amended	Ch.347 -	954
26-2244	Amended	Ch.347 -	955
26-2245	Amended	Ch.347 -	955
26-2246	New Section Added	Ch.347 -	956
26-2246	Repealed	Ch.347 -	956
26-2248	Amended	Ch.347 -	957
26-2250	Repealed	Ch.347 -	957
26-2251	New Section Added	Ch.347 -	957
26-2251	Repealed	Ch.347 -	957
Ch.31	Referred to	Ch.312 -	861
26-3101	Referred to	Ch.192 -	603
26-3102	Amended	Ch.313 -	864
26-3105	Amended	Ch.313 -	865
26-3108	Amended	Ch.313 -	866
26-3108A	Amended	Ch.313 -	869
26-3110	Amended	Ch.313 -	870
26-3111	Amended	Ch.313 -	872
26-3116	Repealed	Ch.313 -	872
26-3116A	Repealed	Ch.313 -	872
TITLE 28			
Ch.9	Referred to	Ch.106 -	300
Ch.24	Heading Amended	Ch. 27 -	45
28-41-301	Referred to	Ch.192 -	602
28-46-301	Amended	Ch.312 -	861
28-46-302	Amended	Ch.312 -	862
Ch.50	Referred to	Ch. 69 -	183
28-51-101	Repealed	Ch.177 -	522
28-51-102	Repealed	Ch.177 -	522

28-52-101	New Section Added	Ch.177 -	523
28-52-102	New Section Added	Ch.177 -	523
28-52-103	New Section Added	Ch.177 -	523
28-52-104	New Section Added	Ch.177 -	524
28-52-105	New Section Added	Ch.177 -	525
28-52-106	New Section Added	Ch.177 -	527
28-52-107	New Section Added	Ch.177 -	527
28-52-108	New Section Added	Ch.177 -	527
28-52-109	New Section Added	Ch.177 -	528
TITLE 30			
Ch.1	Referred to	Ch. 36 -	73
30-1-401	Amended	Ch.176 -	518
30-1-402	Referred to	Ch.176 -	404
30-1-403	Referred to	Ch.176 -	404
30-1-901	Repealed	Ch. 36 -	72
30-1-902	Repealed	Ch. 36 -	72
30-1-920	Repealed	Ch. 36 -	72
30-1-922	Repealed	Ch. 36 -	72
30-1-924	Repealed	Ch. 36 -	72
Ch.3	Referred to	Ch. 36 -	74
30-3-28	Referred to	Ch.176 -	404
30-3-29	Referred to	Ch.176 -	404
30-405	Referred to	Ch.176 -	494
30-408	Referred to	Ch.176 -	490
30-6-101	New Section Added	Ch.176 -	480
30-6-102	New Section Added	Ch.176 -	480
30-6-103	New Section Added	Ch.176 -	482
30-6-104	New Section Added	Ch.176 -	483
30-6-105	New Section Added	Ch.176 -	483
30-6-106	New Section Added	Ch.176 -	483
30-6-107	New Section Added	Ch.176 -	483
30-6-108	New Section Added	Ch.176 -	483
30-6-109	New Section Added	Ch.176 -	484
30-6-110	New Section Added	Ch.176 -	484
30-6-111	New Section Added	Ch.176 -	486
30-6-112	New Section Added	Ch.176 -	486
30-6-113	New Section Added	Ch.176 -	487
30-6-114	New Section Added	Ch.176 -	487
30-6-201	New Section Added	Ch.176 -	487
30-6-201A	New Section Added	Ch.176 -	488
30-6-202	New Section Added	Ch.176 -	489
30-6-203	New Section Added	Ch.176 -	490
30-6-204	New Section Added	Ch.176 -	491
30-6-205	New Section Added	Ch.176 -	491
30-6-206	New Section Added	Ch.176 -	492
30-6-207	New Section Added	Ch.176 -	492
30-6-208	New Section Added	Ch.176 -	493
30-6-209	New Section Added	Ch.176 -	494
30-6-210	New Section Added	Ch.176 -	494
30-6-301	New Section Added	Ch.176 -	495
30-6-302	New Section Added	Ch.176 -	495
30-6-303	New Section Added	Ch.176 -	496
30-6-304	New Section Added	Ch.176 -	497
30-6-401	New Section Added	Ch.176 -	497

30-6-402	New Section Added	Ch.176 -	497
30-6-403	New Section Added	Ch.176 -	497
30-6-404	New Section Added	Ch.176 -	498
30-6-405	New Section Added	Ch.176 -	498
30-6-406	New Section Added	Ch.176 -	499
30-6-407	New Section Added	Ch.176 -	500
30-6-408	New Section Added	Ch.176 -	501
30-6-409	New Section Added	Ch.176 -	501
30-6-410	New Section Added	Ch.176 -	502
30-6-501	New Section Added	Ch.176 -	504
30-6-502	New Section Added	Ch.176 -	504
30-6-503	New Section Added	Ch.176 -	505
30-6-504	New Section Added	Ch.176 -	505
30-6-601	New Section Added	Ch.176 -	505
30-6-602	New Section Added	Ch.176 -	506
30-6-603	New Section Added	Ch.176 -	507
30-6-701	New Section Added	Ch.176 -	508
30-6-702	New Section Added	Ch.176 -	508
30-6-703	New Section Added	Ch.176 -	509
30-6-704	New Section Added	Ch.176 -	510
30-6-705	New Section Added	Ch.176 -	510
30-6-706	New Section Added	Ch.176 -	511
30-6-707	New Section Added	Ch.176 -	512
30-6-708	New Section Added	Ch.176 -	512
30-6-801	New Section Added	Ch.176 -	512
30-6-802	New Section Added	Ch.176 -	513
30-6-803	New Section Added	Ch.176 -	513
30-6-804	New Section Added	Ch.176 -	514
30-6-805	New Section Added	Ch.176 -	514
30-6-806	New Section Added	Ch.176 -	514
30-6-807	New Section Added	Ch.176 -	515
30-6-808	New Section Added	Ch.176 -	515
30-6-809	New Section Added	Ch.176 -	515
30-6-901	New Section Added	Ch.176 -	515
30-6-902	New Section Added	Ch.176 -	515
30-6-903	New Section Added	Ch.176 -	516
30-6-904	New Section Added	Ch.176 -	516
30-6-905	New Section Added	Ch.176 -	516
30-6-906	New Section Added	Ch.176 -	517
30-6-1001	New Section Added	Ch.176 -	517
30-6-1002	New Section Added	Ch.176 -	517
30-6-1101	New Section Added	Ch.176 -	518
30-6-1102	New Section Added	Ch.176 -	518
30-6-1103	New Section Added	Ch.176 -	518
30-6-1104	New Section Added	Ch.176 -	518
30-907	Amended	Ch.311 -	858
30-914	Amended	Ch.311 -	859
30-920	Amended	Ch.311 -	860
30-935	Repealed	Ch.311 -	861
30-14-202	Amended	Ch.143 -	415
30-14-412	Amended	Ch.143 -	420
30-14-611	Amended	Ch.143 -	423
Ch.18	Referred to	Ch.176 -	485
30-18-102	Amended	Ch. 36 -	73

30-18-104	Amended	Ch. 36 - 76
30-18-109	Amended	Ch. 36 - 76
30-18-110	Referred to	Ch.176 - 517
30-18-203	Amended	Ch. 36 - 76
30-18-205	Amended	Ch. 36 - 77
30-18-206	Amended	Ch. 36 - 78
30-18-303	Amended	Ch. 36 - 80
30-18-306	Amended	Ch. 36 - 81
30-18-403	Amended	Ch. 36 - 82
30-18-405	Amended	Ch. 36 - 83
30-18-406	Amended	Ch. 36 - 83
30-18-503	Amended	Ch. 36 - 85
30-18-505	Amended	Ch. 36 - 86
30-18-506	Amended	Ch. 36 - 87
30-18-702	Amended	Ch. 36 - 88
TITLE 31		
31-808	Amended	Ch.397 - 1084
31-819	Amended	Ch. 37 - 89
31-872	Repealed	Ch.304 - 844
31-878	New Section Added	Ch. 88 - 246
31-879	New Section Added	Ch. 38 - 92
31-1701	Referred to	Ch. 37 - 89
31-2202	Amended	Ch. 27 - 45
31-2219	Amended	Ch.302 - 842
31-2229	New Section Added	Ch. 39 - 94
31-2307	Amended	Ch. 37 - 89
31-3201D	Amended	Ch. 88 - 247
31-3205	Amended	Ch.111 - 313
31-3506	Amended	Ch.189 - 593
31-3510A	Amended	Ch.189 - 594
Ch.36	Referred to	Ch. 91 - 253
Ch.37	Referred to	Ch. 91 - 253
31-4818	Amended	Ch.379 - 1048
31-4819	New Section Added	Ch.379 - 1049
TITLE 32		
32-103	Referred to	Ch.275 - 784
32-303	Amended	Ch. 46 - 119
32-706	Amended	Ch.328 - 899
32-1214A	Amended	Ch.328 - 900
32-1214B	Amended	Ch.328 - 900
TITLE 33		
33-118A	Amended	Ch.217 - 674
33-125	Amended	Ch.260 - 753
33-130	Amended	Ch.349 - 961
33-313	Amended	Ch.351 - 968
33-317	Amended	Ch.104 - 287
Ch.4	Referred to	Ch.104 - 288
33-501	Amended	Ch.351 - 969
33-505	Amended	Ch.351 - 970
33-512	Amended	Ch.349 - 962
33-513	Referred to	Ch.119 - 335
33-514	Referred to	Ch.119 - 335
33-514A	Referred to	Ch.119 - 335
33-515	Referred to	Ch.119 - 335

33-515A	Referred to	Ch.119 - 335
33-520	Amended	Ch.305 - 846
33-601	Amended	Ch.191 - 598
33-601	Amended	Ch.307 - 853
33-701	Amended	Ch.160 - 457
33-802	Referred to	Ch.253 - 741
33-906	Amended	Ch. 70 - 184
33-906	Referred to	Ch.393 - 1081
33-907	Referred to	Ch.391 - 1074
33-910	New Section Added	Ch.384 - 1057
33-1002	Amended	Ch. 27 - 46
33-1002B	Amended	Ch.401 - 1104
33-1004A	Amended	Ch.158 - 455
33-1004E	Amended	Ch.362 - 991
33-1004E	Amended	Ch.363 - 994
33-1004E	Amended	Ch.391 - 1075
33-1004E	Referred to	Ch.363 - 994
33-1004F	Referred to	Ch.362 - 991
33-1009	Referred to	Ch.160 - 460
33-1018	Referred to	Ch.391 - 1074
33-1018A	Referred to	Ch.391 - 1074
33-1018B	Referred to	Ch.391 - 1074
33-1103	Amended	Ch.400 - 1100
33-1207A	Referred to	Ch.392 - 1079
33-1208	Referred to	Ch.349 - 964
33-1614	Referred to	Ch.392 - 1079
33-1615	Referred to	Ch.392 - 1079
Ch.21	Referred to	Ch.304 - 845
33-2106	Amended	Ch. 27 - 50
33-2110	Amended	Ch.133 - 375
33-2110B	Amended	Ch. 66 - 169
33-2308	Amended	Ch.199 - 644
33-2505	Amended	Ch. 81 - 209
33-2505A	New Section Added	Ch. 81 - 210
33-2505B	New Section Added	Ch. 81 - 210
33-2505C	New Section Added	Ch. 81 - 211
33-3409	Referred to	Ch.293 - 821
33-3717B	Amended	Ch. 66 - 170
33-3717B	Amended	Ch.226 - 690
33-3805A	Repealed	Ch.161 - 461
33-4302	Amended	Ch.185 - 557
33-4806	Referred to	Ch.391 - 1075
33-5202A	Amended	Ch.105 - 288
33-5202A	Referred to	Ch.274 - 781
33-5205	Amended	Ch.105 - 289
33-5205	Amended	Ch.157 - 451
33-5205A	Amended	Ch.171 - 471
33-5209	Amended	Ch.251 - 737
33-5401	Amended	Ch.275 - 783
33-5402	Amended	Ch.275 - 784
33-5404	Amended	Ch.275 - 784
33-5407	Amended	Ch.275 - 787
33-5410	New Section Added	Ch.275 - 787
Ch.55	Referred to	Ch.172 - 473

Ch.55	Referred to	Ch.392 - 1080
33-5502	Amended	Ch.119 - 333
33-5503	Amended	Ch.119 - 333
33-5504	Amended	Ch.119 - 334
33-5504A	New Section Added	Ch.119 - 335
33-5504B	New Section Added	Ch.119 - 337
33-5505	Amended	Ch.119 - 337
33-5506	Amended	Ch.119 - 338
33-5507	Amended	Ch.119 - 338
TITLE 34		
34-106	Referred to	Ch.410 - 1155
34-618	Amended	Ch.329 - 901
34-903A	New Section Added	Ch.408 - 1124
Ch.14	Referred to	Ch.258 - 751
Ch.14	Referred to	Ch.410 - 1155
34-1409	Referred to	Ch.410 - 1155
34-2503	Amended	Ch. 62 - 154
TITLE 36		
36-104	Referred to	Ch.304 - 845
36-111	Amended	Ch.218 - 675
36-123	Amended	Ch. 72 - 191
36-404	Amended	Ch. 98 - 265
36-406	Amended	Ch. 98 - 266
36-406A	Amended	Ch.211 - 667
36-407	Amended	Ch. 59 - 148
36-407	Amended	Ch. 98 - 268
36-409A	Amended	Ch. 58 - 148
36-1107	Amended	Ch.294 - 821
36-1109	Amended	Ch.101 - 283
36-2104	Amended	Ch.112 - 314
36-2107	Amended	Ch.112 - 314
36-2117	Amended	Ch.112 - 316
TITLE 37		
37-2726	Amended	Ch.129 - 362
TITLE 38		
38-131	Referred to	Ch. 28 - 61
38-131A	Referred to	Ch. 28 - 61
38-808	Amended	Ch.200 - 646
38-809	Amended	Ch.200 - 647
38-1202	Amended	Ch.200 - 648
38-1203	Amended	Ch.200 - 645
38-1204	Amended	Ch.201 - 649
38-1207	Amended	Ch.200 - 648
38-1220A	Amended	Ch.200 - 648
38-1303	Referred to	Ch.320 - 887
TITLE 39		
39-114	New Section Added	Ch. 71 - 186
39-116B	New Section Added	Ch.368 - 1007
39-302	Amended	Ch. 94 - 259
39-304	Amended	Ch. 94 - 260
39-306	Amended	Ch. 94 - 261
39-307	Amended	Ch. 94 - 261
39-414	Amended	Ch.231 - 702
39-1301	Referred to	Ch. 91 - 253

39-2901	New Section Added	Ch.274 - 780
39-2902	New Section Added	Ch.274 - 781
39-2903	New Section Added	Ch.274 - 781
39-2904	New Section Added	Ch.274 - 782
Ch.32	Referred to	Ch.377 - 1020
39-3202	Referred to	Ch.377 - 1021
39-3204	Referred to	Ch.377 - 1020
39-3205	Referred to	Ch.377 - 1020
39-3207	Referred to	Ch.377 - 1020
39-3401A	New Section Added	Ch.256 - 748
39-3630	Referred to	Ch.284 - 806
39-3904	Referred to	Ch.274 - 781
Ch.41	Referred to	Ch.274 - 781
39-4105	Referred to	Ch.400 - 1090
39-4109	Referred to	Ch.274 - 781
39-4301	Referred to	Ch.400 - 1090
39-5302	Amended	Ch.209 - 663
39-6306	Referred to	Ch.232 - 704
39-6717	Amended	Ch. 71 - 191
39-7110	Referred to	Ch. 28 - 61
39-8901	New Section Added	Ch.278 - 792
39-8902	New Section Added	Ch.278 - 792
39-8903	New Section Added	Ch.278 - 793
39-8904	New Section Added	Ch.278 - 795
39-8905	New Section Added	Ch.278 - 796
39-8906	New Section Added	Ch.278 - 797
39-8907	New Section Added	Ch.278 - 798
39-8908	New Section Added	Ch.278 - 798
39-8909	New Section Added	Ch.278 - 798
39-8910	New Section Added	Ch.278 - 798
39-8911	New Section Added	Ch.278 - 798
TITLE 40		
40-117	Referred to	Ch.198 - 641
40-315	Referred to	Ch.367 - 1005
40-322	New Section Added	Ch.385 - 1060
40-513C	New Section Added	Ch.215 - 671
40-707	Referred to	Ch.367 - 1005
40-1305A	Amended	Ch.258 - 751
40-1305B	Repealed	Ch.258 - 752
40-1305D	Repealed	Ch.258 - 752
40-1305E	Repealed	Ch.258 - 752
40-1305F	Repealed	Ch.258 - 752
40-1305G	Repealed	Ch.258 - 752
40-1305H	Repealed	Ch.258 - 752
40-1305I	Repealed	Ch.258 - 752
40-1305J	Repealed	Ch.258 - 752
40-1305K	Repealed	Ch.258 - 752
40-1305L	Repealed	Ch.258 - 752
40-1305M	Repealed	Ch.258 - 752
40-1305N	Repealed	Ch.258 - 752
40-1305O	Repealed	Ch.258 - 752
40-1305P	Repealed	Ch.258 - 752
40-1305Q	Repealed	Ch.258 - 752
40-1305AA	Repealed	Ch.258 - 752

