

GENERAL LAWS
OF THE
STATE OF IDAHO



PASSED BY
THE SECOND REGULAR SESSION OF THE
SIXTY-SECOND IDAHO LEGISLATURE

Convened January 6, 2014
Adjourned March 20, 2014

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 192
(H.B. No. 570)

AN ACT

RELATING TO ADMINISTRATIVE RULES; CONTINUING CERTAIN RULES IN FULL FORCE AND EFFECT UNTIL JULY 1, 2015; CONTINUING RULES APPROVED OR EXTENDED BY ADOPTION OF A CONCURRENT RESOLUTION OF THE SECOND REGULAR SESSION OF THE SIXTY-SECOND IDAHO LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1, 2015, 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, 2014, 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, 2015, 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 Sixty-second Idaho Legislature shall continue in full force and effect in such approved or extended language until July 1, 2015, 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 Sixty-second 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, 2015, 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. 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.

CHAPTER 193
(H.B. No. 581)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF VETERANS SERVICES FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Division of Veterans Services, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$914,900			\$49,400	\$964,300
Miscellaneous Revenue					
Fund	12,018,900	\$1,814,100	\$488,300		14,321,300
Veterans Home Endowment Income					
Fund	62,400	579,100		1,500	643,000
Federal Grant					
Fund	<u>6,338,400</u>	<u>6,687,200</u>	<u>1,201,200</u>	<u>0</u>	<u>14,226,800</u>
TOTAL	\$19,334,600	\$9,080,400	\$1,689,500	\$50,900	\$30,155,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Veterans Services is authorized no more than three hundred twenty-eight (328) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 194
(H.B. No. 582)

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 2015;
AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Public Health Districts \$8,531,200 from the General Fund to be transferred to the Public Health Trust Fund in accordance with the provisions of Section 39-425, Idaho Code, for the period July 1, 2014, through June 30, 2015.

SECTION 2. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 195
(H.B. No. 583)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Commission on Aging, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$468,200	\$37,900	\$3,977,100	\$4,483,200
Federal Grant				
Fund	<u>616,800</u>	<u>326,200</u>	<u>7,520,300</u>	<u>8,463,300</u>
TOTAL	\$1,085,000	\$364,100	\$11,497,400	\$12,946,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on Aging is authorized no more than thirteen (13) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary sav-

ings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 196
(H.B. No. 587)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Office of Species Conservation, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$430,900	\$262,900		\$693,800
Miscellaneous Revenue				
Fund		57,000		57,000
Federal Grant				
Fund	<u>573,600</u>	<u>198,400</u>	<u>\$12,000,000</u>	<u>12,772,000</u>
TOTAL	\$1,004,500	\$518,300	\$12,000,000	\$13,522,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Species Conservation is authorized no more than twelve (12) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 197
(H.B. No. 588)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2015;
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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 according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
Fish and Game (Licenses)					
Fund	\$3,632,300	\$1,537,800	\$3,584,400		\$8,754,500
Fish and Game (Other)					
Fund	566,600	114,000			680,600
Fish and Game Set-Aside (Licenses)					
Fund	200	33,400			33,600
Fish and Game Set-Aside (Other)					
Fund	18,900	20,900			39,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Expendable Big Game Depredation					
Fund		2,900			2,900
Fish and Game Expendable Trust					
Fund		7,400			7,400
Fish and Game Nonexpendable Trust					
Fund		3,600			3,600
Fish and Game (Federal)					
Fund	<u>3,986,800</u>	<u>2,763,200</u>	<u>56,100</u>		<u>6,806,100</u>
TOTAL	\$8,204,800	\$4,483,200	\$3,640,500		\$16,328,500

II. ENFORCEMENT:**FROM:****Fish and Game (Licenses)**

Fund	\$8,025,400	\$1,999,700	\$161,600		\$10,186,700
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Fish and Game (Other)

Fund	144,700	26,000			170,700
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Fish and Game Set-Aside (Other)

Fund		20,600			20,600
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Fish and Game Expendable Trust

Fund		26,400			26,400
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Fish and Game (Federal)

Fund	<u>32,900</u>	<u>6,700</u>	<u>0</u>		<u>39,600</u>
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TOTAL	\$8,203,000	\$2,079,400	\$161,600		\$10,444,000
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III. FISHERIES:**FROM:****Fish and Game (Licenses)**

Fund	\$3,655,000	\$2,567,400	\$253,200		\$6,475,600
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Fish and Game (Other)

Fund	2,340,900	1,849,400	865,000		5,055,300
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Fish and Game Set-Aside (Licenses)

Fund	235,500	257,600			493,100
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Fish and Game Set-Aside (Other)

Fund	74,700	3,500			78,200
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Fish and Game Expendable Trust

Fund	51,500	634,200			685,700
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Fish and Game Nonexpendable Trust

Fund		33,200			33,200
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Fish and Game (Federal)

Fund	<u>12,539,300</u>	<u>9,603,500</u>	<u>1,089,100</u>		<u>23,231,900</u>
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TOTAL	\$18,896,900	\$14,948,800	\$2,207,300		\$36,053,000
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. WILDLIFE:					
FROM:					
Fish and Game (Licenses)					
Fund	\$4,105,000	\$3,968,100	\$65,200	\$174,800	\$8,313,100
Fish and Game (Other)					
Fund	602,500	1,042,200			1,644,700
Fish and Game Set-Aside (Other)					
Fund	776,500	378,200	180,000		1,334,700
Fish and Game Expendable Trust					
Fund	615,600	325,200	110,000		1,050,800
Fish and Game Nonexpendable Trust					
Fund	11,400	2,300			13,700
Fish and Game (Federal)					
Fund	<u>5,288,900</u>	<u>4,623,000</u>	<u>1,267,600</u>	<u>0</u>	<u>11,179,500</u>
TOTAL	\$11,399,900	\$10,339,000	\$1,622,800	\$174,800	\$23,536,500
V. COMMUNICATIONS:					
FROM:					
Fish and Game (Licenses)					
Fund	\$1,635,000	\$432,100	\$67,400		\$2,134,500
Fish and Game (Other)					
Fund	95,100	131,300	120,000		346,400
Fish and Game Set-Aside (Other)					
Fund	93,300	16,500			109,800
Fish and Game Expendable Trust					
Fund	31,800	51,100			82,900
Fish and Game Nonexpendable Trust					
Fund		200			200
Fish and Game (Federal)					
Fund	<u>995,400</u>	<u>362,000</u>	<u>0</u>		<u>1,357,400</u>
TOTAL	\$2,850,600	\$993,200	\$187,400		\$4,031,200
VI. ENGINEERING:					
FROM:					
Fish and Game (Licenses)					
Fund	\$919,600	\$72,800	\$3,600		\$996,000
VII. WILDLIFE MITIGATION AND HABITAT CONSERVATION:					
FROM:					
Fish and Game (Licenses)					
Fund	\$646,100	\$516,200	\$8,700		\$1,171,000
Fish and Game (Other)					
Fund	66,600	7,800			74,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Fish and Game Set-Aside (Licenses)					
Fund	4,000	1,329,800			1,333,800
Fish and Game Set-Aside (Other)					
Fund	123,200	23,700			146,900
Expendable Big Game Depredation					
Fund				\$600,000	600,000
Fish and Game (Federal)					
Fund	<u>754,500</u>	<u>301,300</u>	<u>0</u>	<u>0</u>	<u>1,055,800</u>
TOTAL	\$1,594,400	\$2,178,800	\$8,700	\$600,000	\$4,381,900
GRAND TOTAL	\$52,069,200	\$35,095,200	\$7,831,900	\$774,800	\$95,771,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Fish and Game is authorized no more than five hundred sixty-eight (568) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. Over the last three years, the Department of Fish and Game's expenditures from the license fund exceeded revenues by \$2.8 million or about \$1 million per year. Furthermore, the department submitted a fiscal year 2015 budget request that was fifteen percent (15%) above projected revenues. It is legislative intent that for the next budget cycle, the department take into account the trend of the last three years of actual revenues and take into account any approved policy changes to make a revised fiscal year 2015 revenue estimate. The department is to recommend changes to bring the fiscal year 2015 budget to within five percent (5%) of projected revenues. Furthermore, the department is to submit a fiscal year 2016 budget request that details the revenue assumptions based on current law and a budget that does not exceed projected license revenues.

SECTION 4. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and there-

fore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 198
(H.B. No. 591)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Division of Human Resources from the Division of Human Resources Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2014, through June 30, 2015:

FOR:

Personnel Costs	\$1,055,000
Operating Expenditures	<u>668,600</u>
TOTAL	\$1,723,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Human Resources is authorized no more than twelve (12) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. Of the amount appropriated in Section 1 of this act, the Division of Human Resources shall pay the Division of Professional-Technical Education for the cost of providing statewide management and human resources training. The payment amount shall be equal to the Miscellaneous Revenue Fund expenditures in fiscal year 2015 within the Related Services Program of the Division of Professional-Technical Education, less any unencumbered balance remaining on June 30, 2014.

SECTION 4. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 199
(H.B. No. 596)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. FOREST UTILIZATION RESEARCH:					
FROM:					
General					
Fund	\$693,500	\$109,300	\$84,300		\$887,100
II. GEOLOGICAL SURVEY:					
FROM:					
General					
Fund	\$777,700	\$22,000	\$21,400		\$821,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. SCHOLARSHIPS AND GRANTS:					
FROM:					
General					
Fund	\$60,100			\$6,663,300	\$6,723,400
Federal Grant					
Fund	<u>17,500</u>	<u>\$1,000</u>		<u>1,704,600</u>	<u>1,723,100</u>
TOTAL	\$77,600	\$1,000		\$8,367,900	\$8,446,500
IV. MUSEUM OF NATURAL HISTORY:					
FROM:					
General					
Fund	\$460,600	\$13,800	\$29,500		\$503,900
V. SMALL BUSINESS DEVELOPMENT CENTERS:					
FROM:					
General					
Fund	\$260,500				\$260,500
VI. TECHHELP:					
FROM:					
General					
Fund	\$150,400				\$150,400
GRAND TOTAL	\$2,420,300	\$146,100	\$135,200	\$8,367,900	\$11,069,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the State Board of Education and the Board of Regents of the University of Idaho specified in this section is authorized no more than the number of full-time equivalent positions shown at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Forest Utilization Research	7.68
Geological Survey	10.28
Scholarships and Grants	1.35
Museum of Natural History	7.20
Small Business Development Centers	3.87
TechHelp	1.75

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 200
(H.B. No. 605)

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Public Employee Retirement System of Idaho, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. RETIREMENT ADMINISTRATION:				
FROM:				
PERSI Administrative				
Fund	\$3,646,400	\$2,503,700	\$67,900	\$6,218,000
II. PORTFOLIO INVESTMENT:				
FROM:				
PERSI Special				
Fund	\$686,300	\$196,900	\$17,900	\$901,100
GRAND TOTAL	\$4,332,700	\$2,700,600	\$85,800	\$7,119,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Employee Retirement System of Idaho is authorized no more than sixty-four (64) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. 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 System Board as provided in Section 59-1311(4)(a), (b) and (c), Idaho Code.

SECTION 4. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 201
(H.B. No. 606)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2014; APPROPRIATING MONEYS TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 196, Laws of 2013, and any other appropriation provided for by law, there is hereby appropriated to the Idaho Commission for Libraries \$40,000 from the Federal Grant Fund, to be expended for personnel costs, for the period July 1, 2013, through June 30, 2014.

SECTION 2. There is hereby appropriated to the Idaho Commission for Libraries, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$1,802,000	\$1,482,700	\$26,000	\$200,000	\$3,510,700
Miscellaneous Revenue					
Fund		23,400	25,000	26,000	74,400
Federal Grant					
Fund	<u>569,700</u>	<u>916,500</u>	<u>25,000</u>	<u>60,000</u>	<u>1,571,200</u>
TOTAL	\$2,371,700	\$2,422,600	\$76,000	\$286,000	\$5,156,300

SECTION 3. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Commission for Libraries is authorized no more than thirty-nine and fifty-hundredths (39.50) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 4. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary sav-

ings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

SECTION 5. 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 March 26, 2014

CHAPTER 202
(H.B. No. 607)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Idaho State Historical Society, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$1,656,500	\$876,600	\$24,400	\$31,600	\$2,589,100
Miscellaneous Revenue					
Fund	563,000	627,200			1,190,200
Records Management Service					
Fund	106,100	139,000			245,100
Capitol Commission Operating					
Fund	62,100	53,500			115,600
Federal Grant					
Fund	<u>880,400</u>	<u>485,200</u>	<u>0</u>	<u>130,000</u>	<u>1,495,600</u>
TOTAL	\$3,268,100	\$2,181,500	\$24,400	\$161,600	\$5,635,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Historical Society is authorized no more than forty-nine and two-hundredths (49.02) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 203
(H.B. No. 608)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN MONEYS BEING CONTINUOUSLY APPROPRIATED; AUTHORIZING THE TRANSFER OF HIGHWAY FUNDS TO THE TOURISM AND PROMOTION FUND; PROVIDING REAPPROPRIATION FOR CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION; PROVIDING REAPPROPRIATION FOR AIRPORT DEVELOPMENT GRANTS; PROVIDING REAPPROPRIATION FOR AMERICAN RECOVERY AND REINVESTMENT ACT MONEYS; AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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 according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. TRANSPORTATION SERVICES:					
A. ADMINISTRATION:					
FROM:					
State Highway (Dedicated)					
Fund	\$14,650,700	\$7,080,400	\$1,170,400		\$22,901,500
State Highway (Billing)					
Fund	42,900	108,700			151,600
State Highway (Federal)					
Fund	<u>367,200</u>	<u>116,100</u>	<u>0</u>	<u>\$330,000</u>	<u>813,300</u>
TOTAL	\$15,060,800	\$7,305,200	\$1,170,400	\$330,000	\$23,866,400
B. CAPITAL FACILITIES:					
FROM:					
State Aeronautics (Dedicated)					
Fund			\$50,000		\$50,000
State Highway (Dedicated)					
Fund			<u>3,265,000</u>		<u>3,265,000</u>
TOTAL			\$3,315,000		\$3,315,000
C. AERONAUTICS:					
FROM:					
State Aeronautics (Dedicated)					
Fund	\$921,000	\$509,300	\$178,000	\$765,000	\$2,373,300
State Aeronautics (Billing)					
Fund	81,400	144,300			225,700
State Aeronautics (Federal)					
Fund	<u>58,700</u>	<u>261,800</u>	<u>0</u>	<u>0</u>	<u>320,500</u>
TOTAL	\$1,061,100	\$915,400	\$178,000	\$765,000	\$2,919,500
D. TRANSPORTATION PERFORMANCE:					
FROM:					
State Highway (Dedicated)					
Fund	\$525,900	\$107,700	\$10,200	\$312,000	\$955,800
State Highway (Federal)					
Fund	<u>510,700</u>	<u>405,800</u>	<u>0</u>	<u>12,558,200</u>	<u>13,474,700</u>
TOTAL	\$1,036,600	\$513,500	\$10,200	\$12,870,200	\$14,430,500
DIVISION					
TOTAL	\$17,158,500	\$8,734,100	\$4,673,600	\$13,965,200	\$44,531,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. MOTOR VEHICLES:					
FROM:					
State Highway (Dedicated)					
Fund	\$13,596,400	\$18,722,600	\$289,900		\$32,608,900
State Highway (Billing)					
Fund	15,600	117,800			133,400
State Highway (Federal)					
Fund	<u>0</u>	<u>2,600,000</u>	<u>0</u>		<u>2,600,000</u>
TOTAL	\$13,612,000	\$21,440,400	\$289,900		\$35,342,300
III. HIGHWAY OPERATIONS:					
FROM:					
State Highway (Dedicated)					
Fund	\$78,207,600	\$50,206,200	\$28,242,500	\$150,000	\$156,806,300
State Highway (Billing)					
Fund	38,300	88,400			126,700
State Highway (Local)					
Fund	207,500	94,700			302,200
State Highway (Federal)					
Fund	<u>10,344,400</u>	<u>3,566,800</u>	<u>0</u>	<u>2,515,000</u>	<u>16,426,200</u>
TOTAL	\$88,797,800	\$53,956,100	\$28,242,500	\$2,665,000	\$173,661,400
IV. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:					
FROM:					
State Highway (Dedicated)					
Fund		\$5,053,500	\$28,552,300	\$308,000	\$33,913,800
State Highway (Local)					
Fund		705,200	2,625,400	541,000	3,871,600
State Highway (Federal)					
Fund		<u>12,153,000</u>	<u>211,064,800</u>	<u>2,904,000</u>	<u>226,121,800</u>
TOTAL		\$17,911,700	\$242,242,500	\$3,753,000	\$263,907,200
GRAND TOTAL	\$119,568,300	\$102,042,300	\$275,448,500	\$20,383,200	\$517,442,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Transportation Department is authorized no more than one thousand seven hundred twenty-four (1,724) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUSLY APPROPRIATED MONEYS. 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. TOURISM AND PROMOTION FUND. 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 2015. This transfer will provide the matching fund support for the Gateway Visitor Centers.

SECTION 5. REAPPROPRIATION AUTHORITY FOR THE CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION DIVISION. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balance of money categorized as the State Highway Fund for the Contract Construction and Right-of-Way Acquisition Division as appropriated or reappropriated for fiscal year 2014, to be used for nonrecurring expenditures, for the period July 1, 2014, through June 30, 2015.

SECTION 6. REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balance of money categorized as the State Aeronautics Fund as appropriated or reappropriated for trustee and benefit payments to be used for Airport Development Grants for fiscal year 2014, to be used for nonrecurring expenditures, for the period July 1, 2014, through June 30, 2015.

SECTION 7. REAPPROPRIATION AUTHORITY FOR AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balance of money categorized as Title XII of the American Recovery and Reinvestment Act as appropriated or reappropriated for fiscal year 2014, to be used for nonrecurring expenditures, according to all the requirements of the federal act for the period July 1, 2014, through June 30, 2015.

SECTION 8. BOND PAYMENT AUTHORIZATION. The federal GARVEE bond payment for fiscal year 2015 is approximately \$54,000,000. The Idaho Transportation Board is hereby authorized to transfer up to \$4,900,000 from within the State Highway Account to the GARVEE Debt Service Fund to pay the state match as required for federal funds committed to pay the annual scheduled debt service for fiscal year 2015.

SECTION 9. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the

Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 204
(H.B. No. 609)

AN ACT

APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICE COSTS TO THE GENERAL FUND; PROVIDING DEDICATED FUND REAPPROPRIATION AUTHORITY; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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 expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. ADMINISTRATION:				
FROM:				
General				
Fund	\$479,200	\$60,800	\$10,600	\$550,600
II. STATEWIDE ACCOUNTING:				
FROM:				
General				
Fund	\$1,572,300	\$1,809,300		\$3,381,600
Miscellaneous Revenue				
Fund	<u>0</u>	<u>20,000</u>		<u>20,000</u>
TOTAL	\$1,572,300	\$1,829,300		\$3,401,600
III. STATEWIDE PAYROLL:				
FROM:				
General				
Fund	\$1,363,400	\$1,581,800	\$6,700	\$2,951,900
Miscellaneous Revenue				
Fund	<u>0</u>	<u>20,000</u>	<u>0</u>	<u>20,000</u>
TOTAL	\$1,363,400	\$1,601,800	\$6,700	\$2,971,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
IV. COMPUTER CENTER:				
FROM:				
Data Processing Services				
Fund	\$4,472,300	\$2,851,100	\$34,800	\$7,358,200
GRAND TOTAL	\$7,887,200	\$6,343,000	\$52,100	\$14,282,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Controller is authorized no more than ninety-four (94) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. 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, 2015, 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 4. DEDICATED FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Controller any unexpended and unencumbered balances appropriated or reappropriated to the State Controller for the Computer Service Center Program for fiscal year 2014, to be used for nonrecurring expenditures in that program for the period July 1, 2014, through June 30, 2015.

SECTION 5. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be

reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 205
(H.B. No. 610)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION; AMENDING CHAPTER 235, LAWS OF 2013, BY THE ADDITION OF A NEW SECTION 4, CHAPTER 235, LAWS OF 2013, TO GRANT LEGISLATIVE AUTHORIZATION AND APPROVAL TO PURCHASE PROPERTY; PROVIDING CERTAIN NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2015; AND DECLARING AN EMERGENCY FOR SECTION 4 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 according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BRAND INSPECTION:					
FROM:					
State Brand Board					
Fund	\$2,236,300	\$386,200	\$84,500		\$2,707,000
II. DIRECTOR'S OFFICE:					
FROM:					
General					
Fund	\$1,837,100	\$380,700			\$2,217,800
Idaho Law Enforcement					
Fund	115,300				115,300
Idaho Law Enforcement (Project Choice)					
Fund	139,600	2,500			142,100
Miscellaneous Revenue					
Fund		56,400			56,400
Federal Grant					
Fund	<u>78,200</u>	<u>18,100</u>			<u>96,300</u>
TOTAL	\$2,170,200	\$457,700			\$2,627,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. EXECUTIVE PROTECTION:					
FROM:					
General					
Fund	\$279,000	\$64,300	\$46,900		\$390,200
Idaho Law Enforcement (Project Choice)					
Fund	59,300	600			59,900
Miscellaneous Revenue					
Fund	<u>91,600</u>	<u>5,800</u>	<u>0</u>		<u>97,400</u>
TOTAL	\$429,900	\$70,700	\$46,900		\$547,500
IV. INVESTIGATIONS:					
FROM:					
General					
Fund	\$5,397,300	\$729,000	\$364,500		\$6,490,800
Idaho Law Enforcement (Project Choice)					
Fund	825,500	8,400			833,900
Drug & DWUI Enforcement Donation					
Fund	204,000	399,900			603,900
Federal Grant					
Fund	<u>195,100</u>	<u>432,300</u>	<u>0</u>		<u>627,400</u>
TOTAL	\$6,621,900	\$1,569,600	\$364,500		\$8,556,000
V. PATROL:					
FROM:					
General					
Fund	\$3,922,200	\$1,477,800	\$2,402,200		\$7,802,200
Idaho Law Enforcement					
Fund	14,117,400	2,393,400	44,100		16,554,900
Idaho Law Enforcement (Project Choice)					
Fund	3,047,200	30,600			3,077,800
Hazardous Materials/Waste Enforcement					
Fund	392,900	68,600		\$69,100	530,600
Miscellaneous Revenue					
Fund	192,300	29,400			221,700
Federal Grant					
Fund	<u>2,666,600</u>	<u>1,122,400</u>	<u>91,800</u>	<u>2,607,600</u>	<u>6,488,400</u>
TOTAL	\$24,338,600	\$5,122,200	\$2,538,100	\$2,676,700	\$34,675,600
VI. LAW ENFORCEMENT PROGRAMS:					
FROM:					
General					
Fund	\$277,700	\$262,900			\$540,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Alcohol Beverage Control					
Fund	900,500	296,000	\$10,000		1,206,500
Idaho Law Enforcement (Project Choice)					
Fund	140,000	1,600			141,600
Miscellaneous Revenue					
Fund		12,500			12,500
Federal Grant					
Fund	<u>400</u>	<u>0</u>	<u>0</u>		<u>400</u>
TOTAL	\$1,318,600	\$573,000	\$10,000		\$1,901,600
VII. SUPPORT SERVICES:					
FROM:					
General					
Fund	\$1,563,000	\$1,087,300	\$69,200		\$2,719,500
Idaho Law Enforcement					
Fund	99,200				99,200
Idaho Law Enforcement (Project Choice)					
Fund	145,400	3,800			149,200
Idaho Law Enforcement Telecommunications					
Fund	445,900	903,900	273,900		1,623,700
Miscellaneous Revenue					
Fund	1,060,300	1,260,900	15,700		2,336,900
Federal Grant					
Fund	<u>0</u>	<u>35,800</u>	<u>190,600</u>		<u>226,400</u>
TOTAL	\$3,313,800	\$3,291,700	\$549,400		\$7,154,900
VIII. FORENSIC SERVICES:					
FROM:					
General					
Fund	\$2,953,700	\$493,300	\$191,800		\$3,638,800
Idaho Law Enforcement (Project Choice)					
Fund	291,200	4,300			295,500
Drug & DWUI Enforcement Donation					
Fund		369,800			369,800
Miscellaneous Revenue					
Fund	76,100	130,500			206,600
Federal Grant					
Fund	<u>124,300</u>	<u>286,900</u>	<u>0</u>		<u>411,200</u>
TOTAL	\$3,445,300	\$1,284,800	\$191,800		\$4,921,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IX. PEACE OFFICER STANDARDS AND TRAINING ACADEMY:					
FROM:					
Idaho Law Enforcement (Project Choice)					
Fund	\$101,600	\$2,300			\$103,900
Peace Officers Training					
Fund	1,998,600	1,962,300	\$59,000	\$105,900	4,125,800
Miscellaneous Revenue					
Fund		29,000			29,000
Federal Grant					
Fund	<u>35,500</u>	<u>221,200</u>	<u>0</u>	<u>0</u>	<u>256,700</u>
TOTAL	\$2,135,700	\$2,214,800	\$59,000	\$105,900	\$4,515,400
X. RACING COMMISSION:					
FROM:					
Idaho State Racing Commission					
Fund	\$413,800	\$273,900	\$20,900		\$708,600
Parimutuel Distributions					
Fund	<u>0</u>	<u>0</u>	<u>0</u>	<u>\$30,000</u>	<u>30,000</u>
TOTAL	\$413,800	\$273,900	\$20,900	\$30,000	\$738,600
GRAND TOTAL	\$46,424,100	\$15,244,600	\$3,865,100	\$2,812,600	\$68,346,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Police is authorized no more than five hundred forty-eight and seven-hundredths (548.07) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

SECTION 4. That Chapter 235, Laws of 2013, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 4, Chapter 235, Laws of 2013, and to read as follows:

SECTION 4. GRANTING LEGISLATIVE AUTHORIZATION AND APPROVAL TO PURCHASE PROPERTY. Of the appropriation contained in Section 1 of this act for the Peace Officer Standards and Training (POST) Academy, \$552,400 is included in the Peace Officers Training Fund to purchase, through lawful means, the adjoining lots north of the Idaho State Police Meridian complex for future growth and expansion. Therefore, notwithstanding the provisions of Section 67-2901(12) (f), Idaho Code, the director of the Idaho State Police, on behalf of the Peace Officers Standards and Training Academy, is hereby authorized and granted legislative approval to enter into such agreements as may be reasonable and necessary to secure said property within the limits of this appropriation.

SECTION 5. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reapropriated to the Idaho State Police for the Peace Officers Standards and Training Academy, any unexpended and unencumbered balance of moneys that were appropriated from the Peace Officers Training Fund for fiscal year 2014, to purchase adjoining lots on the north side of the Idaho State Police Meridian complex, to be used for said purpose for the period July 1, 2014, through June 30, 2015, should that become necessary.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved March 26, 2014

CHAPTER 206
(H.B. No. 611)

AN ACT

APPROPRIATING MONEYS TO THE MILITARY DIVISION FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; GRANTING A CONTINUOUS APPROPRIATION FOR A CERTAIN FUND; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Military Division, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MILITARY MANAGEMENT:					
FROM:					
General					
Fund	\$1,767,700	\$248,700	\$83,600		\$2,100,000
Indirect Cost Recovery					
Fund	329,200	20,700			349,900
Miscellaneous Revenue					
Fund	<u>0</u>	<u>115,900</u>	<u>0</u>		<u>115,900</u>
TOTAL	\$2,096,900	\$385,300	\$83,600		\$2,565,800
II. FEDERAL/STATE AGREEMENTS:					
FROM:					
General					
Fund	\$730,100	\$937,600			\$1,667,700
Miscellaneous Revenue					
Fund	1,380,200	435,200			1,815,400
Federal Grant					
Fund	<u>17,281,500</u>	<u>14,417,400</u>			<u>31,698,900</u>
TOTAL	\$19,391,800	\$15,790,200			\$35,182,000
III. BUREAU OF HOMELAND SECURITY:					
FROM:					
General					
Fund	\$1,558,700	\$204,200	\$91,200		\$1,854,100
Administration and Accounting Services					
Fund	2,011,600	913,500	118,800		3,043,900
Federal Grant					
Fund	<u>2,289,700</u>	<u>5,912,700</u>	<u>0</u>	<u>\$14,937,900</u>	<u>23,140,300</u>
TOTAL	\$5,860,000	\$7,030,400	\$210,000	\$14,937,900	\$28,038,300
GRAND TOTAL	\$27,348,700	\$23,205,900	\$293,600	\$14,937,900	\$65,786,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Military Division is authorized no more than three hundred fourteen and eight-tenths (314.8) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION. The Military Division is hereby granted continuous appropriation authority for the Bureau of Homeland Security's Miscellaneous Revenue Fund for the period July 1, 2014, through June 30, 2015, for the purpose of covering incurred costs arising out of hazardous substance incidents.

