

S 1231 was referred to the Finance Committee.

S 1232, S 1234, S 1235, and S 1237 were referred to the Judiciary and Rules Committee.

S 1233 was referred to the Education Committee.

S 1236 was referred to the Commerce and Human Resources Committee.

S 1238 was referred to the State Affairs Committee.

SR 108 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 28, 2004

The FINANCE Committee reports out H 503, H 504, and S 1231 with the recommendation that they do pass.

CAMERON, Chairman

H 503, H 504, and S 1231 were filed for second reading.

January 27, 2004

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Dr. Gary O. Horton to the Idaho Sexual Offender Classification Board, term to expire January 1, 2010;

J. Philip Reberger to the Idaho Judicial Council, term to expire July 1, 2009.

DARRINGTON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

January 27, 2004

Mr. President:

I transmit herewith H 514 which has passed the House.

JUKER, Chief Clerk

H 514 was filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Andreason, Noh, and Schroeder were recorded present at this order of business.

The President announced the Resources and Environment Committee report, having been held, relative to the Gubernatorial appointment of Cameron Wheeler was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stennett, the Gubernatorial appointment of Cameron Wheeler as a member of the Idaho Fish and Game Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that SCR 120 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Darrington, seconded by Senator Burkett, SCR 120 was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Jean S. McDevitt was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Malepeai, seconded by Senator Noh, the Gubernatorial appointment of Jean S. McDevitt as a member of the Idaho Park and Recreation Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1239

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2003; AUTHORIZING TWO ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; AUTHORIZING A TRANSFER OF FUNDS; AND DECLARING AN EMERGENCY.

January 29, 2004

Jeannine Wood
Secretary of the Senate

Re: Minority Report

Dear Madam Secretary:

Enclosed is a minority report of the minority members of the Senate Judiciary and Rules Committee on the confirmation of Phil Reberger to the Judicial Council. This report is submitted to be read across the desk and spread upon the pages of the Journal of the Senate pursuant to Senate Rule 21(B) in conjunction with the majority report of the committee which was included in the Senate Journal of January 28, 2004.

Sincerely,
/s/ Senator Mike Burkett
Assistant Minority Leader

SENATE JUDICIARY AND RULES COMMITTEE
MINORITY REPORT
DISSENTING TO THE CONCLUSIONS OF THE
COMMITTEE
ON THE NOMINATION OF PHIL REBERGER
TO THE IDAHO JUDICIAL COUNCIL

We, the undersigned Senators, dissent from the report of the Senate Judiciary and Rules Committee regarding the appointment of Phil Reberger as a member of the Idaho Judicial Council.

We voted against sending the appointment of Mr. Reberger to the Judicial Council to the Senate WITH A CONFIRM RECOMMENDATION and to instead send the appointment of Mr. Reberger to the full Senate WITH A DO NOT CONFIRM RECOMMENDATION for the following reasons:

The appointment of Mr. Reberger violates Idaho Law, Idaho Code 1-2101. The Judicial Council of the State of Idaho was created pursuant to Idaho Code 1-2101. The statute provides for three permanent members appointed by the board of commissioners of the Idaho State Bar with the consent of the Senate, and three members appointed by the Governor with the consent of the Senate. The statute further requires:

"Appointments shall be made with due consideration for area representation and **not more than three (3) of the permanent appointed members shall be from one (1) political party.**" (Emphasis added.)

The requirement that three members be from one political party applies to all "permanent appointed members." The statute clearly applies to the members appointed by the board of commissioners of the Idaho State Bar, (two attorneys and one judge) and to the members appointed by the Governor (three individuals drawn from the citizenry at large).

The purpose of the statute creating the Judicial Council was to maintain the independence of Idaho's judiciary and to protect Idaho's judicial branch of government from undue political influence and partisan activity. In that light, the legislature created an evenly balanced Judicial Council with three members from the majority party and three members from any other recognized minority party. The partisan balance is a crucial element of ensuring the independence of the Judicial Council and the Judicial Branch and ensuring the Judicial Council does not

become an arm of any single political party.