40-1305BB	Repealed	Ch.258 - 752
40-1305CC	Repealed	Ch.258 - 752
40-1305DD	Repealed	Ch.258 - 752
40-1305EE	Repealed	Ch.258 - 752
40-1305FF	Repealed	Ch.258 - 752
40-1305GG	Repealed	Ch.258 - 752
40-1305HH	Repealed	Ch.258 - 752
40-1305II	Repealed	Ch.258 - 752
40-1305JJ	Repealed	Ch.258 - 752
40-1305KK	Repealed	Ch.258 - 752
40-1305LL	Repealed	Ch.258 - 752
40-1305MM	Repealed	Ch.258 - 752
40-1305NN	Repealed	Ch.258 - 752
40-1305OO	Repealed	Ch.258 - 752
40-1305PP	Repealed	Ch.258 - 752
40-1305QQ	Repealed	Ch.258 - 752
40-1305RR	Repealed	Ch.258 - 752
40-1305SS	Repealed	Ch.258 - 752
TITLE 41		
Title 41	Referred to	Ch.177 - 526
41-114A	Amended	Ch.137 - 396
41-253	Amended	Ch.402 - 1106
41-255	Amended	Ch.402 - 1106
41-256	Amended	Ch.402 - 1107
41-259	Amended	Ch.402 - 1107
41-260	Amended	Ch.402 - 1107
41-261	Amended	Ch.402 - 1108
41-262	Amended	Ch.402 - 1109
41-263	Amended	Ch.402 - 1109
41-318	New Section Added	Ch.147 - 432
41-401	Referred to	Ch.179 - 534
41-503	Referred to	Ch.147 - 432
41-732	New Section Added	Ch.399 - 1089
41-1016	Referred to	Ch.179 - 536
41-1314	Referred to	Ch.179 - 539
41-1847	New Section Added	Ch.139 - 400
41-1940	Amended	Ch.202 - 650
41-2210	Amended	Ch.296 - 825
41-2401	Amended	Ch.216 - 672
41-2502	Amended	Ch. 69 - 183
41-2503	Amended	Ch. 69 - 184
41-3216	Amended	Ch.296 - 827
41-3436	Amended	Ch.296 - 828
41-3905	Amended	Ch.203 - 651
41-3910	Amended	Ch.203 - 653
41-3914	Amended	Ch.203 - 653
41-3918	Amended	Ch.203 - 654
41-3932	Amended	Ch.317 - 879
41-4023	Amended	Ch.296 - 828
41-4124	Amended	Ch.296 - 830
41-5501	Amended	Ch.297 - 831
41-5510	Amended	Ch.297 - 832
41-5601	Referred to	Ch.139 - 400
41-5801	New Section Added	Ch.179 - 532

41-5802	New Section Added	Ch.179 - 532
41-5803	New Section Added	Ch.179 - 533
41-5804	New Section Added	Ch.179 - 533
41-5805	New Section Added	Ch.179 - 533
41-5806	New Section Added	Ch.179 - 534
41-5807	New Section Added	Ch.179 - 534
41-5808	New Section Added	Ch.179 - 535
41-5809	New Section Added	Ch.179 - 535
41-5810	New Section Added	Ch.179 - 536
41-5811	New Section Added	Ch.179 - 536
41-5812	New Section Added	Ch.179 - 537
41-5813	New Section Added	Ch.179 - 538
41-5814	New Section Added	Ch.179 - 539
41-5815	New Section Added	Ch.179 - 539
41-5816	New Section Added	Ch.179 - 541
41-5817	New Section Added	Ch.179 - 541
41-5818	New Section Added	Ch.179 - 542
41-5819	New Section Added	Ch.179 - 543
41-5820	New Section Added	Ch.179 - 543
41-5821	New Section Added	Ch.179 - 543
TITLE 42		
42-201	Amended	Ch.320 - 887
42-223	Amended	Ch.239 - 719
42-620	Repealed	Ch.134 - 377
42-1406B	Amended	Ch.149 - 434
42-1406B	Amended	Ch.159 - 456
42-1414	Amended	Ch.148 - 433
42-1701A	Referred to	Ch.320 - 888
42-1752	Referred to	Ch.370 - 1016
42-1779	New Section Added	Ch.134 - 377
42-1780	New Section Added	Ch.321 - 890
Ch.41	Referred to	Ch.410 - 1153
TITLE 43		
43-201	Amended	Ch.212 - 668
43-208	Amended	Ch.207 - 661
43-2504	Amended	Ch.301 - 838
43-2506	Amended	Ch.301 - 839
43-2507	Amended	Ch.301 - 839
43-2511	Amended	Ch.301 - 841
TITLE 44		
Ch.10	Referred to	Ch. 54 - 137
44-1004	Referred to	Ch. 54 - 137
Ch.16	Referred to	Ch. 44 - 107
44-2101A	Amended	Ch.380 - 1050
44-2701	New Section Added	Ch.295 - 824
44-2702	New Section Added	Ch.295 - 824
44-2703	New Section Added	Ch.295 - 824
44-2704	New Section Added	Ch.295 - 824
TITLE 45		
45-525	Referred to	Ch.192 - 601
45-1502	Amended	Ch.365 - 1000
45-1505	Amended	Ch.192 - 603
45-1506	Referred to	Ch.192 - 602
45-1601	New Section Added	Ch.192 - 601

45-1602	New Section Added	Ch.192 - 601
45-1603	New Section Added	Ch.192 - 602
45-1604	New Section Added	Ch.192 - 602
45-1605	New Section Added	Ch.192 - 603
TITLE 46		
46-102	Amended	Ch.126 - 346
46-105	Repealed	Ch.126 - 347
46-114	Repealed	Ch.126 - 347
46-206	Amended	Ch. 27 - 51
46-208	Repealed	Ch.126 - 347
46-209	Repealed	Ch.126 - 347
46-216	Amended	Ch.126 - 347
46-302	Repealed	Ch.126 - 347
46-303	Repealed	Ch.126 - 347
46-304	Repealed	Ch.126 - 347
46-305	Repealed	Ch.126 - 347
46-306	Repealed	Ch.126 - 347
46-307	Repealed	Ch.126 - 347
46-309	Repealed	Ch.126 - 347
46-310	Repealed	Ch.126 - 347
46-603	Repealed	Ch.126 - 347
46-610	Repealed	Ch.126 - 347
46-804	New Section Added	Ch.125 - 346
46-1009	Amended	Ch. 39 - 93
46-1202	Amended	Ch.127 - 348
46-1203	Amended	Ch.127 - 348
46-1204	Amended	Ch.127 - 348
46-1206	Amended	Ch.127 - 349
46-1207	Amended	Ch.127 - 349
TITLE 47		
47-1205	Referred to	Ch.239 - 721
TITLE 48		
48-608	Amended	Ch.257 - 749
TITLE 49		
49-102	Amended	Ch. 18 - 25
49-102	Amended	Ch.409 - 1125
49-102	Referred to	Ch.409 - 1135
49-104	Amended	Ch.330 - 902
49-104	Referred to	Ch.330 - 908
49-105	Amended	Ch.106 - 294
49-105	Amended	Ch.198 - 630
49-107	Amended	Ch.198 - 633
49-107	Referred to	Ch.198 - 638
49-110	Amended	Ch.194 - 608
49-114	Amended	Ch.198 - 634
49-114	Amended	Ch.409 - 1127
49-117	Referred to	Ch. 69 - 184
49-121	Amended	Ch.106 - 297
49-121	Referred to	Ch.106 - 300
49-123	Amended	Ch. 84 - 215
49-123	Amended	Ch.198 - 636
49-123	Amended	Ch.330 - 904
49-123	Referred to	Ch.330 - 908
49-202	Amended	Ch. 55 - 138

49-302	Amended	Ch.194 -	610
49-303	Amended	Ch. 63 -	155
49-303	Amended	Ch.194 -	611
49-304	Amended	Ch. 18 -	26
49-305	Amended	Ch.194 -	612
49-305	Referred to	Ch.194 -	609
49-306	Amended	Ch. 63 -	156
49-307	Amended	Ch.194 -	613
49-307	Referred to	Ch.194 -	608
49-319	Amended	Ch. 63 -	161
49-326A	Amended	Ch. 45 -	118
49-327	Amended	Ch. 18 -	27
49-328	Amended	Ch. 18 -	27
49-402	Amended	Ch.150 -	436
49-402	Amended	Ch.193 -	605
49-402	Amended	Ch.198 -	640
49-402	Amended	Ch.210 -	664
49-402	Amended	Ch.409 -	1129
49-402	Referred to	Ch.198 -	635
49-415E	New Section Added	Ch.193 -	606
49-417D	New Section Added	Ch.150 -	437
49-417E	New Section Added	Ch.210 -	666
49-418A	Amended	Ch. 13 -	17
49-420A	Amended	Ch. 14 -	20
49-426	Amended	Ch.409 -	1130
49-428	Amended	Ch.409 -	1132
49-432	Amended	Ch.336 -	924
49-443	Amended	Ch.409 -	1132
49-450	Referred to	Ch.409 -	1129
49-456	Amended	Ch.409 -	1134
49-501	Amended	Ch.106 -	300
49-501	Amended	Ch.198 -	642
49-524	Amended	Ch. 84 -	219
49-525	Amended	Ch. 84 -	220
49-658	New Section Added	Ch.372 -	1017
49-666	Amended	Ch.409 -	1135
Ch.9	Referred to	Ch.198 -	639
49-948	Amended	Ch.330 -	907
49-1004	Amended	Ch.156 -	447
49-1212	Referred to	Ch. 69 -	183
49-1222	Amended	Ch. 18 -	28
49-1606	Amended	Ch.106 -	300
49-1606	Amended	Ch.198 -	642
49-1608	Amended	Ch.106 -	301
49-1608	Amended	Ch.198 -	643
49-2443	Amended	Ch. 63 -	163
49-2444	Amended	Ch. 63 -	164
Ch.28	Referred to	Ch.137 -	396
49-2902	Amended	Ch. 27 -	51
49-2902	Amended	Ch.153 -	443
49-2903	Amended	Ch. 27 -	52
49-2904	Amended	Ch.154 -	444
49-2905	Amended	Ch. 27 -	53

TITLE 50		
50-222	Amended	Ch.118 - 327
50-343	Repealed	Ch.304 - 844
50-429	Referred to	Ch.410 - 1155
Ch.13	Referred to	Ch.410 - 1160
50-1303	Amended	Ch.378 - 1023
50-2903	Referred to	Ch.400 - 1094
50-2908	Amended	Ch.253 - 741
50-2908	Referred to	Ch.400 - 1094
50-3101	New Section Added	Ch.410 - 1140
50-3102	New Section Added	Ch.410 - 1140
50-3103	New Section Added	Ch.410 - 1143
50-3104	New Section Added	Ch.410 - 1144
50-3105	New Section Added	Ch.410 - 1146
50-3106	New Section Added	Ch.410 - 1147
50-3107	New Section Added	Ch.410 - 1148
50-3108	New Section Added	Ch.410 - 1148
50-3109	New Section Added	Ch.410 - 1150
50-3110	New Section Added	Ch.410 - 1153
50-3111	New Section Added	Ch.410 - 1154
50-3112	New Section Added	Ch.410 - 1155
50-3113	New Section Added	Ch.410 - 1157
50-3114	New Section Added	Ch.410 - 1157
50-3115	New Section Added	Ch.410 - 1158
50-3116	New Section Added	Ch.410 - 1159
50-3117	New Section Added	Ch.410 - 1159
50-3118	New Section Added	Ch.410 - 1160
50-3119	New Section Added	Ch.410 - 1160
50-3120	New Section Added	Ch.410 - 1160
50-3121	New Section Added	Ch.410 - 1160
TITLE 51		
51-109	Referred to	Ch. 76 - 202
51-109	Referred to	Ch.186 - 561
TITLE 52		
52-108	Referred to	Ch. 71 - 186
TITLE 53		
53-2-109	Referred to	Ch.176 - 484
Ch.5	Referred to	Ch.176 - 514
53-601	Repealed	Ch.176 - 522
53-602	Repealed	Ch.176 - 522
53-603	Repealed	Ch.176 - 522
53-605	Repealed	Ch.176 - 522
53-607	Repealed	Ch.176 - 522
53-608	Repealed	Ch.176 - 522
53-609	Repealed	Ch.176 - 522
53-610	Repealed	Ch.176 - 522
53-611	Repealed	Ch.176 - 522
53-612	Repealed	Ch.176 - 522
53-613	Repealed	Ch.176 - 522
53-615	Repealed	Ch.176 - 522
53-616	Repealed	Ch.176 - 522
53-617	Repealed	Ch.176 - 522
53-618	Repealed	Ch.176 - 522
53-619	Repealed	Ch.176 - 522

53-620	Repealed	Ch.176 -	522
53-621	Repealed	Ch.176 -	522
53-622	Repealed	Ch.176 -	522
53-623	Repealed	Ch.176 -	522
53-624	Repealed	Ch.176 -	522
53-625	Repealed	Ch.176 -	522
53-626	Repealed	Ch.176 -	522
53-627	Repealed	Ch.176 -	522
53-628	Repealed	Ch.176 -	522
53-629	Repealed	Ch.176 -	522
53-630	Repealed	Ch.176 -	522
53-631	Repealed	Ch.176 -	522
53-632	Repealed	Ch.176 -	522
53-633	Repealed	Ch.176 -	522
53-634	Repealed	Ch.176 -	522
53-635	Repealed	Ch.176 -	522
53-636	Repealed	Ch.176 -	522
53-637	Repealed	Ch.176 -	522
53-638	Repealed	Ch.176 -	522
53-639	Repealed	Ch.176 -	522
53-640	Repealed	Ch.176 -	522
53-641	Repealed	Ch.176 -	522
53-642	Repealed	Ch.176 -	522
53-643	Repealed	Ch.176 -	522
53-643A	Repealed	Ch.176 -	522
53-643B	Repealed	Ch.176 -	522
53-643C	Repealed	Ch.176 -	522
53-644	Repealed	Ch.176 -	522
53-645	Repealed	Ch.176 -	522
53-646	Repealed	Ch.176 -	522
53-647	Repealed	Ch.176 -	522
53-648	Repealed	Ch.176 -	522
53-649	Repealed	Ch.176 -	522
53-650	Repealed	Ch.176 -	522
53-651	Repealed	Ch.176 -	522
53-652	Repealed	Ch.176 -	522
53-653	Repealed	Ch.176 -	522
53-654	Repealed	Ch.176 -	522
53-655	Repealed	Ch.176 -	522
53-655A	Repealed	Ch.176 -	522
53-655B	Repealed	Ch.176 -	522
53-655C	Repealed	Ch.176 -	522
53-656	Repealed	Ch.176 -	522
53-657	Repealed	Ch.176 -	522
53-658	Repealed	Ch.176 -	522
53-659	Repealed	Ch.176 -	522
53-660	Repealed	Ch.176 -	522
53-660A	Repealed	Ch.176 -	522
53-661	Repealed	Ch.176 -	522
53-662	Repealed	Ch.176 -	522
53-663	Repealed	Ch.176 -	522
53-664	Repealed	Ch.176 -	522
53-665	Repealed	Ch.176 -	522
53-666	Repealed	Ch.176 -	522

53-667	Repealed	Ch.176 - 522
53-668	Repealed	Ch.176 - 522
53-669	Repealed	Ch.176 - 522
53-670	Repealed	Ch.176 - 522
53-671	Repealed	Ch.176 - 522
53-672	Repealed	Ch.176 - 522
TITLE 54		
Title 54	Referred to	Ch. 19 - 30
54-204	Amended	Ch.128 - 350
54-206	Amended	Ch.128 - 352
54-208	Amended	Ch.128 - 354
54-209	Amended	Ch.128 - 355
54-210	Amended	Ch.128 - 355
54-211	Amended	Ch.128 - 357
54-212	Amended	Ch.128 - 358
54-213	Amended	Ch.128 - 359
54-214	Amended	Ch.128 - 359
54-227	Amended	Ch.128 - 361
54-411	Amended	Ch.113 - 317
54-506	Amended	Ch.110 - 309
54-510	Amended	Ch.110 - 310
54-518	Amended	Ch.110 - 311
54-521	Amended	Ch.110 - 311
54-604	Amended	Ch. 16 - 22
54-802	Amended	Ch. 86 - 226
54-805	Amended	Ch. 86 - 228
54-808	Amended	Ch. 86 - 230
54-809	Amended	Ch. 86 - 232
54-810	Amended	Ch. 86 - 233
54-815	Amended	Ch. 86 - 233
54-816	Amended	Ch. 86 - 233
54-817	Amended	Ch. 86 - 234
54-818	Amended	Ch. 86 - 234
54-822	Amended	Ch. 86 - 235
54-831	Amended	Ch. 86 - 235
54-832	Amended	Ch. 86 - 236
54-834	Amended	Ch. 86 - 236
54-835	Amended	Ch. 86 - 236
54-936	New Section Added	Ch.170 - 470
54-1109	Amended	Ch.109 - 307
54-1142	Amended	Ch.186 - 585
54-1201	Amended	Ch.378 - 1024
54-1202	Amended	Ch.378 - 1024
54-1203	Amended	Ch.378 - 1028
54-1204	Amended	Ch.378 - 1028
54-1208	Amended	Ch.378 - 1029
54-1210	Amended	Ch.378 - 1030
54-1211	Amended	Ch.378 - 1030
54-1212	Amended	Ch.378 - 1030
54-1212	Amended	Ch.378 - 1033
	(as amended by Ch.125, Laws of 2002)	
	(as amended by Ch. 15, Laws of 2003)	
	(as amended by Ch. 84, Laws of 2004)	
54-1213	Amended	Ch.378 - 1035