SECTION 4. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 207
(H.B. No. 612)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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 from the General Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2014, through June 30, 2015:

FOR:

Personnel Costs	\$1,923,400
Operating Expenditures	<u>315,200</u>
TOTAL	\$2,238,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Appellate Public Defender is authorized no more than twenty-three (23) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 208
(H.B. No. 613)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Department of Juvenile Corrections, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General					
Fund	\$2,565,900	\$842,700	\$85,900	\$20,000	\$3,514,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue					
Fund	<u>74,800</u>	<u>14,400</u>	<u>123,900</u>	<u>0</u>	<u>213,100</u>
TOTAL	\$2,640,700	\$857,100	\$209,800	\$20,000	\$3,727,600
II. COMMUNITY, OPERATIONS, AND PROGRAM SERVICES:					
FROM:					
General					
Fund	\$1,050,300	\$134,800		\$4,243,900	\$5,429,000
Juvenile Corrections					
Fund	1,800	84,700			86,500
Juvenile Corrections - Cigarette/Tobacco Tax					
Fund				5,125,000	5,125,000
Miscellaneous Revenue					
Fund		157,300		327,000	484,300
Federal Grant					
Fund	<u>146,300</u>	<u>249,600</u>		<u>1,334,000</u>	<u>1,729,900</u>
TOTAL	\$1,198,400	\$626,400		\$11,029,900	\$12,854,700
III. INSTITUTIONS:					
FROM:					
General					
Fund	\$19,370,500	\$1,964,900	\$58,000	\$4,651,500	\$26,044,900
Miscellaneous Revenue					
Fund	20,200	258,600	29,400	460,000	768,200
State Juvenile Corrections Center Endowment Income					
Fund		790,600	242,100		1,032,700
Federal Grant					
Fund	<u>156,100</u>	<u>768,400</u>	<u>0</u>	<u>1,195,400</u>	<u>2,119,900</u>
TOTAL	\$19,546,800	\$3,782,500	\$329,500	\$6,306,900	\$29,965,700
IV. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:					
FROM:					
General					
Fund	\$153,400	\$54,900		\$3,830,700	\$4,039,000
GRAND TOTAL	\$23,539,300	\$5,320,900	\$539,300	\$21,187,500	\$50,587,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Juvenile Corrections is authorized no more than four hundred four (404) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 209
(H.B. No. 614)

AN ACT

APPROPRIATING MONEYS TO THE SOIL AND WATER CONSERVATION COMMISSION FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Soil and Water Conservation Commission, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
FROM:					
General					
Fund	\$1,043,300	\$240,500	\$44,000	\$1,203,200	\$2,531,000
Administration and Accounting Services					
Fund		20,000			20,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Resource Conservation and Rangeland Development					
Fund	151,400	146,100			297,500
Clean Water Revolving Loan (SCC)					
Fund	0	30,000	0	0	30,000
TOTAL	\$1,194,700	\$436,600	\$44,000	\$1,203,200	\$2,878,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Soil and Water Conservation Commission is authorized no more than sixteen (16) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature that \$50,000 of the amount appropriated in Section 1 of this act for trustee and benefit payments is to be distributed equally between the 50 soil and water conservation districts in addition to the amounts authorized under Section 22-2727, Idaho Code.

SECTION 4. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 210
(H.B. No. 615)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS TO THE ENVIRONMENTAL REMEDIATION BASIN FUND; EXPRESSING LEGISLATIVE INTENT REGARDING THE ENVIRONMENTAL REMEDIATION BASIN FUND AND REQUIRING AN ANNUAL REPORT; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USE OF THE WATER POLLUTION CONTROL FUND; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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 according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:					
FROM:					
General					
Fund	\$1,507,000	\$1,409,600	\$81,900		\$2,998,500
Air Quality Permitting					
Fund	209,000	96,400	6,000		311,400
Public Water System Supervision					
Fund	345,100	49,700	6,400		401,200
Water Pollution Control					
Fund	70,100	20,800	3,800		94,700
Department of Environmental Quality (Receipts)					
Fund	244,800	97,200	6,700		348,700
Bunker Hill Trust					
Fund		12,000			12,000
Department of Environmental Quality (Federal)					
Fund	<u>1,790,400</u>	<u>1,717,600</u>	<u>132,800</u>		<u>3,640,800</u>
TOTAL	\$4,166,400	\$3,403,300	\$237,600		\$7,807,300

II. AIR QUALITY:

FROM:

General

Fund	\$2,722,100	\$247,600	\$78,000		\$3,047,700
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Air Quality Permitting

Fund	1,131,900	82,700		\$40,000	1,254,600
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Department of Environmental Quality (Receipts)

Fund	278,800	243,000			521,800
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Department of Environmental Quality (Federal)					
Fund	<u>1,482,400</u>	<u>674,200</u>	<u>25,000</u>	<u>41,400</u>	<u>2,223,000</u>
TOTAL	\$5,615,200	\$1,247,500	\$103,000	\$81,400	\$7,047,100
III. WATER QUALITY:					
FROM:					
General					
Fund	\$4,826,300	\$956,200	\$96,500	\$644,800	\$6,523,800
Public Water System Supervision					
Fund	988,100	499,700			1,487,800
Water Pollution Control					
Fund	588,300	334,300		158,200	1,080,800
Department of Environmental Quality (Receipts)					
Fund	457,700	158,000		51,600	667,300
Department of Environmental Quality (Federal)					
Fund	<u>4,446,100</u>	<u>1,649,500</u>	<u>0</u>	<u>2,333,200</u>	<u>8,428,800</u>
TOTAL	\$11,306,500	\$3,597,700	\$96,500	\$3,187,800	\$18,188,500
IV. COEUR D'ALENE BASIN COMMISSION:					
FROM:					
General					
Fund	\$104,400	\$10,200			\$114,600
Environmental Remediation (Basin)					
Fund	62,700	15,500			78,200
Department of Environmental Quality (Federal)					
Fund	<u>14,200</u>	<u>253,400</u>		<u>\$50,000</u>	<u>317,600</u>
TOTAL	\$181,300	\$279,100		\$50,000	\$510,400
V. WASTE MANAGEMENT AND REMEDIATION:					
FROM:					
General					
Fund	\$2,326,200	\$102,700		\$134,600	\$2,563,500
Environmental Remediation (Box)					
Fund	27,300	76,600		150,500	254,400
Environmental Remediation (Basin)					
Fund	86,200	741,800			828,000
Department of Environmental Quality (Receipts)					
Fund	573,400	1,092,100		51,800	1,717,300
Bunker Hill Trust					
Fund	43,300	1,920,000		300,000	2,263,300
Department of Environmental Quality (Federal)					
Fund	<u>3,138,900</u>	<u>16,603,400</u>		<u>3,015,500</u>	<u>22,757,800</u>
TOTAL	\$6,195,300	\$20,536,600		\$3,652,400	\$30,384,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VI. IDAHO NATIONAL LABORATORY OVERSIGHT:					
FROM:					
General					
Fund	\$79,400	\$8,700			\$88,100
Department of Environmental Quality (Federal)					
Fund	<u>895,500</u>	<u>918,800</u>	<u>\$20,000</u>	<u>\$146,900</u>	<u>1,981,200</u>
TOTAL	\$974,900	\$927,500	\$20,000	\$146,900	\$2,069,300
GRAND TOTAL	\$28,439,600	\$29,991,700	\$457,100	\$7,118,500	\$66,006,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Environmental Quality is authorized no more than three hundred fifty-five (355) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, 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 to the Department of Environmental Quality and the State Controller shall transfer \$1,500,000 from the Water Pollution Control Fund to the Environmental Remediation Basin Fund, through monthly installments or as practicable for the period July 1, 2014, through June 30, 2015.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that moneys deposited into the Environmental Remediation Basin Fund 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 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. LEGISLATIVE INTENT. It is the intent of the Legislature that the appropriation of moneys from the Water Pollution Control Fund in this act specifically supersedes the provisions of Section 39-3630, Idaho Code.

SECTION 6. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 211
(H.B. No. 616)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING CERTAIN APPROPRIATION OBJECT TRANSFER LIMITATIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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 according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SUPPORT SERVICES:					
FROM:					
General					
Fund	\$411,400	\$255,900	\$42,000		\$709,300
Department of Lands					
Fund	528,600	314,600	47,300		890,500
Indirect Cost Recovery					
Fund	89,800	128,200	6,700		224,700
Endowment Administrative					
Fund	<u>2,676,800</u>	<u>1,069,700</u>	<u>156,400</u>		<u>3,902,900</u>
TOTAL	\$3,706,600	\$1,768,400	\$252,400		\$5,727,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. FOREST RESOURCES MANAGEMENT:					
FROM:					
General					
Fund	\$651,700	\$293,900	\$86,300		\$1,031,900
Department of Lands					
Fund	700,800	367,100	49,400		1,117,300
Indirect Cost Recovery					
Fund	84,200	320,000			404,200
Endowment Administrative					
Fund	9,142,800	6,936,800	447,800		16,527,400
Community Forestry					
Fund		20,000		\$20,000	40,000
Federal Grant					
Fund	<u>524,200</u>	<u>962,700</u>	<u>0</u>	<u>1,306,300</u>	<u>2,793,200</u>
TOTAL	\$11,103,700	\$8,900,500	\$583,500	\$1,326,300	\$21,914,000
III. LANDS AND WATERWAYS:					
FROM:					
General					
Fund	\$964,200	\$106,900	\$30,400		\$1,101,500
Department of Lands					
Fund	289,800	1,147,900	11,400		1,449,100
Endowment Administrative					
Fund	<u>2,193,700</u>	<u>3,799,300</u>	<u>105,600</u>		<u>6,098,600</u>
TOTAL	\$3,447,700	\$5,054,100	\$147,400		\$8,649,200
IV. FOREST AND RANGE FIRE PROTECTION:					
FROM:					
General					
Fund	\$1,215,100	\$459,100		\$757,300	\$2,431,500
Department of Lands					
Fund	2,765,700	766,200	\$268,000	873,000	4,672,900
Fire Suppression Deficiency					
Fund	129,500	22,100			151,600
Federal Grant					
Fund	<u>875,000</u>	<u>538,500</u>	<u>0</u>	<u>2,059,100</u>	<u>3,472,600</u>
TOTAL	\$4,985,300	\$1,785,900	\$268,000	\$3,689,400	\$10,728,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. SCALING PRACTICES:					
FROM:					
Department of Lands					
Fund	\$188,400	\$46,700			\$235,100
GRAND TOTAL	\$23,431,700	\$17,555,600	\$1,251,300	\$5,015,700	\$47,254,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Lands is authorized no more than two hundred sixty-four and forty-seven hundredths (264.47) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2015, the Department of Lands is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes, for all moneys appropriated for the Forest and Range Fire Protection Program for the period July 1, 2014, through June 30, 2015. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 212
(H.B. No. 617)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE DEPARTMENT FROM CERTAIN TRANSFER LIMITATIONS; PROVIDING REAPPROPRIATION AUTHORITY FOR CERTAIN BALANCES; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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 according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES:					
FROM:					
General					
Fund	\$346,100	\$260,100			\$606,200
Indirect Cost Recovery					
Fund	216,100	197,200	\$55,600		468,900
Parks and Recreation					
Fund	1,206,300	1,016,200		\$290,000	2,512,500
Recreational Fuels					
Fund	576,300	86,900		2,221,800	2,885,000
Parks and Recreation Registration					
Fund	302,900	145,100		5,901,200	6,349,200
Miscellaneous Revenue					
Fund		15,600			15,600
Federal Grant					
Fund	<u>0</u>	<u>2,600</u>	<u>0</u>	<u>1,997,100</u>	<u>1,999,700</u>
TOTAL	\$2,647,700	\$1,723,700	\$55,600	\$10,410,100	\$14,837,100
II. PARK OPERATIONS:					
FROM:					
General					
Fund	\$306,900	\$450,700			\$757,600
Indirect Cost Recovery					
Fund		2,400	\$4,200		6,600
Parks and Recreation					
Fund	3,942,700	1,395,800	30,000		5,368,500
Recreational Fuels					
Fund	131,200	244,600	693,300		1,069,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Parks and Recreation Registration					
Fund	2,298,500	801,300	120,000	\$200,000	3,419,800
Miscellaneous Revenue					
Fund	49,800	76,500			126,300
Public Recreation Enterprise					
Fund	716,700	1,239,000			1,955,700
Parks and Recreation Expendable Trust					
Fund	499,200	405,600			904,800
Federal Grant					
Fund	<u>1,073,600</u>	<u>628,600</u>	<u>0</u>	<u>1,227,500</u>	<u>2,929,700</u>
TOTAL	\$9,018,600	\$5,244,500	\$847,500	\$1,427,500	\$16,538,100
III. CAPITAL DEVELOPMENT:					
FROM:					
General					
Fund			\$1,850,000		\$1,850,000
Recreational Fuels					
Fund			420,000		420,000
Public Recreation Enterprise					
Fund			30,000		30,000
Parks and Recreation Expendable Trust					
Fund			<u>16,000</u>		<u>16,000</u>
TOTAL			\$2,316,000		\$2,316,000
GRAND TOTAL	\$11,666,300	\$6,968,200	\$3,219,100	\$11,837,600	\$33,691,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Parks and Recreation is authorized no more than one hundred forty-four and twenty-five hundredths (144.25) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. Notwithstanding Section 67-3511(1) and (2), Idaho Code, trustee and benefit payments for grants in the Management Services Program may be transferred to capital outlay in the Capital Development Program or to capital outlay in the Park Operations Program to reflect grants awarded to the Department of Parks and Recreation for the period July 1, 2014, through June 30, 2015. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Parks and Recreation any unexpended and unencumbered balances appropriated or reappropriated to the Department of Parks and Recreation for the Capital Development Program for fiscal year 2014 to be

used for nonrecurring expenditures in that program for the period July 1, 2014, through June 30, 2015.

SECTION 5. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 213
(H.B. No. 618)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS; EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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 according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:					
FROM:					
General					
Fund	\$831,400	\$924,600	\$113,000		\$1,869,000
Indirect Cost Recovery					
Fund	449,800	146,800			596,600
Water Administration					
Fund	46,300	21,700			68,000
Miscellaneous Revenue					
Fund	<u>0</u>	<u>137,600</u>	<u>0</u>		<u>137,600</u>
TOTAL	\$1,327,500	\$1,230,700	\$113,000		\$2,671,200
II. PLANNING AND TECHNICAL SERVICES:					
FROM:					
General					
Fund	\$2,220,000	\$604,300		\$570,600	\$3,394,900
Indirect Cost Recovery					
Fund		12,400			12,400
Aquifer Planning and Management					
Fund	392,300	2,402,000			2,794,300
Miscellaneous Revenue					
Fund		164,500			164,500
Federal Grant					
Fund	<u>509,200</u>	<u>2,303,400</u>		<u>0</u>	<u>2,812,600</u>
TOTAL	\$3,121,500	\$5,486,600		\$570,600	\$9,178,700
III. WATER MANAGEMENT:					
FROM:					
General					
Fund	\$4,108,300	\$1,890,600	\$166,300		\$6,165,200
Indirect Cost Recovery					
Fund		4,700			4,700
Water Administration					
Fund	1,127,900	220,800			1,348,700
Water Resources Adjudication					
Fund	15,900				15,900
Miscellaneous Revenue					
Fund	705,800	246,000			951,800
Federal Grant					
Fund	<u>509,600</u>	<u>313,800</u>	<u>0</u>		<u>823,400</u>
TOTAL	\$6,467,500	\$2,675,900	\$166,300		\$9,309,700

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
IV. NORTHERN IDAHO ADJUDICATION:					
FROM:					
General					
Fund	\$235,100	\$163,200			\$398,300
Northern Idaho Adjudication					
Fund	<u>74,000</u>	<u>35,300</u>			<u>109,300</u>
TOTAL	\$309,100	\$198,500			\$507,600
GRAND TOTAL	\$11,225,600	\$9,591,700	\$279,300	\$570,600	\$21,667,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred fifty-two (152) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, 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 to the Department of Water Resources and the State Controller shall transfer \$716,000 from the Revolving Development Fund to the Secondary Aquifer Planning, Management, and Implementation Fund, on July 1, 2014, or as soon thereafter as practicable, for the period July 1, 2014, through June 30, 2015.

SECTION 4. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2015, the Department of Water Resources is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2014, through June 30, 2015. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 5. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to pro-

vide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 214
(H.B. No. 619, As Amended)

AN ACT

RELATING TO HIGHWAY FUNDING; AMENDING SECTION 40-709, IDAHO CODE, TO PROVIDE REFERENCE TO A PETITION FOR HIGHWAY MAINTENANCE; AMENDING CHAPTER 7, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-709A, IDAHO CODE, TO PROVIDE FOR A PETITION FOR HIGHWAY MAINTENANCE, TO PROVIDE REQUIREMENTS, TO PROVIDE DUTIES OF THE IDAHO TRANSPORTATION BOARD AND IDAHO TRANSPORTATION DEPARTMENT, TO PROVIDE FOR A HEARING UPON CERTAIN CIRCUMSTANCES, TO PROVIDE THE EFFECT OF GRANTING OR DENYING A PETITION, TO PROVIDE FOR TERMINATION OR MODIFICATION OF A GRANTED PETITION AND TO PROVIDE THE EFFECT OF AN ACTION REGARDING THE GRANTING OR DENIAL OF A PETITION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 40-709, Idaho Code, be, and the same is hereby amended to read as follows:

40-709. APPORTIONMENT OF FUNDS FROM HIGHWAY DISTRIBUTION ACCOUNT TO LOCAL UNITS OF GOVERNMENT. Commencing July 1, 1999, and each fiscal year thereafter, from the moneys appropriated from the highway distribution account to local units of government, three hundred twenty-six thousandths of one percent (0.326%) is appropriated to the local highway technical assistance council, and the balance of the appropriation shall be distributed as follows:

(1) Thirty percent (30%) shall be apportioned among incorporated and specially chartered cities, in the same proportion as the population of the incorporated or specially chartered city bears to the total population of all the incorporated or specially chartered cities as shown by the last regular or special federal census.

(2) The remainder shall be apportioned:

(a) Ten percent (10%) shall be divided equally among all counties of the state.

(b) Forty-five percent (45%) shall be divided among the counties of the state in the proportion that the amount collected from motor vehicle registrations in each county during the last calendar year bears to the total amount of those collections in all counties in the state.

(c) Forty-five percent (45%) shall be divided among the counties of the state in the proportion that the number of miles of improved highways in the county highway system of each county bears to the total number of miles of improved highways in the county highway systems of all counties in the state. The director is directed to certify to the state controller, on or before January 1 of each year, the number of miles of improved highways in each county.

(3) Moneys paid to counties with highway districts shall be further distributed by the state as follows:

(a) Ten percent (10%) shall be divided equally among the county, if the county maintains any highways, and the highway districts;

(b) Forty-five percent (45%) shall be divided among the county, if the county maintains any highways, and the highway districts of the county in the proportion that the amount collected from motor vehicle registrations in each area designated during the last calendar year bears to the total amount of those collections in the entire county;

(c) Forty-five percent (45%) shall be divided among the county, if the county maintains any highways, and the highway districts in the proportion that the number of miles of improved highways in the county and the highway districts bear to the total number of miles of improved highways in the entire county highway system.

(4) The state controller shall ascertain the sums set for the apportionment and remit to the local governments their share of the amount computed. The apportionment hereby made shall be remitted to the local governments not later than January 25, April 25, July 25, and October 25 of each year.

(5) Moneys paid to incorporated or specially chartered cities shall be expended by the governing bodies of those cities solely in the construction and maintenance of highways within their corporate limits and to meet the interest and sinking fund requirements for the current year on any unpaid bonds issued by those cities for highway and bridge purposes, or refunding bonds issued to take up those bonds.

(6) Each highway district receiving an apportionment from the highway distribution account shall apportion those funds as follows: To the interest and sinking fund of the district, an amount as may be necessary to meet the interest and sinking fund requirements for that year on any unpaid bonds issued by that district, and any balance of those funds shall be used for highway and bridge maintenance and construction. Each district may expend all or any portion of the balance of those funds in the construction and maintenance of state highways within the district.

(7) No part of highway funds or any apportionment from it shall ever be used for any purposes other than those provided in this section and in section 40-709A, Idaho Code, except as specifically otherwise provided. At the end of any fiscal year an unexpended balance of highway funds shall be carried forward and retained and subsequently applied to the maintenance and construction of highways or the payment of bond interest and principal and sinking fund requirements.

SECTION 2. That Chapter 7, 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 40-709A, Idaho Code, and to read as follows:

40-709A. PETITION FOR HIGHWAY MAINTENANCE. (1) Any county or highway district may petition the Idaho transportation board to take action, as provided in this section, to provide for the maintenance of a highway or portion thereof under the jurisdiction of a county or highway district.

(2) The petition and supporting materials shall establish the following facts:

(a) That the subject highway or relevant portion thereof provides the only practical access to a city, town or other developed area;

(b) That the county or highway district with jurisdiction over the subject highway, or relevant portion thereof, is obligated to maintain the highway or relevant portion thereof;

(c) That said county or highway district historically has provided maintenance to the subject highway or relevant portion thereof sufficient to allow safe motorist access to the city, town or other developed area; and

(d) Said county or highway district is now failing to provide maintenance sufficient to allow safe motorist access to the city, town or other developed area.

The petition shall not be based on failure to improve the highway or to expand maintenance beyond what historically has been provided. The petition shall also document the petitioner's efforts to communicate its concerns to the subject county or highway district and explain why the issue could not be resolved. The petitioner shall provide notice to the subject county or highway district, including a copy of the petition and all supporting materials.

(3) The Idaho transportation department shall publish notice of the petition as set forth in section 40-206, Idaho Code, and shall provide the subject county or highway district a reasonable opportunity to respond to the petition, to take corrective action, to explain any extenuating circumstances or to otherwise address the concerns presented in the petition. Based on all information available to it, including such independent investigation as it deems appropriate, the Idaho transportation department shall make a recommendation for action to the Idaho transportation board.

(4) The Idaho transportation board shall review the petition and the recommendation of the Idaho transportation department.

(5) If the Idaho transportation board determines that the petition is without merit, it may deny the petition without hearing and issue written findings and conclusions stating its reasons therefor.

(6) If the Idaho transportation board determines that the petition may have merit, it shall hold a hearing on the matter and allow all affected entities and interested persons an opportunity to be heard.

(7) Following the hearing provided in subsection (6) of this section, the Idaho transportation board shall either grant or deny the petition and issue findings and conclusions stating its reasons therefor. The petition shall be granted only upon a finding that the public safety, health or welfare would be endangered because the subject county or highway district is inappropriately and unreasonably failing to maintain a highway or portion thereof that it is obligated to maintain and that the facts set out in subsection (2) (a), (b), (c) and (d) of this section have been established. In determining the reasonableness of the subject county or highway district's actions with respect to the highway, the Idaho transportation board shall take into account the authority of the county or highway district to temporarily close a highway, the availability of funding and other considerations addressed in sections 40-1311 and 40-1315, Idaho Code. The Idaho transportation board shall not approve a petition with respect to a highway or portion thereof that has been vacated or is subject to an ongoing vacation or validation proceeding.

(8) If the petition is granted, the transportation department may undertake itself the maintenance of the highway or portion thereof or it may contract with another political subdivision to undertake the maintenance. In either case, the transportation department shall certify to the state controller the actual cost of maintenance undertaken by the transportation department or by the contracted political subdivision. The state controller shall pay into the state highway account of the Idaho transportation department or directly to the contracted political subdivision the actual costs incurred as certified by the transportation department. Such funds shall be deducted from the funds that would otherwise have been allocated pursuant to section 40-709, Idaho Code, to the county or highway district that failed to provide adequate maintenance.

(9) Political subdivisions that acquire funds for roadwork of any type either pursuant to this section or by separate voluntary agreement with another political subdivision or the state are hereby authorized to expend such funds outside of their jurisdictional boundaries notwithstanding any other provision of law.

(10) A county or highway district that has been the subject of a petition granted pursuant to this section may request a termination or modification of the arrangement authorized by the Idaho transportation department for maintenance by the Idaho transportation department or another entity. A request for termination shall be accompanied by appropriate documentation showing that the requesting entity is prepared to resume its maintenance responsibility for the highway. The Idaho transportation board shall consider the request for termination or modification, taking into account the information presented by the requesting entity and any other information available to the Idaho transportation board. If the Idaho transportation board determines that the concerns giving rise to the petition have been addressed and the entity is committed to resume maintenance of the highway, the Idaho transportation board shall terminate its prior action and allow the entity to resume responsibility for maintenance of the highway upon the beginning of the next fiscal year. The Idaho transportation board may also modify the existing arrangement for funding of maintenance.

(11) A decision by the Idaho transportation board granting or denying a petition or request under this section is a final agency action for purposes of section 67-5270(2), Idaho Code.

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 26, 2014

CHAPTER 215
(H.B. No. 624)

AN ACT

RELATING TO APPROPRIATIONS FOR THE LEGISLATIVE BRANCH; APPROPRIATING MONEYS TO THE LEGISLATIVE SERVICES OFFICE FOR FISCAL YEAR 2015; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE LEGISLATIVE SERVICES OFFICE; EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS FOR THE LEGISLATIVE SERVICES OFFICE; APPROPRIATING MONEYS TO THE OFFICE OF PERFORMANCE EVALUATIONS FOR FISCAL YEAR 2015; EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS FOR THE OFFICE OF PERFORMANCE EVALUATIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION; PROVIDING THAT THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL DIRECT THE STATE CONTROLLER TO LIMIT THE FUNDS TRANSFERRED TO THE LEGISLATIVE FUND FOR FISCAL YEAR 2015; AND APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE CONSTITUTIONAL DEFENSE FUND.

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

SECTION 1. There is hereby appropriated to the Legislative Services Office, the following amounts to be expended according to the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$4,309,200	\$198,600	\$4,507,800
Miscellaneous Revenue			
Fund	127,600	524,000	651,600
Legislative Capitol Facilities			
Fund		440,000	440,000
Professional Services			
Fund	<u>1,228,400</u>	<u>90,000</u>	<u>1,318,400</u>
TOTAL	\$5,665,200	\$1,252,600	\$6,917,800

SECTION 2. REAPPROPRIATION AUTHORITY FOR THE PROFESSIONAL SERVICES FUND. There is hereby reappropriated to the Legislative Services Office any unexpended and unencumbered balances of moneys in the Professional Services Fund as appropriated or reappropriated for fiscal year 2014, to be used for nonrecurring expenditures, for the period July 1, 2014, through June 30, 2015.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS FOR THE LEGISLATIVE SERVICES OFFICE. For fiscal year 2015, the Legislative Services Office is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes, for all moneys appropriated to it for the period July 1, 2014, through June 30, 2015. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. There is hereby appropriated to the Office of Performance Evaluations, the following amounts to be expended according to the designated expense classes, from the General Fund for the period July 1, 2014, through June 30, 2015:

FOR:		
Personnel Costs		\$693,800
Operating Expenditures		88,300
Capital Outlay		<u>3,200</u>
TOTAL		\$785,300

SECTION 5. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS FOR THE OFFICE OF PERFORMANCE EVALUATIONS. For fiscal year 2015, the Office of Performance Evaluations is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes, for all moneys appropriated to it for the period July 1, 2014, through June 30, 2015. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 6. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

SECTION 7. LEGISLATIVE TRANSFER FOR FISCAL YEAR 2015. On July 1, 2014, or as soon thereafter as is practicable, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall direct the State Controller to limit the amount transferred from the General Fund to the Legislative Fund pursuant to Section 67-451(2), Idaho Code, to \$6,452,000 for the period July 1, 2014, through June 30, 2015.