It is instructive that the legislature in creating the Judicial Council called for an equal balance with 50% of the appointed members from one party, a departure from the common practice of boards and commissions having a simple majority from the majority party. The neutrality and evenhandedness of the judicial branch of government is a principle that the Senate should take every effort to maintain. The criteria for the Judicial Council is stricter because the principle being protected is more important, i.e., protecting the independence of the Judiciary, a constitutionally created third branch of government.

The Judicial Council currently has four Republican party members with Mr. Reberger's appointment in August of 2003 being the fourth Republican appointed. Mr. Reberger as well as Helen McKinney and Bill Parsons have stated their Republican credentials as part of their appointment process and are carried on the records of the Judicial Council as Republican members. The record of the committee confirms that Judge Randy Smith has served as state Republican Party Chair as well as a Bannock County Republican Chair prior to his appointment to the Judiciary. As the fourth Republican appointee to the Judicial Council, Mr. Reberger's appointment violates I.C. 1-2101 and he should not be confirmed.

This appointment likely violates Idaho law as a result of Mr. Reberger's receiving compensation for other positions he holds in government.

The Judicial Council statute, Idaho Code 1-2101 further provides:

"No permanent member of the Judicial Council, except a judge or justice, may hold any other office or position of profit under the United States or the state."

Mr. Reberger reported to the Judiciary and Rules Committee that he holds other appointed positions both at the state and city level. Particularly, he is currently serving on the Idaho State Building Authority, a post which pays compensation of \$75.00 per meeting. This compensation constitutes a profit to Mr. Reberger, it is not just reimbursement of expenses. Even a small sum of money violates the statute prohibiting compensation or profit from the state of Idaho. The city of Boise is a subsidiary of the state of Idaho and as such any compensation Mr. Reberger receives for service on the Airport Authority and/or the Capitol City Development Corp. may be in violation of I.C. 1-2101.

The minority vote to deny the confirmation of the Senate of Mr. Reberger's appointment to the Judicial Council is based on our assertion that his appointment is in violation of state law. We would be remiss in not bringing this issue to the attention of the Senate since any decisions by the illegally constituted Judicial Council could be called into question. For these reasons, the minority members of the Judiciary and Rules Committee oppose the Senate's confirmation of the appointment of Phil Reberger to the Idaho Judicial Council.

Dated this 29th day of January, 2004.

/s/: Senator Mike Burkett
Assistant Minority Leader
/s/: Senator Bert Marley

The minority report was ordered filed in the office of the Secretary of the Senate and was ordered spread upon the pages of the Journal pursuant to Senate Rule 21(B).

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 28, 2004

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Dyke Nally of Boise, Idaho, was appointed Superintendent of the Idaho State Liquor Dispensary to serve a term commencing January 4, 2002, and expiring January 4, 2005.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that **SR 108** was before the Senate for final consideration.

Moved by Senator Davis, seconded by Senator Stennett, that **SR 108** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bilbao (Little), Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Spindler (Werk), Stegner, Stennett, Sweet, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Ingram. Total - 2.

Total - 35.

Whereupon the President declared **SR 108** adopted, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

Senator Brandt was recorded present at this order of business.

The President announced the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Dr. Gary O. Horton was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Marley, seconded by Senator Darrington, the Gubernatorial appointment of Dr. Gary O. Horton as a member of the Idaho Sexual Offender Classification Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Judiciary and Rules Committee report relative to the Gubernatorial appointment of J. Philip Reberger to the Idaho Judicial Council was before the Senate for final consideration.

Moved by Senator Darrington, seconded by Senator Davis, that the report of the Judiciary and Rules Committee be adopted. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Burkett, Kennedy, and Calabretta.

Roll call resulted as follows:

AYES--Andreason, Bailey, Bilbao (Little), Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Keough, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Calabretta, Ingram, Kennedy, Malepeai, Marley, Spindler (Werk), Stennett. Total - 8.

Absent and excused--Schroeder. Total - 1.

Total - 35.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

The report was ordered filed in the office of the Secretary of the Senate.

February 6, 2004

The JUDICIARY AND RULES Committee reports out S 1210, S 1227, and S 1228 with the recommendation that they do pass.

DARRINGTON, Chairman

S 1210, S 1227, and S 1228 were filed for second reading.