54-1214	Amended	Ch.378 - 1036
54-1215	Amended	Ch.378 - 1037
54-1216	Amended	Ch.378 - 1038
54-1218	Amended	Ch.378 - 1039
54-1219	Amended	Ch.378 - 1040
54-1220	Amended	Ch.378 - 1040
54-1221	Amended	Ch.378 - 1041
54-1222	Amended	Ch.378 - 1041
54-1223	Amended	Ch.378 - 1042
54-1225	Amended	Ch.378 - 1043
54-1227	Amended	Ch.378 - 1043
54-1228	Amended	Ch.378 - 1044
54-1234	Amended	Ch.378 - 1044
54-1235	Amended	Ch.378 - 1044
54-1236	Amended	Ch.378 - 1046
54-1401	Amended	Ch. 67 - 172
54-1413	Amended	Ch. 67 - 173
54-1705	Amended	Ch. 51 - 124
54-1753	Amended	Ch.190 - 595
54-1904	Amended	Ch.254 - 744
54-2004	Amended	Ch.144 - 425
54-2016	Amended	Ch.142 - 407
54-2020	Amended	Ch.144 - 428
54-2022	Amended	Ch.142 - 409
54-2023	Amended	Ch.142 - 410
54-2027	Amended	Ch.142 - 412
54-2033	Amended	Ch.142 - 414
54-2083	Amended	Ch.298 - 834
54-2104	Amended	Ch.135 - 378
54-2105	Amended	Ch.135 - 381
54-2105	Amended	Ch.204 - 655
54-2510	Amended	Ch. 26 - 39
54-2602	Amended	Ch.381 - 1051
54-2702	Amended	Ch.100 - 282
54-2702	Amended	Ch.213 - 669
54-2703	Amended	Ch.100 - 282
54-2801	Amended	Ch.249 - 731
54-2806	Amended	Ch.249 - 731
54-2807	Amended	Ch.249 - 731
54-2809	Amended	Ch.249 - 732
54-2812	Amended	Ch.249 - 732
54-2813	Amended	Ch.249 - 733
54-2814	Amended	Ch.249 - 733
54-2815	Amended	Ch.249 - 734
54-2816	Amended	Ch.249 - 735
54-2817	Repealed	Ch.249 - 735
54-2908	Amended	Ch. 64 - 167
54-3101	Amended	Ch. 68 - 176
54-3102	Amended	Ch. 68 - 176
54-3103	Amended	Ch. 68 - 176
54-3104	Amended	Ch. 68 - 177
54-3105	Amended	Ch. 68 - 177
54-3106	Amended	Ch. 68 - 178
54-3107	Amended	Ch. 68 - 178

54-3108	Amended	Ch. 68 - 179
54-3109	Amended	Ch. 68 - 179
54-3110	Amended	Ch. 68 - 180
54-3111	Amended	Ch. 68 - 180
54-3112	Amended	Ch. 68 - 181
54-3113	Amended	Ch. 68 - 181
54-3114	Amended	Ch. 68 - 181
54-3115	Amended	Ch. 68 - 182
54-3116	Repealed	Ch. 68 - 182
54-3117	Amended	Ch. 68 - 182
54-3118	Amended	Ch. 68 - 182
54-3204	Amended	Ch. 15 - 21
54-3401	Amended	Ch. 87 - 237
54-3402	Amended	Ch. 87 - 238
54-3405B	New Section Added	Ch. 87 - 239
54-3408	Amended	Ch. 87 - 241
54-3414	Amended	Ch. 87 - 241
54-4107	Amended	Ch.108 - 306
54-4113	Amended	Ch.108 - 307
54-4207	Amended	Ch. 93 - 258
54-5001	Amended	Ch.255 - 747
54-5002	Amended	Ch.255 - 747
Ch.51	Referred to	Ch.406 - 1116
54-5108	Amended	Ch.406 - 1115
54-5206	Amended	Ch.107 - 304
TITLE 55		
55-111	Amended	Ch. 77 - 204
55-111A	New Section Added	Ch. 77 - 205
55-712A	Referred to	Ch. 76 - 202
55-712B	Referred to	Ch. 76 - 202
55-712B	Referred to	Ch.186 - 561
55-1603	Amended	Ch.378 - 1046
55-1608	Amended	Ch.378 - 1047
55-1612	Amended	Ch.378 - 1047
55-1613	Amended	Ch.378 - 1047
Ch.26	Referred to	Ch.116 - 322
Ch.26	Referred to	Ch.304 - 845
55-2601	Amended	Ch.318 - 879
55-2603	Amended	Ch.318 - 880
55-2604	Amended	Ch.318 - 880
55-2604	Referred to	Ch.304 - 845
55-2605	New Section Added	Ch.318 - 881
55-2606	New Section Added	Ch.318 - 881
55-2708	Amended	Ch.303 - 842
TITLE 56		
Ch.2	Referred to	Ch.147 - 432
56-209b	Referred to	Ch. 91 - 253
56-209d	Referred to	Ch. 91 - 253
56-209h	Amended	Ch.187 - 588
56-214	Amended	Ch.146 - 430
56-218	Amended	Ch.182 - 552
56-227	Amended	Ch.188 - 592
56-411	Referred to	Ch.316 - 878
56-1012	Referred to	Ch.369 - 1013

56-1054	Amended	Ch.364 - 996
56-1054	Repealed	Ch.364 - 999
56-1401	New Section Added	Ch. 91 - 253
56-1402	New Section Added	Ch. 91 - 253
56-1403	New Section Added	Ch. 91 - 253
56-1404	New Section Added	Ch. 91 - 254
56-1405	New Section Added	Ch. 91 - 255
56-1406	New Section Added	Ch. 91 - 255
56-1407	New Section Added	Ch. 91 - 256
56-1408	New Section Added	Ch. 91 - 256
56-1409	New Section Added	Ch. 91 - 256
56-1410	New Section Added	Ch. 91 - 257
TITLE 57		
Ch.1	Referred to	Ch.399 - 1089
57-815	Amended	Ch.205 - 659
57-823	New Section Added	Ch.218 - 676
57-1306	Amended	Ch.206 - 659
TITLE 58		
58-119A	New Section Added	Ch.371 - 1017
58-304	Amended	Ch. 27 - 54
58-307	Amended	Ch.103 - 285
58-307	Amended	Ch.115 - 319
58-330	Repealed	Ch.332 - 916
58-335A	Amended	Ch.382 - 1053
58-336	Referred to	Ch.410 - 1160
58-411	Amended	Ch.114 - 319
Ch.13	New Heading Added	Ch. 27 - 54
58-1308	Amended	Ch.334 - 919
TITLE 59		
Ch.2	Referred to	Ch.119 - 336
59-330	Referred to	Ch.332 - 917
59-502	Amended	Ch.220 - 680
59-509	Amended	Ch. 80 - 208
59-509	Referred to	Ch. 16 - 22
59-509	Referred to	Ch.107 - 305
Ch.7	Referred to	Ch.119 - 336
Ch.13	Referred to	Ch.119 - 339
Ch.13	Referred to	Ch.196 - 622
59-1302	Referred to	Ch.119 - 336
59-1311	Referred to	Ch.228 - 699
59-1356	Amended	Ch. 27 - 54
59-1374	Amended	Ch.119 - 339
59-1607	Amended	Ch.196 - 617
TITLE 60		
Ch.1	Referred to	Ch. 37 - 89
TITLE 61		
61-129	Referred to	Ch.410 - 1159
61-215	Amended	Ch.285 - 807
TITLE 63		
63-102	Amended	Ch.285 - 807
63-105A	Amended	Ch. 52 - 128
63-201	Amended	Ch. 53 - 131
63-201	Amended	Ch.400 - 1089
63-201	Referred to	Ch.389 - 1069

63-201	Referred to	Ch.397 - 1085
63-215	Amended	Ch. 7 - 8
63-215	Referred to	Ch.410 - 1144
63-218	Amended	Ch. 5 - 6
63-301	Referred to	Ch.234 - 713
63-301A	Referred to	Ch.234 - 713
63-301A	Referred to	Ch.327 - 898
63-313	Amended	Ch.400 - 1101
Ch.4	Referred to	Ch.400 - 1091
63-510	Amended	Ch. 53 - 134
63-510	Amended	Ch.400 - 1098
63-602B	Amended	Ch. 50 - 122
63-602C	Amended	Ch. 50 - 123
63-602G	Referred to	Ch.410 - 1142
63-602L	Referred to	Ch.400 - 1091
63-602JJ	Amended	Ch.227 - 699
63-602KK	New Section Added	Ch.400 - 1093
63-602NN	New Section Added	Ch.327 - 897
63-701	Amended	Ch.117 - 323
63-713	Amended	Ch.214 - 670
63-714	Amended	Ch.214 - 670
63-802	Amended	Ch.400 - 1102
63-802	Referred to	Ch.253 - 741
63-802	Referred to	Ch.397 - 1087
63-802A	Referred to	Ch.410 - 1157
63-803	Amended	Ch.253 - 742
63-803	Referred to	Ch.410 - 1158
63-811	Amended	Ch.253 - 743
63-901	Amended	Ch. 53 - 134
63-1305	Referred to	Ch.253 - 741
Ch.17	Referred to	Ch.400 - 1094
63-1703	Amended	Ch. 53 - 135
63-1703	Amended	Ch.400 - 1099
Ch.24	Referred to	SCR125 - 1175
63-2408	Amended	Ch. 31 - 63
63-2412	Referred to	Ch.360 - 989
Ch.25	Referred to	Ch.278 - 798
63-2503	Amended	Ch. 20 - 31
63-2506	Referred to	Ch.392 - 1078
63-2520	Referred to	Ch.393 - 1081
63-2551	Amended	Ch. 20 - 31
63-2552A	Referred to	Ch.392 - 1078
63-2552B	New Section Added	Ch. 20 - 32
63-2901	Repealed	Ch.390 - 1072
63-2902	Repealed	Ch.390 - 1072
63-2903	Repealed	Ch.390 - 1072
63-2904	Repealed	Ch.390 - 1072
63-2905	Repealed	Ch.390 - 1072
63-2906	Repealed	Ch.390 - 1072
63-2907	Repealed	Ch.390 - 1072
63-2908	Repealed	Ch.390 - 1072
63-2909	Repealed	Ch.390 - 1072
63-2910	Repealed	Ch.390 - 1072
Ch.30	Referred to	Ch.327 - 898

63-3004	Amended	Ch. 6 - 7
63-3004	Amended (as amended by Ch.6, Laws of 2008)	Ch.319 - 882
63-3004	Referred to	Ch. 49 - 122
63-3004	Referred to	Ch.400 - 1093
63-3006A	Amended	Ch.176 - 520
63-3022	Amended	Ch.261 - 756
63-3022H	Amended	Ch.314 - 873
63-3022O	Amended	Ch.319 - 882
63-3024A	New Section Added	Ch.316 - 876
63-3024A	Repealed	Ch.316 - 876
63-3029	Amended	Ch.315 - 874
63-3029B	Amended	Ch.319 - 883
63-3029B	Referred to	Ch.234 - 713
63-3029B	Referred to	Ch.327 - 898
63-3035	Amended	Ch. 9 - 10
63-3045	Referred to	Ch. 11 - 16
63-3067	Amended	Ch.390 - 1072
63-3067A	Amended	Ch.218 - 676
63-3067B	Amended	Ch. 17 - 23
63-3067B	Amended	Ch.218 - 677
63-3068	Amended	Ch. 10 - 13
63-3071	Amended	Ch. 5 - 7
63-3083	Amended	Ch. 8 - 9
63-3201 thru 63-3204	Referred to	Ch.338 - 928
63-3501	Amended	Ch.227 - 693
63-3502B	Amended	Ch.227 - 695
63-3503B	Amended	Ch.227 - 695
63-3504	Amended	Ch.227 - 696
63-3505	Amended	Ch.227 - 697
63-3506	Amended	Ch.227 - 697
63-3611	Amended	Ch. 49 - 120
63-3615A	New Section Added	Ch. 49 - 121
63-3622D	Amended	Ch.233 - 710
63-3622K	Amended	Ch.176 - 520
63-3622N	Amended	Ch. 19 - 29
63-3622O	Amended	Ch.172 - 472
63-3622O	Referred to	Ch.119 - 336
63-3622R	Amended	Ch.409 - 1135
63-3622HH	Amended	Ch.106 - 302
63-3622QQ	Amended	Ch.227 - 697
63-3622QQ	Referred to	Ch.115 - 320
63-3622UU	New Section Added	Ch. 92 - 258
63-3638	Amended	Ch.400 - 1094
63-3638	Referred to	Ch.391 - 1075
63-3638	Referred to	Ch.400 - 1094
63-4401	Amended	Ch.390 - 1073
63-4402	Amended	Ch. 90 - 250
63-4406	Amended	Ch.390 - 1073
63-4501	New Section Added	Ch.234 - 712
63-4502	New Section Added	Ch.234 - 712
TITLE 65		
65-209	New Section Added	Ch. 17 - 24

65-209	Referred to	Ch. 17 - 24
TITLE 66		
66-317	Amended	Ch.331 - 910
66-328	Amended	Ch.331 - 912
66-329	Amended	Ch.331 - 912
66-329	Referred to	HCR 58 - 1205
66-338	Repealed	Ch.331 - 916
66-339	Repealed	Ch.331 - 916
66-339A	Repealed	Ch.331 - 916
66-339B	Repealed	Ch.331 - 916
66-339C	Repealed	Ch.331 - 916
66-342	Repealed	Ch.331 - 916
66-405	Amended	Ch. 74 - 198
66-415	New Section Added	Ch. 73 - 194
66-416	New Section Added	Ch. 73 - 194
66-417	New Section Added	Ch. 73 - 194
Ch.9	Referred to	Ch.387 - 1066
Ch.13	Referred to	HCR 58 - 1205
66-1301	Referred to	HCR 58 - 1205
66-1305	Referred to	HCR 58 - 1205
66-1312	Referred to	HCR 58 - 1205
TITLE 67		
67-450B	Referred to	Ch.383 - 1056
67-1210	Referred to	Ch.350 - 966
67-1405	Referred to	Ch.197 - 629
67-1605	Amended	Ch. 85 - 222
67-2008	Referred to	Ch. 80 - 209
Ch.23	Referred to	Ch.119 - 336
Ch.23	Referred to	Ch.135 - 382
67-2320	Referred to	Ch.274 - 781
67-2320	Referred to	Ch.410 - 1147
67-2326 thru 67-2333	Referred to	Ch.368 - 1008
67-2326 thru 67-2333	Referred to	Ch.410 - 1146
67-2328	Referred to	Ch.399 - 1089
67-2340 thru 67-2347	Referred to	Ch. 35 - 70
67-2402	Referred to	Ch.119 - 333
67-2601	Amended	Ch. 27 - 56
67-2614	Referred to	Ch. 68 - 179
67-2614	Referred to	Ch.249 - 735
67-2702	Referred to	Ch.347 - 944
Ch.28	Referred to	Ch.400 - 1094
Ch.28	Referred to	Ch.410 - 1147
67-2901	Amended	Ch. 85 - 223
67-2901B	Amended	Ch.155 - 445
67-3010	Amended	Ch. 48 - 120
Ch.35	Referred to	Ch.338 - 928
67-3511	Referred to	Ch.268 - 771
67-3511	Referred to	Ch.269 - 773
67-3511	Referred to	Ch.270 - 774
67-3511	Referred to	Ch.277 - 791
67-3511	Referred to	Ch.324 - 894

67-3511	Referred to	Ch.326 - 897
67-3511	Referred to	Ch.352 - 972
67-3511	Referred to	Ch.354 - 976
67-3511	Referred to	Ch.355 - 979
67-3511	Referred to	Ch.357 - 982
67-3511	Referred to	Ch.358 - 984
67-3512A	Referred to	Ch.316 - 878
67-3516	Referred to	Ch.268 - 770
67-3516	Referred to	Ch.338 - 928
67-3531	Referred to	Ch.221 - 681
67-3531	Referred to	Ch.343 - 934
Ch.36	Referred to	Ch.338 - 928
67-4002	Referred to	SCR125 - 1175
67-4727	Amended	Ch. 27 - 57
67-4728	New Section Added	Ch.350 - 965
Ch.52	Referred to	Ch. 81 - 211
Ch.52	Referred to	Ch.112 - 315
Ch.52	Referred to	Ch.125 - 346
Ch.52	Referred to	Ch.187 - 591
Ch.52	Referred to	Ch.278 - 798
Ch.52	Referred to	Ch.334 - 919
Ch.52	Referred to	Ch.347 - 944
Ch.52	Referred to	Ch.350 - 966
Ch.52	Referred to	Ch.386 - 1061
67-5201	Referred to	Ch.386 - 1061
67-5202	Amended	Ch.183 - 555
67-5205	Amended	Ch. 13 - 18
67-5223	Amended	Ch.183 - 555
67-5224	Referred to	SCR138 - 1184
67-5224	Referred to	SCR140 - 1187
67-5247	Referred to	Ch.311 - 860
67-5247	Referred to	Ch.347 - 952
67-5291	Referred to	Ch.386 - 1061
67-5292	Referred to	Ch.386 - 1061
Ch.53	Referred to	Ch. 97 - 264
Ch.53	Referred to	Ch.119 - 335
Ch.53	Referred to	Ch.204 - 658
67-5302	Amended	Ch.138 - 396
67-5302	Amended	Ch.196 - 619
67-5302	Referred to	Ch.196 - 618
67-5303	Amended	Ch. 89 - 247
67-5314	Referred to	Ch.341 - 932
67-5328	Amended	Ch.196 - 623
67-5333	Amended	Ch.196 - 625
67-5334	Amended	Ch.196 - 627
Ch.57	Referred to	Ch.119 - 334
67-5708	Referred to	SCR124 - 1174
67-5710	Referred to	Ch.274 - 781
67-5711	Referred to	Ch.338 - 928
67-5711D	Amended	Ch.366 - 1001
67-5711F	New Section Added	Ch. 54 - 137
67-5745D	New Section Added	Ch.260 - 754
67-5771	Referred to	HCR 49 - 1197
67-5779	New Section Added	Ch.332 - 917