SECTION 8. FUND TRANSFER. There is hereby appropriated and the State Controller shall transfer \$1,000,000 from the General Fund to the Constitutional Defense Fund on July 1, 2014, or as soon thereafter as practicable.

Approved March 26, 2014

CHAPTER 216
(H.B. No. 625)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Division of Financial Management, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$1,462,800	\$164,400	\$1,627,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
Miscellaneous Revenue			
Fund	<u>35,000</u>	<u>7,100</u>	<u>42,100</u>
TOTAL	\$1,497,800	\$171,500	\$1,669,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Financial Management is authorized no more than sixteen (16) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 217
(H.B. No. 626)

AN ACT

APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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 according to the designated programs and expense classes, from the listed fund for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. ADMINISTRATION - GOVERNOR'S OFFICE:			
FROM:			
General			
Fund	\$1,771,200	\$198,300	\$1,969,500
II. ACTING GOVERNOR PAY:			
FROM:			
General			
Fund	\$18,200		\$18,200
III. EXPENSE ALLOWANCE:			
FROM:			
General			
Fund		\$5,000	\$5,000
IV. GOVERNOR ELECT TRANSITION:			
FROM:			
General			
Fund	\$15,000		\$15,000
GRAND TOTAL	\$1,804,400	\$203,300	\$2,007,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Executive Office of the Governor is authorized no more than twenty-two (22) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2015, the Executive Office of the Governor is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2014, through June 30, 2015. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 218
(H.B. No. 627)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION FOR PARDONS AND PAROLE FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Commission for Pardons and Parole, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$2,010,300	\$469,500	\$22,900	\$2,502,700
Miscellaneous Revenue				
Fund	<u>0</u>	<u>70,700</u>	<u>0</u>	<u>70,700</u>
TOTAL	\$2,010,300	\$540,200	\$22,900	\$2,573,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission for Pardons and Parole is authorized no more than thirty-two (32) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 219
(H.B. No. 635)

AN ACT

RELATING TO APPROPRIATIONS AND TRANSFERS OF MONEYS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PERMANENT BUILDING FUND; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2015; PROVIDING LEGISLATIVE INTENT ON THE ALLOCATION OF FUNDS FOR PROJECTS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE BUDGET STABILIZATION FUND FOR FISCAL YEAR 2014; APPROPRIATING AND TRANSFERRING MONEYS TO THE PUBLIC EDUCATION STABILIZATION FUND FOR FISCAL YEAR 2014; APPROPRIATING AND TRANSFERRING MONEYS TO THE HIGHER EDUCATION SURPLUS STABILIZATION ACCOUNT FOR FISCAL YEAR 2014; APPROPRIATING AND TRANSFERRING MONEYS TO THE HIGHER EDUCATION SURPLUS STABILIZATION ACCOUNT EITC, NIC, CSI, CWI FOR FISCAL YEAR 2014; AUTHORIZING THE STATE CONTROLLER TO REDUCE TRANSFERS IF THERE IS A GENERAL FUND REVENUE SHORTFALL; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and upon passage and approval of this act, the State Controller shall transfer \$10,000,000 from the General Fund to the Permanent Building Fund.

SECTION 2. In addition to any other appropriation provided for by law, there is hereby appropriated to the Department of Administration for the Division of Public Works \$10,000,000 from the Permanent Building Fund, to be expended for capital outlay, for the period July 1, 2014, through June 30, 2015.

SECTION 3. ALLOCATION OF FUNDS FOR PROJECTS. Of the total moneys appropriated in Section 2 of this act, \$8,000,000 shall be used for the purpose of paying the cost of rebuilding, renovation or repair of buildings, installations, facilities or structures at the places, institutions and agencies, or their successors, as designated by the Permanent Building Fund Advisory Council; and \$2,000,000 shall be used for the rebuilding, renovation or repair of the Education Building at the University of Idaho.

SECTION 4. Notwithstanding the provisions of Section 57-814(2)(b), Idaho Code, that limits the allowable balance in the Budget Stabilization Fund to five percent (5%) of the total General Fund receipts for the fiscal year just ending, and Section 57-814(2)(c), Idaho Code, that requires the State Controller to transfer excess moneys in the Budget Stabilization Fund back to the General Fund, there is hereby appropriated and the State Controller shall transfer any excess cash balance up to \$24,000,000 from the General Fund to the Budget Stabilization Fund upon the financial close of fiscal year 2014.

SECTION 5. There is hereby appropriated and the State Controller shall transfer any excess cash balance up to \$10,000,000 from the General Fund to the Public Education Stabilization Fund upon the financial close of fiscal year 2014.

SECTION 6. There is hereby appropriated and the State Controller shall transfer any excess cash balance up to \$1,379,000 from the General Fund to the Higher Education Surplus Stabilization Account upon the financial close of fiscal year 2014.

SECTION 7. There is hereby appropriated and the State Controller shall transfer any excess cash balance up to \$621,000 from the General Fund to the Higher Education Surplus Stabilization Account EITC, NIC, CSI, CWI upon the financial close of fiscal year 2014.

SECTION 8. CONDITIONS FOR FISCAL YEAR 2014 CLOSING. When calculating any excess cash balance the State Controller shall first provide for a minimum of \$26,000,000 from the General Fund to be carried over into fiscal year 2015. The State Controller shall determine when the financial close of fiscal year 2014 is complete, and after consultation with the Division of Financial Management and the Legislative Services Office, shall notify the Governor and the Legislature of the amounts transferred from the General Fund to the funds authorized in Sections 4, 5, 6 and 7. In the instance that General Fund revenues for fiscal year 2014 are insufficient to support the full transfers authorized in such sections, the State Controller is authorized to adjust the amounts transferred from the General Fund on a pro rata basis upon the financial close of fiscal year 2014.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 3, 4, 5, 6, 7 and 8, of this act shall be in full force and effect on and after passage and approval.

CHAPTER 220
(H.B. No. 636)

AN ACT

APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2015; EXEMPTING APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; AND PROVIDING GUIDANCE FOR NON-JUDICIAL EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Supreme Court, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SUPREME COURT:					
FROM:					
General					
Fund	\$3,489,900	\$582,800		\$225,600	\$4,298,300
Miscellaneous Revenue					
Fund		318,500			318,500
Federal Grant					
Fund	<u>299,400</u>	<u>1,447,500</u>		<u>0</u>	<u>1,746,900</u>
TOTAL	\$3,789,300	\$2,348,800		\$225,600	\$6,363,700
II. DISTRICT COURTS:					
FROM:					
General					
Fund	\$12,099,200	\$388,300	\$4,850,000		\$17,337,500
Court Technology					
Fund	1,049,500	2,693,300	1,156,200		4,899,000
Drug Court, Mental Health and Family Court Services					
Fund	<u>3,955,700</u>	<u>2,423,200</u>	<u>0</u>		<u>6,378,900</u>
TOTAL	\$17,104,400	\$5,504,800	\$6,006,200		\$28,615,400
III. MAGISTRATES DIVISION:					
FROM:					
General					
Fund	\$12,696,300	\$281,400			\$12,977,700
Drug Court, Mental Health and Family Court Services					
Fund	327,100	1,705,700			2,032,800
Guardianship Pilot Project					
Fund	202,600	208,400			411,000
Senior Magistrate Judges					
Fund		510,000			510,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant					
Fund	<u>0</u>	<u>110,000</u>			<u>110,000</u>
TOTAL	\$13,226,000	\$2,815,500			\$16,041,500
IV. JUDICIAL COUNCIL:					
FROM:					
General					
Fund	\$1,800	\$137,600			\$139,400
V. COURT OF APPEALS:					
FROM:					
General					
Fund	\$1,926,000	\$54,000			\$1,980,000
VI. GUARDIAN AD LITEM ACCOUNT:					
FROM:					
General					
Fund	\$16,700			\$625,000	\$641,700
VII. WATER ADJUDICATION:					
FROM:					
General					
Fund	\$709,200	\$94,600			\$803,800
Drug Court, Mental Health and Family Court Services					
Fund	<u>5,600</u>	<u>0</u>			<u>5,600</u>
TOTAL	\$714,800	\$94,600			\$809,400
VIII. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:					
FROM:					
General					
Fund				\$1,594,800	\$1,594,800
Substance Abuse Treatment					
Fund	<u>\$185,000</u>			<u>3,329,900</u>	<u>3,514,900</u>
TOTAL	\$185,000			\$4,924,700	\$5,109,700
GRAND TOTAL	\$36,964,000	\$10,955,300	\$6,006,200	\$5,775,300	\$59,700,800

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2015, the Supreme Court is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2014, through June 30, 2015. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. NON-JUDICIAL EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 221
(H.B. No. 637)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2015; PROVIDING FOR EXPENDITURES TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2015; APPROPRIATING GENERAL FUND MONIES FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2015; AND AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR ADMINISTRATORS.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Administrators for the period July 1, 2014, through June 30, 2015:

FROM:

General Fund

\$79,719,300

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2014, through June 30, 2015:

FROM:

General Fund \$79,719,300

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Administrators the following amount to be expended from the listed fund for the period July 1, 2014, through June 30, 2015:

FROM:

Public School Income Fund \$79,719,300

SECTION 4. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the 1994-95 school year, and shall receive their actual index but not more than the state average plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district instructional staff index shall be multiplied by the instructional base salary of \$23,123. 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. 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 provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. 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 \$~~31,833~~32,151. 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 \$19,058 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 March 26, 2014

CHAPTER 222
(H.B. No. 639)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2015; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2015; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2015; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR CLASSIFIED STAFF; PROVIDING THAT \$2,165,700 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS BE USED AS DISCRETIONARY FUNDS; PROVIDING THAT THIRTY-THREE PERCENT OF MONEYS APPROPRIATED FROM THE SCHOOL DISTRICT BUILDING ACCOUNT BE USED AS DISCRETIONARY FUNDS; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT AT \$22,401.15; DIRECTING THE USE OF \$2,500,000 FOR INFORMATION TECHNOLOGY STAFFING COSTS; DIRECTING THE USE OF \$8,000,000 FOR CLASSROOM TECHNOLOGY; DIRECTING THE USE OF \$3,000,000 FOR TECHNOLOGY PILOT PROJECTS; DIRECTING THAT THE STATE DEPARTMENT OF EDUCATION COMPILER INFORMATION ON SAFE SCHOOL REQUIREMENTS; DEFINING THE TERM "DISTRIBUTED"; AND GRANTING THE AUTHORITY TO TRANSFER APPROPRIATIONS AMONG FIVE DIVISIONS OF THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Operations for the period July 1, 2014, through June 30, 2015:

FROM:

General Fund	\$484,741,000
School District Building Account	6,250,000
Public Schools Other Income	10,500,000
Cigarette, Tobacco and Lottery Income Taxes	2,165,700
Public School Endowment Earnings Reserve Fund	<u>31,292,400</u>
TOTAL	\$534,949,100

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2014, through June 30, 2015:

FROM:

General Fund	\$484,741,000
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Operations the following amount to be expended from the listed funds for the period July 1, 2014, through June 30, 2015:

FROM:

Public School Income Fund	\$528,699,100
School District Building Account	<u>6,250,000</u>
TOTAL	\$534,949,100

SECTION 4. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the 1994-95 school year, and shall receive their actual index but not more than the state average plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district instructional staff index shall be multiplied by the instructional base salary of \$23,123. 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. 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 provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. 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 \$31,833. 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 \$19,058,192,49 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 5. Notwithstanding the provisions of any law to the contrary, of the moneys appropriated in Section 3 of this act, up to \$2,165,700 from funds determined by available tobacco, cigarette and lottery income tax revenues accruing, appropriated or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, 63-3035A and 63-3067, Idaho Code, for the period July 1, 2014, through June 30, 2015, shall be distributed as discretionary funds within the Public Schools Educational Support Program/Division of Operations, and school districts and charter schools are hereby relieved of any restrictions on the use of such funds, apart from restrictions that apply to the use of discretionary funds.

SECTION 6. Notwithstanding the provisions of Sections 33-905 and 33-1019, Idaho Code, for the period July 1, 2014, through June 30, 2015, thirty-three percent of all moneys appropriated from the School District Building Account shall be distributed as discretionary funds within the Public Schools Educational Support Program/Division of Operations, and school districts and charter schools are hereby relieved of any restrictions on the use of such funds, apart from restrictions that apply to the use of discretionary funds.

SECTION 7. Pursuant to the provisions of Section 33-1018, Idaho Code, for the period July 1, 2014, through June 30, 2015, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program/Division of Operations will result in total discretionary funds of \$22,401.15 per support unit.

SECTION 8. Of the moneys appropriated in Section 3 of this act, \$2,500,000 shall be distributed for public school information technology staff costs. Such moneys shall be distributed pursuant to a formula, with a minimum distribution per school district and public charter school, determined by the superintendent of public instruction.

SECTION 9. Of the moneys appropriated in Section 3 of this act, \$8,000,000 shall be distributed for classroom technology that assists teachers and students in effective and efficient instruction or learning.

SECTION 10. Of the moneys appropriated in Section 3 of this act, \$3,000,000 of one-time funding shall be made available to public schools and public charter schools in multiple school districts for grants of one to two years in duration for technology pilot projects designed to improve student academic growth. Funds shall be distributed based upon a competitive grant

process prescribed by the superintendent of public instruction. The amount of funds allocated to a public school or public charter school shall not be based upon average daily attendance or other enrollment-driven metrics. Grant applications shall include, but not be limited to, historical growth measures and expected increases through implementation of this technology. In the spirit of experimentation, an evaluation rubric shall be developed by the superintendent that prioritizes potentially scalable innovations over other technologies. The committee seated to evaluate the grants shall be appointed from a cross section of the state both geographically and demographically. The grantees shall be required to report annually to the state department of education on the uses of funds received and the student growth results from those uses. The superintendent shall report to the Legislature on the results of these efforts by December 31, 2015.

SECTION 11. It is the intent of the Legislature that the State Department of Education shall compile information concerning school district and charter school expenditures of funds pursuant to the safe school environment and student learning provisions of Section 33-1002(2)(1), Idaho Code, for fiscal year 2015 and post such information on the department's website no later than December 31, 2015.

SECTION 12. For the purposes of this appropriation, the term "distributed" means moneys that are transferred to school districts and public charter schools with no funds withheld for any other contract or administrative costs.

SECTION 13. For the period July 1, 2014, through June 30, 2015, the State Department of Education is hereby granted the authority to transfer appropriations between the Administrators, Teachers, Operations, Children's Programs, and Facilities Divisions of the Public Schools Educational Support Program budget, in any amount necessary, to comply with the public school funding provisions of appropriations and the Idaho Code.

Approved March 26, 2014

CHAPTER 223
(H.B. No. 640)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2015; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2015; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2015; PROVIDING LEGISLATIVE INTENT RELATING TO THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF \$2,444,300 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF \$6,440,000 FOR LITERACY PROGRAMS AND REMEDIATION; DIRECTING THE USE OF \$3,950,000 FOR LIMITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE STATE DEPARTMENT OF EDUCATION TO COMPILE INFORMATION ON ADVANCED OPPORTUNITIES; DIRECTING THE USE OF \$4,000,000 FOR THE PURCHASE OF CONTENT AND CURRICULUM; AND DEFINING THE TERM "DISTRIBUTED."

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Children's Programs for the period July 1, 2014, through June 30, 2015:

FROM:

General Fund	\$23,860,600
Public Schools Other Income	4,000,000
Cigarette, Tobacco and Lottery Income Taxes	2,444,300
Federal Grant	<u>200,000,000</u>
TOTAL	\$230,304,900

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2014, through June 30, 2015:

FROM:

General Fund	\$23,860,600
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Children's Programs the following amount to be expended from the listed funds for the period July 1, 2014, through June 30, 2015:

FROM:

Public School Income Fund	\$30,304,900
Federal Grant	<u>200,000,000</u>
TOTAL	\$230,304,900

SECTION 4. The Idaho Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33, Idaho Code, shall utilize state appropriated funds for the period July 1, 2014, through June 30, 2015, to achieve the following:

(1) Tuition charged by IDLA to Idaho school districts and charter schools shall not exceed \$75 per enrollment.

(2) Provide remedial coursework for students failing to achieve proficiency in one or more areas of Idaho's standards-based tests.

(3) Pursuant to the fiscal impact statement for the State Board of Education rule, IDAPA 08.02.03, Docket Number 08-0203-0605, provide advanced learning opportunities for students.

(4) Pursuant to State Board of Education rule, IDAPA 08.02.03, Docket Number 08-0203-0605, 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 5. Notwithstanding the provisions of any law to the contrary, of the moneys appropriated in Section 3 of this act, up to \$2,165,700 from funds determined by available tobacco, cigarette and lottery income tax revenues accruing, appropriated or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, 63-3035A and 63-3067, Idaho Code, for the period July 1, 2014, through June 30, 2015, shall be distributed to school districts and charter schools through a combination of a base amount of \$2,000 plus a prorated amount based on the prior year's average daily attendance. Such funds shall be used to develop and implement school safety improvements and/or to facilitate and provide substance abuse prevention programs in the public school system. Additionally, \$200,000 shall be

remitted to the Idaho State Police to increase toxicology lab capacity in the Bureau of Forensic Services for drug testing pursuant to Section 63-2552A, Idaho Code, and \$78,600 shall be remitted to the Commission on Hispanic Affairs on or before July 15, 2014, to be used for substance abuse prevention efforts in collaboration with the State Department of Education.

SECTION 6. Of the moneys appropriated in Section 3 of this act, \$6,440,000 shall be distributed for literacy programs, as outlined in Sections 33-1207A(2), 33-1614 and 33-1615, Idaho Code; remedial coursework for students failing to achieve proficiency on Idaho's standards-based achievement tests; and computerized remediation services for schools in dollar amounts determined by the superintendent of public instruction. The superintendent shall report to the Joint Finance-Appropriations Committee and the Senate and House Education committees by no later than February 1, 2016, on the uses of funds and effectiveness of the programs and efforts.

SECTION 7. Pursuant to Section 33-1617, Idaho Code, of the moneys appropriated in Section 3 of this act, \$3,950,000 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 \$3,500,000 to school districts pro rata, based upon the population of limited English proficient students under criteria established by the department.

(2) The State Department of Education shall distribute \$450,000 for the competitive grant program to be distributed to 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. This amount 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 years, contingent on appropriation.

(3) The department shall develop the program elements governing the use of these funds, modeled on the training, intervention and remediation elements of the literacy programs referenced in Section 6 of this act. The purpose of these funds is to improve the English language skills of English language learners and 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 Senate and House Education committees by no later than February 1, 2016, on the program design, uses of funds and effectiveness of the program.

SECTION 8. It is legislative intent that the State Department of Education shall compile information concerning the numbers of students enrolling in advanced opportunities courses according to the provisions of Sections 33-1623, 33-1626 and 33-1628, Idaho Code, whether coursework is successfully completed, and expenditures for fiscal year 2015. As nearly as possible, the report shall contain information about enrollment of this student population in post-high school education. A report containing such information shall be posted on the website of the State Department of Education no later than December 31, 2015.

SECTION 9. Of the moneys appropriated in Section 3 of this act, \$4,000,000 of one-time moneys shall be distributed to school districts and charter schools, based on average daily attendance, for the purchase of instructional content and curriculum, whether physical or electronic.

SECTION 10. For the purposes of this appropriation, the term "distributed" means moneys that are transferred to school districts and public charter schools with no funds withheld for any other contract or administrative costs.

Approved March 26, 2014

CHAPTER 224
(H.B. No. 644)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2015; AND PROVIDING LEGISLATIVE INTENT.

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

SECTION 1. In addition to the appropriation made in Section 1 of House Bill No. 617, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the Department of Parks and Recreation for the Park Operations Program the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2014, through June 30, 2015:

FOR:

Personnel Costs	\$100,000
Operating Expenditures	<u>150,000</u>
TOTAL	\$250,000

SECTION 2. LEGISLATIVE INTENT. It is the intent of the Legislature that the Idaho Department of Parks and Recreation sell the 17-acre parcel near the city of Hagerman and all associated water rights, known as the Aqua Life Aquaculture Facility, to the Idaho Water Resource Board for the July 2011 appraised value of \$1,635,000. The Department of Parks and Recreation shall deposit the proceeds from the sale into the State Park Land Trust Fund to be used, subject to legislative appropriation, for development of facilities in the Thousand Springs State Park Complex.

Approved March 26, 2014

CHAPTER 225
(H.B. No. 645)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2015; AND AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. In addition to the appropriation made in Section 1 of House Bill No. 615, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the Department of Environmental Quality the following amounts, to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:			
FROM:			
General			
Fund		\$7,500	\$7,500
II. WATER QUALITY:			
FROM:			
General			
Fund	\$284,600	\$7,900	\$292,500
GRAND TOTAL	\$284,600	\$15,400	\$300,000

SECTION 2. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Department of Environmental Quality in Section 2, House Bill No. 615, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, is increased by three (3) for the period July 1, 2014, through June 30, 2015.

Approved March 26, 2014

CHAPTER 226
(H.B. No. 646)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2015.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Supreme Court \$5,466,000 from the Court Technology Fund for the period July 1, 2014, through June 30, 2015, for the purpose of replacing Idaho's Statewide Trial Court Automated Records System (ISTARS).

Approved March 26, 2014

CHAPTER 227
(H.B. No. 647)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING A GENERAL FUND CASH TRANSFER; DIRECTING THE NOTIFICATION OF THE STATE TAX COMMISSION; PROVIDING LEGISLATIVE INTENT TO PROMULGATE INFORMATION TECHNOLOGY BILLING PROCEDURES IN RULE; PROVIDING LEGISLATIVE INTENT TO CONDUCT A REVIEW OF INTERAGENCY AND INTERNAL COST RECOVERY PROCESSES; PROVIDING LEGISLATIVE INTENT TO DEVELOP BEST

PRACTICES FOR CONTRACT MANAGEMENT; PROVIDING FOR NOTIFICATION OF A CONTRACT RENEWAL OR EXTENSION; DIRECTING RESEARCH ON THE BENEFITS OF FUNDING A HEALTH SAVINGS ACCOUNT; TRANSFERRING MONEYS FROM THE PERMANENT BUILDING FUND; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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 according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MANAGEMENT SERVICES:				
FROM:				
General				
Fund	\$152,700	\$49,400		\$202,100
Indirect Cost Recovery				
Fund	680,100	250,800		930,900
Permanent Building				
Fund		100		100
Administration and Accounting Services				
Fund	53,900	9,500		63,400
Employee Group Insurance				
Fund		100		100
Industrial Special Indemnity				
Fund	<u>161,000</u>	<u>107,100</u>		<u>268,100</u>
TOTAL	\$1,047,700	\$417,000		\$1,464,700
II. ADMINISTRATIVE RULES:				
FROM:				
Administrative Code				
Fund	\$220,200	\$220,000		\$440,200
III. INFORMATION TECHNOLOGY:				
FROM:				
General				
Fund	\$671,000	\$451,500		\$1,122,500
Indirect Cost Recovery				
Fund	467,700	68,500		536,200
Administration and Accounting Services				
Fund	<u>1,043,800</u>	<u>947,800</u>		<u>1,991,600</u>
TOTAL	\$2,182,500	\$1,467,800		\$3,650,300
IV. PUBLIC WORKS:				
FROM:				
General				
Fund		\$293,100		\$293,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Permanent Building				
Fund	\$1,849,300	645,400		2,494,700
Administration and Accounting Services				
Fund	<u>1,649,200</u>	<u>5,703,000</u>		<u>7,352,200</u>
TOTAL	\$3,498,500	\$6,641,500		\$10,140,000

V. PURCHASING:

FROM:

General

Fund	\$737,200			\$737,200
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Administration and Accounting Services

Fund	975,600	\$1,155,000	\$26,000	2,156,600
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Federal Surplus Property Revolving

Fund	<u>165,500</u>	<u>337,400</u>	<u>48,000</u>	<u>550,900</u>
TOTAL	\$1,878,300	\$1,492,400	\$74,000	\$3,444,700

VI. INSURANCE MANAGEMENT:

FROM:

Employee Group Insurance

Fund	\$446,100	\$633,500		\$1,079,600
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Retained Risk

Fund	<u>435,500</u>	<u>132,800</u>		<u>568,300</u>
TOTAL	\$881,600	\$766,300		\$1,647,900

VII. IDAHO EDUCATION NETWORK:

FROM:

General

Fund	\$424,700	\$2,454,200		\$2,878,900
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GRAND TOTAL	\$10,133,500	\$13,459,200	\$74,000	\$23,666,700
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SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Administration is authorized no more than one hundred forty-five (145) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CASH TRANSFER FROM GENERAL FUND. There is hereby appropriated to the Department of Administration and the State Controller shall transfer \$101,200 from the General Fund to the Facilities Maintenance Fund, on July 1, 2014, or as soon thereafter as practicable, for the period July 1, 2014, through June 30, 2015.

SECTION 4. NOTIFICATION OF THE STATE TAX COMMISSION. It is the intent of the Legislature that the director of the department shall notify the State Tax Commission when monthly cigarette tax distributions to the Permanent Building Fund have reached an amount adequate to make the final payment of

the Capitol Restoration Project bonds. Fund analysis has determined that amount shall be approximately \$10,500,000.

SECTION 5. INFORMATION TECHNOLOGY BILLING PROCEDURES ARE INTENDED TO BE PROMULGATED IN RULE. It is the intent of the Legislature that the department shall analyze its Information Technology Program-related expenses and billings to determine a billing methodology that shares costs between all users of the technology services and capital equipment purchases and maintenance. It is the recommendation of the Joint Finance-Appropriations Committee that the billing methodology be promulgated in agency rule and presented to the Legislature during the 2015 legislative session.

SECTION 6. REVIEW OF THE INTERAGENCY AND INTERNAL COST RECOVERY PROCESS. It is the intent of the Legislature that the department conduct an internal analysis of its interagency and intra-agency billing procedures. The department is directed to limit recovery of intra-agency costs into the Indirect Cost Recovery Fund to those same costs it bills other state agencies through interagency billing procedures. When a direct General Fund appropriation has been made to pay for personnel costs or for operating expenditures, the department shall not recover those funds across programs in their indirect cost recovery process.

SECTION 7. BEST PRACTICES FOR CONTRACT MANAGEMENT. The Legislature recognizes that effective contract management is essential to ensuring that public funds are spent appropriately, as described in the Office of Performance Evaluations report on contract management released in January 2013. Therefore, it is the intent of the Legislature that the department shall develop and incorporate a checklist for best practices into its contracting processes. The department shall also develop a statewide contract monitoring system that outlines the entire contracting process so that contracts are properly developed, awarded and monitored using a standardized, statewide framework. The implementation of these measures shall be reported to the Legislature during the 2015 legislative session.

SECTION 8. NOTIFICATION OF CONTRACT RENEWALS OR EXTENSIONS. It is the intent of the Legislature that the director of the department shall notify the Legislature prior to any contract extensions or renewals. As part of the budget submission process, the department shall submit a list of contracts due for renewal in the upcoming fiscal year that exceed \$1,000,000 on an annual basis. Further, the director shall notify the members of legislative leadership, the JFAC chairmen and the germane committee chairmen, in writing, of any proposed early contract renewal or extension at least 90 days prior to signing the contract.

SECTION 9. RESEARCH BENEFITS OF FUNDING A HEALTH SAVINGS ACCOUNT. The Legislature directs the department to research the benefits of incentivizing state employees to enroll in a Health Savings Account (HSA), used in conjunction with a state provided high-deductible insurance plan, and/or a Voluntary Employment Benefit Association (VEBA). The department shall provide information about the financial and logistical implementation of these options to the Joint Finance-Appropriations Committee at the committee's interim tour in Fall 2014.

