

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 369

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO THE MILITARY DIVISION; AMENDING CHAPTER 8, TITLE 46, IDAHO CODE,  
2 BY THE ADDITION OF A NEW SECTION 46-806, IDAHO CODE, TO CREATE THE MILI-  
3 TARY DIVISION SUPPORT FUND IN THE STATE TREASURY, TO PROVIDE THAT MONEYS  
4 IN THE FUND ARE PERPETUALLY APPROPRIATED AND TO PROVIDE DUTIES OF THE  
5 BOARD OF EXAMINERS AND THE OFFICE OF THE ATTORNEY GENERAL REGARDING THE  
6 FUND.  
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 8, Title 46, Idaho Code, be, and the same is  
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
11 ignated as Section 46-806, Idaho Code, and to read as follows:

12 46-806. MILITARY DIVISION SUPPORT FUND. (1) There is hereby created  
13 in the state treasury the military division support fund. Moneys in the fund  
14 shall be invested as provided in section 67-1210, Idaho Code, and interest  
15 earned on investment of idle moneys in the fund shall be credited to the fund.  
16 Moneys in the fund shall be continually appropriated.

17 (2) The adjutant general, or his designee, is hereby authorized to also  
18 accept by devise, gift or otherwise and hold as trustee, for the benefit and  
19 use of the military division or any part thereof, any property, real or per-  
20 sonal. The adjutant general, or his designee, shall be empowered to collect,  
21 receive and recover the rents, incomes and issues from the property; and to  
22 sell, divest, exchange or transact such property at fair market value; and to  
23 otherwise expend fund assets as provided by the terms of the devise or gift,  
24 or if not so provided, to expend them for the benefit and use of the military  
25 division.

26 (3) The board of examiners shall have oversight of this fund. The ad-  
27 jutant general shall provide a public annual report, due on the first day of  
28 July each year, to the board of examiners disclosing the financial status of  
29 the fund, listing all new gifts, bequests, donations and contributions dur-  
30 ing the prior year as well as all sales or disposals of properties or assets  
31 from the fund and every disbursement or other use of the fund.

32 (a) The board of examiners shall approve all gifts of real property be-  
33 fore acceptance by the adjutant general.

34 (b) The board of examiners shall approve all gifts valued at two hundred  
35 fifty thousand dollars (\$250,000) or more before acceptance by the ad-  
36 jutant general.

37 (c) The adjutant general may, on his or her own initiative, request re-  
38 view and approval by the board of examiners for any other gift prior to  
39 acceptance.

40 (4) The adjutant general may assign military division employees to man-  
41 age the operation of the fund; and the adjutant general shall request the of-

1     fice of the attorney general to prepare any legal documents required under  
2     the provisions of this section.