67-5780	New Section Added	Ch.332 - 917
67-5781	New Section Added	Ch.332 - 917
67-5782	New Section Added	Ch.332 - 918
Ch.64	Referred to	Ch.274 - 781
67-6404	Referred to	HCR 58 - 1205
67-6410	Referred to	HCR 58 - 1206
67-6410	Referred to	SCR133 - 1180
Ch.65	Referred to	Ch.410 - 1140
Ch.65	Referred to	Ch.410 - 1160
67-6501	Referred to	Ch.410 - 1140
67-6511A	Referred to	Ch.410 - 1142
67-6531	Amended	Ch.123 - 342
67-6532	Amended	Ch.123 - 342
67-6602	Amended	Ch.306 - 847
67-6619	New Section Added	Ch.306 - 850
67-6619	Repealed	Ch.306 - 850
67-7101	Amended	Ch.409 - 1136
67-7101	Referred to	Ch.198 - 635
67-7114	Amended	Ch.409 - 1137
67-7122	Amended	Ch.409 - 1138
67-7123	Amended	Ch.409 - 1139
67-7410	Amended	Ch. 40 - 95
67-7428	Referred to	Ch.174 - 477
67-7439	Referred to	Ch.392 - 1078
67-7702	Amended	Ch. 43 - 99
67-7709	Amended	Ch. 43 - 102
67-7711	Amended	Ch. 43 - 104
67-7903	Amended	Ch. 27 - 58
Ch.82	Referred to	Ch.410 - 1140
67-8203	Amended	Ch.389 - 1068
67-8203	Referred to	Ch.410 - 1141
67-8209	Referred to	Ch.410 - 1160
67-8214	Referred to	Ch.410 - 1160
67-8302	Amended	Ch.208 - 661
67-8716	Amended	Ch.407 - 1116
67-8725	Amended	Ch.407 - 1117
67-8727	Amended	Ch.407 - 1120
67-8728	Repealed	Ch.407 - 1123
Ch.91	Referred to	Ch.318 - 880
67-9101	New Section Added	Ch.116 - 322
67-9102	New Section Added	Ch.116 - 322
67-9103	New Section Added	Ch.116 - 323
67-9104	New Section Added	Ch.116 - 323
67-9105	New Section Added	Ch.116 - 323
TITLE 72		
72-102	Amended	Ch.369 - 1009
72-205	Amended	Ch.369 - 1013
72-409	Referred to	Ch.369 - 1015
72-419	Amended	Ch.369 - 1014
72-503	Amended	Ch.285 - 808
72-1315	Amended	Ch. 44 - 106
72-1316	Amended	Ch. 44 - 108
72-1333	Amended	Ch. 97 - 263
72-1342	Amended	Ch. 99 - 270

72-1345A	New Section Added	Ch. 97 - 264
72-1346	Referred to	Ch.288 - 813
72-1349A	Referred to	Ch.363 - 993
72-1351	Amended	Ch. 44 - 110
72-1351A	Amended	Ch. 44 - 113
72-1366	Amended	Ch. 99 - 271
72-1372	Amended	Ch. 44 - 116
72-1372	Amended	Ch. 99 - 276
72-1374	Amended	Ch. 99 - 277
TITLE 73		
73-108	Referred to	Ch.144 - 425
73-114	Referred to	Ch.186 - 561

IDAHO CONSTITUTION

Article I, Sec.11	Referred to	Ch.304 - 845
Article IV, Sec.20	Referred to	Ch.119 - 333
Article VIII, Sec. 1	Referred to	Ch.231 - 703
Article VIII, Sec. 3	Referred to	Ch.410 - 1153

LAWS OF 1997

Ch.303, Sec.2	Amended (as amended by Ch.197, Laws of 1999) (as amended by Ch.100, Laws of 2004)	Ch.102 - 285

LAWS OF 2003

HCR 30	Referred to	SCR136 - 1182

LAWS OF 2006

Ch.436, Sec. 2	Referred to	Ch.286 - 810
Ch.455, Sec. 4	Referred to	Ch.279 - 800
Ch.455, Sec. 4	Referred to	Ch.290 - 817
Ch.455, Sec. 6	Referred to	Ch.279 - 800
Ch.455, Sec. 6	Referred to	Ch.290 - 817

LAWS OF 2007

Ch.145, Sec. 1	Referred to	Ch.121 - 341
Ch.153, Sec. 1	Referred to	Ch.279 - 800
Ch.153, Sec. 5	Referred to	Ch.279 - 799
Ch.156, Sec. 1	Referred to	Ch.292 - 819
Ch.176, Sec. 1	Referred to	Ch.235 - 716
Ch.177, Sec. 1	Referred to	Ch. 1 - 3
Ch.207, Sec. 1	Referred to	Ch.247 - 728
Ch.209, Sec. 1	Referred to	Ch.243 - 724
Ch.211, Sec. 1	Referred to	Ch.245 - 726

Ch.214, Sec. 1	Referred to	Ch.282	- 802
Ch.217, Sec. 1	Referred to	Ch. 79	- 206
Ch.217, Sec. 1	Referred to	Ch.346	- 936
Ch.217, Sec. 5	Referred to	Ch.346	- 936
Ch.217, Sec. 8	Amended	Ch. 79	- 207
Ch.230, Sec. 2	Amended	Ch. 4	- 4
Ch.230, Sec. 3	Amended	Ch. 4	- 5
Ch.230, Sec. 3	Referred to	Ch.141	- 406
Ch.231, Sec. 1	Referred to	Ch. 95	- 262
Ch.232, Sec. 1	Amended	Ch. 12	- 17
Ch.233, Sec. 1	Referred to	Ch.272	- 779
Ch.235, Sec. 1	Amended	Ch.167	- 466
Ch.236, Sec. 1	Amended	Ch.168	- 467
Ch.236, Sec. 3	Amended	Ch.168	- 468
Ch.266, Sec. 1	Referred to	Ch.395	- 1083
Ch.267, Sec. 1	Referred to	Ch.173	- 476
Ch.268, Sec. 1	Amended	Ch. 21	- 33
Ch.268, Sec. 2	Amended	Ch. 21	- 34
Ch.274, Sec. 1	Referred to	Ch. 96	- 263
Ch.294, Sec. 1	Amended	Ch.166	- 465
Ch.295, Sec. 1	Amended	Ch.164	- 463
Ch.295, Sec. 3	Amended	Ch.164	- 463
Ch.299, Sec. 2	Amended	Ch. 29	- 62
Ch.301, Sec. 1	Amended	Ch. 82	- 211
Ch.301, Sec. 3	Amended	Ch. 82	- 211
Ch.301, Sec. 5	Amended	Ch. 82	- 212
Ch.302, Sec. 1	Amended	Ch.165	- 464
Ch.302, Sec. 3	Amended	Ch.165	- 464
Ch.304, Sec. 1	Amended	Ch.267	- 767
Ch.321, Sec. 1	Referred to	Ch. 29	- 61
Ch.322, Sec. 1	Referred to	Ch. 2	- 3
Ch.324, Sec. 1	Referred to	Ch.293	- 821
Ch.332, Sec. 1	Referred to	Ch.290	- 817
Ch.333, Sec. 1	Referred to	Ch.273	- 780
Ch.344, Sec. 1	Referred to	Ch.338	- 928
Ch.344, Sec. 6	Referred to	Ch.338	- 928
Ch.349, Sec. 1	Referred to	Ch. 30	- 63
Ch.352, Sec. 7	Referred to	Ch.391	- 1077
Ch.363, Sec. 2	Referred to	Ch.367	- 1006
Ch.363, Sec.11	Referred to	Ch.367	- 1006
Ch.367, Sec. 1	Referred to	Ch. 3	- 4
Ch.367, Sec. 1	Referred to	Ch.325	- 894
H 249	Referred to	SCR125	- 1175
S1210	Referred to	SCR135	- 1180

LAWS OF 2008

H 613, Sec. 1	Referred to	Ch.395	- 1082
H 645, Sec. 1	Referred to	Ch.375	- 1019
H 645, Sec. 2	Referred to	Ch.375	- 1019
S1480, Sec. 1	Referred to	Ch.394	- 1081
S1493, Sec. 1	Referred to	Ch.375	- 1019
S1493, Sec. 2	Referred to	Ch.375	- 1019

RULES

Agriculture, Department of
IDAPA 02.03.01
Sec.102 Rejected ..... HCR 44 - 1193
Building Safety, Division of
IDAPA 07.02.05 Rejected ..... HCR 53 - 1201
IDAPA 07.03.01 Rejected ..... SCR139 - 1185
Commerce, Department of
IDAPA 28.02.03
Sec.222
Subsection 02.d Rejected ..... HCR 47 - 1195
Subsection 02.e Rejected ..... HCR 47 - 1195
Drinking Water and Wastewater Professionals, Board of
IDAPA 24.05.01
Sec.300
Subsection 02 Rejected ..... HCR 39 - 1192
Education, State Board of
IDAPA 08.02.03 Referred to ..... Ch.363 - 994
IDAPA 08.02.03
Sec.106 Referred to ..... Ch.392 - 1080
Environmental Quality, Department of
IDAPA 58.01.01
Sec. 556 Referred to ..... Ch. 71 - 187
Health and Welfare, Department of
IDAPA 16.03.08 Rejected ..... SCR126 - 1176
Human Resources, Division of
IDAPA 15.04.01 Rejected ..... HCR 46 - 1194
Insurance, Department of
IDAPA 18.01.44 Rejected ..... SCR138 - 1184
Juvenile Corrections, Department of
IDAPA 05.01.03
Sec.102
Subsection 01.a Rejected ..... HCR 38 - 1191
Subsection 02.c Rejected ..... HCR 38 - 1191
Lands, Department of
IDAPA 20.03.04 Approved ..... SCR140 - 1186
IDAPA 20.03.04 Rejected ..... SCR138 - 1184
Occupational Licenses, Bureau of
IDAPA 24.24.01 Rejected ..... SCR138 - 1184
Parks and Recreation, Department of
IDAPA 26.01.30 Rejected ..... HCR 37 - 1191
Real Estate Commisstion, Idaho
IDAPA 33.01.01
Sec.500
Subsection 08 Rejected ..... SCR131 - 1179
Water Resources, Department of
IDAPA 37.03.01 Rejected ..... SCR138 - 1184

ACTS

Community Infrastructure District Act
Referred to ..... Ch.410 - 1140

Consumer Foreclosure Protection Act
Referred to ..... Ch.192 - 601
Credit Report Protection Act
Referred to ..... Ch.177 - 523
Energy Efficient State Buildings Act
Referred to ..... Ch.274 - 780
Idaho Hospital Assessment Act
Referred to ..... Ch. 91 - 253
Idaho Invasive Species Act of 2008
Referred to ..... Ch.387 - 1062
Idaho Outdoor Sport Shooting Range Act
Referred to ..... Ch.116 - 322
Idaho Uniform Limited Liability Company Act
Referred to ..... Ch.176 - 480
New Capital Investments Incentive Act
Referred to ..... Ch.234 - 712
Public Adjuster Licensing Act
Referred to ..... Ch.179 - 532
Reduced Cigarette Ignition Propensity Act
Referred to ..... Ch.278 - 792
Uniform Mediation Act
Referred to ..... Ch. 35 - 67
Uniform Power of Attorney Act
Referred to ..... Ch.186 - 560

FEDERAL LAWS

6 CFR 37 Referred to ..... Ch.385 - 1060
42 CFR 447.272
Referred to ..... Ch. 91 - 253
42 CFR 447.321
Referred to ..... Ch. 91 - 253
49 CFR 500 thru 599
Referred to ..... Ch.198 - 634
Carl D. Perkins Career and Technical Education Act of 2006
Referred to ..... Ch. 97 - 264
College Opportunity and Affordability Act of 2007
Referred to ..... SJM109 - 1162
Electronic Signatures in Global and National Commerce Act
Sec. 101(c) Referred to ..... Ch. 35 - 71
Electronic Signatures in Global and National Commerce Act
Sec. 101(c) Referred to ..... Ch.176 - 518
Electronic Signatures in Global and National Commerce Act
Sec. 101(c) Referred to ..... Ch.186 - 585
Electronic Signatures in Global and National Commerce Act
Sec. 103(b) Referred to ..... Ch. 35 - 71
Electronic Signatures in Global and National Commerce Act
Sec. 103(b) Referred to ..... Ch.176 - 518
Electronic Signatures in Global and National Commerce Act
Sec. 103(b) Referred to ..... Ch.186 - 585
Emergency Supplemental Appropriations Act for Defense, the
Global War on Terror, and Tsunami Relief Act
Referred to ..... Ch.385 - 1058

Employee Retirement Income Security Act of 1974
Referred to ..... Ch.147 - 432
Fair Debt Collection Practices Act
Referred to ..... Ch.347 - 943
Fair Labor Standards Act
Referred to ..... Ch.196 - 619
Health Insurance Portability and Accountability Act
Referred to ..... Ch.186 - 562
Internal Revenue Code
Referred to ..... Ch. 6 - 7
Internal Revenue Code, Sec. 2(c)
Referred to ..... Ch.117 - 325
Internal Revenue Code, Sec. 151
Referred to ..... Ch.316 - 877
Internal Revenue Code, Sec. 168
Referred to ..... Ch.319 - 885
Internal Revenue Code, Sec. 267
Referred to ..... Ch. 20 - 32
Internal Revenue Code, Sec. 267
Referred to ..... Ch. 49 - 121
Internal Revenue Code, Sec. 267
Referred to ..... Ch.400 - 1093
Internal Revenue Code, Sec. 318
Referred to ..... Ch. 49 - 121
Internal Revenue Code, Sec. 401
Referred to ..... Ch.186 - 578
Internal Revenue Code, Sec. 403
Referred to ..... Ch.186 - 578
Internal Revenue Code, Sec. 408
Referred to ..... Ch.186 - 578
Internal Revenue Code, Sec. 408A
Referred to ..... Ch.186 - 578
Internal Revenue Code, Sec. 409A
Referred to ..... Ch.186 - 578
Internal Revenue Code, Sec. 457
Referred to ..... Ch.186 - 578
Internal Revenue Code, Sec. 501(c)(3)
Referred to ..... Ch. 83 - 213
Internal Revenue Code, Sec. 529
Referred to ..... Ch.186 - 579
Internal Revenue Code, Sec. 529
Referred to ..... Ch.275 - 784
Internal Revenue Code, Sec. 1563
Referred to ..... Ch. 49 - 121
Internal Revenue Code, Sec. 2032A
Referred to ..... Ch.186 - 578
Internal Revenue Code, Sec. 2503
Referred to ..... Ch.186 - 579
Internal Revenue Code, Sec. 2513
Referred to ..... Ch.186 - 579
Internal Revenue Code, Sec. 7703(b)
Referred to ..... Ch.117 - 325
Investment Company Act of 1940
Referred to ..... Ch.275 - 784

McCarran-Ferguson Act of 1945
Referred to ..... SJM114 - 1166
Morrill Act Referred to ..... Ch.338 - 928
National Insurance Act of 2007
Referred to ..... SJM114 - 1166
P.L. 106-393 Referred to ..... Ch.384 - 1057
P.L. 109-13 Referred to ..... Ch.385 - 1058
P.L. 110-77 Referred to ..... Ch.338 - 928
REAL ID Act of 2005
Referred to ..... Ch.385 - 1058
Secure Rural Schools and Community Self-Determination Act of 2002 Referred to ..... Ch.384 - 1057
Securities Act of 1933
Referred to ..... Ch.275 - 784
Social Security Act, Sec. 903
Referred to ..... Ch.288 - 813
Social Security Act, Sec. 1171 thru 1179
Referred to ..... Ch.186 - 562
Social Security Act, Title IV, Part D
Referred to ..... Ch.177 - 526
Social Security Act, Title XIX
Referred to ..... Ch. 91 - 257
Trust Indenture Act of 1939
Referred to ..... Ch.275 - 784
7 USC 301 et seq.
Referred to ..... Ch.338 - 928
10 USC 1044 b Referred to ..... Ch.186 - 562
15 USC 1681 a Referred to ..... Ch.177 - 523
15 USC 1681 b Referred to ..... Ch.177 - 525
15 USC 1681 h Referred to ..... Ch.177 - 523
15 USC 1692 et seq.
Referred to ..... Ch.347 - 938
15 USC 6804 Referred to ..... Ch.177 - 523
15 USC 7001 et seq.
Referred to ..... Ch. 35 - 71
15 USC 7001 et seq.
Referred to ..... Ch.176 - 518
15 USC 7001 et seq.
Referred to ..... Ch.186 - 585
15 USC 7003 Referred to ..... Ch.186 - 585
20 USC 2328(c)
Referred to ..... Ch. 97 - 264
26 USC 401 Referred to ..... Ch.186 - 578
26 USC 403 Referred to ..... Ch.186 - 578
26 USC 408 Referred to ..... Ch.186 - 578
26 USC 408 A Referred to ..... Ch.186 - 578
26 USC 409 A Referred to ..... Ch.186 - 578
26 USC 457 Referred to ..... Ch.186 - 578
26 USC 529 Referred to ..... Ch.186 - 579
26 USC 529 Referred to ..... Ch.275 - 783
26 USC 2032 A Referred to ..... Ch.186 - 578
26 USC 2503 Referred to ..... Ch.186 - 579
26 USC 2513 Referred to ..... Ch.186 - 579