SECTION 10. TRANSFERRING MONEYS FROM THE PERMANENT BUILDING FUND. There is hereby appropriated and the State Controller shall transfer \$1,368,750 from the Permanent Building Fund to the Administrative and Accounting Services Fund on July 1, 2014, or as soon thereafter as practicable, and on January 1, 2015, or as soon thereafter as practicable, for a total transfer of \$2,737,500 for the Public Officials' Capitol Mall Facilities payment due in fiscal year 2015.

SECTION 11. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 26, 2014

CHAPTER 228
(H.B. No. 649)

AN ACT

APPROPRIATING AND TRANSFERRING MONEYS TO THE WOLF CONTROL FUND FOR FISCAL YEAR 2015.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$400,000 from the General Fund to the Wolf Control Fund Other Money Subaccount, on July 1, 2014, or as soon thereafter as practicable, for the period July 1, 2014, through June 30, 2015.

Approved March 26, 2014

CHAPTER 229
(H.B. No. 650)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR A PORTION OF FISCAL YEAR 2015; ALLOTING THE APPROPRIATION; PROVIDING LEGISLATIVE INTENT REGARDING THE USE OF THE APPROPRIATION; AUTHORIZING FUNDING FOR THE CURRENT CONTRACT; REQUIRING A SERVICE AUDIT OF THE IDAHO EDUCATION NETWORK; AND REQUIRING MONTHLY REPORTING.

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 Education Network Program \$4,800,000 from the General Fund to be expended for the period July 1, 2014, through February 28, 2015.

SECTION 2. ALLOTING APPROPRIATION. In accordance with Section 67-3517, Idaho Code, the department shall make a request each month to the administrator of the Division of Financial Management for an allotment of spending authority that is limited to the monthly amount payable for services that support the Idaho Education Network, as appropriated in Section 1 of this act. The administrator of the Division of Financial Management shall forward said request, upon its approval, to the State Controller, for spending authority of funds to be made available during the fiscal year to the department.

SECTION 3. USE OF APPROPRIATION. It is the intent of the Legislature that the Department of Administration shall use the appropriation provided for in Section 1 of this act to pay funds due in fiscal year 2015 to Education Networks of America, Inc./ENA Services, LLC ("ENA") from the E-rate program administered by Universal Service Administrative Company ("USAC") for services to be rendered to the Idaho Education Network ("IEN"), if not paid for by USAC pursuant to RFP02160 and any purchase orders and amendments (the "IEN Contract"), within a reasonable time after invoice from ENA to USAC. Prior to disbursement of the funds from the General Fund to the department, the department and ENA shall enter into an agreement with the following provisions, at a minimum:

(1) Disbursement of funds under this appropriation shall not constitute acknowledgment of any liability or rights of either party under the IEN Contract not expressly provided for in the IEN Contract.

(2) ENA shall immediately return to the department any funds paid to ENA under this appropriation, if and when USAC pays ENA for any of the services ENA rendered to the department pursuant to the IEN Contract.

(3) Nothing in this agreement shall displace ENA's responsibility under paragraph 9.13 or any other provision of the IEN Contract to submit invoices to USAC in accordance with established E-rate policies.

Upon completion of the agreement required under this section, and also upon the receipt of any funds paid back to the department by ENA pursuant to (2) of this section, the department shall immediately notify members of the IEN Program Resource Advisory Council (IPRAC). If ENA returns any appropriated funds to the department pursuant to (2) of this section, the department shall immediately transfer such funds to the General Fund. If the department does not use the entire appropriation for the purposes stated herein on or before February 28, 2015, it shall return the unused funds to the General Fund on or before February 28, 2015.

SECTION 4. FUNDING AUTHORIZED FOR THE CURRENT CONTRACT. Notwithstanding the authorization provided for in sections 67-5745D and 67-5745E, Idaho Code, to create and support the Idaho Education Network, any appropriation provided for in Section 1 of this act shall not be construed as an endorsement or a commitment to the continuation of the Idaho Education Network while operating under the current IEN Contract described in Section 3 of this act beyond the provisions of this appropriation.

SECTION 5. SERVICE AUDIT OF IDAHO EDUCATION NETWORK. The department shall collaborate with the Legislature in performing service audits to determine ownership of all equipment purchased or leased in association with the IEN Contract, as well as confirmation of the type and level of usage of IEN services by each school district receiving services under this contract.

SECTION 6. REPORTING REQUIREMENTS. The department shall report monthly, in writing, to the Legislative Services Office, Budget and Policy Analysis Division, to the Division of Financial Management and to the IEN Program Resource Advisory Council regarding the status of USAC's contract review and the Syringa Networks, LLC v. Idaho Department of Administration lawsuit, an IEN expenditure report that includes fund balances to date and a litigation-related expenditure report.

Approved March 26, 2014

CHAPTER 230
(H.B. No. 370)

AN ACT

RELATING TO CIGARETTE TAXES; AMENDING SECTION 63-2511, IDAHO CODE, TO REMOVE REFERENCE TO VENDING MACHINE OPERATORS; AMENDING SECTION 63-2516, IDAHO CODE, TO PROVIDE THAT ANY REFERENCE TO TAXABLE YEAR IN THE INCOME TAX ACT SHALL BE, FOR THE PURPOSES OF THE CIGARETTE TAX ACT, CONSIDERED A TAXABLE PERIOD; AND AMENDING SECTION 63-2563, IDAHO CODE, TO PROVIDE THAT ANY REFERENCE TO TAXABLE YEAR IN THE INCOME TAX ACT SHALL BE, FOR THE PURPOSES OF THE CIGARETTE TAX ACT, CONSIDERED A TAXABLE PERIOD.

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

SECTION 1. That Section 63-2511, Idaho Code, be, and the same is hereby amended to read as follows:

63-2511. RECORDS TO BE KEPT -- INSPECTION. Each wholesaler of cigarettes shall keep and preserve for a period of four (4) years, records showing the purchase and sale of cigarettes, as well as separate invoices and records of stamps purchased. All records and stocks of cigarettes on hand shall be open to inspection by the state tax commission or authorized employees at all reasonable times. Additionally, the state tax commission may require reports to be submitted to it from time to time concerning the purchase and sale of cigarettes and stamps.

All retailers and vending machine operators shall permit the state tax commission or authorized employees to inspect all cigarettes on hand.

SECTION 2. That Section 63-2516, Idaho Code, be, and the same is hereby amended to read as follows:

63-2516. COLLECTION AND ENFORCEMENT -- ACTIONS AGAINST STATE OF IDAHO. In addition to the enforcement and penalty provisions in this act otherwise provided, the deficiency in tax and notice of deficiency as well as the collection and enforcement procedures provided by the Idaho income tax act, sections 63-3030A, 63-3038, 63-3039, 63-3040, 63-3042, 63-3043, 63-3044, 63-3045, 63-3045A, 63-3046, 63-3047, 63-3048 through 63-3065, 63-3068, 63-3071, 63-3073, 63-3075 and 63-3078, Idaho Code, shall apply and be available to the state tax commission for enforcement of the provisions of this act and the assessment and collection of any amounts due, and said sections shall for this purpose be considered a part of this act and wherever

liens or any other proceedings are defined as income tax liens or proceedings they shall, when applied in enforcement or collection under this act, be described as cigarette tax liens and proceedings. Any reference to taxable year in the income tax act shall be, for the purposes of this act, considered a taxable period.

The state tax commission may be made a party defendant in an action at law or in equity by any person aggrieved by the unlawful seizure or sale of his property, or in any suit for refund or to recover an overpayment, but only the state of Idaho shall be responsible for any final judgment secured against the state tax commission, and said judgment shall be paid as provided for payment of cigarette tax refunds.

SECTION 3. That Section 63-2563, Idaho Code, be, and the same is hereby amended to read as follows:

63-2563. COLLECTION AND ENFORCEMENT. The collection and enforcement procedures provided by the Idaho income tax act, sections 63-3038, 63-3039, 63-3042 through 63-3045A, 63-3047 through 63-3065A, 63-3068, 63-3071, 63-3075 and 63-3078, Idaho Code, shall apply and be available to the commission for the enforcement of this act and collection of any amounts due under this act and said sections shall, for this purpose, be considered part of this act and wherever liens or any other proceedings are defined as income tax liens or proceedings, they shall, when applied in enforcement or collection under this act, be described as tobacco products tax liens and proceedings. Any reference to taxable year in the income tax act shall be, for the purposes of this act, considered a taxable period.

The state tax commission may be made a party defendant in an action at law or in equity by any person aggrieved by the unlawful seizure or sale of his property, or in any suit for refund or to recover an overpayment, but only the state of Idaho shall be responsible for any final judgment secured against the state tax commission, and said judgment shall be paid or satisfied out of the tobacco products tax refund fund.

Approved March 26, 2014

CHAPTER 231
(H.B. No. 397)

AN ACT

RELATING TO THE SUPPLEMENTAL RETIREMENT SYSTEM; REPEALING CHAPTER 15, TITLE 59, IDAHO CODE, RELATING TO THE SUPPLEMENTAL RETIREMENT SYSTEM.

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

SECTION 1. That Chapter 15, Title 59, Idaho Code, be, and the same is hereby repealed.

Approved March 26, 2014

CHAPTER 232
(H.B. No. 398)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-415, IDAHO CODE, TO PROVIDE FOR DISCOUNTED LICENSE FEES, TO CLARIFY APPLICABILITY, TO AUTHORIZE A DISCOUNT IN FEES TO ENCOURAGE HUNTING, FISHING OR TRAPPING, TO AUTHORIZE A DISCOUNT IN FEES TO ENCOURAGE THE PURCHASE OF LICENSES IN CONSECUTIVE YEARS AND TO ENCOURAGE THE PURCHASE OF MULTIPLE TAGS AND PERMITS AND TO PROVIDE THAT ANY DISCOUNTED FEE SHALL BE EFFECTIVE ONLY FOR THE TIME PERIOD SET BY COMMISSION ORDER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-415, Idaho Code, be, and the same is hereby amended to read as follows:

36-415. DISCOUNTED TAG LICENSE FEES. Upon finding a biological need or public need or unsold tags licenses, including tags and permits, the commission is authorized to order a discount in tag fees for specific species, units, areas, zones, or gender as necessary to encourage increased tag license sales, or to encourage hunting or use of the resource, fishing or trapping. The commission is also authorized to order a discount in fees to encourage the purchase of licenses in consecutive years or to encourage the purchase of multiple tags and permits. Notwithstanding the provisions of other law to the contrary, the any discounted tag fee shall be effective only for the time period set by the commission order, and holders of tags licenses purchased before the discount shall not be entitled to a refund except as provided by rule.

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 26, 2014

CHAPTER 233
(H.B. No. 408)

AN ACT

RELATING TO THE DIVISION OF PURCHASING; AMENDING SECTION 67-5717, IDAHO CODE, TO REVISE POWERS AND DUTIES OF THE ADMINISTRATOR OF THE DIVISION OF PURCHASING.

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

SECTION 1. That Section 67-5717, Idaho Code, be, and the same is hereby amended to read as follows:

67-5717. POWERS AND DUTIES OF THE ADMINISTRATOR OF THE DIVISION OF PURCHASING. The administrator of the division of purchasing:

- (1) Shall acquire, according to the provisions of this chapter, all property for state agencies;
- (2) Shall acquire all property, unless excepted, by competitive bid, and shall specifically require competitive bids for property to be rented, leased or purchased through a deferred payment plan;

(3) Shall determine, based upon the requirements contained in the specification and matter relating to responsibility, the lowest responsible bidder in all competitively bid acquisition contracts;

(4) Shall enter into all contracts and agreements, and any modifications thereto, for the acquisition of any and all property on behalf of and in the name of the state;

(5) Shall, when economically feasible and practical, consolidate requisitions and acquire property in amounts as large as can be efficiently managed and controlled;

(6) May, in the evaluation of paper product bids, give those items that meet the recycled content standards as specified by the administrator a five percent (5%) purchasing preference. As such, those qualifying paper products may be considered to cost five percent (5%) less when choosing the lowest responsible bidder;

(7) May appoint a deputy, who shall have power to act for him and in his place while absent, which deputy shall be bonded to the state of Idaho as prescribed by chapter 8, title 59, Idaho Code;

(8) May require from any contractor the submission of a performance bond for such sum as will, in the opinion of the administrator, guarantee the faithful performance of such contract, and the amount and requirement therefor shall be set out in the specifications;

(9) May enter into open contracts for the acquisition of property commonly used by the various agencies, based upon actual or estimated requirements;

Unless an acquiring agency can show a substantial difference between the required capabilities and the capabilities provided by such property available on open contract, all agencies must utilize such property available on such contracts and failure to comply with this provision will subject the officers responsible for the acquisition to the penalties set forth in this chapter;

(10) May enter into contracts, including leases and rentals, for periods of time exceeding one (1) year provided that such contracts contain no penalty to or restriction upon the state in the event cancellation is necessitated by a lack of financing for any such contract or contracts;

(11) Is authorized and empowered to formulate rules in the conduct of ~~the office of the division~~ of purchasing, subject to the approval of the director of the department of administration;

(12) In accordance with established rules of the division, may enter into negotiations for acquisitions;

(13) May inspect property delivered by a contractor to determine whether it meets minimum bid specifications;

(14) May classify, after review with the various agencies, the requirements of the state for all property which may be acquired and adopt standards of quality for property, and establish standard specifications for acquisition. Each standard specification shall, until revised or rescinded, apply alike in terms and effect to each future acquisition of the classified property.

Approved March 26, 2014

CHAPTER 234
(H.B. No. 413)

AN ACT

RELATING TO STUMPAGE DISTRICTS; REPEALING CHAPTER 10, TITLE 38, IDAHO CODE,
RELATING TO STUMPAGE DISTRICTS.

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

SECTION 1. That Chapter 10, Title 38, Idaho Code, be, and the same is hereby repealed.

Approved March 26, 2014

CHAPTER 235
(H.B. No. 421)

AN ACT

RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 54-1202, IDAHO CODE,
TO REVISE A DEFINITION.

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

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

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

(1) "Benchmark" means a material object, natural or artificial, whose elevation is referenced to an adopted datum.

(2) "Board" means the Idaho board of licensure of professional engineers and professional land surveyors, hereinafter provided by this chapter.

(3) "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.

(4) "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) "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.

(6) "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.

(7) "Land survey" means measuring the field location of corners that:

(a) Determine the boundary or boundaries common to two (2) or more ownerships;

(b) Retrace or establish land boundaries;

(c) Retrace or establish boundary lines of public roads, streets, alleys or trails; or

(d) Plat lands and subdivisions thereof.

(8) "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.

(9) "Professional engineer" means a person who has been duly licensed as a professional engineer by the board under this chapter.

(10) "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, design coordination, 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 or to certify elevation information, 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.

(11) "Professional land surveying" and "practice of professional land surveying" mean responsible charge of land surveying to determine the correct boundary description, to establish or reestablish land boundaries, to plat lands and subdivisions thereof or to certify elevation information. 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.

(12) "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.

(13) "Public" means any person, firm, corporation, partnership, company, government agency, institution or any other entity recognized by law.

(14) "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.

(15) "Rules of professional responsibility" means those rules, if any, promulgated by the board, as authorized by the Idaho Code.

(16) "Signature" 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 logi-

cally 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.

(17) "Standard design plan" 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.

Approved March 26, 2014

CHAPTER 236
(H.B. No. 434)

AN ACT

RELATING TO PUNISHMENT FOR INFRACTION; AMENDING SECTION 18-111, IDAHO CODE, TO INCREASE THE MAXIMUM PENALTY AMOUNT FOR AN INFRACTION; AMENDING SECTION 18-113A, IDAHO CODE, TO INCREASE THE MAXIMUM PENALTY AMOUNT FOR AN INFRACTION AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO THE PENALTY FOR AN INFRACTION; AMENDING SECTION 19-1902, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO AN INFRACTION PENALTY; AMENDING SECTION 49-110, IDAHO CODE, TO INCREASE THE MAXIMUM PENALTY AMOUNT FOR AN INFRACTION; AND AMENDING SECTION 49-1503, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PENALTY FOR A CERTAIN INFRACTION.

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

SECTION 1. That Section 18-111, Idaho Code, be, and the same is hereby amended to read as follows:

18-111. FELONY, MISDEMEANOR AND INFRACTION DEFINED. A felony is a crime which is punishable with death or by imprisonment in the state prison. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one three hundred dollars (~~\$1~~300) and for which no period of incarceration may be imposed. Every other crime is a misdemeanor. When a crime punishable by imprisonment in the state prison is also punishable by fine or imprisonment in a county jail, in the discretion of the court, it shall be deemed a misdemeanor for all purposes after a judgment imposing a punishment other than imprisonment in the state prison.

SECTION 2. That Section 18-113A, Idaho Code, be, and the same is hereby amended to read as follows:

18-113A. PUNISHMENT FOR INFRACTION. Every offense declared to be an infraction is punishable only by a penalty not exceeding one three hundred dollars (~~\$1~~300) as provided in this section and no imprisonment. The penalty for an infraction shall be:

- (1) The amount set by statute;
- (2) Subject to subsection (1) of this section, the amount set as a fixed penalty for that infraction as of January 1, 2014, by the Idaho supreme court infraction rule 9, excepting subsection (38) of infraction rule 9 for "other infractions";
- (3) The amount set by city or county ordinance for which the city or county has authority to impose a penalty and which is not otherwise set under subsection (1) or (2) of this section;

(4) An amount set by the sentencing court in its discretion where the statute or ordinance authorizing the penalty for a specific infraction violation sets an upper penalty limit using language such as "not to exceed" or "not more than" a specific amount; or

(5) Fifteen dollars and fifty cents (\$15.50) for an infraction without a specific penalty set under subsection (1), (2) or (3) of this section, or having no specific upper limit for which the sentencing court has discretion under subsection (4) of this section.

SECTION 3. That Section 19-1902, Idaho Code, be, and the same is hereby amended to read as follows:

19-1902. TRIAL BY JURY. Issues of fact must be tried by jury, unless a trial by jury be waived in criminal cases by the consent of both parties expressed in open court and entered in the minutes. In case of misdemeanor the jury may consist of six (6) or any number less than six (6) upon which the parties may agree in open court. There shall be no right to trial by jury for an infraction punishable only by a penalty not to exceed one hundred dollars (\$100) and no imprisonment.

SECTION 4. That Section 49-110, Idaho Code, be, and the same is hereby amended to read as follows:

49-110. DEFINITIONS -- I. (1) "Identifying number" means:

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

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

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

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

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

(5) "Infraction" means a civil public offense, not constituting a crime, which is not punishable by incarceration and for which there is no right to a trial by jury or right to court-appointed counsel, and which is punishable by only a penalty not exceeding one three hundred dollars (\$1300) and no imprisonment.

(6) "Instruction permits":

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

(b) "Class D driver's training instruction permit" means a temporary privilege to operate a class D motor vehicle while attending classes

as an enrollee of a public or private driver's training course only; is available to a person aged fourteen and one-half (14 1/2) and older; is issued to the instructor of the driver's training course; is issued and expires pursuant to the provisions of section 49-307, Idaho Code; and the permittee is subject to the conditions specified in section 49-307, Idaho Code.

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

(d) "Class D supervised instruction permit" means a temporary privilege to operate a class D motor vehicle which is available to a person who is at least fourteen and one-half (14 1/2) years of age who has successfully completed an approved driver's training course. No person may apply for a class D driver's license until he has attained the age of at least fifteen (15) years and has successfully satisfied the requirements of this permit, as specified and issued pursuant to the provisions of section 49-307, Idaho Code.

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

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

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

(10) "Intersection" means:

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

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

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

SECTION 5. That Section 49-1503, Idaho Code, be, and the same is hereby amended to read as follows:

49-1503. PENALTIES FOR VIOLATIONS OF STATUTES AND ORDINANCES. (1) No local authority may, by ordinance, regulation or otherwise make any act a misdemeanor which, but for that ordinance or regulation, would constitute an infraction under any provision of this chapter and all such acts made a misdemeanor or for which a misdemeanor penalty has been established by any local authority through ordinance, regulation or otherwise are hereby declared to be infractions as defined in section 49-110, Idaho Code.

(2) The penalty for an infraction citation and the judgment entered for the commission of an infraction shall be the amount set ~~for that infraction in the payment schedule to be adopted by supreme court order and published annually by the administrative director of the courts~~ provided in section 18-113A, Idaho Code.

Approved March 26, 2014

CHAPTER 237
(H.B. No. 451)

AN ACT

RELATING TO COUNTY RECORDS; REPEALING SECTION 9-331, IDAHO CODE, RELATING TO COUNTY OFFICIALS MANNER OF REPLACING DOCUMENTS OR BOOKS; REPEALING SECTION 9-331A, IDAHO CODE, RELATING TO PHOTOGRAPHIC OR DIGITAL RETENTION OF COUNTY RECORDS AND DISPOSITION OF ORIGINALS; REPEALING SECTION 9-332, IDAHO CODE, RELATING TO DESTRUCTION OF ORIGINALS WHEN NOT LESS THAN ONE YEAR OLD; AND AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-871A, IDAHO CODE, TO PROVIDE FOR RETENTION OF COUNTY RECORDS USING PHOTOGRAPHIC AND DIGITAL MEDIA.

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

SECTION 1. That Section 9-331, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 9-331A, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 9-332, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 8, 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 31-871A, Idaho Code, and to read as follows:

31-871A. RETENTION OF COUNTY RECORDS USING PHOTOGRAPHIC AND DIGITAL MEDIA. (1) A county official may reproduce and retain documents in a photographic, digital or other nonpaper medium. The medium in which a document is retained shall accurately reproduce the document in paper form during the period for which the document must be retained and shall preclude unauthorized alteration of the document.

(2) If the medium chosen for retention is photographic, all film used must meet the quality standards of the American national standards institute (ANSI).

(3) If the medium chosen for retention is digital, the medium must provide for reproduction on paper at a resolution of at least two hundred (200) dots per inch.

(4) A document retained by the county in any form or medium permitted under this section shall be deemed an original public record for all purposes. A reproduction or copy of such a document, certified by the county official, shall be deemed to be a transcript or certified copy of the original and shall be admissible before any court or administrative hearing.

(5) Once a paper document is retained in a nonpaper medium as authorized by this section, the original paper document may be disposed of or returned to the sender.

(6) Whenever any record is reproduced by photographic or digital process as herein provided, it shall be made in duplicate, and the custodian thereof shall place one (1) copy in a fire-resistant vault, or off-site storage facility, and he shall retain the other copy in his office with suitable equipment for displaying such record at not less than original size and for making copies of the record.

Approved March 26, 2014

CHAPTER 238
(H.B. No. 452)

AN ACT

RELATING TO SICK LEAVE; AMENDING SECTION 33-1217, IDAHO CODE, TO PROVIDE THAT AN EMPLOYEE EMPLOYED BY A STATE EDUCATIONAL AGENCY SHALL BE CREDITED CERTAIN UNUSED SICK LEAVE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-5333, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN SICK LEAVE CREDITS, TO PROVIDE FOR THE APPLICATION OF LAW AND TO ESTABLISH A MAXIMUM UNUSED SICK LEAVE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-1217, Idaho Code, be, and the same is hereby amended to read as follows:

33-1217. ACCUMULATION OF UNUSED SICK LEAVE -- TRANSFER -- SICK LEAVE WHEN DISTRICTS DIVIDE OR CONSOLIDATE. Unused sick leave shall be accumulated from year to year as long as an employee remains continuously in the service of the same school district, including charter districts, to ninety (90) days accumulation of leave. Termination of employment in any district shall terminate sick leave rights, both current and accumulated, except when such employee is employed by another district or another state educational agency during the school year immediately following the year of termination or within three (3) school years immediately following the year of termination if termination of employment is due to a reduction in force; and the accumulated leave up to a maximum of ninety (90) days shall be secured for, and credited to, the employee by the district or state educational agency thereafter employing such employee. Any employee employed by a school district who was employed by a state educational agency during the current or prior school year shall be credited any unused sick leave accumulated during state employment up to a maximum of ninety (90) days. Whenever new school districts are formed by the consolidation or by the division of existing districts, the accumulated sick leave of school district employees who continue in service in the new district or districts created by such consolidation or division shall have such accumulated sick leave secured for, and credited to, them in such newly created district, or districts.

SECTION 2. That Section 67-5333, Idaho Code, be, and the same is hereby amended to read as follows:

67-5333. SICK LEAVE. (1) Sick leave shall be computed as follows:

(a) The rate per hour at which sick leave shall accrue to classified officers and employees earning credited state service shall be at the rate represented by the proportion 96/2080. Sick leave shall accrue without limit, and shall be transferable from department to department.

(b) Sick leave shall not accrue to any officer or employee on any kind of leave of absence without pay, suspension without pay or layoff. Sick leave shall accrue while an officer or employee is on approved leave with pay, on approved vacation leave, on approved military leave with pay, and on approved sick leave, but not when compensatory time is taken.

(c) All accrued sick leave shall be forfeited at the time of separation from state service and no officer or employee shall be reimbursed for accrued sick leave at the time of separation, except as provided in subsection (2) of this section. If such officer or employee returns to credited state service within three (3) years of such separation, all sick leave credits accrued at the time of separation shall be reinstated, except to the extent that unused sick leave was utilized for the purposes specified in subsection (2) of this section or transferred to a school district or charter district pursuant to section 33-1217, Idaho Code.

(d) Sick leave shall be taken on a workday basis. Regularly scheduled days off and officially designated holidays falling within a period of sick leave shall not be counted against sick leave. Sick leave shall not be taken in advance of being earned and shall only be taken in pay periods subsequent to being earned.

(e) In cases where absences for sick leave exceed three (3) consecutive working days, the appointing authority may require verification by a physician or other authorized practitioner.

(f) If an absence for illness or injury extends beyond the sick leave accrued to the credit of the officer or employee, the officer or employee may be granted leave without pay.

(g) The administrator shall prescribe additional requirements for sick leave for classified officers and employees on a part-time or irregular schedule, for maintaining sick leave records, for funeral leave, and such other applicable purposes as necessary.

(2) Unused sick leave may be used as follows:

(a) Upon separation from state employment by retirement in accordance with chapter 13, title 59, or chapter 1, title 33, Idaho Code, an employee's unused sick leave shall be determined based on accumulated sick leave earned subsequent to July 1, 1976, and shall be reported by the employer to the public employee retirement system. Upon separation from state employment by retirement in accordance with chapter 20, title 1, Idaho Code, an employee's unused sick leave shall be determined based on accumulated sick leave earned subsequent to July 1, 2000, and shall be reported by the employer to the public employee retirement system. A sum equal to one-half (1/2), or the maximum amount allowed by paragraph (b) of this subsection ~~(2)~~, whichever is the lesser, of the monetary value of such unused sick leave, calculated at the rate of pay for such employee at the time of retirement, as determined by the retirement board, shall be transferred from the sick leave account provided by paragraph (c) of this subsection ~~(2)~~ and shall be credited to such employee's retirement account. Such sums shall be used by the Idaho public employee retirement board to pay premiums, as permitted by and subject to applicable federal tax laws and limits, for such health, dental, vision, long-term care, prescription drug and life insurance programs as may be maintained by the state, to the extent of the funds credited to the employee's account pursuant to this section. Upon an

employee's death, any unexpended sums remaining in the account shall revert to the sick leave account.

(b) For the purposes of determining the monetary value of unused sick leave, the maximum unused sick leave which may be considered, shall be:

(i) During the first ten thousand four hundred (10,400) hours of credited state service, the maximum unused sick leave which may be considered shall be four hundred twenty (420) hours;

(ii) During the second ten thousand four hundred (10,400) hours of credited state service, the maximum unused sick leave which may be considered shall be four hundred eighty (480) hours;

(iii) During the third ten thousand four hundred (10,400) hours of credited state service, the maximum unused sick leave which may be considered shall be five hundred forty (540) hours; and

(iv) Thereafter, the maximum unused sick leave which may be considered shall be six hundred (600) hours; and

(v) For any employees of a state educational agency with unused sick leave that includes sick leave credited pursuant to section 33-1217, Idaho Code, the credited state service requirements of subsection (2) (b) (i) through (iv) of this section shall not apply, but the maximum unused sick leave which may be considered shall be six hundred (600) hours.