February 6, 2004

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Bruce Zimmerman to the Commission for the Blind and Visually Impaired, term to expire July 1, 2006;

James Solem to the Commission for the Blind and Visually Impaired, term to expire July 1, 2006;

David Hand to the Commission for the Blind and Visually Impaired, term to expire July 1, 2006;

Mark VonLinder to the Hazardous Waste Facility Siting License Application Review Panel, term to expire March 6, 2006;

John "Randy" MacMillan to the Board of Environmental Quality, term to expire July 1, 2007;

Nick Purdy to the Board of Environmental Quality, term to expire July 1, 2007.

BRANDT, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 6, 2004

The JUDICIARY AND RULES Committee reports out S 1262 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, S 1262 was referred to the Fourteenth Order of Business, General Calendar.

February 6, 2004

Jeannine Wood
Secretary of the Senate
Statehouse Mail

Re: Dissenting Member Report

Dear Madam Secretary:

Enclosed is a member report dissenting in whole or in part

with the reasoning and conclusions of both the majority and minority reports from the Senate Judiciary and Rules Committee on the confirmations of J. Philip Reberger and William A. Parsons to the Judicial Council. This report is submitted to be read across the desk and spread upon the pages of the Journal of the Senate pursuant to Senate Rule 21(B).

This dissenting report is relative to the majority report of J. Philip Reberger reported in the Senate Journal on January 28, 2004, and the minority report reported in the Senate Journal on January 29, 2004.

This dissenting report is also relative to the majority report of William A. Parsons reported in the Senate Journal on February 3, 2004, and the minority report reported in the Senate Journal on February 5, 2004.

Sincerely,
/s/ Senator Bart M. Davis
Senate Majority Leader

Senator Burkett objected to the reading of the report and the spreading of the report upon the pages of the Journal.

The President Pro Tempore ruled that Senator Burkett's objection was out of order pursuant to Senate Rule 21(B).

Senator Burkett moved, seconded by Senator Marley, that the decision of the President Pro Tempore be appealed. The question being, "Shall the ruling of the President Pro Tempore be overruled?"

Roll call vote was requested by Senators Burkett, Calabretta, and Stennett.

Roll call resulted as follows:

AYES--Burkett, Calabretta, Kennedy, Malepeai, Marley, Stennett, Werk. Total - 7.

NAYS--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 26.

Absent and excused--Ingram, Schroeder. Total - 2.

Total - 35.

The President Pro Tempore declared that the motion did not prevail and the ruling was sustained.

Senator Burkett moved, seconded by Senator Kennedy, that the Report of the Members Dissenting in Whole or in Part with the Reasoning and Conclusions of Both the Majority and the Minority Reports not be spread upon the pages of the Senate Journal.

The President Pro Tempore ruled that the motion was out of order pursuant to Senate Rule 21(B).

The following Dissenting Member Report was ordered filed in the office of the Secretary of the Senate and was ordered spread upon the pages of the Senate Journal pursuant to Senate Rule 21(B).

**SENATE JUDICIARY AND RULES COMMITTEE
REPORT OF MEMBERS DISSENTING IN WHOLE OR
IN PART WITH THE REASONING AND CONCLUSIONS
OF BOTH THE MAJORITY AND THE MINORITY
REPORTS—SENATE RULE 21(B)**

J. PHILIP REBERGER

Majority Report—January 27, 2004
Minority Report—January 29, 2004

WILLIAM A. PARSONS

Majority Report—February 2, 2004
Minority Report—February 3, 2004

The undersigned, Denton Darrington and Bart M. Davis, members of the Senate Judiciary and Rules Committee that considered and recommended the confirmations of J. Philip Reberger and William A. Parsons, hereby submit this report pursuant to Senate Rule 21(B).

Senate Rule 21(B) provides that:

“...any member dissenting in whole or part with the reasoning and conclusions of both reports may also present to the Senate a statement of his reasons and conclusions, and all such reports, if decorous in language and respectful to the Senate, shall be entered at length in the Journal.”

We dissent in part with the Majority Reports for J. Philip Reberger and William A. Parsons. Our reasons and conclusions for such dissent are limited to the Majority’s singular declaration that “said appointment(s) be confirmed by the Senate.” Such recommendations fail to adequately address any of the erroneous legal and factual assertions contained in the Minority Reports of Senators Mike Burkett and Bert Marley. We voted in favor of the confirmation recommendation contained in the Majority Report, and we concur with the Majority in that regard. Our dissent is limited to the failure to report the committee’s research in opposition to the Minority Reports’ positions.