29 USC 201 et seq.
Referred to ..... Ch.196 - 619
42 USC 415 Referred to ..... Ch.214 - 670
42 USC 1320 d thru 1320d-8
Referred to ..... Ch.186 - 562
42 USC 1382 c Referred to ..... Ch.182 - 550
Wild and Scenic Rivers Act
Referred to ..... HJM 11 - 1172

UNITED STATES CONSTITUTION

Amendment 2 Referred to ..... Ch.304 - 845
Amendment 10 Referred to ..... Ch.385 - 1060
Section 4, Article 4 Referred to ..... SJM111 - 1163

FEDERAL LEGISLATION

H.R. 3200 Referred to ..... SJM114 - 1166
H.R. 4137 Referred to ..... SJM109 - 1162
S. 40 Referred to ..... SJM114 - 1166

MISCELLANEOUS

Idaho Rules of Civil Procedure, Rule 16(j)
Referred to ..... Ch. 35 - 70
Idaho Rules of Civil Procedure, Rule 45(e)(1)
Referred to ..... Ch.112 - 315
Idaho Rules of Civil Procedure, Rule 45(e)(2)
Referred to ..... Ch.112 - 315
Idaho Rules of Civil Procedure, Rule 45(g)
Referred to ..... Ch.112 - 315

NUMERICAL LIST OF SENATE BILLS

that became law with a brief synopsis and the chapter number of each bill

		Chapter	Page
S 1246	Jury, 1st degree murder case	Ch. 22	35
S 1247	Theft, property, unlawful retention	Ch. 23	35
S 1248	Supreme Court, justice pro tem	Ch. 34	66
S 1250	Emloyment security, covered employer	Ch. 44	106
S 1251	Real estate brokers, courses	Ch.142	407
S 1252aa	State employees, comp time	Ch.196	617
S 1253	Securities Act, exempt transactions	Ch.143	415
S 1256aa	Idaho Career Information System	Ch. 97	263
S 1257	Real estate, education providers	Ch.144	424
S 1259	College of Idaho, name change	Ch. 13	17
S 1260	Dogfight, exhibitions, felony	Ch. 32	64
S 1261	Uniform mediation act	Ch. 35	66
S 1262	Idaho Entity Transaction Act, revised	Ch. 36	72
S 1265	F&G, archery, disabled persons	Ch. 58	148
S 1267	Hunting license, small game, nonres	Ch. 59	148
S 1268	F&G, winter feeding advisory comm	Ch. 72	191
S 1269	Hunting license, youth	Ch. 98	265
S 1270	Court of appeals, judges, number	Ch. 24	36
S 1271	Law library, location	Ch. 25	38
S 1272	District court reporters, salary	Ch. 33	64
S 1273	Animals, cruelty	Ch. 47	119
S 1274	Search/rescue, responsibility	Ch. 39	93
S 1282	Lottery, criminal history checks	Ch. 40	95
S 1284	Horse racing winner, certain, bonus	Ch. 26	38
S 1287	Juveniles, sentencing	Ch. 41	95
S 1288	District magistrate comm, members	Ch. 38	89
S 1306	MV, liability release statement fee	Ch. 55	138
S 1307	Driver license, judicial suspension	Ch. 45	118
S 1308	Approp, Commerce Dept, add'l	Ch. 3	4
S 1309	Approp, Self-Governing Agcy, amended	Ch. 4	4
S 1311	Unemployment info, not disclosed	Ch. 99	270
S 1317	Parolee release date, weekend	Ch. 42	99
S 1318aa	Correction Bd, compensation	Ch. 80	207
S 1319	Juvenile, correction employee, contact	Ch. 60	150
S 1320	Prisoners, medical services	Ch. 61	153
S 1321aa	State publications, digital repository	Ch. 81	209
S 1322	Bingo/raffles, accounting, records	Ch. 43	99
S 1324aa	Nonprobate transfer/community property	Ch.175	477

		Chapter - Page
S 1325	Conservators, appointment, priority	Ch.145 - 429
S 1326	Guardian/conservator, jurisdiction	Ch. 73 - 192
S 1327	Guardian, appointment/duties	Ch. 74 - 194
S 1328	Testacy proceedings, notice	Ch. 75 - 200
S 1331	Public assistance, asset transfer	Ch.146 - 430
S 1333	Wills, self-made, execution	Ch. 76 - 202
S 1334	Property, power of alienation	Ch. 77 - 204
S 1335	Uniform Power of Attorney Act	Ch.186 - 559
S 1337	County, balance sheet, summary	Ch. 37 - 88
S 1338	Codifier corrections	Ch. 27 - 39
S 1339aa,aaH	Public moneys, misuse, penalty	Ch.238 - 718
S 1340	Public assistance pymts, recovery	Ch.187 - 588
S 1341	Public assistance, fraud control prog ...	Ch.188 - 591
S 1342	Marriage, who may solemnize	Ch. 46 - 118
S 1343	Child support, insurance, costs	Ch.328 - 899
S 1344aa	Insurers, cooperate H&W Dept, when	Ch.147 - 432
S 1346	Approp, fire/pest/hazardous substance ...	Ch. 28 - 60
S 1347	Approp, Water Resources Dept, add'l	Ch. 29 - 61
S 1348	Water rights, mining, nonuse	Ch.239 - 719
S 1349	Public funds, misuse	Ch. 56 - 143
S 1350	Uniform limited liability company	Ch.176 - 479
S 1352	Water, notice of claims, fees	Ch.148 - 433
S 1354	Water, N Idaho, adjudication	Ch.149 - 434
S 1355	Attachment, MV, value	Ch. 57 - 146
S 1356aaH	Sheriff, qualification, training	Ch.329 - 901
S 1357	Personal identifying info, missapprop ...	Ch. 78 - 205
S 1358	Approp, Education Dept, add'l	Ch. 30 - 62
S 1359	License plate, rangeland, created	Ch.150 - 436
S 1361aa,aaH	Speed limit, school zones	Ch.372 - 1017
S 1362	Judge/correction officer/etc, assault ...	Ch.151 - 438
S 1363	Medical services, indigent, residence ...	Ch.189 - 593
S 1370aaH	Sexual conduct, child witness, penalty ..	Ch.240 - 721
S 1371	Crime victim, certain, restitution	Ch.152 - 440
S 1372aaH	Scrap dealers, violations, penalty	Ch.100 - 282
S 1373	Property damage, grizzly bear	Ch.101 - 283
S 1374aaH	Black bear/mtn lion/wolf, depredation ...	Ch.294 - 821
S 1377	Wholesale drug dist license	Ch.190 - 595
S 1379aa,aa	MV, tire chains, required, when	Ch.330 - 902
S 1380aa	Credit Report Protection Act	Ch.177 - 522
S 1382	Liquor license, fees	Ch.178 - 529
S 1384	Health dist bds, powers/duties	Ch.231 - 701
S 1387	Rural economic dvlp/freight transp	Ch.153 - 442
S 1388	Rural economic dvlp/freight transp	Ch.154 - 444
S 1389	Motor carrier, wet concrete	Ch.155 - 445
S 1390	Motor carriers/pilot project routes	Ch.156 - 447
S 1393	Business interests, protection	Ch.295 - 823
S 1394	Insurance, dependent, age	Ch.296 - 825
S 1395	Individual high-risk insurance pool	Ch.297 - 830
S 1397aa	Public adjuster licensing act	Ch.179 - 531
S 1398aa	Reduced cigarette ignition propensity ...	Ch.278 - 791
S 1401	Real estate license law, definitions	Ch.298 - 834
S 1403aa	Charter school petition, due diligence ..	Ch.157 - 450

		Chapter - Page
S 1325	Conservators, appointment, priority	Ch.145 - 429
S 1405	School dist property/charter school	Ch.191 - 598
S 1407	Scholarship, armed forces, disabled	Ch.185 - 557
S 1410	Schools, experience/educ multiplier	Ch.158 - 455
S 1413aa,aaH	Liquor license, certain, revised	Ch.405 - 1110
S 1414aa	Winery/vintner, financial interests	Ch.180 - 544
S 1415aa	Winery, definition	Ch.181 - 546
S 1418	Water rights, N Idaho adjudication	Ch.159 - 456
S 1419	Estate, homestead allowance	Ch.182 - 548
S 1420aa	Defribrillator, use, liability	Ch.299 - 836
S 1422aa	Death penalty, notice, intent to seek ...	Ch.300 - 837
S 1424	Irrigation dist, local improvemnt dist ..	Ch.301 - 838
S 1425aaH	Naturopath license bd, members	Ch.406 - 1114
S 1426aaH	Mentally ill, care/commitment	Ch.331 - 910
S 1428	School dist audit reports, due date	Ch.160 - 457
S 1429	Higher educ bldgs, prior authorizion	Ch.161 - 461
S 1431aa	Consumer foreclosure protection act	Ch.192 - 601
S 1432	Sheriff, state service, compensation	Ch.302 - 841
S 1433aa	Floating homes, rental rates	Ch.303 - 842
S 1434	Admin rules, coordinator, authority	Ch.183 - 554
S 1435aa	Intergrated property records systm	Ch.332 - 916
S 1438aa	Conducted energy device, possession	Ch.333 - 918
S 1439	Approp, Public Utilities Comm	Ch.162 - 461
S 1440	License plate/2009 Special Olympics	Ch.193 - 604
S 1441	Firearms, regulation	Ch.304 - 844
S 1442	Driver instruction permits	Ch.194 - 607
S 1443	Schools, pupils, medication	Ch.305 - 846
S 1444aa	Volunteer emergency responder/disabled ..	Ch.369 - 1009
S 1445	Approp, Aging Comm	Ch.163 - 462
S 1446	Lobbyists, reporting	Ch.306 - 846
S 1449aa	Navigational encroachment, pnlty	Ch.334 - 919
S 1450	School dist property, transfer	Ch.307 - 853
S 1451	Approp, H&W, developmentally disabled ...	Ch.164 - 462
S 1452	Approp, H&W, childrens mental health	Ch.165 - 464
S 1453	Approp, H&W, psychiatric hosp, add'l	Ch. 82 - 211
S 1454	Approp, H&W, substance abuse, add'l	Ch.166 - 465
S 1455	Ski resort, liquor license	Ch.335 - 920
S 1456	Approp, H&W, Indirect Support, add'l	Ch.167 - 466
S 1457	Approp, H&W, Public health serv, add'l ..	Ch.168 - 467
S 1458	Approp, Drug Policy Office, add'l	Ch.224 - 688
S 1459	Approp, Juvenile Corrections Dept	Ch.169 - 469
S 1460	MV, temporary trip permits	Ch.336 - 924
S 1462	Approp, Military Division	Ch.184 - 556
S 1463	Approp, Attorney General	Ch.197 - 628
S 1464	Approp, Appellate Public Defender	Ch.237 - 717
S 1466	Approp, Public Broadcasting	Ch.195 - 616
S 1467	Approp, Lava Hot Springs	Ch.241 - 722
S 1468	Approp, Species Conservation Office	Ch.242 - 723
S 1469	Approp, Millennium Fund, use	Ch.276 - 788
S 1470	Lands Dept, public use right-of-way	Ch.371 - 1016
S 1471	Approp, Agricultural Research	Ch.243 - 723
S 1473	Approp, Public Health Dist	Ch.244 - 724

		Chapter - Page
S 1474	Approp, Professional-Technical Educ	Ch.245 - 725
S 1475	Approp, Independent Living Council	Ch.246 - 726
S 1476	Approp, Education Bd, Special Prog	Ch.247 - 727
S 1477	Approp, Women's Comm	Ch.308 - 855
S 1478	Approp, Liquor Dispensary	Ch.309 - 856
S 1479	Approp, Building Safety Div	Ch.280 - 800
S 1480	Approp, Energy Resources Office	Ch.281 - 801
S 1481	Approp, Human Rights Comm	Ch.282 - 802
S 1482	Approp, Soil Conservation Comm	Ch.283 - 803
S 1483	Approp, Environmental Quality Dept	Ch.284 - 804
S 1485	Bond bank authority, revisions	Ch.407 - 1116
S 1487	PUC/Tax Comm/Industrial Comm/salary	Ch.285 - 807
S 1488	Approp, Secretary of State	Ch.310 - 857
S 1489	Approp, Commerce Dept	Ch.286 - 809
S 1490	Approp, Industrial Comm	Ch.287 - 811
S 1491	Approp, Labor Dept	Ch.288 - 812
S 1492	Approp, Vocational Rehabilitation	Ch.289 - 814
S 1493	Approp, Administration Dept	Ch.290 - 815
S 1494	Approp, Community Colleges	Ch.291 - 817
S 1495	Approp, Educ Bd, Health Educ Prog	Ch.292 - 818
S 1496	Approp, Deaf & Blind School	Ch.293 - 820
S 1497	Approp, Blind/Visual Impaired Comm	Ch.337 - 925
S 1498	Approp, Public Works Projects	Ch.338 - 926
S 1499	Approp, Endowment Fund Investment Bd	Ch.339 - 928
S 1500	Approp, Tax Commission	Ch.340 - 930
S 1501	Approp, Human Resources Division	Ch.341 - 932
S 1502	Approp, Supreme Court	Ch.342 - 933
S 1503	Approp, State Treasurer	Ch.343 - 933
S 1504	Approp, Lieutenant Governor	Ch.344 - 935
S 1505	Approp, Supreme Court, add'l	Ch.345 - 935
S 1508	Approp, Correction Dept, Add'l	Ch.346 - 935
S 1511	Approp, water projects/storage	Ch.370 - 1015
S 1514	Candidate name, political message	Ch.408 - 1123
S 1515	Approp, Super Public Instructn, add'l ...	Ch.373 - 1017
S 1516	Approp, Sec of State, add'l	Ch.374 - 1018
S 1517	Approp, Lands/Admin Depts, revised	Ch.375 - 1019
S 1518	Approp, Community colleges, add'l	Ch.376 - 1020
S 1519	Approp, Community Health Center Grant ...	Ch.377 - 1020

NUMERICAL LIST OF HOUSE BILLS

that became law with a brief synpopsis and the chapter number of each bill

		Chapter	Page
H 338	Military Div, rules	Ch.125	345
H 339	State employee, military duty, leave	Ch.126	346
H 340	Tax documents, retention, format	Ch. 5	6
H 341	Taxing dist boundaries, review	Ch. 7	8
H 342	Internal Revenue Code, reference	Ch. 6	7
H 343	Tax, Permanent Bldg Fund, person	Ch. 8	9
H 344	Income tax withholding, revised	Ch. 9	10
H 345	Income tax, code reference	Ch. 10	13
H 346	Unclaimed property, interest rate	Ch. 11	16
H 348aa	Liquor store sales, election day	Ch.248	729
H 349	Veterans Support Fund created	Ch. 17	23
H 350aaS	Geologists, registration	Ch.249	730
H 351	Election campaign fund, distributn	Ch. 62	154
H 352	Criminal records review, fees	Ch. 48	120
H 353	Charitable trust/liability immunity	Ch. 83	213
H 354	Industrial special indemnity fund	Ch.102	285
H 355	License plates, capitol comm	Ch. 14	20
H 356	Driver license, duplicate, when	Ch. 18	24
H 357	Sales tax, prescriptions exempt	Ch. 19	29
H 358	Cigarettes, permit expiration, when	Ch. 20	30
H 359	Aircraft engine fuel, excise tax	Ch. 31	63
H 360	Sales tax, retailer, substantial nexus	Ch. 49	120
H 361	Social work examiners, duties	Ch. 15	21
H 362	Podiatry Bd, compensation	Ch. 16	22
H 364	MV, salvage certificates	Ch. 84	215
H 365aa	MV registration, safety standards	Ch.198	630
H 366	Driver license, legal residents	Ch. 63	154
H 370	Supreme Court Bldg, security	Ch. 85	222
H 371	Interoperability Exec Council	Ch.127	347
H 373	Approp, Attorney General, add'l	Ch. 1	3
H 374	Approp, State Controller, add'l	Ch. 2	3
H 375	Cosmetology, license provision	Ch. 86	226
H 376aa	Marriage/family therapist, assoc	Ch. 87	236
H 378	Speech/hearing services bd, members	Ch. 64	166
H 379	Public accountants, licensure	Ch.128	350
H 380aa,aa,aaS	Engineers/land surveyor law revised	Ch.378	1021
H 381	Violent sexual predator, monitoring	Ch. 65	168
H 382aa,aaS	Sex offender, no access, school child	Ch.250	735