(c) Each employer in state government shall contribute to a sick leave account maintained by the public employee retirement system in trust exclusively for the purpose of the provisions of this section. The retirement board shall serve as trustee of the trust and shall be indemnified to the same extent as provided in section 59-1305, Idaho Code. Assets in the trust shall not be assignable or subject to execution, garnishment or attachment or to the operation of any bankruptcy or insolvency law. The rate of such contribution each pay period shall consist of a percentage of employees' salaries as determined by the board, and such rate shall remain in effect until next determined by the board. Any excess balance in the sick leave account shall be invested, and the earnings therefrom shall accrue to the sick leave account except the amount required by the board to defray administrative expenses. Assets of the trust may be commingled for investment purposes with other assets managed by the retirement board. All moneys payable to the sick leave account are hereby perpetually appropriated to the board, and shall not be included in its departmental budget. The state insurance fund and public health districts shall be considered employers in state government for purposes of participation under this section.

Approved March 26, 2014

CHAPTER 239

(H.B. No. 456, As Amended in the Senate)

AN ACT

RELATING TO COUNTY JAILS; AMENDING SECTION 20-237A, IDAHO CODE, TO INCREASE A CERTAIN MINIMUM RATE THAT THE STATE BOARD OF CORRECTION IS REQUIRED TO PAY COUNTIES HOUSING STATE SENTENCED PRISONERS, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 20-237A, Idaho Code, be, and the same is hereby amended to read as follows:

20-237A. FUNDING PER DIEM COSTS OF STATE PRISONERS HOUSED IN COUNTY JAILS, RELATED ADDITIONAL EXPENSES AND MANNER OF PAYMENT. (a1) The board of correction shall pay each county for housing prisoners convicted, sentenced and committed to the custody of the state board of correction, beginning on the day after receipt by the director of notice that a person is in custody, as provided in section 20-237, Idaho Code.

(b2) The state board of correction shall pay counties housing state sentenced prisoners a minimum rate of forty-five dollars (\$405.00) per day, per inmate. Nothing stated herein will prohibit the state board of correction from entering into a contract with a county pursuant to section 20-241, Idaho Code.

(e3) In addition to payment of per diem costs as above provided, the state board of correction shall pay for all ordinary and necessary medical and dental expenses of state prisoners housed in county jails.

(d4) As between themselves, the state board of correction and each of the counties will be responsible for their pro rata share of any property damages or personal injuries arising from the housing of state sentenced prisoners, which is attributable to their respective negligence or otherwise wrongful conduct. This provision shall not alter or affect any immunities or exceptions to governmental liability the state or counties may possess as to private persons pursuant to the Idaho tort claims act, ~~sections 6-901, et seq.~~ chapter 9, title 6, Idaho Code.

(e5) The legislature shall appropriate sufficient funds annually to the department of correction to make all payments to counties as required in this section.

(f6) The county sheriffs shall bill the department of correction at least every sixty (60) days. The department of correction shall pay such bills within sixty (60) days of their receipt.

(g7) The germane committees of the legislature shall review the costs of housing inmates in county jails every three (3) years beginning in 2004.

Approved March 26, 2014

CHAPTER 240
(H.B. No. 461)

AN ACT

RELATING TO BEING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; PROVIDING A SHORT TITLE; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 67-1401, IDAHO CODE, TO PROVIDE ADDITIONAL DUTIES OF THE ATTORNEY GENERAL; AMENDING CHAPTER 29, TITLE 67, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 67-1412 THROUGH 67-1416, IDAHO CODE, TO DEFINE TERMS, TO CREATE THE SOBRIETY AND DRUG MONITORING PROGRAM, TO PROVIDE FOR RULES AND TESTING FEES, TO PROVIDE THE AUTHORITY FOR COURTS OR OTHER ENTITIES TO PARTICIPATE IN A SOBRIETY AND DRUG MONITORING PROGRAM AND TO PROVIDE FOR COLLECTION, DISTRIBUTION AND USE OF TESTING FEES.

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

SECTION 1. SHORT TITLE. This act shall be known and may be cited as the "Idaho 24/7 Sobriety and Drug Monitoring Program Act."

SECTION 2. LEGISLATIVE INTENT. The Legislature declares that driving in Idaho is a privilege, not a right. A driver who wishes to enjoy the benefits of this privilege must accept the corresponding responsibilities. The Legislature further declares that the purpose of this act is to protect the public health and welfare by reducing the number of people on Idaho's highways who drive under the influence of alcohol or dangerous drugs; to pro-

tect the public health and welfare by reducing the number of repeat offenders for certain offenses in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime; and to strengthen the pretrial and posttrial options available to prosecutors and judges in responding to repeat DUI offenders and offenders for certain crimes in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime.

SECTION 3. That Section 67-1401, Idaho Code, be, and the same is hereby amended to read as follows:

67-1401. DUTIES OF ATTORNEY GENERAL. Except as otherwise provided in this chapter, it is the duty of the attorney general:

(1) To perform all legal services for the state and to represent the state and all departments, agencies, offices, officers, boards, commissions, institutions and other state entities, in all courts and before all administrative tribunals or bodies of any nature. Representation shall be provided to those entities exempted pursuant to the provisions of section 67-1406, Idaho Code. Whenever required to attend upon any court or administrative tribunal, the attorney general shall be allowed necessary and actual expenses, all claims for which shall be audited by the state board of examiners.

(2) To advise all departments, agencies, offices, officers, boards, commissions, institutions and other state entities in all matters involving questions of law.

(3) After judgment in any of the causes referred to in this chapter, to direct the issuing of such process as may be necessary to carry the same into execution.

(4) To account for and pay over to the proper officer all moneys received which belong to the state.

(5) To supervise nonprofit corporations, corporations, charitable or benevolent societies, person or persons holding property subject to any public or charitable trust and to enforce whenever necessary any noncompliance or departure from the general purpose of such trust and, in order to accomplish such purpose, said nonprofit corporations, corporations, charitable or benevolent societies, person or persons holding property subject to any public or charitable trust are subject at all times to examination by the attorney general, on behalf of the state, to ascertain the condition of its affairs and to what extent, if at all, said trustee or trustees may have failed to comply with trusts said trustee or trustees have assumed or may have departed from the general purpose for which it was formed. In case of any such failure or departure, the attorney general shall institute, in the name of the state, any proceeding necessary to enforce compliance with the terms of the trust or any departure therefrom.

(6) To give an opinion in writing, without fee, to the legislature or either house thereof, or any senator or representative, and to the governor, secretary of state, treasurer, state controller, and the superintendent of public instruction, when requested, upon any question of law relating to their respective offices. The attorney general shall keep a record of all written opinions rendered by the office and such opinions shall be compiled annually and made available for public inspection. All costs incurred in the preparation of said opinions shall be borne by the office of the attorney general. A copy of the opinions shall be furnished to the supreme court and to the state librarian.

(7) When required by the public service, to repair to any county in the state and assist the prosecuting attorney thereof in the discharge of duties.

(8) To bid upon and purchase, when necessary, in the name of the state, and under the direction of the state controller, any property offered for

sale under execution issued upon judgments in favor of or for the use of the state, and to enter satisfaction in whole or in part of such judgments as the consideration for such purchases.

(9) Whenever the property of a judgment debtor in any judgment mentioned in subsection (8) of this section has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance, taking precedence of the judgment in favor of the state, under the direction of the state controller, to redeem such property from such prior judgment, lien, or encumbrance; and all sums of money necessary for such redemption must, upon the order of the board of examiners, be paid out of any money appropriated for such purposes.

(10) When necessary for the collection or enforcement of any judgment hereinbefore mentioned, to institute and prosecute, in behalf of the state, such suits or other proceedings as may be necessary to set aside and annul all conveyances fraudulently made by such judgment debtors; the cost necessary to the prosecution must, when allowed by the board of examiners, be paid out of any appropriations for the prosecution of delinquents.

(11) To exercise all the common law power and authority usually appertaining to the office and to discharge the other duties prescribed by law.

(12) To report to the governor, at the time required by this section, the condition of the affairs of the attorney general's office and of the reports received from prosecuting attorneys.

(13) To appoint deputy attorneys general and special deputy attorneys general and other necessary staff to assist in the performance of the duties of the office. Such deputies and staff shall be nonclassified employees within the meaning of section 67-5302, Idaho Code.

(14) To establish a medicaid fraud control unit pursuant to the provisions of section 56-226, Idaho Code, and to exercise concurrent investigative and prosecutorial authority and responsibility with county prosecutors to prosecute persons for the violation of the criminal provisions of chapter 2, title 56, Idaho Code, and for criminal offenses that are not defined in said chapter 2, title 56, Idaho Code, but that involve or are directly related to the use of medicaid program funds or services provided through the medicaid program.

(15) To seek injunctive and any other appropriate relief as expeditiously as possible to preserve the rights and property of the residents of the state of Idaho, and to defend as necessary the state of Idaho, its officials, employees and agents in the event that any law or regulation violating the public policy set forth in the Idaho health freedom act, chapter 90, title 39, Idaho Code, is enacted by any government, subdivision or agency thereof.

(16) To establish an internet crimes against children unit pursuant to the provisions of section 67-1410, Idaho Code, and to exercise concurrent investigative and prosecutorial authority and responsibility with county prosecutors to prosecute persons for the violation of the criminal provisions of sections 18-1507, 18-1509A, 18-1513 and 18-1515, Idaho Code, which may also encompass criminal offenses that are not defined in said sections but that involve or are directly related to child pornography and solicitation of minors for pornography, prostitution or sex-related offenses.

(17) To establish a sobriety and drug monitoring program to reduce the number of people on Idaho's highways who drive under the influence of alcohol or drugs, reduce the number of repeat offenders for certain offenses in which the abuse of alcohol or drugs was a contributing factor, and increase pretrial and posttrial options for prosecutors and judges in responding to repeat DUI offenders and offenders for certain crimes in which the abuse of alcohol or drugs was a contributing factor in the commission of the crime, and to adopt such rules and establish such fees as are necessary for the operation of said program, as set forth by law.

SECTION 4. That Chapter 29, 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 67-1412 through 67-1416, Idaho Code, and to read as follows:

67-1412. DEFINITIONS. As used in sections 67-1412 through 67-1416, Idaho Code, the following definitions apply:

- (1) "Attorney general" means the Idaho office of the attorney general.
- (2) "Core components" means those elements of a 24/7 program that analysis demonstrates are most likely to account for positive program outcomes.
- (3) "Immediate sanction" means sanctions that are applied within minutes of a noncompliant test event.
- (4) "Jurisdiction" means the county or municipality that chooses to participate in a 24/7 program.
- (5) "Law enforcement agency" means the county sheriff's office or another law enforcement agency designated by the county sheriff's office that is charged with enforcement of a 24/7 program.
- (6) "24/7 sobriety and drug monitoring program" or "24/7 program" means the 24/7 sobriety and drug monitoring program established in section 67-2920, Idaho Code, that authorizes a court or agency as a condition of bond, sentence, probation, parole or work permit to:
 - (a) Require an individual to abstain from alcohol or dangerous drugs for a period of time when that individual has been charged, pleads guilty, found guilty, convicted or received a withheld judgment for a crime in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime including, but not limited to, driving under the influence of alcohol or dangerous drugs; and
 - (b) Require the individual to be subject to testing for alcohol and/or dangerous drugs:
 - (i) At least twice a day at a central location where immediate sanctions can be applied;
 - (ii) Where twice a day testing is impractical, by continuous transdermal alcohol monitoring by means of an electronic monitoring device where timely sanctions can be applied; or
 - (iii) By an alternate method with concurrence of the attorney general and consistent with section 67-1413, Idaho Code.
- (7) "Testing" means a procedure for determining the presence and level of alcohol or a dangerous drug, as enumerated in chapter 80, title 18, Idaho Code, or as provided as a condition of probation, withheld judgment or parole, in an individual's body fluid including blood, breath, urine, saliva or perspiration and includes any combination of the use of breath testing, drug patch testing, urinalysis testing, saliva testing or continuous or transdermal alcohol monitoring. With the concurrence of the attorney general and consistent with section 67-1413, Idaho Code, alternate body fluids can be approved for use.
- (8) "Timely sanction" means a sanction that is applied within a period of time that can be hours or days after the noncompliant test event, but the period of time should be as short as possible and not extend beyond fourteen (14) days.

67-1413. SOBRIETY AND DRUG MONITORING PROGRAM CREATED. (1) There is hereby created within the office of the attorney general the sobriety and drug monitoring program.

(2) The core components of the statewide 24/7 program shall include the utilization of a primary testing methodology that facilitates the ability to apply immediate sanctions for noncompliance at an affordable cost. In hardship cases or where a program participant is rewarded with less stringent testing requirements, testing methodologies with timely sanctions for noncompliance may be utilized.

(3) The statewide 24/7 program shall be evidence-based and shall be able to satisfy at least two (2) of the following categories: included in the federal registry of evidence-based programs and practices; reported with positive effects on the primary target outcome in peer review journals; or documented effectiveness supported by other sources of information and the judgment of informed experts.

(4) If a jurisdiction chooses to participate in the 24/7 sobriety and drug monitoring program, the attorney general shall assist in creation and administration of the 24/7 program in the jurisdiction in the manner provided in sections 67-1412 through 67-1416, Idaho Code. The attorney general shall also assist jurisdictions in which a 24/7 program exists in determining alternatives to incarceration.

(5) (a) If a jurisdiction participates in the 24/7 program, the law enforcement agency may designate an entity to provide the testing services or take any other action required or authorized to be provided by the law enforcement agency pursuant to sections 67-1412 through 67-1416, Idaho Code, except that the law enforcement agency's designee may not determine whether to participate in the 24/7 sobriety and drug monitoring program.

(b) The law enforcement agency shall establish the testing locations and times for the jurisdiction, but must have at least one (1) testing location and two (2) daily testing times approximately twelve (12) hours apart.

67-1414. RULES -- TESTING FEES. The attorney general shall adopt rules to implement the provisions of sections 67-1412 through 67-1416, Idaho Code. The rules must:

(1) Provide the nature and manner of testing and the procedures and apparatus to be used for testing;

(2) Establish reasonable participant and testing fees for the program, including the collection of fees to pay the cost of installation, monitoring, calibration and deactivation of any testing device and reimbursement to private or governmental entities providing such services;

(3) Provide the establishment and use of local accounts for the deposit of fees collected and for administration of the 24/7 sobriety and drug monitoring program pursuant to these rules;

(4) Require approval by the attorney general of all contracts entered into between local or state agencies and vendors participating in the 24/7 sobriety and drug monitoring program; and

(5) Require and provide for the approval of a 24/7 sobriety and drug monitoring program data management technology plan that must be used by the attorney general and participating jurisdictions to manage testing, data access, fees and fee payments and any required reports.

67-1415. AUTHORITY OF COURT AND OTHER ENTITIES TO ORDER PARTICIPATION IN SOBRIETY AND DRUG MONITORING PROGRAM. Any court, the commission for pardons and parole, the department of juvenile corrections, the driver's license section of the transportation department, any county probation department, any juvenile probation department, the department of correction and the department of health and welfare dealing with child protection issues or a law enforcement entity dealing with domestic violence issues may avail itself of the 24/7 program for persons. Any entity utilizing the 24/7 program may condition any sanctions against an individual to be stayed as long as the individual participates in and/or successfully completes the 24/7 sobriety and drug monitoring program.

67-1416. COLLECTION, DISTRIBUTION AND USE OF TESTING FEES. The law enforcement agency of a jurisdiction in which a 24/7 sobriety and drug monitoring program exists shall collect the testing fee required by the rules of

the attorney general and deposit the fees into the local 24/7 program account established pursuant to rules of the attorney general. The fee must be distributed according to those rules to the proper jurisdiction for use by the law enforcement agency or the law enforcement agency's designee pursuant to the terms determined by the law enforcement agency in accordance with the provisions of sections 67-1412 through 67-1416, Idaho Code, and the rules implementing those sections.

Approved March 26, 2014

CHAPTER 241
(H.B. No. 475)

AN ACT

RELATING TO THE HEALTH INSURANCE EXCHANGE; AMENDING SECTION 41-6105, IDAHO CODE, TO PROVIDE THAT SHOPPERS ON THE EXCHANGE MAY COMPARISON SHOP AND SHALL PROVIDE CERTAIN INFORMATION ONLY UPON SUBMISSION OF AN APPLICATION AND TO PROVIDE FOR A WARNING REGARDING A SUBMISSION OF ESTIMATED INCOME.

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

SECTION 1. That Section 41-6105, Idaho Code, be, and the same is hereby amended to read as follows:

41-6105. POWERS AND AUTHORITY OF THE EXCHANGE. (1) Unless otherwise required by this chapter, in the discretion of the board, the exchange shall have the powers and authority to:

- (a) Perform all duties that are necessary and appropriate to implement a health insurance exchange and the provisions of this chapter;
- (b) Adopt bylaws for the regulation of its affairs and the conduct of its business, subject to the review and approval by the director. The director's consent shall be required for any amendment to the bylaws;
- (c) Assess and collect fees from participating health carriers, exchange users and receive funds from any other source, that shall be used solely for the purposes of this chapter. The exchange shall not be subject to income tax imposed by the state of Idaho under chapter 30, title 63, Idaho Code;
- (d) Appoint any advisory committees as deemed necessary by the board;
- (e) Take any legal action to recover any amounts lawfully owed to the exchange or otherwise consistent with this chapter;
- (f) Enter into contracts to effectuate and implement a health insurance exchange and shall accept requests for proposal to bid on such contracts; and
- (g) Develop, adopt and implement a plan of operation and other governing documents to fulfill the requirements of this chapter.

(2) The exchange powers and authority shall be subject to the following limitations:

- (a) The exchange shall not have the power to alter its own legal structure;
- (b) The exchange shall be financially self-supporting and shall not request any financial support from the state and shall not have the power to tax or encumber state assets;
- (c) (i) The exchange shall be a voluntary marketplace with the purpose of preserving individual choice and facilitating the informed selection and purchase of health benefit plans by eligible individuals, eligible employers and eligible employees. To that end the exchange portal shall be constructed to permit health insurance

shoppers to anonymously input information to comparison shop, and only upon submission of an application require login names, passwords and identifying information.

(ii) Neither the exchange nor any agency of the state of Idaho shall require any person to use or participate in the exchange, nor have the authority to impose upon or collect from a person any penalty for failure or refusal to participate in the exchange or to purchase a health benefit plan or stand-alone dental plan.

(iii) The exchange shall provide as part of the application process for any person qualifying for premium assistance through the exchange a prominent warning advising purchasers to estimate income for the year carefully, that underestimating income can result in an overpayment of premium assistance and that an overpayment of premium assistance will likely result in owing the overpayment back to the internal revenue service.

(d) The exchange shall not prohibit a health carrier from participating in the exchange or prohibit a health benefit plan or stand-alone dental plan from being sold in the exchange so long as the health carrier or health benefit plan or stand-alone dental plan meets all requirements of applicable law and any requirements of the exchange consistent with this chapter;

(e) The exchange shall not prohibit or preclude a health carrier from offering insurance or a stand-alone dental plan outside the exchange;

(f) The exchange shall not prohibit a producer from participating in the exchange, and any producer participating in the exchange shall be entitled to payment for his services through written fee agreements with the individuals or small employers utilizing the services of said producer or through commissions offered by health carriers participating in the exchange;

(g) Before the exchange begins taking applications or collecting information from exchange users, the board shall certify to the director and governor that personal information collected from and about any person who voluntarily uses the exchange including, but not limited to, health care records and income, is and will continue to be secure;

(h) The exchange shall not inquire about the use, ownership, possession or storage of any firearm or ammunition by anyone using the exchange;

(i) In the event the patient protection and affordable care act (PPACA), P.L. 111-148, or any section thereof or rule enacted thereto, is declared unconstitutional or otherwise invalid by any federal court, unless such ruling is stayed by the court, the exchange shall immediately cease to enforce those affected provisions of the PPACA or rules;

(j) The state of Idaho shall not be liable for any obligations of the exchange; and

(k) The board shall not be liable for any obligations of the exchange. No member of the board shall be liable, and no cause of action of any nature may arise against them, for any act or omission related to the performance of their powers and duties under this chapter, unless such act or omission constitutes willful or wanton misconduct. The board may provide for indemnification of, and legal representation for, its members.

CHAPTER 242
(H.B. No. 491)

AN ACT

RELATING TO SNOWMOBILES; AMENDING SECTION 67-7101, IDAHO CODE, TO REVISE THE DEFINITION OF "SNOWMOBILE"; AMENDING SECTION 67-7112, IDAHO CODE, TO REVISE PROVISIONS GIVING COUNTIES THE OPTION OF ALLOWING THE USE OF GROOMED SNOWMOBILE TRAILS BY SNOWMOBILES AND SUCH OTHER VEHICLES AS THE COUNTY MAY ALLOW.

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

SECTION 1. 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" or "ATV" means any recreation vehicle with three (3) or more tires and fifty (50) inches or less in width, having a wheelbase of sixty-one (61) inches 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, utility type vehicles 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) "Off-highway vehicle" means an all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle as defined in this section.

(11) "Operator" means any person who is in physical control of a motorbike, all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or snowmobile.

(12) "Owner" means every person holding record title to a motorbike, all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or snowmobile and entitled to the use or possession thereof, other than a lienholder or other person having a security interest only.

(13) "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.

(14) "Public roadway" means all portions of any highway which are controlled by an authority other than the Idaho transportation department.

(15) "Snowmobile" means any self-propelled vehicle under one two thousand (~~12~~,000) pounds unladen gross weight, designed primarily for travel

on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners.

(16) "Specialty off-highway vehicle" means any vehicle manufactured, designed or constructed exclusively for off-highway operation that does not fit the definition of an all-terrain vehicle, utility type vehicle or motor-bike as defined in this section. The vehicle classification provided for in this subsection shall become effective on January 1, 2010.

(17) "Utility type vehicle" or "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 roads, traveling on four (4) or more tires, maximum width less than seventy-four (74) inches, maximum weight less than two thousand (2,000) pounds, and having a wheelbase of one hundred ten (110) inches or less. A utility type vehicle must have a minimum width of fifty (50) inches, a minimum weight of at least nine hundred (900) pounds or a wheelbase of over sixty-one (61) inches. 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. A "utility type vehicle" or "UTV" also means a recreational off-highway vehicle or ROV.

(18) "Vendor" means any entity authorized by the department to sell recreational registrations.

(19) "Winter recreational parking locations" means designated parking areas established and maintained with funds acquired from the cross-country skiing account.

SECTION 2. That Section 67-7112, Idaho Code, be, and the same is hereby amended to read as follows:

67-7112. GROOMED SNOWMOBILE TRAILS. Counties shall have the option to allow all-terrain vehicles and snowmobiles over one thousand (1,000) pounds unladen gross weight, if registered as a snowmobile, to use snowmobile trails in the county. No other vehicles shall operate on groomed snowmobile trails unless specifically allowed by the county. Any all-terrain vehicle and snowmobile over one thousand (1,000) pounds unladen gross weight operating on groomed snowmobile trails during the winter snowmobiling season when the trails are groomed shall be registered as a snowmobile under the provisions of section 67-7103, Idaho Code. Counties shall have the option to allow all-terrain vehicles, if registered, to use snowmobile trails in the county. No other vehicles shall operate on groomed snowmobile trails unless specifically allowed by the county. Violation of the provisions of this section shall be an infraction.

Approved March 26, 2014

CHAPTER 243
(H.B. No. 512)

AN ACT

RELATING TO COURT DETERMINATION OF INDIGENCY; AMENDING SECTION 19-854, IDAHO CODE, TO PROVIDE THAT PARTICIPATION IN THE IDAHO HEALTH INSURANCE EXCHANGE SHALL NOT RESULT IN THE PRESUMPTION OF INDIGENCY.

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

SECTION 1. That Section 19-854, Idaho Code, be, and the same is hereby amended to read as follows:

19-854. DETERMINATION OF INDIGENCY -- FACTORS CONSIDERED -- PARTIAL PAYMENT BY ACCUSED -- REIMBURSEMENT. (1) The determination of whether a person covered under section 19-852, Idaho Code, is an indigent person shall be deferred until his first appearance in court or in a suit for payment or reimbursement under section 19-858, Idaho Code, whichever occurs earlier. Thereafter, the court concerned shall determine, with respect to each proceeding, whether he is an indigent person.

(2) The court concerned shall presume that the following persons are indigent persons unless such a determination is contrary to the interests of justice:

(a) Persons whose current monthly income does not exceed one hundred eighty-seven percent (187%) of the federal poverty guidelines issued annually by the federal department of health and human services;

(b) Persons who receive, or whose dependents receive, public assistance pursuant to title 56, Idaho Code, in the form of food assistance, health coverage, cash assistance or child care assistance; or

(c) Persons who are currently serving a sentence in a correctional facility or are being housed in a mental health facility.

(3) The court concerned may determine that persons other than those described in subsection (2) of this section are indigent persons. In determining whether a person is an indigent person and in determining the extent of his inability to pay, the court concerned may consider such factors as income, property owned, outstanding obligations, the number and ages of his dependents and the cost of bail. Participation in the Idaho health insurance exchange shall not result in the presumption of indigency.

(4) Release on bail does not necessarily prevent a person from being an indigent person.

(5) In each case, the person shall, subject to the penalties for perjury, certify in writing or by other record such material factors relating to his ability to pay as the court prescribes by rule. No information provided by a person pursuant to this subsection may be used as substantive evidence in any criminal or civil proceeding against the person except:

(a) For impeachment purposes;

(b) In a prosecution for perjury or contempt committed in providing the information; or

(c) In an attempt to enforce an obligation to reimburse the state for the cost of counsel.

(6) To the extent that a person covered under section 19-852, Idaho Code, is able to provide for an attorney, the other necessary services and facilities of representation, and court costs, the court may order him to provide for their payment.

(7) Upon conviction, notwithstanding the form of judgment or withheld judgment, plea of guilty or finding of guilt for any crime regardless of the original crime or number of counts, an indigent person who receives the services of an attorney provided by the county may be required by the court to reimburse the county for all or a portion of the cost of those services related to the conviction, plea of guilty or finding of guilt, unless the requirement would impose a manifest hardship on the indigent person. The current inability of the indigent person to pay the reimbursement shall not, in and of itself, restrict the court from ordering reimbursement.

Approved March 26, 2014

CHAPTER 244
(H.B. No. 524)

AN ACT

RELATING TO BEER; AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1032, IDAHO CODE, TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR A BREWER TO HAVE ANY FINANCIAL INTEREST IN THE BUSINESS OF A LICENSED DEALER OR WHOLESALER OF BEER, TO PROVIDE LIMITED EXCEPTIONS AND TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR A DEALER OR WHOLESALER OF BEER TO HAVE ANY FINANCIAL INTEREST IN THE BUSINESS OF A LICENSED BREWER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 10, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-1032, Idaho Code, and to read as follows:

23-1032. FINANCIAL INTEREST IN DEALER OR WHOLESALER PROHIBITED. (1) It shall be unlawful for any brewer, directly or indirectly, or through an affiliate, subsidiary, officer, director, agent or employee to have any financial interest in any licensed wholesaler's or dealer's business, or to own or control any real property upon which a licensed dealer or wholesaler conducts business, except:

(a) For a brewer licensed within the state of Idaho who produces fewer than thirty thousand (30,000) barrels of beer annually and is duly licensed as a wholesaler as provided in section 23-1003(f), Idaho Code;

(b) If a licensed dealer or wholesaler has been granted distribution rights by a brewer for a brand in a designated territory and is unable to service the designated sales territory for reasons that are not the result of an action by the brewer, or in the event of a termination, cancellation, discontinuance or failure to renew a distribution agreement between a brewer and a licensed dealer or wholesaler for reasons set forth in section 23-1105, Idaho Code, such as insolvency, loss of licensure or fraud and in accordance with the provisions of chapter 11, title 23, Idaho Code, a brewer shall be allowed to appoint a temporary licensed dealer or wholesaler to service the brewer's brands in the designated sales territory and, for a period not to exceed five (5) years, to have any financial interest in the temporary licensed dealer or wholesaler; or

(c) If a licensed dealer or wholesaler is voluntarily selling its distribution rights, a brewer whose brand distribution rights are being transferred may have any financial interest in the purchasing distributor for a period not to exceed five (5) years to assist in financing the purchase.