We dissent in whole with the Minority Reports for J. Philip Reberger and William A. Parsons, filed by Senators Mike Burkett and Bert Marley. Our reasons and conclusions for such dissent are as follows:

J. PHILIP REBERGER

Minority Report—January 29, 2004

I. ASSERTION THAT APPOINTMENT VIOLATES I.C. § 1-2101. The Minority Report asserts that the appointment of Mr. Reberger to the Judicial Council violates I.C. § 1-2101 by

providing permanent appointed membership of four (4) members from one political party. The Minority Report reaches that conclusion by asserting that Judge N. Randy Smith, J. Philip Reberger, Helen McKinney, and William A. Parsons are all members of the same political party.

We dissent from such assertion. It is undisputed that Messrs. Reberger and Parsons, together with Ms. McKinney, are all members of the same political party. By law, however, Judge N. Randy Smith is nonpartisan. Article VI, Section 7, Idaho *Constitution* states:

“NONPARTISAN SELECTION OF SUPREME AND DISTRICT JUDGES. The selection of justices of the Supreme Court and district judges shall be nonpartisan. The legislature shall provide for their nomination and election, but candidates for the offices of justice of the Supreme Court and district judge shall not be nominated nor endorsed by any political party and their names shall not appear on any political party ticket, nor be accompanied on the ballot by any political party designation.”

Further, the Idaho Code of Judicial Conduct Canon 5 prohibits partisan political participation, endorsement, and involvement by judges. Conduct inconsistent with this Canon may be a basis for removal from judicial office.

The Minority Report refers to participation by Judge Smith before ascending to the bench in 1996. The Minority Report only asserts historical partisan participation, without consideration of current nonpartisanship. Senators Burkett and Marley fail to take into account the conceptual difference between “was” and “is.”

II. ASSERTION THAT NOMINEE HOLDS A POSITION OF PROFIT FROM THE STATE OF IDAHO, A DISQUALIFIER UNDER I.C. § 1-2101 (BUILDING AUTHORITY). The Minority Report asserts that the nominee’s service as a member of the Idaho State Building Authority (“ISBA”) that pays a \$75 honorarium to attend periodic meetings disqualifies him as a Judicial Council nominee. Also, the Minority Report speculates that other service to the City of Boise “may” violate the statute. As to the City of Boise, the Minority Report fails to factually report this as a disqualifier, but speculates as to the facts, then makes conjecture therefrom. We dissent in whole with this portion of the Minority Report.

Initially, it is important to note that the Minority Report failed to request an opinion from the Idaho Attorney General; failed to review the Building Authority Statutes; and failed to review existing legal precedent. We did so. As a result, we hereby make this report to the Senate.

We requested that the Attorney General’s office review these allegations. In the reply letter dated January 27, 2004, that office reported a member of the Building Authority may simultaneously serve as a member of the Judicial Council. That office’s legal opinion concludes no violation of Idaho law. It reported that the Building Authority is not an “office or position under ... the [S]tate” under section 1-2101 because of the unique legal status of the Authority as an independent public body corporate and politic

under State law. *See* Idaho Code § 67-6403." That office further reminds the Senate that the ISBA does not receive any state appropriation, and has not since its creation. It is funded exclusively through its leasing agreements. Further, the ISBA Commissioners are not ISBA employees.

The Attorney General's office found no violation of law.

We reviewed the Building Authority Statutes. I.C. § 67-6408 provides:

"NO FORFEITURE OF OFFICE. Notwithstanding the provisions of any other law, no officer or employee of this state shall be deemed to have forfeited or shall forfeit his office or employment by reason of his acceptance of membership on the authority or his service thereon."

This language supercedes the Minority Report's asserted limiting language of I.C. § 1-2101. The Minority Report fails to report to the Senate this statutory language or its effect on the allegations the minority asserts.

Finally, we reviewed existing judicial precedent regarding the Minority Report's position. In *Bott v. Idaho State Building Authority*, 122 Idaho 471 (1992), the Idaho Supreme Court held that the Building Authority is not a state agency for purposes of I.C. § 12-117(3). We presume that the Supreme Court's analysis would similarly apply to I.C. § 1-2101.