		Chapter - Page
H 385aa	College/univ, students, residency	Ch. 66 - 168
H 387	LLC, certain, property tax	Ch. 50 - 122
H 388	Nurses, license, discipline	Ch. 67 - 172
H 389aa	Prescription database, info disclosed ...	Ch.129 - 362
H 390	Pharmacists, definitions revised	Ch. 51 - 124
H 392	Agriculture, nurseries, license fee	Ch.130 - 364
H 393	Fertilizer, registration, records	Ch.131 - 365
H 394	Soil/plant amendments, tonnage fee	Ch.132 - 374
H 397aaS	Public charter school, notice, when	Ch.251 - 737
H 398	Chronic renal disease, voc rehab	Ch.199 - 644
H 399	Community college, tuition	Ch.133 - 375
H 400	Liquor acct, amount, community college ..	Ch.252 - 738
H 401	College/univ, students, residency	Ch.226 - 690
H 405	Scaling Practices Bd, membership	Ch.200 - 645
H 406aa	Endowment lands, lease, residential	Ch.103 - 285
H 407	Log Scaling Bd, membership	Ch.201 - 649
H 408aa	Misdemeanor probation services	Ch. 88 - 242
H 409	Shorthand reporter, certificate/permit ..	Ch. 68 - 175
H 410aa,aaS	Dental practice, dentist deceased	Ch.170 - 470
H 411	Annuity sales, consumers	Ch.202 - 650
H 412	Managed care plan, deposits/reports	Ch.203 - 651
H 414	Agric Dept employee/certain nonclassif ..	Ch. 89 - 247
H 415	Veterinary Medicine Bd, director	Ch.204 - 655
H 417aa	Adult sex offenders, residence, group ...	Ch.124 - 343
H 418aa	School/coop service agency, levy	Ch.104 - 287
H 419	Tax comm, cadastral certification	Ch. 52 - 128
H 420	Property tax, payment method	Ch. 53 - 131
H 422aaS	Energy efficient state bldgs	Ch.274 - 780
H 423	Public virtual school, establish	Ch.105 - 288
H 424	Approp, tax appeals bd, add'l	Ch. 12 - 16
H 426	Idaho Ag in the Classroom	Ch.205 - 658
H 428	Aquifer planning/management	Ch.134 - 377
H 429	MV insurance, underinsured motorist	Ch. 69 - 183
H 430	Approp, Juvenile Corrections, amend	Ch. 21 - 33
H 431	Small employer, tax incentive	Ch. 90 - 250
H 432	Lands, royalty, renewable resources	Ch.206 - 659
H 433	Irrigation dist election, canvass	Ch.207 - 660
H 440aaS	Truck camper, titling, dealers	Ch.106 - 294
H 441	Food Quality Assurance, commissioner	Ch.208 - 661
H 442	Vulnerable adult, exploit, definition ...	Ch.209 - 662
H 443	Idaho Hospital Assessment Act	Ch. 91 - 252
H 445	Capitol Bldg, project, labor	Ch. 54 - 137
H 446aa	Veterinary medicine pract, operation	Ch.135 - 378
H 447aa,aaS	Emergency communicatn fee, add'l	Ch.379 - 1048
H 448	Escrow, license, trust fund accts	Ch.311 - 858
H 449	Mortgage lenders, licensing	Ch.312 - 861
H 450	Residential mortgage broker license	Ch.313 - 863
H 451aa	Collection agcy, licensure revised	Ch.347 - 937
H 452	Contractors Bd, compensation	Ch.107 - 304
H 453	Real estate appraiser, examination fee ..	Ch.108 - 305
H 454	Mortician, license requirements	Ch.109 - 307
H 455	Barbers, license exams	Ch.110 - 309

		Chapter - Page
H 456	Fugitive from justice, extradition	Ch.136 - 384
H 457	Schools/bond equalization support prog ..	Ch. 70 - 184
H 460	County recorder fees revised	Ch.111 - 312
H 463	License plate, natural resource/mining ..	Ch.210 - 664
H 465	Group residence, regulation	Ch.123 - 342
H 469	Property rental, personal property tax ..	Ch. 92 - 257
H 470aaS	Local economic development, tax levies ..	Ch.253 - 740
H 472	Fishing, 2 pole permit	Ch.211 - 667
H 473	Outfitter/guide, unlicensed, paying	Ch.112 - 314
H 474	Irrigation dist, bd of directors	Ch.212 - 668
H 476	Public works contractor, licenses	Ch.254 - 744
H 477	Manufactured home dealer/broker	Ch.380 - 1050
H 480	HVAC, codes, competency certificate	Ch.255 - 747
H 481aa	Plumbers, farm bldg defined	Ch.381 - 1051
H 483aa	Transportation Dept, property, sale	Ch.382 - 1052
H 489aa	Health Quality Planning Comm, terms	Ch.364 - 996
H 490	Boxing/martial arts, moneys distrib	Ch.113 - 317
H 491aaS	Trust deeds, real property defined	Ch.365 - 999
H 492	Residential care admin, exams	Ch. 93 - 258
H 493	Service contract, property, repair	Ch.137 - 395
H 494	Domestic reciprocal insurer, invest	Ch.399 - 1088
H 496aa	State employees, certain, overtime	Ch.138 - 396
H 498	State land, forest product sales	Ch.114 - 319
H 500	State land, lease, comm'l purpose	Ch.115 - 319
H 501	Victims, certain, address confidential ..	Ch.232 - 703
H 502	Charter school facility, relocation	Ch.171 - 471
H 508	Substance abuse prevention/treatment	Ch. 94 - 258
H 512	Anatomical gifts, storage/transport	Ch.256 - 748
H 514aaS	Soil conservation dist, audits	Ch.383 - 1053
H 515	Outdoor sport shooting range	Ch.116 - 321
H 517aa,aaS	Elderly/disabled, crime against, pnlty ..	Ch.257 - 749
H 522	Health insurance contract, assignment ...	Ch.139 - 400
H 523	Banks, reserves/capital stock	Ch.140 - 401
H 526aa	Scrap dealers, records	Ch.213 - 669
H 528aaS	Highway dist elections	Ch.258 - 751
H 529aa	Tax, geothermal energy production	Ch.227 - 693
H 530	Property tax relief, income	Ch.117 - 323
H 532	Schools, federal fund loss, replace	Ch.384 - 1056
H 537	Approp, Correction Dept, add'l	Ch. 79 - 206
H 538	Approp, Tax Comm, add'l	Ch. 95 - 262
H 539	Approp, Parks & Rec, add'l	Ch. 96 - 262
H 541aa	No contact order, violation, penalty	Ch.259 - 752
H 543aa	Idaho Education Network	Ch.260 - 753
H 544	Property tax relief, deferral	Ch.214 - 669
H 545	Annexation, categories, revised	Ch.118 - 327
H 546	Interstate 90, purple heart trail	Ch.215 - 671
H 547	Insurance, fire policy, definitions	Ch.216 - 671
H 548	College Savings Program, revised	Ch.275 - 782
H 549	Income tax, college savings plan	Ch.261 - 756
H 550	Property tax exmptn, business invst	Ch.327 - 897
H 552	Idaho Digital Learning Academy	Ch.119 - 332
H 554	School, curricular materials, retain	Ch.217 - 674

		Chapter - Page
H 555	Approp, Accountancy Bd, add'l	Ch.141 - 406
H 556	Energy savings performance contrct	Ch.366 - 1001
H 557	Crop residue burning	Ch. 71 - 186
H 559	Abortion, info, H&W Dept website	Ch.348 - 958
H 560	Approp, Finance Dept	Ch.120 - 339
H 561	Sales tax, production exemption	Ch.233 - 710
H 562	New capital investmnt incentive act	Ch.234 - 712
H 563	Income tax, capital gains, deduction	Ch.314 - 873
H 564	Income tax, paid to another state	Ch.315 - 874
H 566aaS	School employee, criminal hist check	Ch.349 - 961
H 567	Sales tax exmption, digital learning	Ch.172 - 472
H 569	Special Olympics Idaho Fund	Ch.218 - 674
H 570	Approp, Historical Society	Ch.121 - 340
H 571	Approp, Library Comm	Ch.122 - 341
H 572	Approp, Catastrophic Health Care	Ch.236 - 717
H 573	Approp, Veterans Services Div	Ch.173 - 475
H 574	Approp, Idaho State Lottery	Ch.174 - 477
H 575	Teens at risk, defined	Ch.219 - 678
H 586	MV, inspection, air quality	Ch.368 - 1007
H 587	Judges/justices, salaries	Ch.220 - 680
H 588	Income tax, grocery credit	Ch.316 - 876
H 589	Approp, Public Employee Retirement	Ch.228 - 699
H 590	Approp, State Controller	Ch.221 - 681
H 591aa	Managed care reform, H&W prog	Ch.317 - 879
H 592	Film/Television Production Business	Ch.350 - 965
H 595	Approp, Correction Dept	Ch.222 - 682
H 596	Approp, Idaho State Police	Ch.235 - 714
H 597	Approp, Financial Mngmt Division	Ch.229 - 700
H 598	Approp, Governor's Office	Ch.230 - 701
H 599aa,aaS,aaS	Tax, personal property, exempt	Ch.400 - 1089
H 600	Approp, Insurance Dept	Ch.223 - 687
H 602aa	All-terrain vehicles, registration	Ch.409 - 1124
H 604	Shooting ranges, regulations, revised	Ch.318 - 879
H 606aaS	REAL ID Act, not implemented	Ch.385 - 1058
H 607aaS	Public tuition, equivalency allownc	Ch.401 - 1104
H 608	Approp, Office of Drug Policy	Ch.225 - 689
H 609	Approp, Arts Comm	Ch.262 - 759
H 610	Approp, Colleges/Universities	Ch.263 - 759
H 611	Approp, Education Bd	Ch.264 - 761
H 613	Approp, Agriculture Dept	Ch.265 - 761
H 614	Approp, Parks & Recreation Dept	Ch.277 - 789
H 615	Internal Revenue Code/reference	Ch.319 - 881
H 618	School dist, consolidate, trustee bd	Ch.351 - 968
H 619	Water rights, forest practices use	Ch.320 - 886
H 620	Fire marshal, assistants, enforcement	Ch.402 - 1105
H 621	Approp, Education Dept	Ch.266 - 765
H 622	Approp, H&W, Medical Assist, revised	Ch.267 - 766
H 625	Approp, H&W, Medical Assist	Ch.268 - 768
H 626	Approp, H&W, Psychiatric Hospitals	Ch.269 - 771
H 627	Approp, H&W, Service Integratn Prog	Ch.270 - 774
H 628	Approp, Tax Appeals Bd	Ch.271 - 775
H 629	Approp, Fish & Game Dept	Ch.272 - 775

		Chapter - Page
H 630	Administrative rules, effect cont	Ch.386 - 1060
H 635	Approp, Capitol Comm	Ch.273 - 779
H 636	Approp, Legislative Council	Ch.279 - 799
H 643	Invasive Species Act	Ch.387 - 1062
H 644	Approp, Water Resources Dept	Ch.321 - 888
H 645	Approp, Lands Dept	Ch.322 - 890
H 646	Approp, H&W, Independent Councils	Ch.352 - 971
H 647	Approp, H&W, Indirect Support	Ch.353 - 973
H 648	Approp, Library Comm, add'l	Ch.323 - 892
H 649	Approp, H&W, Development Disabilities ...	Ch.354 - 975
H 650	Approp, H&W, Substance Abuse Treatment ..	Ch.324 - 892
H 651	Approp, H&W, Mental Health Services	Ch.355 - 977
H 652	Approp, Commerce Dept, add'l	Ch.325 - 894
H 653	Approp, H&W, Welfare Division	Ch.326 - 895
H 654aa	Abortion, coerce, penalty	Ch.388 - 1067
H 656aa	Development impact fees, definition	Ch.389 - 1068
H 657	GARVEE bonds, highway projects	Ch.367 - 1004
H 658	Approp, State Police, add'l	Ch.356 - 980
H 659	Approp, H&W, Child Welfare	Ch.357 - 980
H 660	Approp, H&W, Public Health Services	Ch.358 - 982
H 661	Corporate headquartrs incentive act	Ch.390 - 1071
H 665	Approp, Self-Governing Agencies	Ch.359 - 985
H 666	Approp, Transportation Dept	Ch.360 - 987
H 667	Approp, Environmntal Quality, add'l	Ch.361 - 990
H 668	Approp, Public Schools, Administrators ..	Ch.362 - 991
H 669	Approp, Public Schools, Teacher Div	Ch.363 - 993
H 670	Approp, Public Schools, Operations	Ch.391 - 1074
H 672	Approp, Public Schools, Childrens Prog ..	Ch.392 - 1077
H 673	Approp, Public Schools, Facilities	Ch.393 - 1080
H 680	Community Infrastructure Dist	Ch.410 - 1139
H 681	Approp, Energy Resources Office, add'l ..	Ch.394 - 1081
H 682	Approp, Performance Evaluation, add'l ...	Ch.403 - 1109
H 683	Approp, Agriculture Dept, revised	Ch.395 - 1082
H 687	Approp, Prof-tech ed, add'l	Ch.396 - 1083
H 691	Property acquired, tax deed, disposal ...	Ch.397 - 1084
H 695	Approp, H&W, substance abuse, add'l	Ch.398 - 1087
H 696	Approp, Transp Dept, add'l	Ch.404 - 1110

NUMERICAL LIST OF SENATE AND HOUSE JOINT MEMORIALS AND CONCURRENT RESOLUTIONS

SENATE JOINT MEMORIALS

		Page
SJM 108	Veterans sacrifices, gratitude	1161
SJM 109	Higher education funding, state control	1162
SJM 111	Illegal immigration crisis	1163
SJM 113	NAFTA, conditions for participation	1164
SJM 114	Nat'l Insurance Act, opposition to	1166

HOUSE JOINT MEMORIALS

HJM 6	Skilled nursing facility, survey	1168
HJM 7	Internet pornography, access stopped	1169
HJM 8	Water storage project, study supported	1170
HJM 11	Wild Scenic Rivers Act, mediation	1172

SENATE CONCURRENT RESOLUTIONS

SCR 124	Correction alternative placement prog	1174
SCR 125	Fuel tax agreements, ratified	1175
SCR 126	H&W Dept, rule, rejected	1176
SCR 129	School admin, training, study	1177
SCR 130	Idaho urban/rural economies	1178
SCR 131	Real Estate Comm, rules rejected	1179
SCR 133	Lava Hot Springs, improvements	1179
SCR 135	Medical education in Idaho, study	1180
SCR 136	Higher ed facility, finance, occupancy	1182
SCR 137	Soil carbon offsets	1183
SCR 138	Admin rules, fees, approval, exceptions	1184
SCR 139	Admin rules, temporary, approved	1185
SCR 140	Lands Dept, fee rule approved	1186

HOUSE CONCURRENT RESOLUTIONS

		Page
HCR 33	Governor, State of State Address	1188
HCR 34	2009 Special Olympics, welcome	1188
HCR 36	Lionel Hampton Jazz Festival	1190
HCR 37	Parks & Recreation Dept, rule rejected	1191
HCR 38	Juvenile Correctn Dept, rule rejected	1191
HCR 39	Occupational Licenses, rule rejected	1192
HCR 44	Agriculture Dept, rule rejected	1193
HCR 45	Property tax, study	1193
HCR 46	Human Resources Div, rule rejected	1194
HCR 47	Commerce Dept, rule rejected	1195
HCR 48	Schools, enrollment, concurrent	1195
HCR 49	State employee compensation	1196
HCR 50aa	Transportation Dept, evaluation	1198
HCR 52	Parks&Rec, fee waiver, disabled vet	1200
HCR 53	Building Safety Div, rule rejected	1201
HCR 54	Renewable energy resource, state land	1202
HCR 57	Motocross, safety awareness	1203
HCR 58	Mental health secure treatment	1205
HCR 59	John Pierre Molitor, commended	1206

IDAHO STATE OFFICIAL DIRECTORY

ELECTED OFFICIALS

CONGRESSIONAL

UNITED STATES SENATORS

Senator Larry E. Craig (R)
225 N. 9th, Suite 530
Boise, Idaho 83702

Senator Mike Crapo (R)
251 E. Front Street, Suite 205
Boise, Idaho 83702

REPRESENTATIVES IN CONGRESS

William T. "Bill" Sali (R), First District
802 W. Bannock, #101
Boise, Idaho 83702

Mike Simpson (R), Second District
802 W. Bannock, #600
Boise, Idaho 83702

STATE ELECTED OFFICIALS

GOVERNOR C.L. "Butch" Otter (R)

LT. GOVERNOR James E. Risch (R)

SECRETARY OF STATE Ben T. Ysursa (R)

STATE CONTROLLER Donna Jones (R)

STATE TREASURER Ron G. Crane (R)

ATTORNEY GENERAL Lawrence Wasden (R)

SUPERINTENDENT OF PUBLIC INSTRUCTION Tom Luna (R)

Mailing Address:
700 W. Jefferson St.
P.O. Box 83720
Boise, Idaho 83720-0054

LEGISLATORS BY DISTRICT

1-BONNER & BOUNDARY COUNTIES

Shawn Keough (R) Senate ..... 6th Term
P.O. Box 101, Sandpoint 83864
Home 263-1839
E-mail: skeough@senate.idaho.gov
Public Relations Spouse - Mike
VICE CHAIR-Finance/JFAC
CO-CHAIR-Joint Legislative Oversight/JLOC
Transportation

Eric Anderson (R) House Seat A ..... 2nd Term
33 Match Bay Rd., Priest Lake 83856-5049
Home 265-6316 FAX 265-6316
E-mail: eanderson@house.idaho.gov
General Contracting/Real Estate Dev. Spouse - Nicky
VICE CHAIR-State Affairs
Business; Environment, Energy & Technology;
Legislative Council

George E. Eskridge (R) House Seat B ..... 4th Term
P.O. Box 112, Dover 83825
Home 265-0123
E-mail: geskridge@house.idaho.gov
Web Page: www.sandpoint.com/geskridge
Real Estate Spouse - Jenise
Appropriations/JFAC; Environment, Energy &
Technology; Resources & Conservation

2-BENEWAH, BONNER, KOOTENAI & SHOSHONE COUNTIES

Joyce M. Broadsword (R) Senate ..... 2nd Term
590 Heath Lake Rd., Sagle 83860
Home 263-7735 Bus. 263-3250 FAX 255-7714
E-mail: jbroadsword@senate.idaho.gov
Business Owner/Log Home Company Spouse - John
VICE-CHAIR - Health & Welfare
Commerce & Human Resources; Finance/JFAC

Mary Lou Shepherd (D) House Seat A ..... 5th Term
273 Crescent Dr., Wallace 83873
Home 682-4771 FAX 682-2319
E-mail: mshepherd@house.idaho.gov
Retired-Business Owner Spouse - James
State Affairs; Transportation & Defense