(2) It shall be unlawful for any licensed wholesaler or dealer, directly or indirectly, or through an affiliate, subsidiary, officer, director, agent or employee to have any financial interest in a licensed brewer's business, or to own or control any real property upon which a licensed brewer conducts business. This section shall not apply to a non-controlling de minimis interest in stock held in a publicly traded company including mutual funds.

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 26, 2014

CHAPTER 245
(H.B. No. 526)

AN ACT

RELATING TO USE OF PUBLIC WATERS OUTSIDE THE STATE; AMENDING SECTION 42-401, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE USE OF PUBLIC WATERS OUTSIDE THE STATE.

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

SECTION 1. That Section 42-401, Idaho Code, be, and the same is hereby amended to read as follows:

42-401. APPLICATIONS FOR USE OF PUBLIC WATERS OUTSIDE THE STATE. (1) The state of Idaho is dedicated to the conservation of its public waters and the necessity to maintain adequate water supplies for the state's water requirements. The state of Idaho also recognizes that under appropriate conditions the out-of-state ~~transportation~~ and use of its public waters is not in conflict with the public welfare of its citizens or the conservation of its waters.

(2) Any person, firm or corporation or any other entity intending to withdraw water from any surface or underground water source in the state of Idaho and ~~transport it~~ for use outside the state or to change the place or purpose of use of a water right from a place in Idaho to a place outside the state shall file with the department of water resources an application for a permit to do so, subject to the requirements of chapter 2, title 42, Idaho Code.

(3) In order to approve an application under this chapter, the director must find that the applicant's use of water outside the state is consistent with the provisions of section 42-203A(5), Idaho Code. In addition, the director shall consider the following factors:

- (a) The supply of water available to the state of Idaho;
- (b) The current and reasonably anticipated water demands of the state of Idaho;
- (c) Whether there are current or reasonably anticipated water shortages within the state of Idaho;
- (d) Whether the water that is the subject of the application could feasibly be used to alleviate current or reasonably anticipated water shortages within the state of Idaho;
- (e) The supply and sources of water available to the applicant in the state where the applicant intends to use the water; and
- (f) The demands placed on the applicant's supply in the state where the applicant intends to use the water.

(5) By filing an application to use waters outside the state, the applicant shall submit to and comply with the laws of the state of Idaho governing the appropriation and use of water and any future changes to the water right.

(6) The director is empowered to condition the permit to insure that the use of water in another state is subject to the same regulations and restrictions that may be imposed upon water use in the state of Idaho.

(7) Upon submittal of the application, the applicant shall designate an agent in the state of Idaho for reception of service of process and other legal notices.

(8) The director may, as a condition to the approval of an application under this chapter, require that the applicant shall file a certificate from the proper officer or official of the state where the water shall be used, showing to the satisfaction of the director that the intended use would be beneficial, and that the intended appropriation is feasible.

CHAPTER 246
(H.B. No. 536)

AN ACT

RELATING TO EXCHANGES OF STATE ENDOWMENT LANDS; AMENDING SECTION 58-138, IDAHO CODE, TO REVISE REQUIREMENTS OF THE STATE BOARD OF LAND COMMISSIONERS REGARDING THE EXCHANGE OF STATE ENDOWMENT LAND; AND AMENDING SECTION 67-702, IDAHO CODE, TO REVISE DUTIES OF THE AUDIT DIVISION OF THE LEGISLATIVE SERVICES OFFICE REGARDING EXCHANGES OF STATE ENDOWMENT LANDS.

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

SECTION 1. That Section 58-138, Idaho Code, be, and the same is hereby amended to read as follows:

58-138. EXCHANGE OF STATE LAND. (1) The state board of land commissioners may at its discretion, when in the state's best interest, exchange, and do all things necessary to exchange fee simple title to include full surface and mineral rights, to any of the state lands now or hereafter held and owned by this state for similar lands of equal value public or private, so as to consolidate state lands or aid the state in the control and management or use of state lands.

(2) Provided further the state board of land commissioners may, in its discretion, hereafter grant and receive less than fee simple title, and grant or allow such reservations, restrictions, easements or such other impairment to title as may be in the state's best interest.

(3) No exchanges shall be made involving leased lands except upon the written agreement of the lessee.

(4) Subject to the approval of the state board of land commissioners, the first lease on lands acquired through land exchange and in lieu selections shall be offered to the present user, lessee, or permittee of the land, provided that the present user agrees in writing to enter into a contractual management program through which the resource values of the land may be enhanced or improved for the purpose of increasing the income to the endowed institutions.

(5) Prior to the exchange of any state endowment lands pursuant to this section, the state board of land commissioners shall have an appraisal and review appraisal conducted of the lands it desires to exchange along with an appraisal and a review appraisal of the lands it is proposing to acquire in the exchange. All such appraisals and review appraisals shall be performed by appraisers who are licensed or certificated to perform such work in accordance with chapter 41, title 54, Idaho Code, and who are designated as members of the appraisal institute (MAI). All such appraisals and review appraisals shall conform to the uniform standards of professional appraisal practice (USPAP) standards.

(6) In determining the fair market value of state endowment lands to be exchanged and acquired pursuant to this section, the state board of land commissioners shall consider all relevant information and circumstances including, but not limited to, the appraisals and review appraisals required by the provisions of subsection (5) of this section and any evidence that enhances or detracts from their reliability.

(7) Annually on or before January 15 of each year, the state board of land commissioners shall submit a report of all state endowment lands exchanged and acquired and all appraisals and review appraisals conducted pursuant to this section to both houses of the legislature and to the audit division of the legislative services office.

SECTION 2. That Section 67-702, Idaho Code, be, and the same is hereby amended to read as follows:

67-702. AUDIT FUNCTION OF LEGISLATIVE SERVICES OFFICE. (1) The legislative services office at the direction of the legislative council has authority to:

(a) Perform an annual audit of the statewide annual financial report prepared by the state controller in accordance with generally accepted government auditing standards.

(b) Perform an annual audit of federal financial assistance provided to the state that meets the requirements established by the federal government.

(c) Perform a management review of each executive department of state government at least once in a three (3) year period. Management reviews shall cover the period since the last review and may include evaluation of internal controls over financial and program activities and other matters related to the department's operations.

(d) Provide audit services to any unit of state government or public institution that requests services, if authorized by the legislative council.

(e) Report to the attorney general all facts which may indicate malfeasance, illegal expenditure of public funds or misappropriation of public funds or public property for such investigation or action, civil or criminal, as the attorney general may deem necessary. The governor and state controller shall also be notified when the report is made to the attorney general pursuant to this subsection. The legislature shall be informed through the regular audit process pursuant to section 67-429, Idaho Code.

(f) Be the official repository of all audit reports of the state and political subdivisions that are required to be audited pursuant to sections 67-450B and 67-450C, Idaho Code.

(g) Report to the legislature annually no later than February 1 of each year on all land exchanged by the state board of land commissioners pursuant to section 58-138, Idaho Code, during the preceding year, and all appraisals and review appraisals conducted on such state endowment land exchanges pursuant to the provisions of section 58-138, Idaho Code.

(2) The legislative council reserves the right to audit or examine any and every fund in the state treasury and any institution, association, board or other defined entity created by, or that receives an appropriation from, the legislature.

Approved March 26, 2014

CHAPTER 247
(H.B. No. 542)

AN ACT

RELATING TO THE IDAHO PUBLIC DEFENSE ACT; AMENDING CHAPTER 8, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-848, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 8, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-849, IDAHO CODE, TO ESTABLISH THE STATE PUBLIC DEFENSE COMMISSION; AMENDING CHAPTER 8, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-850, IDAHO CODE, TO PROVIDE FOR THE POWERS AND DUTIES OF THE STATE PUBLIC DEFENSE COMMISSION; AMENDING SECTION 19-853, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO THE APPOINTMENT AND ASSIGNMENT OF CERTAIN COUNSEL AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-859, IDAHO CODE, TO REVISE PROVISIONS RELATING

TO THE DUTY OF THE BOARDS OF COUNTY COMMISSIONERS TO PROVIDE FOR THE REPRESENTATION OF INDIGENT PERSONS AND OTHER INDIVIDUALS WHO ARE ENTITLED TO BE REPRESENTED BY AN ATTORNEY AT PUBLIC EXPENSE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-860, IDAHO CODE, TO SPECIFY THAT CERTAIN PROVISIONS RELATING TO THE PUBLIC DEFENDER APPLY TO A JOINT OFFICE OF PUBLIC DEFENDER, TO REMOVE PROVISIONS RELATING TO THE TERM OF OFFICE OF A PUBLIC DEFENDER, TO REMOVE CERTAIN PROVISIONS RELATING TO THE SCOPE OF PRACTICE OF A PUBLIC DEFENDER, TO REMOVE PROVISIONS RELATING TO THE COMPENSATION OF A COURT-ASSIGNED ATTORNEY OTHER THAN THE PUBLIC DEFENDER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-861, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JOINT OFFICE OF PUBLIC DEFENDER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-862, IDAHO CODE, TO PROVIDE THAT CERTAIN PROVISIONS APPLY TO A JOINT OFFICE OF PUBLIC DEFENDER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-2601, IDAHO CODE, TO ESTABLISH THE STATE PUBLIC DEFENSE COMMISSION IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 8, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-848, Idaho Code, and to read as follows:

19-848. SHORT TITLE. Sections 19-848 through 19-866, Idaho Code, shall be known as the "Idaho Public Defense Act."

SECTION 2. That Chapter 8, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-849, Idaho Code, and to read as follows:

19-849. STATE PUBLIC DEFENSE COMMISSION. (1) There is hereby created in the department of self-governing agencies the state public defense commission. The commission shall consist of seven (7) members as follows:

(a) Two (2) representatives from the state legislature that shall include one (1) member from the senate and one (1) member from the house of representatives;

(b) One (1) representative appointed by the chief justice of the Idaho supreme court; and

(c) Four (4) representatives appointed by the governor and confirmed by the senate as follows:

(i) One (1) representative from the Idaho association of counties;

(ii) One (1) representative who has experience as a defending attorney;

(iii) One (1) representative from the office of the state appellate public defender; and

(iv) One (1) representative from the Idaho juvenile justice commission.

(2) No individual who is currently employed as a prosecuting attorney or who is a current employee of a law enforcement agency may be a member of the commission.

(3) The members of the commission shall serve the following terms:

(a) The gubernatorial appointees shall serve terms of three (3) years.

(b) The representative appointed by the chief justice of the Idaho supreme court shall serve a term of two (2) years.

(c) The representatives from the state legislature shall serve terms of two (2) years as appointed by the president pro tempore of the senate and speaker of the house of representatives during their legislative terms of office.

(4) A vacancy on the commission shall be filled in the same manner as the original appointment and for the balance of the unexpired term.

(5) The commission shall appoint a chairman and a vice chairman from among its members for a term certain.

(6) The members of the commission shall be compensated as provided for in section 59-509(b), Idaho Code.

SECTION 3. That Chapter 8, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-850, Idaho Code, and to read as follows:

19-850. POWERS AND DUTIES OF THE STATE PUBLIC DEFENSE COMMISSION. (1) The state public defense commission shall:

(a) Promulgate rules in accordance with the provisions of chapter 52, title 67, Idaho Code, establishing the following:

(i) Training and continuing legal education requirements for defending attorneys, which shall promote competency and consistency in case types including, but not limited to, criminal, juvenile, abuse and neglect, post-conviction, civil commitment, capital and civil contempt; and

(ii) Uniform data reporting requirements for the annual reports submitted pursuant to section 19-864, Idaho Code. The data reported shall include caseload, workload and expenditures.

(b) On or before January 20, 2015, and by January 20 of each year thereafter as deemed necessary by the commission, make recommendations to the Idaho legislature for legislation on public defense system issues including, but not limited to:

(i) Core requirements for contracts between counties and private attorneys for the provision of indigent defense services and proposed model contracts for counties to use;

(ii) Qualifications and experience standards for the public defender and defending attorneys;

(iii) Enforcement mechanisms; and

(iv) Funding issues including, but not limited to:

1. Training and continuing legal education for defending attorneys;

2. Data collection and reporting efforts; and

3. Conflict cases.

(c) Hold at least one (1) meeting in each calendar quarter.

(2) The state public defense commission may:

(a) Hire an executive director who shall be responsible for the performance of the regular administrative functions of the commission and other duties as the commission may direct. The executive director shall be a nonclassified state employee and shall be compensated as determined by the commission.

(b) Employ persons in addition to the executive director in other positions or capacities as it deems necessary to the proper conduct of commission business and to the fulfillment of the commission's responsibilities. The employees of the commission other than the executive director shall be classified employees and shall receive as compensation an annual salary payable on regular pay periods, the amount of which shall be determined by the commission.

(c) Provide an office, office equipment and facilities as may be reasonably necessary for the proper performance of its duties or the duties of the executive director and other personnel.

SECTION 4. That Section 19-853, Idaho Code, be, and the same is hereby amended to read as follows:

19-853. DUTY TO NOTIFY ACCUSED OR DETAINED OF RIGHT TO COUNSEL -- APPOINTMENT OF COUNSEL. (1) If a person who is being detained by a law enforcement officer, or who is confined or who is the subject of hospitalization proceedings pursuant to section 66-322, 66-326, 66-329, 66-404 or 66-406, Idaho Code, or who is under formal charge of having committed, or is being detained under a conviction of, a serious crime, is not represented by an attorney under conditions in which a person having his own counsel would be entitled to be so represented, the law enforcement officers concerned, upon commencement of detention, or the court, upon formal charge or hearing, as the case may be, shall:

(a) Clearly inform him of his right to counsel and of the right of an indigent person to be represented by an attorney at public expense; and

(b) If the person detained or charged does not have an attorney, notify the defending attorney or trial court concerned, as the case may be, that he is not so represented. As used in this subsection, the term "commencement of detention" includes the taking into custody of a probationer.

(2) Upon commencement of any later judicial proceeding relating to the same matter, including, but not limited to, preliminary hearing, arraignment, trial, any post-conviction proceeding or post-commitment proceeding, the presiding officer shall clearly inform the person so detained or charged of his right to counsel and of the right of an indigent person to be represented by an attorney at public expense. Provided, the appointment of an attorney at public expense in uniform post-conviction procedure act proceedings shall be in accordance with section 19-4904, Idaho Code.

(3) If a court determines that the person is entitled to be represented by an attorney at public expense, it shall promptly notify the defending attorney or assign an attorney, as the case may be.

(4) Upon notification by the court, the defending attorney shall represent the person with respect to whom the notification or assignment is made.

SECTION 5. That Section 19-859, Idaho Code, be, and the same is hereby amended to read as follows:

19-859. PUBLIC DEFENDER AUTHORIZED -- COURT APPOINTED ATTORNEYS -- JOINT COUNTY PUBLIC DEFENDERS. (1) The board of county commissioners of each county shall provide for the representation of indigent persons and other individuals who are entitled to be represented by an attorney at public expense. They The board of county commissioners of each county shall provide this representation by one (1) of the following:

(a1) Establishing and maintaining an office of public defender;

(b2) Arranging with the courts in the county to assign attorneys on an equitable basis through a systematic, coordinated plan Joining with the board of county commissioners of one (1) or more other counties within the same judicial district to establish and maintain a joint office of public defender pursuant to an agreement authorized under section 67-2328, Idaho Code; or

(e3) Adopting a combination of these alternatives Contracting with an existing office of public defender; or

(4) Contracting with a defending attorney, provided that the terms of the contract shall not include any pricing structure that charges or pays a single fixed fee for the services and expenses of the attorney. The contract provisions of this subsection shall apply to all contracts entered into or renewed on or after the effective date of this act.

~~Until the board elects an alternative, it shall be considered as having elected the alternative provided in subsection (1)(b) of this section.~~

~~(2) If it elects to establish and maintain an office of public defender, the board of county commissioners of a county may join with the board of county commissioners of one (1) or more other counties to establish and~~

~~maintain a joint office of public defender. In that case, the participating counties shall be treated for the purposes of this act as if they were one (1) county.~~

~~(3) If the board of county commissioners of a county elects to arrange with the courts in the county to assign attorneys, a court of the county may provide for advance assignment of attorneys, subject to later approval by it, to facilitate representation of matters arising before appearance in court.~~

SECTION 6. That Section 19-860, Idaho Code, be, and the same is hereby amended to read as follows:

19-860. PUBLIC DEFENDER -- TERM -- COMPENSATION -- APPOINTMENT -- QUALIFICATIONS -- ~~COURT APPOINTED ATTORNEYS~~ -- COMPENSATION. (1) If the board of county commissioners of a county elects to establish and maintain an office of public defender and/or juvenile public defender or a joint office of public defender, the board shall:

(a~~1~~) Prescribe the qualifications of such public defender, ~~his term of office, which may not be less than two (2) years,~~ and his rate of annual compensation, and, if so desired by the board, a rate of compensation for extraordinary services not recurring on a regular basis. So far as is possible, the compensation paid to such public defender shall not be less than the compensation paid to the county prosecutor for that portion of his practice devoted to criminal law.

(b~~2~~) Provide for the establishment, maintenance and support of his office. The board of county commissioners shall appoint a public defender and/or juvenile public defender from a panel of not more than five (5) and not fewer than three (3) persons, if that many are available, designated by a committee of lawyers appointed by the administrative judge of the judicial district encompassing the county or his designee. To be a candidate, a person must be licensed to practice law in this state and must be competent to counsel and defend a person charged with a crime. ~~During his incumbency, such public defender may engage in the practice of civil law and criminal law other than in the discharge of the duties of his office, unless he is prohibited from doing so by the board of county commissioners.~~

~~(2) If a court before whom a person appears upon a formal charge assigns an attorney other than a public defender to represent an indigent person, the appropriate district court, upon application, shall prescribe a reasonable rate of compensation for his services and shall determine the direct expenses necessary to representation for which he should be reimbursed. The county shall pay the attorney the amounts so prescribed. The attorney shall be compensated for his services with regard to the complexity of the issues, the time involved and other relevant considerations.~~

SECTION 7. That Section 19-861, Idaho Code, be, and the same is hereby amended to read as follows:

19-861. PUBLIC DEFENDER'S OFFICE -- EMPLOYEES -- COMPENSATION -- FACILITIES. (a~~1~~) If an office of public defender or a joint office of public defender has been established, the public defender may employ, in the manner and at the compensation prescribed by the board of county commissioners, as many assistant public defenders, clerks, investigators, stenographers, and other persons as the board considers necessary for carrying out his responsibilities under this act. A person employed under this section serves at the pleasure of the public defender.

(b~~2~~) If an office of public defender or a joint office of public defender has been established, the board of county commissioners shall:

(~~1~~a) ~~p~~Provide appropriate facilities (including office space, furniture, equipment, books, postage, supplies, and interviewing facilities

in the jail), necessary for carrying out the public defender's responsibilities under this act; or

(2b) gGrant the public defender an allowance in place of those facilities.

(e3) A defending attorney is entitled to use the same state facilities for the evaluation of evidence as are available to the county prosecutor. If he considers their use impractical, the court concerned may authorize the use of private facilities to be paid for on court order by the county board of commissioners.

SECTION 8. That Section 19-862, Idaho Code, be, and the same is hereby amended to read as follows:

19-862. APPROPRIATION FOR PUBLIC DEFENDER -- PRIVATE CONTRIBUTIONS. (a1) The board of county commissioners of each county shall annually appropriate enough money to administer the program of representation that it has elected under section 19-859, Idaho Code.

(b2) If the board of county commissioners of a county elects to establish and maintain an office of public defender or a joint office of public defender, the county may accept private contributions toward the support of his the office.

SECTION 9. That Section 67-2601, Idaho Code, be, and the same is hereby amended to read as follows:

67-2601. DEPARTMENT CREATED -- ORGANIZATION -- DIRECTOR -- BUREAU OF OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the department of self-governing agencies. The department shall, for the purposes of section 20, article IV of the constitution of the state of Idaho, be an executive department of the state government.

(2) The department shall consist of the following:

(a) Agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code; Idaho bean commission, as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; the Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code; the Idaho aquaculture commission, as provided by chapter 44, title 22, Idaho Code; and the Idaho alfalfa and clover seed commission, as provided in chapter 42, title 22, Idaho Code.

(b) Professional and occupational licensing boards: Idaho state board of certified public accountancy, as provided by chapter 2, title 54, Idaho Code; board of acupuncture, as provided by chapter 47, title 54, Idaho Code; board of architectural examiners, as provided by chapter 3, title 54, Idaho Code; office of the state athletic director, as provided by chapter 4, title 54, Idaho Code; board of barber examiners, as provided by chapter 5, title 54, Idaho Code; board of commissioners of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code; board of chiropractic physicians, as provided by chapter 7, title 54, Idaho Code; Idaho board of cosmetology, as provided by chapter 8, title 54, Idaho Code; Idaho counselor licensing board, as provided by chapter 34, title 54, Idaho Code; state board of dentistry, as provided by chapter 9, title 54, Idaho Code; state board of dentistry, as provided by chapter 33, title 54, Idaho Code; Idaho board of licensure of professional engineers and professional land surveyors, as provided by chapter 12, title 54, Idaho Code; state board for registration of professional

geologists, as provided by chapter 28, title 54, Idaho Code; speech and hearing services licensure board, as provided by chapter 29, title 54, Idaho Code; Idaho physical therapy licensure board, as provided by chapter 22, title 54, Idaho Code; Idaho state board of landscape architects, as provided by chapter 30, title 54, Idaho Code; liquefied petroleum gas safety board, as provided by chapter 53, title 54, Idaho Code; state board of medicine, as provided by chapter 18, title 54, Idaho Code; state board of morticians, as provided by chapter 11, title 54, Idaho Code; board of naturopathic medical examiners, as provided by chapter 51, title 54, Idaho Code; board of nurses, as provided by chapter 14, title 54, Idaho Code; board of examiners of nursing home administrators, as provided by chapter 16, title 54, Idaho Code; state board of optometry, as provided by chapter 15, title 54, Idaho Code; Idaho outfitters and guides board, as provided by chapter 21, title 36, Idaho Code; board of pharmacy, as provided by chapter 17, title 54, Idaho Code; state board of podiatry, as provided by chapter 6, title 54, Idaho Code; Idaho state board of psychologist examiners, as provided by chapter 23, title 54, Idaho Code; Idaho real estate commission, as provided by chapter 20, title 54, Idaho Code; real estate appraiser board, as provided by chapter 41, title 54, Idaho Code; board of social work examiners, as provided by chapter 32, title 54, Idaho Code; the board of veterinary medicine, as provided by chapter 21, title 54, Idaho Code; the board of examiners of residential care facility administrators, as provided by chapter 42, title 54, Idaho Code; the certified shorthand reporters board, as provided by chapter 31, title 54, Idaho Code; the driving businesses licensure board, as provided by chapter 54, title 54, Idaho Code; the board of drinking water and wastewater professionals, as provided by chapter 24, title 54, Idaho Code; and the board of midwifery, as provided by chapter 55, title 54, Idaho Code.

(c) The board of examiners, pursuant to section 67-2001, Idaho Code.

(d) The division of building safety: building code board, chapter 41, title 39, Idaho Code; manufactured housing board, chapter 21, title 44, Idaho Code; electrical board, chapter 10, title 54, Idaho Code; public works contractors license board, chapter 19, title 54, Idaho Code; plumbing board, chapter 26, title 54, Idaho Code; public works construction management, chapter 45, title 54, Idaho Code; the heating, ventilation and air conditioning board, chapter 50, title 54, Idaho Code; and modular building advisory board, chapter 43, title 39, Idaho Code.

(e) The division of veterans services to be headed by a division administrator who shall be a nonclassified employee exempt from the provisions of chapter 53, title 67, Idaho Code. The administrator of the division shall administer the provisions of chapter 2, title 65, Idaho Code, and chapter 9, title 66, Idaho Code, with the advice of the veterans affairs commission established under chapter 2, title 65, Idaho Code, and shall perform such additional duties as are imposed upon him by law.

(f) The board of library commissioners, pursuant to section 33-2502, Idaho Code.

(g) The Idaho state historical society, pursuant to section 67-4123, Idaho Code.

(h) The state public defense commission, pursuant to section 19-849, Idaho Code.

(3) The bureau of occupational licenses is hereby created within the department of self-governing agencies.

SECTION 10. 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 26, 2014

CHAPTER 248
(H.B. No. 545)

AN ACT

RELATING TO BUILDING CODES; AMENDING SECTION 39-4109, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE INTERNATIONAL RESIDENTIAL CODE AND THE INTERNATIONAL ENERGY CONSERVATION CODE, TO PROVIDE PROCEDURES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 39-4116, IDAHO CODE, TO PROVIDE CORRECT BUILDING CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 39-4109, Idaho Code, be, and the same is hereby amended to read as follows:

39-4109. APPLICATION OF CODES. (1) The following codes are hereby adopted for the state of Idaho division of building safety and shall only be applied by local governments as prescribed by section 39-4116, Idaho Code:

(a) The 2006 International Building Code shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process as established in section 67-5221, Idaho Code, and as further provided in subsection (5) of this section and in accordance with subsections (2) and (3) herein of this section shall be in effect:

(i) Including appendices thereto pertaining to building accessibility;

(ii) Excluding the incorporated electrical codes, mechanical code, fuel gas code, plumbing codes, fire codes or property maintenance codes other than specifically referenced subjects or sections of the International Fire Code; and

(iii) Including the incorporated International Idaho Residential Code, parts I, II, III, IV and IX; International Idaho Energy Conservation Code; and rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the fair housing act accessibility guidelines shall be included.

(b) The 2006 International Residential Code as published by the International Code Council, except for parts V, VI, VII and VIII as they pertain to mechanical, fuel gas, plumbing and electrical requirements shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Residential Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section shall be in effect. The version of the International Residential Code adopted by the Idaho building code board, together with the amendments, revisions or modifications adopted by the Idaho building code board through the negotiated rulemaking process, except for parts V, VI, VII and VIII, as they pertain to mechanical, fuel gas,

plumbing and electrical requirements, shall collectively constitute and be named the Idaho residential code. The Idaho residential code shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent version of the Idaho residential code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect. Any amendments, revisions or modifications made to the Idaho residential code by the board shall be made by administrative rules promulgated by the board;

~~(c) The 2006 International Energy Conservation Code as published by the International Code Council shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Energy Conservation Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section shall be in effect~~ The version of the International Energy Conservation Code adopted by the Idaho building code board, together with the amendments, deletions or additions adopted by the Idaho building code board through the negotiated rulemaking process provided in this chapter, shall be in effect. The International Energy Conservation Code, together with any amendments, revisions or modifications made by the board, shall collectively constitute and be named the Idaho energy conservation code. The Idaho energy conservation code shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the Idaho energy conservation code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect. Any amendments, revisions or modifications made to the Idaho energy conservation code by the board shall be made by administrative rules promulgated by the board; and

~~(d) The 2006 International Existing Building Code as published by the International Code Council shall be in effect,~~ until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Existing Building Code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect.

(2) No amendments to the accessibility guidelines shall be made by the Idaho building code board that provide for lower standards of accessibility than those published by the International Code Council.

(3) No amendments to the ~~International Idaho Residential Bbuilding Ecode~~ shall be made by the Idaho building code board that provide for standards that are more restrictive than those published by the International Code Council.

(4) Any edition of the building codes adopted by the board will take effect on January 1 of the year following its adoption.

(5) In addition to the negotiated rulemaking process set forth in section 67-5221, Idaho Code, the board shall conduct a minimum of two (2) public hearings, not less than sixty (60) days apart. Express written notice of such public hearings shall be given by the board to each of the following entities not less than five (5) days prior to such hearing: associated general contractors of America, associated builders and contractors, association of Idaho cities, Idaho association of building officials, Idaho association of counties, Idaho association of REALTORS®, Idaho building contractors association, American institute of architects Idaho chapter, Idaho fire chiefs association, Idaho society of professional engineers, Idaho state independent living council, southwest Idaho building trades, Idaho building trades, and any other entity that, through electronic or written communication received by the administrator not less than twenty

(20) days prior to such scheduled meeting, requests written notification of such public hearings.