As a result of the opinion from the Idaho Attorney General, the Building Authority Statutes, and existing legal precedent, it appears that the Minority Report's "position of profit" analysis fails as a matter of law.

III. ASSERTION THAT NOMINEE HOLDS A POSITION OF PROFIT FROM THE STATE OF IDAHO, A DISQUALIFIER UNDER I.C. § 1-2101 (AIRPORT AUTHORITY AND/OR CAPITOL CITY DEVELOPMENT CORP.). Additionally, the Minority Report's naked allegations regarding the nominee's involvement with the City of Boise fails simply with the factual denial that he receives any compensation at all. Unlike the Minority, we asked the nominee if he received any compensation. He said he did not. No further analysis is required.

WILLIAM A. PARSONS
Minority Report—February 3, 2004

We adopt by reference the nonpartisan dissent provided in our dissent from the Minority Report for J. Philip Reberger. We assert that as a matter of law, no violation of statute has occurred by the Idaho State Bar in its appointment for confirmation of this nominee. Further, the confirmation by the Senate of this nominee is consistent with Idaho law, as discussed hereinbefore.

History requires the filing of this dissent pursuant to Senate Rule 21(B).

DATED: FEBRUARY 6, 2004

/s/ DENTON DARRINGTON
CHAIRMAN,
JUDICIARY AND RULES COMMITTEE

/s/ SENATOR BART M. DAVIS
MAJORITY LEADER

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1288

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE BOARD OF DENTISTRY; AMENDING SECTION 54-903, IDAHO CODE, TO DEFINE "EXTENDED ACCESS ORAL HEALTH CARE PROGRAM"; AND AMENDING SECTION 54-904, IDAHO CODE, TO SPECIFY STANDARDS FOR PRACTICE FOR DENTAL HYGIENISTS.

S 1289

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE IDAHO DENTAL PRACTICE ACT; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-935, IDAHO CODE, TO PROVIDE A VOLUNTEER'S LICENSE, TO SPECIFY QUALIFICATIONS, TO GOVERN PERMISSIBLE PRACTICE AND TO PROVIDE IMMUNITY FROM LIABILITY.

S 1290

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO RECOVERY OF MEDICAL ASSISTANCE; AMENDING SECTION 56-218, IDAHO CODE, TO CLARIFY WHEN MEDICAL ASSISTANCE MAY BE RECOVERED AND TO SPECIFY WHEN THE CAUSE OF ACTION ACCRUES TO VOID A TRANSFER WITHOUT ADEQUATE CONSIDERATION.

S 1291

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE CREATION OF THE IDAHO CONRAD J-1 VISA WAIVER PROGRAM; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 61, TITLE 39, IDAHO CODE, TO ADOPT THE IDAHO CONRAD J-1 VISA WAIVER PROGRAM, TO PROVIDE A SHORT TITLE, TO PROVIDE THE PURPOSE OF THE CHAPTER, TO PROVIDE SEVERABILITY, TO PROVIDE FOR INCORPORATION OF FEDERAL LAW, RULES AND REGULATIONS BY REFERENCE, TO DEFINE TERMS, TO DESCRIBE GENERAL REQUIREMENTS AND LIMITATIONS, TO PROVIDE GUIDING PRINCIPLES, TO DEFINE CRITERIA FOR APPLICANTS, TO DEFINE CONTRACT REQUIREMENTS, TO DEFINE CRITERIA FOR THE PRACTICE LOCATION, TO DEFINE CRITERIA FOR PHYSICIANS, TO DESCRIBE REPORTING REQUIREMENTS, TO REQUIRE AN APPLICATION FEE, TO DESCRIBE APPLICATION CRITERIA AND ACCOMPANYING DOCUMENTS, TO DEFINE CRITERIA FOR FEDERALLY DESIGNATED FACILITIES, TO PROVIDE FOR DEPARTMENT REVIEW AND TO DESCRIBE DEPARTMENT ACTIONS, TO DESCRIBE LIMITATIONS TO PROGRAM PARTICIPATION AND TO DEFINE DEPARTMENT REPORTING REQUIREMENTS.