R. J. "Dick" Harwood (R) House Seat B ..... 4th Term
81527 Hwy. 3 S., St. Maries 83861
Home 245-4446
E-mail: dharwood@house.idaho.gov
Self-Employed Businesses Spouse - Carole
VICE CHAIR-Environment, Energy & Technology
Judiciary, Rules & Administration; Revenue & Taxation

3-KOOTENAI COUNTY

Michael Jorgenson (R) Senate ..... 2nd Term
2953 Point Hayden Dr., Hayden Lake 83835
Home 762-5514 Bus. 762-7784 FAX 762-1485
E-mail: mjorgenson@senate.idaho.gov
Consultant Spouse - Cynthia
VICE CHAIR-State Affairs
Education; Judiciary & Rules

Jim Clark (R) House Seat A ..... 6th Term
8798 N. Clarkview Pl., Hayden Lake 83835
Home 772-5992 Bus. 772-5992 FAX 772-7718
E-mail: jclark@house.idaho.gov
Web Page: www.clarkforidaho.com
Retired Spouse - Vickie Parker-Clark
CHAIR-Judiciary, Rules & Administration
Local Government; Revenue & Taxation

Phil Hart (R) House Seat B ..... 2nd Term
4430 E. Sarah Loop, Athol 83801
Home 683-0456 Bus. 772-2522 FAX 772-1881
E-mail: phart@house.idaho.gov
Web Page: www.constitutionalincome.com
Structural Engineer
VICE CHAIR-Transportation & Defense
Judiciary, Rules & Administration; Revenue & Taxation

4-KOOTENAI COUNTY

John W. Goedde (R) Senate ..... 4th Term
525-B W. Harrison Ave., Coeur d'Alene 83814
Home 660-7663 Bus. 664-9223 FAX 664-9336
E-mail: jgoedde@senate.idaho.gov
Web Page: www.johngoedde.com
Property/Casualty Insurance Sales
CHAIR-Education
Commerce & Human Resources

Marge Chadderdon (R) House Seat A ..... 2nd Term
109 Lakeview Dr., Coeur d'Alene 83814
Home 769-9309 FAX 667-7920
E-mail: mchadderdon@house.idaho.gov
Co-owned a chain of floor covering stores
Business; Education; Local Government

George C. Sayler (D) House Seat B ..... 3rd Term
ASST. MINORITY LEADER
1102 Ash Ave., Coeur d'Alene 83814
Home 664-2787 FAX 665-9704
E-mail: gsayler@house.idaho.gov
Retired-Teacher Spouse - Kathleen
Resources & Conservation; Revenue & Taxation;
Ways & Means

LEGISLATORS BY DISTRICT (Continued)

5-KOOTENAI COUNTY

James C. "Jim" Hammond (R) Senate ..... 1st Term
4757 W. Foothill Dr., Coeur d'Alene 83814
Home 773-5748 FAX 773-5748
E-mail: jhammond@senate.idaho.gov
Consultant Spouse - Cynthia
VICE CHAIR-Transportation
Finance/JFAC; Health & Welfare

Bob Nonini (R) House Seat A ..... 2nd Term
5875 W. Harbor Dr., Coeur d'Alene 83814
Home 765-1904 Bus. 667-5762 FAX 667-5959
E-mail: bnonini@house.idaho.gov
Web Page: www.bob4idaho.com
Financial Consulting Spouse - Cathyanne
CHAIR-Education
Transportation & Defense

Frank N. Henderson (R) House Seat B ..... 2nd Term
362 S. Ponderosa Loop, Post Falls 83854
Home 773-2269 FAX 446-0673
E-mail: fhenderson@house.idaho.gov
Retired-Newspaper Publisher/ Spouse - Betty Ann
Marketing Executive
VICE CHAIR-Business
Appropriations/JFAC; Local Government

6-LATAH COUNTY

Gary J. Schroeder (R) Senate ..... 8th Term
1289 Highland, Moscow 83843
Bus. 882-0601 FAX 882-5715
E-mail: gschroeder@senate.idaho.gov
Web Page: www.schroederforsenate.com
Business owner/Outdoor writer
CHAIR-Resources & Environment
Agricultural Affairs; Education

Tom Trail (R) House Seat A ..... 6th Term
1375 Mountain View Rd., Moscow 83843
Home 882-6077 Bus. 882-6077 FAX 882-0896
E-mail: ttrail@house.idaho.gov
Web Page: www.users.moscow.com/ttrail
Education Consultant/Farmer Spouse - Jo Ann
CHAIR-Agricultural Affairs
Commerce & Human Resources; Education

Shirley G. Ringo (D) House Seat B ..... 3rd Term
(Served 1 Term, House 1999-2000)
1021 Herrington Rd., Moscow 83843
Home 883-1005 Bus. 301-2272 FAX 883-1005
E-mail: sringo@house.idaho.gov
Web Page: www.shirleyringo.com
Retired-Teacher Spouse - John A.
Appropriations/JFAC; Commerce & Human Resources; Transportation & Defense

7-NEZ PERCE COUNTY

Joe Stegner (R) Senate ..... 5th Term
ASST. MAJORITY LEADER
216 Prospect Blvd., Lewiston 83501
Home 743-3032 FAX 743-3032
E-mail: jstegner@senate.idaho.gov
Retired-Grain Dealer Spouse - Deborah
Commerce & Human Resources; Local Government & Taxation; State Affairs

Liz Chavez (D) House Seat A ..... 1st Term
1521 15th Ave., Lewiston 83501
Home 746-1169
E-mail: lchavez@house.idaho.gov
Retired-Middle School Teacher Spouse - Jerry
Agricultural Affairs; Education; Resources & Conservation

John Rusche (D) House Seat B ..... 2nd Term
MINORITY CAUCUS CHAIR
1405 27th Ave., Lewiston 83501
Home 743-1339 FAX 821-0184
E-mail: jrusche@house.idaho.gov
Physician Spouse - Kay
Business; Health & Welfare; State Affairs; Ways & Means

8-CLEARWATER, IDAHO, LEWIS & VALLEY COUNTIES

Leland "Lee" Heinrich (R) Senate ..... 1st Term
P.O. Box 1092, Cascade 83611
Home 382-3244 Bus. 271-6243 FAX 382-3244
E-mail: lheinrich@senate.idaho.gov
Web Page: www.leeheinrich.com
Retired Spouse - Brenda
VICE CHAIR-Agricultural Affairs
Local Government & Taxation; Transportation

Ken A. Roberts (R) House Seat A ..... 4th Term
MAJORITY CAUCUS CHAIR
P.O. Box 1177, Donnelly 83615
Home 634-0050
E-mail: kroberts@house.idaho.gov
Farmer/Construction Contractor Spouse - Mary Jo
Revenue & Taxation; Transportation & Defense; Ways & Means

Paul E. Shepherd (R) House Seat B ..... 2nd Term
P.O. Box 277, Riggins 83549
Home 628-3695 Bus. 628-3563 FAX 628-3695
E-mail: pshepherd@house.idaho.gov
Partner/Manager Shepherd Sawmill & Spouse - Dawn
Log Homes
Education; Health & Welfare; Resources & Conservation

9-ADAMS, CANYON, PAYETTE & WASHINGTON COUNTIES

Monty J. Pearce (R) Senate ..... 3rd Term
(Served 2 Terms, House 1999-2002)
2001 County Line Rd., New Plymouth 83655
Home 278-5408
E-mail: mpearce@senate.idaho.gov
Rancher Spouse - Merry
VICE CHAIR-Resources & Environment
Education

Lawerence Denney (R) House Seat A ..... 6th Term
SPEAKER OF THE HOUSE
P.O. Box 114, Midvale 83645
Home 355-2374 Bus. 332-1111
E-mail: ldenney@house.idaho.gov
Farmer Spouse - Donna
Legislative Council

Diana L. Thomas (R) House Seat B ..... 1st Term
260 Westlawn Ave., Weiser 83672
Home 549-2473 FAX 549-2473
E-mail: dthomas@house.idaho.gov
Retired Educator Spouse - Mike
Commerce & Human Resources; Environment, Energy & Technology

10-CANYON COUNTY

John McGee (R) Senate ..... 2nd Term
2607 Aspen Falls Ave., Caldwell 83605
Home 459-8404 Bus. 455-3950 FAX 455-3836
E-mail: jmcgee@senate.idaho.gov
Web Page: www.johnmcgee.org
Marketing Director,
West Valley Medical Center Spouse - Hanna
CHAIR-Transportation
Agricultural Affairs; Health & Welfare; Joint Legislative Oversight/JLOC; Legislative Council

Curtis Bowers (R) House Seat A ..... 1st Term
20169 Hoskins Rd., Caldwell 83607
Home 459-2372 Bus. 724-9055
E-mail: cbowers@house.idaho.gov
Real Estate, Teacher, Businessman Spouse - Lauren
Business; Environment, Energy & Technology

Darrell Bolz (R) House Seat B ..... 4th Term
3412 College Ave., Caldwell 83605-6136
Home 454-1334
E-mail: dbolz@house.idaho.gov
U of I Extension Professor Emeritus Spouse - Carol
VICE CHAIR-Appropriations/JFAC
Agricultural Affairs; Judiciary, Rules & Administration

11-CANYON & GEM COUNTIES

Brad Little (R) Senate ..... 4th Term
MAJORITY CAUCUS CHAIR
P.O. Box 488, Emmett 83617-0488
Home 365-6566 Bus. 365-4611 FAX 365-4615
E-mail: blittle@senate.idaho.gov
Rancher Spouse - Teresa
Resources & Environment; State Affairs; Transportation

Steven P. Thayn (R) House Seat A ..... 1st Term
5655 Hillview Rd., Emmett 83617
Home 365-6614 Bus. 365-8656
E-mail: sthayn@house.idaho.gov
Teacher, Farmer Spouse - Sherry
Commerce & Human Resources; Education; Health & Welfare

Carlos Bilbao (R) House Seat B ..... 2nd Term
2062 Corral Rd., Emmett 83617
Home 365-9438 Bus. 284-0539
E-mail: cbilbao@house.idaho.gov
Retired Sr. Quality Manager, Spouse - Nancy
Boeing Company
Business; Health & Welfare; State Affairs

12-CANYON COUNTY

Curt McKenzie (R) Senate ..... 3rd Term
Augustine and McKenzie Law Offices, PLLC
1004 W. Fort St., Boise 83702
Home 468-1027 Bus. 367-9400 FAX 947-0014
E-mail: cmckenzie@senate.idaho.gov
Attorney Spouse - Renee
CHAIR-State Affairs
Local Government & Taxation

Robert E. Schaefer (R) House Seat A ..... 12th Term
P.O. Box 55, Nampa 83653
Home 466-3636 Bus. 466-3636
E-mail: rschaefer@house.idaho.gov
Architect Spouse - Betty
CHAIR-Commerce & Human Resources
Revenue & Taxation

Gary E. Collins (R) House Seat B ..... 4th Term
2019 E. Massachusetts, Nampa 83686
Home 466-5460
E-mail: gcollins@house.idaho.gov
Insurance Broker Spouse - Ann
VICE CHAIR-Revenue & Taxation
Business; Legislative Council; Local Government

LEGISLATORS BY DISTRICT (Continued)

13-CANYON COUNTY

Patti Anne Lodge (R) Senate ..... 4th Term
P.O. Box 96, Huston 83630
Home 459-7158 FAX 459-7199
E-mail: palodge@senate.idaho.gov
Education Media Consultant; Spouse - Edward J.
Agribusiness Owner
CHAIR-Health & Welfare
Judiciary & Rules; Legislative Council

Brent Crane (R) House Seat A ..... 1st Term
P.O. Box 86, Nampa 83653
Bus. 466-0613 FAX 461-4815
E-mail: bcrane@house.idaho.gov
Vice President - Crane Alarm Service Spouse - Rochenda
Business; State Affairs

Steve A. Kren (R) House Seat B ..... 1st Term
3478 S. Windy Ridge Dr., Nampa 83686
Home 461-5900
E-mail: skren@house.idaho.gov
Electrical Contractor Spouse - Kalah
Environment, Energy & Technology; Judiciary, Rules & Administration; State Affairs

14-ADA COUNTY

Stan Bastian (R) Senate ..... 1st Term
(Served 1 term, House 2005-06)
1369 E. Nest View Ct., Eagle 83616
Home 939-8272 FAX 939-8272
E-mail: sbastian@senate.idaho.gov
Web Page: www.bastian4senate.com
Retired-School Administrator Spouse - Kathleen
Education; Finance/JFAC

Mike Moyle (R) House Seat A ..... 5th Term
MAJORITY LEADER
480 N. Plummer Rd., Star 83669
Home 286-7842 Bus. 286-7842 FAX 286-9540
E-mail: mmoyle@house.idaho.gov
Agribusiness Spouse - Sue Ann
Legislative Council; Resources & Conservation; Revenue & Taxation; Transportation & Defense; Ways & Means

Raúl Labrador (R) House Seat B ..... 1st Term
1846 W. Rush Rd., Eagle 83616
Home 938-1286 Bus. 465-9988 FAX 465-9893
E-mail: rlabrador@house.idaho.gov
Attorney Spouse - Rebecca
Judiciary, Rules & Administration; State Affairs

15-ADA COUNTY

John C. Andreason (R) Senate ..... 7th Term
(Served 2 terms, Senate 1967-70)
5120 N. Mountain View Dr., Boise 83704
Home 322-8558 FAX 672-8558
E-mail: jandreason@senate.idaho.gov
Retired Director, Legislative Spouse - Darlene
Budget Office
CHAIR-Commerce & Human Resources
Resources & Environment

Lynn M. Luker (R) House Seat A ..... 1st Term
514 S. El Blanco Dr., Boise 83709
Home 375-8254 Bus. 343-0022 FAX 375-0501
E-mail: lluker@house.idaho.gov
Attorney Spouse - Helen
Health & Welfare; Judiciary, Rules & Administration; State Affairs

Max C. Black (R) House Seat B ..... 8th Term
3731 Buckingham Dr., Boise 83704
Home 375-2635 FAX 375-8250
E-mail: mblack@house.idaho.gov
Retired-Insurance Spouse - Clydene
CHAIR-Business
State Affairs

16-ADA COUNTY

David Langhorst (D) Senate ..... 2nd Term
(Served 1 term, House 2003-2004)
ASST. MINORITY LEADER
6720 Hill Rd., Boise 83714
Home 863-0517
E-mail: dlanghorst@senate.idaho.gov
Web Page: www.davidlanghorst.com
Commercial Real Estate Appraiser Spouse - Christine
Legislative Council; Local Government & Taxation; Resources & Environment; Transportation

Margaret Henbest (D) House Seat A ..... 6th Term
P.O. Box 934, Boise 83701
Home 853-5423 Bus. 853-5423 FAX 853-5423
E-mail: mhenbest@house.idaho.gov
Nurse Practitioner Spouse - Michael
CO-CHAIR-Joint Legislative Oversight/JLOC
Appropriations/JFAC; Health & Welfare

Les Bock (D) House Seat B ..... 1st Term
Bock Law Offices, Chtd., 350 N. 9th St., Ste. 304
Boise 83702
Bus. 345-6876 FAX 344-3103
E-mail: lbock@house.idaho.gov
Attorney Spouse - Mary
Judiciary, Rules & Administration; Local Government

17-ADA COUNTY

Elliot Werk (D) Senate ..... 3rd Term
6810 Randolph Dr., Boise 83709
Home 658-0388 Bus. 658-0388 FAX 375-3822
E-mail: ewerk@senate.idaho.gov
Web Page: www.elliotwerk.org
Spouse - Nancy Greenwald
Commerce & Human Resources; Finance/JFAC; Health & Welfare; Joint Legislative Oversight/JLOC

William M. "Bill" Killen (D) House Seat A .... 1st Term
734 S. Coral Pl., Boise 83705
Home 345-2956
E-mail: bkillen@house.idaho.gov
Retired - Attorney
Business, Local Government; Revenue & Taxation

Susan B. "Sue" Chew (D) House Seat B ..... 1st Term
1304 Lincoln Ave., Boise 83706
Home 344-0098
E-mail: schew@house.idaho.gov
Adjunct Professor of Biology; Licensed Pharmacist
Commerce & Human Resources, Health & Welfare

18-ADA COUNTY

Kate Kelly (D) Senate ..... 2nd Term
MINORITY CAUCUS CHAIR
P.O. Box 654, Boise 83701
Home 850-7217
E-mail: kkelly@senate.idaho.gov
Web Page: www.katekellysenate.org
Attorney
Health & Welfare; Judiciary & Rules; Legislative Council; State Affairs

Brandon J. Durst (D) House Seat A ..... 1st Term
P.O. Box 170117, Boise 83717
Bus. 891-2255
E-mail: bdurst@house.idaho.gov
Web Page: www.durstforidaho.com
Researcher Spouse - Jaime
Agricultural Affairs; Business; Education

Phylis King (D) House Seat B ..... 1st Term
2107 Palouse, Boise 83705
Home 344-0202 Bus. 344-0202 FAX 344-5983
E-mail: pking@house.idaho.gov
Web Page: www.king4idaho.com
Commercial Photography
Resources & Conservation; State Affairs; Transportation & Defense

19-ADA COUNTY

Mike Burkett (D) Senate ..... 3rd Term
(Served 2 Terms, Senate 1989-92)
512 N. 13th St., Boise 83702
Home 344-2424 Bus. 344-2424 FAX 344-3370
E-mail: mburkett@senate.idaho.gov
Attorney Spouse - Sharon
Education; Judiciary & Rules