SECTION 2. That Section 39-4116, Idaho Code, be, and the same is hereby amended to read as follows:

39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING CODES. (1) Local governments enforcing building codes shall do so only in compliance with the provisions of this section. Local governments that have not previously instituted and implemented a code enforcement program prior to the effective date of this act may elect to implement a building code enforcement program by passing an ordinance evidencing the intent to do so. Local governments may contract with a public or private entity to administer their building code enforcement program.

(2) Local governments that issue building permits and perform building code enforcement activities shall, by ordinance effective January 1 of the year following the adoption by the Idaho building code board, adopt the following codes as published by the International Code Council together with any amendments or revisions set forth in section 39-4109, Idaho Code, including subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this chapter:

(a) International Building Code, including all rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the federal fair housing act accessibility guidelines;

(b) ~~International Idaho r~~Residential ~~C~~code, parts I-IV and IX; and

(c) ~~International Idaho e~~Energy ~~C~~onservation ~~C~~ode.

Local governments are not required by this chapter to adopt the other referenced codes in the International Building Code.

(3) All single family homes and multiple family dwellings up to two (2) units are hereby exempted from the provisions of the International Fire Code, the International Building Code and the ~~International Idaho r~~Residential ~~C~~code that require such dwellings to have automatic fire sprinkler systems installed. Nothing in this section shall prevent any person from voluntarily installing an automatic fire sprinkler system in any residential dwelling.

(4) Local governments may amend by ordinance the adopted codes or provisions of referenced codes to reflect local concerns, provided such amendments establish at least an equivalent level of protection to that of the adopted building code. A local jurisdiction shall not have the authority to amend any accessibility provision pursuant to section 39-4109, Idaho Code, except as provided in paragraphs (a) and (b) of this subsection.

(a) A local jurisdiction shall not have the authority to amend any accessibility provision pursuant to section 39-4109, Idaho Code.

(b) A local jurisdiction shall not adopt any provision of the International Building Code or ~~International Idaho r~~Residential ~~C~~code or appendices thereto, that has not been adopted or that has been expressly rejected or exempted from the adopted version of those codes by the Idaho building code board through the negotiated rulemaking process as provided in section 39-4109, Idaho Code. Provided however, that, after a finding by the local jurisdiction that good cause exists for such an amendment to such codes and that such amendment is reasonably necessary, a local jurisdiction may adopt such provision by ordinance in accordance with the provisions of chapter 9, title 50, Idaho Code, and provided further that such local jurisdiction shall conduct a public hearing and, provided further, that notice of the time and place of the public hearing shall be published in the official newspaper or paper of general circulation within the jurisdiction and written notice of each

of such public hearing and the proposed language shall be given by the local jurisdiction to the local chapters of the entities identified in section 39-4109(5), Idaho Code, not less than thirty (30) days prior to such hearing. In the event that there are no local chapters of such entities identified in section 39-4109(5), Idaho Code, within the local jurisdiction holding the hearings, the notice shall be provided to the state associations of the respective entities.

(5) Local governments shall exempt agricultural buildings from the requirements of the codes enumerated in this chapter and the rules promulgated by the board. A county may issue permits for farm buildings to assure compliance with road setbacks and utility easements, provided that the cost for such permits shall not exceed the actual cost₇ to the county₇ of issuing the permits.

(6) Permits shall be governed by the laws in effect at the time the permit application is received.

(7) The division shall retain jurisdiction for in-plant inspections and installation standards for manufactured or mobile homes and for in-plant inspections and enforcement of construction standards for modular buildings and commercial coaches.

Approved March 26, 2014

CHAPTER 249
(H.B. No. 560)

AN ACT

RELATING TO LOCAL GOVERNMENTAL ENTITIES; AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-450E, IDAHO CODE, TO PROVIDE A DEFINITION, TO ESTABLISH PROVISIONS RELATING TO A CENTRAL REGISTRY AND REPORTING PORTAL, TO PROVIDE FOR THE REPORTING OF CERTAIN INFORMATION, TO PROVIDE FOR SUBMISSION OF INFORMATION FOR CALENDAR YEAR 2015, TO PROVIDE FOR NOTIFICATION BY THE COUNTY CLERK, TO PROVIDE THAT THE STATE TAX COMMISSION AND THE COUNTY CLERK SHALL SUBMIT LISTS, TO PROVIDE FOR THE REPORTING OF CERTAIN INFORMATION, TO PROVIDE FOR NOTIFICATION BY THE LOCAL GOVERNING ENTITY, TO PROVIDE FOR AN UPDATE OF INFORMATION, TO PROVIDE FOR FEES, TO PROVIDE FOR NOTIFICATION, TO PROVIDE FOR A PUBLIC NOTICE AND CERTAIN COSTS, TO PROVIDE FOR PENALTIES, TO ESTABLISH PROVISIONS RELATING TO CERTAIN BUDGETS, TO PROVIDE FOR WITHHOLDING OF CERTAIN MONEYS, TO PROVIDE FOR ACTIONS BY THE BOARD OF COUNTY COMMISSIONERS AND TO PROVIDE FOR APPLICATION OF LAWS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 4, 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 67-450E, Idaho Code, and to read as follows:

67-450E. LOCAL GOVERNING ENTITIES CENTRAL REGISTRY -- REPORTING INFORMATION REQUIRED -- PENALTIES FOR FAILURE TO REPORT. In addition to the provisions applicable to local governing entities found in section 67-450B, Idaho Code, the provisions of this section shall also apply to local governing entities. For purposes of this section, "local governing entity" shall have the same meaning as provided in section 67-450B, Idaho Code. The term local governing entity shall also include entities governed by chapter 20, title 50, Idaho Code. If a local governing entity is governed by the provisions of section 33-701, Idaho Code, such entity shall not be required to comply with the provisions of this section.

(1) (a) There is hereby established a central registry and reporting portal ("registry") on the legislative services office website. The registry and reporting portal shall serve as the unified location for the reporting of and access to administrative and financial information of local governing entities in this state. To establish a complete list of all local governmental entities operating in Idaho, on the effective date of this legislation and so that the registry established will be comprehensive, every existing local governing entity shall register with the state registry. For calendar year 2015, the submission of information required by subsection (2) of this section shall occur prior to March 1, 2015, and shall be in the form and format required by the legislative services office. In addition to the information required by this section for the March 1, 2015, filing deadline, the entity shall report the date of its last independent audit. The registry listing will be available on the legislative services office website by January 1, 2016.

(b) The county clerk shall notify each local governing entity of the requirements of this section.

(c) After March 1, 2015, and on or before December 1 of each year:

- (i) The state tax commission shall submit a list to the legislative services office of all taxing districts within the state; and
- (ii) The county clerk of each county shall submit a list to the legislative services office of all taxing districts in the county and any other local governing entities that are authorized to impose fees, assessments or receive property tax money within the county.

(2) On or before December 1 of each year, every local governing entity shall submit to the online central registry and reporting portal the following information:

(a) Administrative information:

- (i) The terms of membership and appointing authority for the governing board member of the local governmental entity;
- (ii) The official name, mailing address and electronic mailing address of the entity;
- (iii) The fiscal year of the entity;
- (iv) Except for cities and counties, the section of Idaho Code under which the entity was established, the date of establishment, the establishing entity and the statute or statutes under which the entity operates, if different from the statute or statutes under which the entity was established.

(b) Financial information:

- (i) The most recent adopted budget of the entity; and
- (ii) An unaudited comparison of the budget to actual revenues and expenditures for the most recently completed fiscal year.

(c) Bonds or other debt obligation information:

- (i) The cumulative dollar amount of all bonds or other debt obligations issued or incurred by the entity; and
- (ii) The average length of term of all bond issuances or other debt obligations and the average interest rate of all bonds or other debt obligations.

(d) Within five (5) days of submitting to the central registry the information required by this subsection, the local governing entity shall notify the entity's appointing authority, if the entity has an appointing authority, that it has submitted such information.

(e) If any information provided by an entity as required by this subsection changes during the year, the entity shall update its information on the registry within thirty (30) days of any such change.

(f) All reasonable fees, costs and other expenses incurred assisting local governing entities in compiling the reporting information

required by this section may be charged by the county against the local governing entity requesting the county's service. An entity may request assistance from the county to comply with provisions of this section but the county is under no obligation to provide such assistance. For purposes of this section, reasonable fees and costs shall include, but not be limited to, the labor costs, material costs and copying costs incurred while assisting local governing entities to comply with this section. Such fees and costs may be deducted from any distributions of taxes, fees or assessments collected by the county on behalf of the local governing entity.

(3) Audits required by section 67-450B, Idaho Code, will be submitted to the online portal.

(4) Notification and penalties.

(a) If a local governing entity fails to submit information required by this section or submits noncompliant information required by this section, the legislative services office shall notify the entity immediately after the due date of the information that either the information was not submitted in a timely manner or the information submitted was noncompliant. The local governing entity shall then have thirty (30) days from the date of notice to submit the information or notify the legislative services office that it will comply by a time certain.

(b) No later than September 1 of any year, the legislative services office shall notify the appropriate board of county commissioners and the state tax commission of the entity's failure to comply with the provisions of this section. Upon receipt of such notification, the board of county commissioners shall place a public notice in a newspaper of general circulation in the county indicating that the entity is noncompliant with the legal reporting requirements of this section. The county commissioners shall assess to the entity the cost of the public notice. Such costs may be deducted from any distributions of taxes, fees or assessments collected by the county on behalf of the local governing entity. For any noncomplying entity, the legislative services office shall notify the board of county commissioners and the state tax commission of the compliance status of such entity by September 1 of each year until the entity is in compliance.

(c) A local governing entity that fails to comply with this section shall be prohibited from including in its budget any budget increase otherwise permitted by either subsection (1)(a) or (e) of section 63-802, Idaho Code.

(d) In addition to any other penalty provided in this section, in any failure to comply with this section, the state tax commission shall withhold the annual distribution of sales tax distribution pursuant to section 63-3638(10), Idaho Code, for any noncomplying entity. The state tax commission shall withhold and retain such money in a reserve account until the legislative services office certifies that the entity has complied with the provisions of this section, at which point the state tax commission shall pay any money owed to the local governing entity previously in violation of this section.

(e) For any local governing entity that is a non-taxing district, including entities established pursuant to title 50, Idaho Code, upon notification to the board of county commissioners from the legislative services office of noncompliance by such entity, the board of county commissioners shall convene to determine appropriate compliance measures including, but not limited to, the following:

(i) Require a meeting of the board of county commissioners and the entity's governing body wherein the board of county commissioners shall require compliance of this section by the entity;

(ii) Assess a noncompliance fee on the noncomplying entity. Such fee shall not exceed five thousand dollars (\$5,000). Such fees and

costs may be deducted from any distributions of taxes, fees or assessments collected by the county on behalf of the local governing entity. The amount of any such fee shall not be passed on to persons subject to the jurisdiction of the entity in the form of adjustments to any fee or assessment imposed or collected by the entity. Any fee collected shall be deposited into the county's current expense fund;

(iii) Cause a special audit to be conducted on the entity at the cost of the entity.

(5) The provisions of this section shall have no impact or effect upon reporting requirements for local governing entities relating to the state tax commission.

SECTION 2. This act shall be in full force and effect on and after January 1, 2015.

Approved March 26, 2014

CHAPTER 250
(H.B. No. 561)

AN ACT

RELATING TO HOSPITALS; AMENDING SECTION 56-1403, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 56-1404, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE THE DURATION OF THE ANNUAL ASSESSMENT AND TO REVISE HOW THE ASSESSMENT BASE IS DETERMINED; AMENDING SECTION 56-1406, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE THE DURATION AND HOW THE UPPER PAYMENT LIMIT DISTRIBUTIONS ARE DETERMINED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 56-1403, Idaho Code, be, and the same is hereby amended to read as follows:

56-1403. HOSPITAL ASSESSMENT FUND ESTABLISHED. (1) There is hereby created in the office of the state treasurer a dedicated fund to be known as the hospital assessment fund, hereinafter "fund," to be administered by the department of health and welfare, hereinafter "department." The state treasurer shall invest idle moneys in the fund and any interest received on those investments shall be returned to the fund.

(2) Moneys in the fund shall consist of:

(a) All moneys collected or received by the department from private hospital assessments required by this chapter;

(b) All federal matching funds received by the department as a result of expenditures made by the department that are attributable to moneys deposited in the fund;

(c) Any interest or penalties levied in conjunction with the administration of this chapter; and

(d) Any appropriations, federal funds, donations, gifts or moneys from any other sources.

(3) The fund is created for the purpose of receiving moneys in accordance with this section and section 56-1404, Idaho Code. The fund shall not be used to replace any moneys appropriated to the Idaho medical assistance program by the legislature. Moneys in the fund shall be distributed by the department subject to appropriation for the following purposes only:

- (a) Payments to private hospitals as required under Idaho's medical assistance program as set forth in sections 56-209b through 56-209d, Idaho Code;
- (b) Reimbursement of moneys collected by the department from private hospitals through error or mistake in performing the activities authorized under Idaho's medical assistance program;
- (c) Payments of administrative expenses incurred by the department or its agent in performing the activities authorized by this chapter;
- (d) Payments made to the federal government to repay excess payments made to private hospitals from the fund if the assessment plan is deemed out of compliance and after the state has appealed the findings. Hospitals shall refund the payments in question to the assessment fund. The state in turn shall return funds to both the federal government and hospital providers in the same proportion as the original financing. Individual hospitals shall be reimbursed based on the proportion of the individual hospital's assessment to the total assessment paid by all private hospitals. If a hospital is unable to refund payments, the state shall develop a payment plan and deduct moneys from future medicaid payments;
- (e) Transfers to any other fund in the state treasury, provided such transfers shall not exceed the amount transferred previously from that other fund into the hospital assessment fund; and
- (f) Making refunds to hospitals pursuant to section 56-1410, Idaho Code.

SECTION 2. That Section 56-1404, Idaho Code, be, and the same is hereby amended to read as follows:

56-1404. ASSESSMENTS. (1) All private hospitals, except those exempted under section 56-1408, Idaho Code, shall make payments to the fund in accordance with this chapter. Subject to section 56-1410, Idaho Code, an annual assessment on both inpatient and outpatient services is determined for each qualifying hospital for each state fiscal years ~~2009, 2010 and 2011~~, in an amount calculated by multiplying the rate, as set forth in subsections (2) (b) and (3) (b) of this section, by the assessment base, as set forth in subsection (5) of this section.

(2) (a) The department shall calculate the private hospital upper payment limit gap for both inpatient and outpatient services. The upper payment limit gap is the difference between the maximum allowable payments eligible for federal match, less medicaid payments not financed using hospital assessment funds. The upper payment limit gap shall be calculated separately for hospital inpatient and outpatient services. Medicaid disproportionate share payments shall be excluded from the calculation.

(b) The department shall calculate the upper payment limit assessment rate for each state fiscal years ~~2009, 2010 and 2011~~ to be the percentage that, when multiplied by the assessment base as defined in subsection (5) of this section, equals the upper payment limit gap determined in paragraph (a) of this subsection.

(3) (a) The department shall calculate the disproportionate share allotment amount to be paid to private in-state hospitals.

(b) The department shall calculate the disproportionate share assessment rate for private in-state hospitals to be the percentage that, when multiplied by the assessment base as defined in subsection (5) of this section, equals the amount of state funding necessary to pay the private in-state hospital disproportionate share allotment determined in paragraph (a) of this subsection.

(4) For private in-state hospitals, the assessments calculated pursuant to subsections (2) and (3) of this section shall not be greater than two

and one-half percent (2.5%) of the assessment base as defined in subsection (5) of this section.

(5) The assessment base shall be the hospital's net patient revenue for the applicable period. "Net patient revenue" for state fiscal year 2009 shall be determined using the most recent data available from each hospital's fiscal year 2004 medicare cost report on file with the department on June 30, 2008, without regard to any subsequent adjustments or changes to such data. Net patient revenue for each state fiscal year 2010 thereafter shall be determined in the same manner using the most recent data available a rolling yearly schedule for each hospital's fiscal year 2005 medicare cost report on file with the department on June 30, ~~2009,~~ of each subsequent year without regard to any subsequent adjustments or changes to such data. ~~Net patient revenue for state fiscal year 2011 shall be determined using the most recent data available from each hospital's fiscal year 2006 medicare cost report on file with the department on June 30, 2010, without regard to any subsequent adjustments or changes to such data.~~

SECTION 3. That Section 56-1406, Idaho Code, be, and the same is hereby amended to read as follows:

56-1406. INPATIENT AND OUTPATIENT ADJUSTMENT PAYMENTS. All private hospitals, except those exempted under section 56-1408, Idaho Code, shall be eligible for inpatient and outpatient adjustments as follows:

(1) For state fiscal year 2009, the inpatient upper payment limit gap for private hospitals shall be divided by medicaid inpatient days for the same hospitals from calendar year 2007 to establish an average per diem adjustment rate. Each private hospital shall receive an annual payment that is equal to the average per diem adjustment rate multiplied by the hospital's calendar year 2007 medicaid inpatient days. For purposes of this section, "hospital medicaid inpatient days" are days of inpatient hospitalization paid for by the Idaho medical assistance program for the applicable calendar year. ~~For Each state fiscal year 2010, calendar year 2008 inpatient hospital medicaid days shall be utilized thereafter shall be determined in the same manner using a rolling yearly schedule to determine the hospital inpatient adjustment payment. For state fiscal year 2011, calendar year 2009 hospital medicaid inpatient days shall be utilized to determine the hospital inpatient adjustment payment.~~ In the event that either the inpatient upper payment limit gap for private hospitals or the available hospital assessment funding is lower than anticipated, the department shall apply an across-the-board factor such that the inpatient payment adjustments are maximized, financed entirely from hospital assessment funding, and do not exceed the Idaho inpatient upper payment limit for private hospitals. Payments shall be made no later than thirty (30) days after the receipt of the last deposit of the hospital assessment required in section 56-1404, Idaho Code.

(2) For state fiscal year 2009, the outpatient upper payment limit gap for private hospitals shall be divided by medicaid outpatient hospital reimbursement for the same hospitals from calendar year 2007 to establish an average percentage adjustment rate. Each hospital, except those exempt under section 56-1408, Idaho Code, shall receive an annual payment that is equal to the average percentage adjustment rate multiplied by the hospital's calendar year 2007 hospital medicaid outpatient reimbursement. For purposes of this section, "hospital outpatient reimbursement" is reimbursement for hospital outpatient services paid for by the Idaho medical assistance program for the applicable calendar year. ~~For Each state fiscal year 2010, calendar year 2008 hospital medicaid outpatient reimbursement shall be utilized to determine the outpatient hospital adjustment payment. For state fiscal year 2011, calendar year 2009 hospital medicaid outpatient reimbursement shall be utilized thereafter shall be determined in the same~~

manner using a rolling yearly schedule to determine the outpatient hospital adjustment payment. In the event that either the outpatient upper payment limit gap for private hospitals or the available hospital assessment funding is lower than anticipated, the department shall apply an across-the-board factor, such that outpatient adjustment payments are maximized, financed entirely from hospital assessment funding, and do not exceed the Idaho outpatient upper payment limit for private hospitals. Payments shall be made no later than thirty (30) days after the receipt of the last deposit of the hospital assessments required in section 56-1404, Idaho Code.

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

Approved March 26, 2014

CHAPTER 251
(H.B. No. 562)

AN ACT

RELATING TO BONDS; REPEALING SECTION 31-4219, IDAHO CODE, RELATING TO THE SUBMISSION OF BOND ISSUE TO THE ATTORNEY GENERAL AND CERTIFICATION OF VALIDITY; REPEALING SECTION 33-3811, IDAHO CODE, RELATING TO THE ATTORNEY GENERAL TO PASS ON THE VALIDITY OF CERTAIN BONDS AND INCONTESTABLE IF APPROVED; REPEALING SECTION 50-1919, IDAHO CODE, RELATING TO A CERTIFICATE OF THE ATTORNEY GENERAL; AMENDING CHAPTER 2, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-235, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE DELEGATION BY A GOVERNING BODY CONCERNING THE ISSUANCE OF BONDS, TO ESTABLISH PROVISIONS RELATING TO TERMS, TO PROVIDE FOR THE APPLICATION OF LAW, TO PROVIDE DEFINITIONS AND TO ESTABLISH PROVISIONS RELATING TO ORDINANCES OR RESOLUTIONS.

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

SECTION 1. That Section 31-4219, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 33-3811, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 50-1919, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 2, Title 57, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 57-235, Idaho Code, and to read as follows:

57-235. BONDS -- DELEGATION AUTHORITY. (1) Whenever the governing body of any public body shall deem it advisable to issue bonds under its lawful authority, then, subject to the limits of such authority, the governing body may delegate to a member of the governing body or to the chief executive officer or chief financial officer of the public body, in accordance with specific instructions and procedures adopted by the governing body in a resolution or ordinance authorizing the issuance of bonds, the determination of any or all of the following:

- (a) The rate of interest on the bonds;
- (b) The conditions on which and the prices at which the bonds may be redeemed prior to maturity;

- (c) The existence and amount of any capitalized interest or reserve funds;
- (d) The price at which the bonds shall be sold;
- (e) The principal amount and denominations of the bonds;
- (f) The amount of principal maturing in each year;
- (g) The dates upon which principal and interest shall be paid;
- (h) The maturities and amounts of the bonds to be refunded, if any; and
- (i) The terms of any contract to provide credit enhancement of the bonds.

(2) The designated member or officer or officers shall obtain terms for the items provided in paragraphs (a) through (i) of subsection (1) of this section that shall be consistent with, not in excess of and no less favorable than the terms as have been approved by the governing body and, if applicable in the case of bonds requiring voter approval, approved by the voters.

(3) Nothing herein shall confer upon any public body or the governing body, employees or agents thereof any additional powers not currently conferred under the laws and constitution of the state of Idaho with respect to issuance of bonds or any other matter, nor shall any limitation in the laws and constitution of the state of Idaho on the delegation of such powers be otherwise affected.

(4) For purposes of this section, the following terms shall have the following definitions:

(a) "Bond" or "bonds" means any revenue bond or general obligation bond, as those terms are defined in section 57-504, Idaho Code.

(b) "Governing body" means the council, commission, board of commissioners, board of directors, board of trustees, board of regents, members of an authority or other legislative body of a public body in which body the legislative powers of the public body are vested.

(c) "Public body" means the state of Idaho, its agencies, institutions, political subdivisions, school districts, authorities, instrumentalities, and municipal and quasi-municipal corporations now or hereafter existing under the laws of the state of Idaho.

(5) Any provision in this section providing that any action or thing shall be authorized, taken or done by ordinance or resolution shall be taken to mean that any such governing body shall proceed by ordinance or resolution as required or permitted by law or by the customary mode of proceeding by each such governing body, respectively, not forbidden by law.

Approved March 26, 2014

CHAPTER 252
(H.B. No. 568)

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING SECTION 33-507, IDAHO CODE, TO PROVIDE AN EXCEPTION, TO REVISE AUTHORITY OF TRUSTEES OF SCHOOL DISTRICTS AND CERTAIN SCHOOLS REGARDING THE EMPLOYMENT OF A SPOUSE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-514A, IDAHO CODE, TO PROVIDE WHEN A CATEGORY 1 LIMITED CONTRACT MAY BE ISSUED; AMENDING SECTION 33-5204, IDAHO CODE, TO PROVIDE AN EXCEPTION, TO REVISE AUTHORITY OF THE BOARD OF DIRECTORS OF A PUBLIC CHARTER SCHOOL REGARDING THE EMPLOYMENT OF A SPOUSE AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 33-507, IDAHO CODE, RELATING TO LIMITATIONS UPON THE AUTHORITY OF TRUSTEES; REPEALING SECTION 33-514A, IDAHO CODE, RELATING TO ISSUANCE OF LIMITED CONTRACTS AND CATEGORY 1 CONTRACTS; REPEALING SECTION 33-5204, IDAHO CODE, RELATING TO PUBLIC CHARTER SCHOOLS ORGANIZED UNDER THE NONPROFIT CORPORATION ACT AND RELATING TO LIABILITY AND INSURANCE; AMENDING

CHAPTER 5, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-507, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO LIMITATIONS UPON THE AUTHORITY OF TRUSTEES; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-514A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE ISSUANCE OF LIMITED CONTRACTS AND CATEGORY 1 CONTRACTS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5204, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO PUBLIC CHARTER SCHOOLS ORGANIZED UNDER THE NONPROFIT CORPORATIONS ACT AND TO ESTABLISH PROVISIONS RELATING TO LIABILITY AND INSURANCE; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 33-507, Idaho Code, be, and the same is hereby amended to read as follows:

33-507. LIMITATION UPON AUTHORITY OF TRUSTEES. (1) It shall be unlawful for any trustee to have pecuniary interest, directly or indirectly, in any contract or other transaction pertaining to the maintenance or conduct of the school district, or to accept any reward or compensation for services rendered as a trustee except as may be otherwise provided in this section. The board of trustees of a school district may accept and award contracts involving the school district to businesses in which a trustee or a person related to him by blood or marriage within the second degree has a direct or indirect interest provided that the procedures set forth in section 18-1361 or 18-1361A, Idaho Code, are followed. The receiving, soliciting or acceptance of moneys of a school district for deposit in any bank or trust company, or the lending of money by any bank or trust company to any school district, shall not be deemed to be a contract pertaining to the maintenance or conduct of a school district within the meaning of this section; nor shall the payment by any school district board of trustees of compensation to any bank or trust company, for services rendered in the transaction of any banking business with such district board of trustees, be deemed the payment of any reward or compensation to any officer or director of any such bank or trust company within the meaning of this section.

(2) It shall be unlawful for the board of trustees of any class of school district to enter into or execute any contract with the spouse of any member of such board, the terms of which said contract requires or will require the payment or delivery of any school district funds, money or property to such spouse, except as provided in subsection (3) of this section or in section 18-1361 or 18-1361A, Idaho Code.

(3) No spouse of any trustee may be employed by a school district with a fall student enrollment population of greater than one thousand two hundred (1,200) in the prior school year. For school districts with a fall student enrollment population of one thousand two hundred (1,200) or less in the prior school year and for schools funded pursuant to the provisions of section 33-1003(2), Idaho Code, such spouse may be employed in a nonadministrative position for a school year if each of the following conditions has been met:

(a) The position has been listed as open for application on the school district website or in a local newspaper, whichever is consistent with the district's current practice, and the position shall be listed for at least sixty (60) days, unless the opening occurred during the school year, in which case the position shall be so listed for at least fifteen (15) days. If the position is listed in a newspaper, the listing shall be made in a manner consistent with the provisions of section 60-106, Idaho Code;

(b) No applications were received that met the minimum certification, endorsement, education or experience requirements of the position other than such spouse;

(c) The trustee abstained from voting in the employment of the spouse and was absent from the meeting while such employment was being considered and determined.

The school district or school may employ such spouse for further school years, provided that the conditions contained in this subsection are met for each school year in which such spouse is employed. The trustee shall abstain from voting in any decisions affecting the compensation, benefits, individual performance evaluation or disciplinary action related to the spouse and shall be absent from the meeting while such issues are being considered and determined. Such limitation shall include, but not be limited to: any matters relating to negotiations regarding compensation and benefits; discussion and negotiation with district benefits providers; and any matter relating to the spouse and letters of reprimand, direction, probation or termination. Such limitations shall not prohibit the trustee spouse from participating in deliberation and voting upon the district's annual fiscal budget or annual audit report. Any spouse of a trustee employed as a certificated employee pursuant to this subsection shall be employed under a category 1 contract pursuant to section 33-514A, Idaho Code.

(4) When any relative of any trustee or relative of the spouse of a trustee related by affinity or consanguinity within the second degree is considered for employment in a school district, such trustee shall abstain from voting in the election of such relative, and shall be absent from the meeting while such employment is being considered and determined.