Anne Pasley-Stuart (D) House Seat A ..... 3rd Term
2301 Hillway Dr., Boise 83702
Bus. 424-0440
E-mail: apasley-stuart@house.idaho.gov
Web Page: www.pasley-stuart.org
President/CEO Pasley-Stuart Consulting Spouse - Tom
Commerce & Human Resources; Legislative Council; Local Government; State Affairs

Nicole LeFavour (D) House Seat B ..... 2nd Term
1210 N. 11th St., Boise 83702
Home 724-0468 Bus. 724-0468
E-mail: nlefavour@house.idaho.gov
Web Page: www.4idaho.org
Teacher, Nonprofit Organizer;
Small Business Owner Partner - Carol Growhoski
Environment, Energy & Technology; Judiciary, Rules & Administration; Legislative Council; Revenue & Taxation

20-ADA COUNTY

Shirley McKague (R) Senate ..... 1st Term
(Served 5 terms, House 1997-2006)
933 E. Pine, Meridian 83642
Home 888-2842
E-mail: smckague@senate.idaho.gov
Retired-Family Service Station Business Spouse - Paul
Judiciary & Rules; Local Government & Taxation

Mark A. Snodgrass (R) House Seat A ..... 3rd Term
1406 N. Leslie Way, Meridian 83646-5710
Home 887-4939 Bus. 861-0728 FAX 884-4219
E-mail: msnodgrass@house.idaho.gov
Economics Instructor Spouse - Pascale
& Real Estate Agent
Business; Environment, Energy & Technology; State Affairs

Marv Hagedorn (R) House Seat B ..... 1st Term
1505 W. Pintail Dr., Meridian 83642
Home 867-5643
E-mail: mhagedorn@house.idaho.gov
Retired Naval Officer; CEO, International Spouse - Patty
Trading Firm
Business; Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

21-ADA COUNTY

Russell M. Fulcher (R) Senate ..... 2nd Term
P.O. Box 1166, Meridian 83680-1166
Bus. 332-1340 FAX 332-1422
E-mail: rfulcher@senate.idaho.gov
Web Page: www.russfulcher.com
Commercial Real Estate Spouse - Kara
VICE CHAIR - Education
Finance/JFAC

John Vander Woude (R) House Seat A ..... 1st Term
5311 Ridgewood Rd., Nampa 83687
Home 888-4210 Bus. 407-1587 FAX 888-9268
E-mail: jwoude@house.idaho.gov
Dairyman, Farmer Spouse - Judy
Environment, Energy & Technology; Resources & Conservation, State Affairs

Clifford R. Bayer (R) House Seat B ..... 3rd Term
8020 W. Amity, Boise 83709
Home 362-5058 FAX 362-5058
E-mail: cbayer@house.idaho.gov
Medical Research Scientist Spouse - Nicole
VICE CHAIR- Local Government
Appropriations/JFAC; Joint Legislative Oversight/JLOC

22-BOISE & ELMORE COUNTIES

Tim Corder (R) Senate ..... 2nd Term
357 S.E. Corder Dr., Mountain Home 83647
Home 587-8562 Bus. 599-0427 FAX 587-5871
E-mail: tcorder@senate.idaho.gov
Trucking Company Spouse - LaVonne
VICE CHAIR - Local Government & Taxation
Agricultural Affairs; Transportation

Richard "Rich" Wills (R) House Seat A ..... 3rd Term
P.O. Box 602, Glenns Ferry 83623
Home 366-7408 Bus. 484-0403 FAX 366-2457
E-mail: rwills@house.idaho.gov
Business Owner-Opera, Theatre; Spouse - Connie
Communications Consulting Business
CHAIR- Ways & Means
Education; Judiciary, Rules & Administration; Transportation & Defense

Pete Nielsen (R) House Seat B ..... 3rd Term
4303 S.W. Easy St., Mountain Home 83647
Home 832-4382 FAX 832-4013
E-mail: pnielsen@house.idaho.gov
Life & Health Insurance Agent Spouse - Connie
VICE CHAIR- Health & Welfare
Education; Judiciary, Rules & Administration

23-OWYHEE & TWIN FALLS COUNTIES

Tom Gannon (R) Senate ..... 3rd Term
4180 N. 1572 E., Buhl 83316
Home 543-2330
E-mail: tgannon@senate.idaho.gov
Retired-Naval Officer Spouse - Jeanne
CHAIR-Agricultural Affairs
Education

Jim Patrick (R) House Seat A ..... 1st Term
2231 E. 3200 N., Twin Falls 83301
Home 733-6897 Bus. 733-6897 FAX 734-8968
E-mail: jpatrick@house.idaho.gov
Web Page: www.votejimpatrick.com
Farmer Spouse - Afton
Agricultural Affairs; Business; Education

Bert Brackett (R) House Seat B ..... 2nd Term
Flat Creek Ranch, Rogerson 83302
Home 857-2217 FAX 857-2217
E-mail: bbrackett@house.idaho.gov
Rancher Spouse -Paula
Appropriations/JFAC; Environment, Energy & Technology; Resources & Conservation

24-TWIN FALLS COUNTY

Charles H. Coiner (R) Senate ..... 2nd Term
528 Ballingrude Dr., Twin Falls 83301
Home 734-1675 Bus. 731-4015 FAX 423-9089
E-mail: ccoiner@senate.idaho.gov
Farmer Spouse - Carolyn
VICE CHAIR-Commerce & Human Resources
Health & Welfare; Resources & Environment

Leon E. Smith (R) House Seat A ..... 5th Term
1381 Galena Dr., Twin Falls 83301
Home 733-0843 Bus. 736-2006
E-mail: lsmith@house.idaho.gov
Lawyer and Mediator Spouse - Janice Mittleider-Smith
VICE CHAIR-Judiciary, Rules & Administration
Revenue & Taxation; Transportation & Defense

Sharon L. Block (R) House Seat B ..... 4th Term
1093 Lakewood Dr., Twin Falls 83301
Home 734-6360 FAX 736-7187
E-mail: sblock@house.idaho.gov
Property Mgr./Former Teacher Spouse - D.W. "Bill"
CHAIR-Health & Welfare
Education

25-BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

Clint Stennett (D) Senate ..... 7th Term
(Served 2 terms, House 1990-94)
MINORITY LEADER
P.O. Box 475, Ketchum 83340
Home 726-8106 Bus. 726-0738 FAX 726-8106
E-mail: cstennett@senate.idaho.gov
Entrepreneur Spouse - Michelle
Agricultural Affairs; Legislative Council; Resources & Environment; State Affairs

Wendy Jaquet (D) House Seat A ..... 7th Term
MINORITY LEADER
P.O. Box 783, Ketchum 83340
Home 726-3100 FAX 726-0674
E-mail: wjaquet@house.idaho.gov
Web Page: www.wendyjaquet.com
Conference Tour Guide Spouse - Jim
Environment, Energy & Technology; Legislative Council; Revenue & Taxation; Ways & Means

Donna L. Pence (D) House Seat B ..... 2nd Term
1960 U.S. Hwy. 26, Gooding 83330
Home 934-5302 FAX 934-5302
E-mail: dpence@house.idaho.gov
Retired-Teacher/Tree Farmer Spouse - Lew
Agricultural Affairs; Education; Resources & Conservation

26-JEROME & MINIDOKA COUNTIES

Dean L. Cameron (R) Senate ..... 9th Term
1101 Ruby Dr., Rupert 83350
Home 436-5624 Bus. 436-4424 FAX 436-3776
E-mail: dcameron@senate.idaho.gov
Owner, Insurance & Investment Agency Spouse - Linda
CHAIR-Finance, CO-CHAIR-JFAC
Commerce & Human Resources; Resources & Environment

John A. "Bert" Stevenson (R) House Seat A ... 6th Term
1099 N. 400 W., Rupert 83350
Home 532-4524 FAX 532-4720
E-mail: jstevenson@house.idaho.gov
Farmer Spouse - Elaine
CHAIR-Resources & Conservation
Agricultural Affairs; State Affairs

Maxine T. Bell (R) House Seat B ..... 10th Term
194 S. 300 E., Jerome 83338
Home 324-4296
E-mail: mbell@house.idaho.gov
Retired-School Librarian; Farmer Spouse - H. Jack
CHAIR-Appropriations, CO-CHAIR-JFAC
Joint Legislative Oversight/JLOC; Resources & Conservation

27-BINGHAM, CASSIA, ONEIDA & POWER COUNTIES

Denton Darrington (R) Senate ..... 13th Term
302 S. Hwy. 77, Declo 83323
Home 654-2712
E-mail: ddarrington@senate.idaho.gov
Farmer/Teacher Spouse - Virgene
CHAIR-Judiciary & Rules
Health & Welfare; State Affairs

Scott Bedke (R) House Seat A ..... 4th Term
ASST. MAJORITY LEADER
P.O. Box 89, Oakley 83346
Home 862-3619 FAX 862-3688
E-mail: sbedke@house.idaho.gov
Rancher Spouse - Sarah
Resources & Conservation; Revenue & Taxation; Transportation & Defense; Ways & Means

Fred Wood (R) House Seat B ..... 1st Term
P.O. Box 1207, Burley 83318-0828
Home 678-2370 FAX 677-3136
E-mail: fwood@house.idaho.gov
Physician Spouse - Amy
Appropriations/JFAC; Resources & Conservation

28-BINGHAM COUNTY

R. Steven "Steve" Bair (R) Senate ..... 1st Term
829 N. 2000 W., Blackfoot 83221
Home 684-5209 FAX 684-5209
E-mail: sbair@senate.idaho.gov
Farmer Spouse - Lori Kae
Finance/JFAC; Health & Welfare

Dennis M. Lake (R) House Seat A ..... 6th Term
830 Taber Rd., Blackfoot 83221
Home 684-4967 FAX 684-9336
E-mail: dlake@house.idaho.gov
Agribusiness Spouse - Luann
CHAIR-Revenue & Taxation
Agricultural Affairs; Commerce & Human Resources

Jim Marriott (R) House Seat B ..... 1st Term
799 W. 200 S., Blackfoot 83221
Home 684-4863 FAX 684-4313
E-mail: jmarriott@house.idaho.gov
Retired Spouse - Colleen
Commerce & Human Resources; Education; Health & Welfare

29-BANNOCK COUNTY

Diane Bilyeu (D) Senate ..... 1st Term
(Served 1 term, Senate 1969-70)
11076 N. Philbin, Pocatello 83202
Home 237-3158
E-mail: dbilyeu@senate.idaho.gov
Retired-County Assessor Spouse - Chick (deceased)
Commerce & Human Resources; Finance/JFAC; Local Government & Taxation

Ken Andrus (R) House Seat A ..... 2nd Term
6948 E. Old Oregon Trail Rd., Lava Hot Springs 83246
Home 776-5380
E-mail: kandrus@house.idaho.gov
Cattle & Sheep Rancher Spouse - Colleen
VICE CHAIR-Agricultural Affairs
Resources & Conservation; State Affairs

James D. Ruchti (D) House Seat B ..... 1st Term
5100 Pinyon Rd., Pocatello 83204
Home 233-6619 Bus. 235-1145 FAX 235-1182
E-mail: jruchti@house.idaho.gov
Attorney Spouse - Wendy
Judiciary, Rules & Administration; Revenue & Taxation; Transportation & Defense

30-BANNOCK COUNTY

Edgar J. Malepeai (D) Senate ..... 3rd Term
585 S. 19th, Pocatello 83201
Home 232-2038 Bus. 237-1300 FAX 237-1350
E-mail: emalepeai@senate.idaho.gov
Teacher Spouse - Brenda K.
Agricultural Affairs, Education; Joint Legislative Oversight/JLOC; Transportation
* (2008 session substitute: Dick Sagness)

Donna H. Boe (D) House Seat A ..... 6th Term
226 S. 16th, Pocatello 83201
Home 233-5651 FAX 234-4223
E-mail: dboe@house.idaho.gov
Retired Spouse - Roger
Education; Joint Legislative Oversight/JLOC; Judiciary, Rules & Administration

Elaine Smith (D) House Seat B ..... 4th Term
3759 Heron Ave., Pocatello 83201
Home 237-1462 Bus. 235-3231 FAX 235-3280
E-mail: esmith@house.idaho.gov
Volunteer Services Coordinator Spouse - Rich
Business; Environment, Energy & Technology; State Affairs

31-BEAR LAKE, BONNEVILLE, CARIBOU, FRANKLIN & TETON COUNTIES

Robert L. Geddes (R) Senate ..... 7th Term
PRESIDENT PRO TEMPORE
370 Mountain View Ave., Soda Springs 83276
Home 547-2423
Statehouse: Ph 332-1300 FAX 334-2320
E-mail: rlgeddes@senate.idaho.gov
Environmental Engineer Spouse - Tammy
CO-CHAIR-Legislative Council
State Affairs; Transportation

Larry C. Bradford (R) House Seat A ..... 4th Term
3208 E. Cub River Rd., Franklin 83237
Home 646-2409
E-mail: lbradford@house.idaho.gov
Retired-Mink Rancher Spouse - Larene
VICE CHAIR-Commerce & Human Resources
Education; Local Government

Thomas F. Loertscher (R) House Seat B ..... 2nd Term
(Served 8 terms, House 1987-2002)
1357 Bone Rd., Iona 83427
Home 522-3072 FAX 522-1141
E-mail: tloertscher@house.idaho.gov
Farmer/Rancher Spouse - Linda
CHAIR-State Affairs
Health & Welfare

32-BONNEVILLE COUNTY

Melvin M. "Mel" Richardson (R) Senate ..... 8th Term
(Served 2 terms, House 1989-92)
3725 Brookfield Ln., Idaho Falls 83406
Home 522-0772 FAX 522-3230
E-mail: mrichardson@senate.idaho.gov
Public Relations; Broadcaster Spouse - Dixie
VICE CHAIR-Judiciary & Rules; Finance/JFAC

Janice K. McGeachin (R) House Seat A ..... 3rd Term
6121 N. 5th W., Idaho Falls 83401
Home 524-5521 Bus. 523-1718 FAX 529-9936
E-mail: jmcgeachin@house.idaho.gov
Web Page: www.votemcgeachin.com
Business Owner Spouse - James J.
Appropriations/JFAC; Health & Welfare; Judiciary, Rules & Administration

Dean M. Mortimer (R) House Seat B ..... 1st Term
7403 S. 1st E., Idaho Falls 83404
Home 528-6377 Bus. 524-9000 FAX 524-9999
E-mail: dmortimer@house.idaho.gov
Web Page: www.deanmortimer.com
Mortgage Banker Spouse - Judy Woodbury
Commerce & Human Resources; Education; Transportation & Defense

33-BONNEVILLE COUNTY

Bart M. Davis (R) Senate ..... 5th Term
MAJORITY LEADER
2638 S. Bellin Cir., Idaho Falls 83402
Home 529-4993 Bus. 522-8100 FAX 522-1334
E-mail: bmdavis@senate.idaho.gov
Attorney Spouse - Marion
Commerce & Human Resources; Judiciary & Rules; Legislative Council; State Affairs

Jerry S. Shively (D) House Seat A ..... 1st Term
555 S. Bellin Rd., Idaho Falls 83402
Home 522-4774 Bus. 522-4774
E-mail: jshively@house.idaho.gov
Retired-Music Educator Spouse - Ann
Education; Environment, Energy & Technology; Resources & Conservation

Russ Mathews (R) House Seat B ..... 2nd Term
2583 Genevieve Way, Idaho Falls 83402
Home 528-7893
E-mail: rmathews@house.idaho.gov
Telecommunications Consultant Spouse - Virginia
Business; Environment, Energy & Technology; State Affairs

34-FREMONT & MADISON COUNTIES

Brent Hill (R) Senate ..... 4th Term
1010 S. 2nd E., Rexburg 83440
Home 356-7495 Bus. 356-3677 FAX 356-3689
E-mail: bhill@senate.idaho.gov
Web Page: www.senatorhill.com
CEO, Accounting Firm Spouse - Julie
CHAIR-Local Government & Taxation
Agricultural Affairs; Judiciary & Rules

Mack G. Shirley (R) House Seat A ..... 3rd Term
443 W. Moran View, Rexburg 83440-5177
Home 356-3831
E-mail: mshirley@house.idaho.gov
Retired-College Administrator Spouse - Shanna
VICE CHAIR-Education
Agricultural Affairs; Judiciary, Rules & Administration

Dell Raybould (R) House Seat B ..... 4th Term
3215 N. 2000 W., Rexburg 83440
Home 356-6837 Bus. 356-6837
E-mail: draybould@house.idaho.gov
Farmer/Businessman Spouse - Vera
CHAIR-Environment, Energy & Technology
Resources & Conservation; Revenue & Taxation

35-BUTTE, CLARK, CUSTER, FREMONT, JEFFERSON & LEMHI COUNTIES

Jeff C. Siddoway (R) Senate ..... 1st Term
1764 E. 1200 N., Terreton 83450
Home 663-4585 FAX 663-4428
E-mail: jsiddoway@senate.idaho.gov
Rancher Spouse - Cindy
Agricultural Affairs; Local Government & Taxation; Resources & Environment

JoAn E. Wood (R) House Seat A ..... 13th Term
3778 E. 500 N., Rigby 83442
Home 745-7846 FAX 745-8420
E-mail: jawood@house.idaho.gov
Partner-Ranch/Farm Spouse - Tom (deceased)
CHAIR-Transportation & Defense
VICE CHAIR-Resources & Conservation
Revenue & Taxation

Lenore Hardy Barrett (R) House Seat B ..... 8th Term
P.O. Box 347, Challis 83226
Home 879-2797 FAX 879-4257
E-mail: lbarrett@house.idaho.gov
Mining/Investments Spouse - Robert
CHAIR-Local Government
Resources & Conservation; Revenue & Taxation