SECTION 2. That Section 33-514A, Idaho Code, be, and the same is hereby amended to read as follows:

33-514A. ISSUANCE OF LIMITED CONTRACT -- CATEGORY 1 CONTRACT. After August 1, or pursuant to section 33-507(3), Idaho Code, the board of trustees may exercise the option of employing certified personnel on a one (1) year limited contract, which may also be referred to as a category 1 contract consistent with the provisions of section 33-514, Idaho Code. Such a contract is specifically offered for the limited duration of the ensuing school year, and no further notice is required by the district to terminate the contract at the conclusion of the contract year.

SECTION 3. That Section 33-5204, Idaho Code, be, and the same is hereby amended to read as follows:

33-5204. NONPROFIT CORPORATION -- LIABILITY -- INSURANCE. (1) A public charter school shall be organized and managed under the Idaho nonprofit corporation act. The board of directors of a public charter school shall be deemed public agents authorized by a public school district, the public charter school commission, or the state board of education to control the public charter school, but shall function independently of any school board of trustees in any school district in which the public charter school is located, or independently of the public charter school commission, except as provided in the charter. For the purposes of section 59-1302(15), Idaho Code, a public charter school created pursuant to this chapter shall be deemed a governmental entity. Pursuant to the provisions of section 63-36220, Idaho Code, sales to or purchases by a public charter school are exempt from payment of the sales and use tax. A public charter school and the board of directors of a public charter school are subject to the provisions of:

(a) Sections 18-1351 through 18-1362, Idaho Code, on bribery and corrupt influence, except as provided by section 33-5204A(2), Idaho Code;

(b) Chapter 2, title 59, Idaho Code, on prohibitions against contracts with officers;

(c) Chapter 7, title 59, Idaho Code, on ethics in government;

(d) Chapter 23, title 67, Idaho Code, on open public meetings; and

(e) Chapter 3, title 9, Idaho Code, on disclosure of public records;

in the same manner that a traditional public school and the board of school trustees of a school district are subject to those provisions.

(2) A public charter school may sue or be sued, purchase, receive, hold and convey real and personal property for school purposes, and borrow money for such purposes, to the same extent and on the same conditions as a traditional public school district, and its employees, directors and officers shall enjoy the same immunities as employees, directors and officers of traditional public school districts and other public schools, including those provided by chapter 9, title 6, Idaho Code. The authorized chartering entity that approves a public school charter shall have no liability for the acts, omissions, debts or other obligations of a public charter school, except as may be provided in the charter. A local public school district shall have no liability for the acts, omissions, debts or other obligations of a public charter school located in its district that has been approved by an authorized chartering entity other than the board of trustees of the local school district.

(3) Nothing in this chapter shall prevent the board of directors of a public charter school, operating as a nonprofit corporation, from borrowing money to finance the purchase or lease of school building facilities, equipment and furnishings of those school building facilities. Subject to the terms of a contractual agreement between the board and a lender, nothing herein shall prevent the board from using the facility, its equipment and furnishings, as collateral for the loan.

(4) Public charter schools shall secure insurance for liability and property loss.

(5) It shall be unlawful for:

(a) Any director to have pecuniary interest, directly or indirectly, in any contract or other transaction pertaining to the maintenance or conduct of the authorized chartering entity and charter, or to accept any reward or compensation for services rendered as a director except as may be otherwise provided in this subsection ~~(5)~~. The board of directors of a public charter school may accept and award contracts involving the public charter school to businesses in which the director or a person related to him by blood or marriage within the second degree has a direct or indirect interest, provided that the procedures set forth in section 18-1361 or 18-1361A, Idaho Code, are followed. The receiving, soliciting or acceptance of moneys of a public charter school for deposit in any bank or trust company, or the lending of moneys by any bank or trust company to any public charter school, shall not be deemed to be a contract pertaining to the maintenance or conduct of a public charter school and authorized chartering entity within the meaning of this section; nor shall the payment by any public charter school board of directors of compensation to any bank or trust company for services rendered in the transaction of any banking business with such public charter school board of directors be deemed the payment of any reward or compensation to any officer or director of any such bank or trust company within the meaning of this section.

(b) The board of directors of any public charter school to enter into or execute any contract with the spouse of any member of such board, the terms of which said contract require, or will require, the payment or delivery of any public charter school funds, moneys or property to such spouse, except as provided in paragraph (c) of this subsection or in section 18-1361 or 18-1361A, Idaho Code.

(c) No spouse of any director may be employed by a public charter school physically located within the boundaries of a school district with a fall student enrollment population of greater than one thousand two hundred (1,200) in the prior school year. For public charter schools physically located within the boundaries of a school district with a fall student enrollment population of one thousand two hundred (1,200) or less in the prior school year, such spouse may be employed in a nonadministrative position for a school year if each of the following conditions has been met:

(i) The position has been listed as open for application on the public charter school website or in a local newspaper, whichever is consistent with the school's current practice, and the position shall be listed for at least sixty (60) days, unless the opening occurred during the school year, in which case the position shall be so listed for at least fifteen (15) days. If the position is listed in a newspaper, the listing shall be made in a manner consistent with the provisions of section 60-106, Idaho Code;

(ii) No applications were received that met the minimum certification, endorsement, education or experience requirements of the position other than such spouse;

(iii) The director abstained from voting in the employment of the spouse and was absent from the meeting while such employment was being considered and determined.

The public charter school may employ such spouse for further school years, provided that the conditions contained in this paragraph are met for each school year in which such spouse is employed. The director shall abstain from voting in any decisions affecting the compensation, benefits, individual performance evaluation or disciplinary action related to the spouse and shall be absent from the meeting while such issues are being considered and determined. Such limitation shall include, but not be limited to: any matters relating to negotiations regarding compensation and benefits; discussion and negotiation with district benefits providers; and any matter relating to the spouse and letters of reprimand, direction, probation or termination. Such limitations shall not prohibit the trustee spouse from participating in deliberation and voting upon the district's annual fiscal budget or annual audit report. Any spouse of a director employed as a certificated employee pursuant to this paragraph shall be employed under a category 1 contract pursuant to section 33-514A, Idaho Code.

(6) When any relative of any director or relative of the spouse of a director related by affinity or consanguinity within the second degree is to be considered for employment in a public charter school, such director shall abstain from voting in the election of such relative, and shall be absent from the meeting while such employment is being considered and determined.

SECTION 4. That Section 33-507, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 33-514A, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 33-5204, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 5, 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 33-507, Idaho Code, and to read as follows:

33-507. LIMITATION UPON AUTHORITY OF TRUSTEES. It shall be unlawful for any trustee to have pecuniary interest, directly or indirectly, in any contract or other transaction pertaining to the maintenance or conduct of the school district or to accept any reward or compensation for services rendered as a trustee except as may be otherwise provided in this section. The board of trustees of a school district may accept and award contracts involving the school district to businesses in which a trustee or a person related to him by blood or marriage within the second degree has a direct or indirect interest provided that the procedures set forth in section 18-1361 or 18-1361A, Idaho Code, are followed. The receiving, soliciting or acceptance of moneys of a school district for deposit in any bank or trust company, or the lending of money by any bank or trust company to any school district, shall not be deemed to be a contract pertaining to the maintenance or conduct of a school district within the meaning of this section; nor shall the payment by any school district board of trustees of compensation to any bank or trust company, for services rendered in the transaction of any banking business with such district board of trustees, be deemed the payment of any reward or compensation to any officer or director of any such bank or trust company within the meaning of this section.

It shall be unlawful for the board of trustees of any class of school district to enter into or execute any contract with the spouse of any member of such board, the terms of which said contract requires, or will require, the payment or delivery of any school district funds, money or property to such spouse, except as provided in section 18-1361 or 18-1361A, Idaho Code.

When any relative of any trustee or relative of the spouse of a trustee related by affinity or consanguinity within the second degree is considered for employment in a school district, such trustee shall abstain from voting in the election of such relative and shall be absent from the meeting while such employment is being considered and determined.

SECTION 8. That Chapter 5, 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 33-514A, Idaho Code, and to read as follows:

33-514A. ISSUANCE OF LIMITED CONTRACT -- CATEGORY 1 CONTRACT. After August 1, the board of trustees may exercise the option of employing certified personnel on a one (1) year limited contract, which may also be referred to as a category 1 contract consistent with the provisions of section 33-514, Idaho Code. Such a contract is specifically offered for the limited duration of the ensuing school year, and no further notice is required by the district to terminate the contract at the conclusion of the contract year.

SECTION 9. That Chapter 52, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-5204, Idaho Code, and to read as follows:

33-5204. NONPROFIT CORPORATION -- LIABILITY -- INSURANCE. (1) A public charter school shall be organized and managed under the Idaho nonprofit corporation act. The board of directors of a public charter school shall be deemed public agents authorized by a public school district, the public charter school commission, or the state board of education to control the public charter school, but shall function independently of any school board of trustees in any school district in which the public charter school is located or independently of the public charter school commission, except as provided in the charter. For the purposes of section 59-1302(15), Idaho Code, a public charter school created pursuant to this chapter shall be deemed a governmental entity. Pursuant to the provisions of section 63-36220, Idaho Code, sales to or purchases by a public charter school are exempt from payment of the sales and use tax. A public charter school and the

board of directors of a public charter school are subject to the provisions of:

- (a) Sections 18-1351 through 18-1362, Idaho Code, on bribery and corrupt influence, except as provided by section 33-5204A(2), Idaho Code;
- (b) Chapter 2, title 59, Idaho Code, on prohibitions against contracts with officers;
- (c) Chapter 7, title 59, Idaho Code, on ethics in government;
- (d) Chapter 23, title 67, Idaho Code, on open public meetings; and
- (e) Chapter 3, title 9, Idaho Code, on disclosure of public records;

in the same manner that a traditional public school and the board of school trustees of a school district are subject to those provisions.

(2) A public charter school may sue or be sued, purchase, receive, hold and convey real and personal property for school purposes, and borrow money for such purposes, to the same extent and on the same conditions as a traditional public school district, and its employees, directors and officers shall enjoy the same immunities as employees, directors and officers of traditional public school districts and other public schools, including those provided by chapter 9, title 6, Idaho Code. The authorized chartering entity that approves a public school charter shall have no liability for the acts, omissions, debts or other obligations of a public charter school, except as may be provided in the charter. A local public school district shall have no liability for the acts, omissions, debts or other obligations of a public charter school located in its district that has been approved by an authorized chartering entity other than the board of trustees of the local school district.

(3) Nothing in this chapter shall prevent the board of directors of a public charter school, operating as a nonprofit corporation, from borrowing money to finance the purchase or lease of school building facilities, equipment and furnishings of those school building facilities. Subject to the terms of a contractual agreement between the board and a lender, nothing herein shall prevent the board from using the facility, its equipment and furnishings as collateral for the loan.

(4) Public charter schools shall secure insurance for liability and property loss.

(5) It shall be unlawful for:

(a) Any director to have pecuniary interest, directly or indirectly, in any contract or other transaction pertaining to the maintenance or conduct of the authorized chartering entity and charter or to accept any reward or compensation for services rendered as a director except as may be otherwise provided in this subsection. The board of directors of a public charter school may accept and award contracts involving the public charter school to businesses in which the director or a person related to him by blood or marriage within the second degree has a direct or indirect interest, provided that the procedures set forth in section 18-1361 or 18-1361A, Idaho Code, are followed. The receiving, soliciting or acceptance of moneys of a public charter school for deposit in any bank or trust company, or the lending of moneys by any bank or trust company to any public charter school, shall not be deemed to be a contract pertaining to the maintenance or conduct of a public charter school and authorized chartering entity within the meaning of this section; nor shall the payment by any public charter school board of directors of compensation to any bank or trust company for services rendered in the transaction of any banking business with such public charter school board of directors be deemed the payment of any reward or compensation to any officer or director of any such bank or trust company within the meaning of this section.

(b) The board of directors of any public charter school to enter into or execute any contract with the spouse of any member of such board, the terms of which said contract require, or will require, the payment or

delivery of any public charter school funds, moneys or property to such spouse, except as provided in section 18-1361 or 18-1361A, Idaho Code.

(6) When any relative of any director or relative of the spouse of a director related by affinity or consanguinity within the second degree is to be considered for employment in a public charter school, such director shall abstain from voting in the election of such relative and shall be absent from the meeting while such employment is being considered and determined.

SECTION 10. The provisions of Sections 4, 5, 6, 7, 8 and 9 of this act shall be in full force and effect on and after July 1, 2018.

Approved March 26, 2014

CHAPTER 253
(H.B. No. 569)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ATTENDANCE OF STUDENTS ATTENDING AN ALTERNATIVE SECONDARY SCHOOL AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

(1) State Educational Support Funds. Add the state appropriation, including the moneys available in the public school income fund, together with all miscellaneous revenues to determine the total state funds.

(2) From the total state funds subtract the following amounts needed for state support of special programs provided by a school district:

(a) Pupil tuition-equivalency allowances as provided in section 33-1002B, Idaho Code;

(b) Transportation support program as provided in section 33-1006, Idaho Code;

(c) Feasibility studies allowance as provided in section 33-1007A, Idaho Code;

(d) The approved costs for border district allowance, provided in section 33-1403, Idaho Code, as determined by the state superintendent of public instruction;

(e) The approved costs for exceptional child approved contract allowance, provided in subsection 2. of section 33-2004, Idaho Code, as determined by the state superintendent of public instruction;

(f) Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;

(g) Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;

(h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

(i) For expenditure as provided by the public school technology program;

(j) For employee severance payments as provided in section 33-521, Idaho Code;

(k) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;

- (1) For charter school facilities funds and reimbursements paid pursuant to section 33-5208(5), Idaho Code;
- (~~lm~~) For an online course portal as provided for in section 33-1024, Idaho Code;
- (~~mn~~) For advanced opportunities as provided for in section 33-1626, Idaho Code;
- (~~lo~~) For the "8 in 6 Program" as provided for in section 33-1628, Idaho Code;
- (~~mp~~) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;
- (~~m~~)(~~ng~~) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of \$300 per support unit; and
- (~~lr~~) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

(3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school secondary support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Units Allowed
41 or more	40	1 or more as computed
31 - 40.99 ADA	-	1
26 - 30.99 ADA . . . .	- . . . . .	.85
21 - 25.99 ADA . . . .	- . . . . .	.75
16 - 20.99 ADA . . . .	- . . . . .	.6
8 - 15.99 ADA . . . .	- . . . . .	.5
1 - 7.99 ADA	-	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA.....	..23...grades 4,5 & 6.... ..22...grades 1,2 & 3....1994-95 ..21...grades 1,2 & 3....1995-96 ..20...grades 1,2 & 3....1996-97 and each year thereafter.	.. 15
160 to 299.99 ADA...	20	8.4
110 to 159.99 ADA...	19	6.8
71.1 to 109.99 ADA...	16	4.7
51.7 to 71.0 ADA...	15	4.0
33.6 to 51.6 ADA...	13	2.8
16.6 to 33.5 ADA...	12	1.4
1.0 to 16.5 ADA...	n/a	1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
750 or more....	18.5	47
400 - 749.99 ADA....	16	28
300 - 399.99 ADA....	14.5	22
200 - 299.99 ADA....	13.5	17
100 - 199.99 ADA....	12	9
99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8
Grades 9-12	.....	6
Grades 7- 9	.....	1 per 14 ADA
Grades 7- 8	.....	1 per 16 ADA

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
14 or more....	14.5	1 or more as computed
12 - 13.99....	-	1
8 - 11.99....	- .....	.75
4 - 7.99....	- .....	.5
1 - 3.99....	- .....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
12 or more.....	12	1 or more as computed

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of less days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The attendance of students attending an alternative secondary school in a school district reporting less than one hundred (100) secondary students in average daily attendance shall not be assigned to the alternative secondary table if the student is from a school district reporting less than one hundred (100) secondary students in average daily attendance, but shall instead be assigned to the secondary table of the school district in which they are attending the alternative secondary school, unless the alternative secondary school in question serves students from multiple districts reporting less than one hundred (100) secondary students in average daily attendance. The tables for exceptional education and alternative school secondary support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

(5) State Distribution Factor per Support Unit. Divide educational support program distribution funds, after subtracting the amounts necessary to pay the obligations specified in subsection (2) of this section, by the total state support units to secure the state distribution factor per support unit.

(6) District Support Units. The number of support units for each school district in the state shall be determined as follows:

(a) (i) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school secondary students. Calculations in application of this subsection shall be carried out to the nearest hundredth.

(ii) Divide the combined totals of the average daily attendance of all preschool, kindergarten, elementary, secondary, juvenile detention center students and students with disabilities approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest hundredth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subsection (6) (a) (i) of this section, and the support units allowance for the approved exceptional child program, subsection (6) (a) (ii) of this section.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest hundredth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, subsection (6) (b) of this section.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection (6) (c) of this section.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy, that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

Approved March 26, 2014

CHAPTER 254
(H.B. No. 576)

AN ACT

RELATING TO DRIVER TRAINING COURSES; AMENDING SECTION 33-1706, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE SUBMISSION OF A REPORT TO THE STATE DEPARTMENT OF EDUCATION AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-1706, Idaho Code, be, and the same is hereby amended to read as follows:

33-1706. REPORTS TO STATE DEPARTMENT OF EDUCATION. Each school district ~~which~~ that has completed a course or courses in driver training, whether approved for reimbursement or not, shall submit a report to the state department of education not later than forty-five (45) days after completion of the last course or courses in each fiscal year, showing (1) the number of pupils who enrolled; (2) the number of pupils who completed the course; and (3) the total cost of operation of the program, together with such other information as the state board may require. Failure to submit reports to the state department of education shall be cause for the state department of education to disallow reimbursement even for a prior approved driver training program.

Approved March 26, 2014

CHAPTER 255
(H.B. No. 577)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1627, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL PROMOTE IMPROVEMENT OF INSTRUCTION AND STUDENT ACHIEVEMENT THROUGH CERTAIN ACTIVITIES, TO PROVIDE FOR CERTAIN ACTIVITIES AND TO PROVIDE THAT THE COST SHALL BE PAID FROM CERTAIN APPROPRIATED MONEYS.

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

SECTION 1. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1627, Idaho Code, and to read as follows:

33-1627. MATH INITIATIVE. (1) The legislature finds that mathematical skills are increasingly important to the future academic and career success of students. The legislature further finds that student mathematical skills are not currently meeting the needs of Idaho's economy and must be improved. To this end, the state department of education shall promote the improvement of mathematical instruction and student achievement through one (1) or more of the following activities:

(a) Provide high quality professional development for teachers that is intensive, ongoing and connected to classroom practice, that focuses on student learning, aligns with school improvement priorities and goals, and builds strong working relationships among teachers;

(b) Provide statewide online mathematical instruction programs that furnish mathematical tutoring, remedial instruction and advanced instruction;

(c) Provide formative assessments to assist teachers in identifying student mathematical skill levels, areas of deficiency and areas of advancement.

(2) The cost of math initiative activities provided for in this section shall be paid by the state department of education from moneys appropriated for this program in the educational support program budget.

Approved March 26, 2014

CHAPTER 256
(H.B. No. 597)

AN ACT

RELATING TO OUTFITTERS AND GUIDES; AMENDING SECTION 36-2101, IDAHO CODE, TO REVISE POLICY PROVISIONS; AMENDING SECTION 36-2102, IDAHO CODE, TO REVISE THE DEFINITION OF "OUTFITTER"; AND AMENDING SECTION 36-2103, IDAHO CODE, TO PROVIDE THAT THE DEFINITIONS OF "OUTFITTER" AND "GUIDE" DO NOT INCLUDE PRIVATE LANDOWNERS AND THEIR EMPLOYEES WHO PROVIDE FACILITIES OR SERVICES UPON THEIR OWN PRIVATELY OWNED PROPERTY, TO PROVIDE THAT A CERTAIN EXCEPTION SHALL NOT PROHIBIT VOLUNTARY LICENSURE, TO REVISE EXCEPTION VERBIAGE, TO PROVIDE THAT A PERSON WHO OBTAINS PERMISSION TO OUTFIT OR GUIDE ON PRIVATE PROPERTY FROM THE PROPERTY OWNER IS REQUIRED TO BE LICENSED AS AN OUTFITTER OR GUIDE UNLESS THE TERMS OF A WRITTEN AGREEMENT WITH THE PROPERTY OWNER DO NOT REQUIRE LICENSURE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 36-2101, Idaho Code, be, and the same is hereby amended to read as follows:

36-2101. DECLARATION OF POLICY. The natural resources of the state of Idaho are an invaluable asset to every community in which they abound. Every year, in rapidly increasing numbers, the inhabitants of the state of Idaho and nonresidents are enjoying the benefits of Idaho's recreational opportunities. The tourist trade is of vital importance to the state of Idaho, and the recreational value of Idaho's natural resources is such that the number of persons who are each year participating in their enjoyment is steadily increasing. The intent of this legislation is to promote and encourage residents and nonresidents alike to participate in the enjoyment and use of the deserts, mountains, rivers, streams, lakes, reservoirs and other natural resources of Idaho, and the fish and game therein, and to that end to regulate and license those persons who undertake for compensation to provide equipment and personal services to such persons, for the explicit purpose of safeguarding the health, safety, welfare and freedom from injury or danger of such persons, in the exercise of the police power of this state. It is not the intent of this legislation to interfere in any way with the business of livestock operations, private property rights, nor to prevent the owner of pack animals from using same to accommodate friends where no consideration is involved for the use thereof, nor is it the intent of this legislation to interfere in any way with the right of the general public to enjoy the recreational value of Idaho's deserts, mountains, rivers, streams, lakes, reservoirs and other natural resources when the services of commercial outfitters and guides are not utilized, nor to interfere with the right of the United States to manage the public lands under its control.

SECTION 2. That Section 36-2102, Idaho Code, be, and the same is hereby amended to read as follows:

36-2102. DEFINITIONS. (a) "Person" includes any individual, firm, partnership, corporation or other organization or any combination thereof.

(b) "Outfitter" includes any person who, while engaging in ~~any of~~ the acts enumerated herein ~~in any manner~~: (1) advertises or otherwise holds himself out to the public for hire; (2) provides facilities and services for consideration; and (3) maintains, leases, or otherwise uses equipment or accommodations for compensation for the conduct of outdoor recreational activities limited to the following: hunting animals or birds; float or power boating on Idaho rivers and streams; fishing on Idaho lakes, reservoirs, rivers and streams; and hazardous desert or mountain excursions. Any firm, partnership, corporation or other organization or combination thereof operating as an outfitter shall designate one (1) or more individuals as agents who shall, together with the licensed outfitter, be held responsible for the conduct of the licensed outfitter's operations and who shall meet all of the qualifications of a licensed outfitter.

(c) "Guide" is any natural person who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities directly related to the conduct of activities for which the employing outfitter is licensed. Any such person not employed by a licensed outfitter who offers or provides facilities or services as specified in subsection (b) of this section shall be deemed in violation of the provisions of this chapter, except: (1) any employee of the state of Idaho or the United States when acting in his official capacity, or (2) any natural person who is employed by a licensed outfitter solely for the following activities: caring for, grooming or saddling of livestock, cooking, woodcutting, and trans-

porting people, equipment and personal property on public roads shall be exempt from the provisions of this chapter.

(d) "Board" means the Idaho outfitters and guides licensing board.

(e) "Resident" means a person who has resided in the state of Idaho for a period of six (6) months next preceding the time of application for license.

(f) "Nonresident" means any person not included in subsection (e) of this section.

(g) "License year" means that period of time beginning on the date an outfitter's or guide's license is issued and ending on the anniversary of the date of issuance in the following year.

(h) "Individual" means any person other than a partnership, corporation or any other organization or combination thereof.

SECTION 3. That Section 36-2103, Idaho Code, be, and the same is hereby amended to read as follows:

36-2103. EXCEPTIONS. (1) The foregoing definitions of the terms "outfitter" and "guide" will not apply to do not include:

(a) Private landowners and their employees who provide facilities or services, whether for compensation or not, upon their own privately owned property. Nothing in this exception shall prohibit landowners or their employees from voluntary licensure;

(b) A person who furnishes, rents or leases, whether or not for compensation or gain or promise thereof, a pack or saddle horse, or other equipment, to a hunter or a fisherman. A person so furnishing, renting or leasing a pack or saddle horse or other equipment, shall not be considered an "outfitter" or "guide" if, on an incidental basis, they accompany a hunter, not to include extended camping, for the purpose of maintaining the safety and well-being of the livestock used to retrieve harvested big game; or

(c) Additionally, the foregoing definition of "outfitter" and "guide" shall not apply to members of a nonprofit organization if the organization meets the following criteria: (i) it is exempt from the payment of federal income taxes under section 501(c)(3) of the Internal Revenue Code; (ii) its purpose is to provide outdoor experiences to young persons under twenty-one (21) years of age and to its leaders; and (iii) it provides outfitting and guiding services to its own bona fide members on a not-for-profit basis. If the members of the nonprofit organization provide outfitting or guiding services to persons who are not its members and leaders, the provisions of this chapter shall apply to that organization, its members and leaders.

(2) A person who obtains permission to outfit or guide on private property from the property owner is required to be licensed as an outfitter or guide unless the terms of a written agreement with the property owner do not require licensure.

Approved March 26, 2014

CHAPTER 257
(H.B. No. 599)

AN ACT

RELATING TO EDUCATION; TO ESTABLISH PROVISIONS RELATING TO THE EXPENDITURE OF CERTAIN MONEYS FOR A CERTAIN TIME PERIOD, TO ESTABLISH PROVISIONS RELATING TO THE DETERMINATION OF A CERTAIN EXPENDITURE AND TO PROVIDE THAT SCHOOL DISTRICTS SHALL PROVIDE CERTAIN INFORMATION.

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

SECTION 1. The provisions of Section 33-1019, Idaho Code, notwithstanding, for the period July 1, 2014, through June 30, 2015, only, one-third (1/3) of the current fiscal year's amount of local maintenance match moneys normally required to be allocated for the maintenance and repair of student-occupied buildings may be spent on other one-time, nonpersonnel costs, at the discretion of the school district. Such amount shall be determined by the State Department of Education as follows:

(1) Subtract from one-third (1/3) of the local maintenance match requirement one-third (1/3) of all plant facility levy funds levied for tax year 2014.

(2) Subtract from the balance of any funds remaining after the subtraction provided for in subsection (1) of this section, any additional funds necessary to fully remediate all recommendations and code violations identified in the most recent inspection of each student-occupied building conducted by the Division of Building Safety, excluding any recommendations for which the least expensive remediation solution is the replacement of the building.

School districts shall furnish information pursuant to the provisions of this section, as may be required by the State Department of Education.

Approved March 26, 2014

CHAPTER 258
(H.B. No. 601)

AN ACT

RELATING TO INDIGENT SICK; AMENDING SECTION 31-3502, IDAHO CODE, TO REVISE THE DEFINITION OF REIMBURSEMENT RATE BY REMOVING A SUNSET PROVISION.

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

SECTION 1. That Section 31-3502, Idaho Code, be, and the same is hereby amended to read as follows:

31-3502. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meaning, unless the context clearly indicates another meaning:

(1) "Applicant" means any person who is requesting financial assistance under this chapter.

(2) "Application" means the combined application for state and county medical assistance pursuant to sections 31-3504 and 31-3503E, Idaho Code. In this chapter an application for state and county medical assistance shall also mean an application for financial assistance.

(3) "Board" means the board of the catastrophic health care cost program, as established in section 31-3517, Idaho Code.

(4) "Case management" means coordination of services to help meet a patient's health care needs, usually when the patient has a condition that requires multiple services.

(5) "Catastrophic health care costs" means the cost of necessary medical services received by a recipient that, when paid at the then existing reimbursement rate, exceeds the total sum of eleven thousand dollars (\$11,000) in the aggregate in any consecutive twelve (12) month period.

(6) "Clerk" means the clerk of the respective counties or his or her designee.

(7) "Completed application" shall include at a minimum the cover sheet requesting services, applicant information including diagnosis and requests for services and signatures, personal and financial information of

the applicant and obligated person or persons, patient rights and responsibilities, releases and all other signatures required in the application.

(8) "County commissioners" means the board of county commissioners in their respective counties.

(9) "County hospital" means any county approved institution or facility for the care of sick persons.

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

(11) "Dependent" means any person whom a taxpayer claims as a dependent under the income tax laws of the state of Idaho.

(12) "Emergency service" means a service provided for a medical condition in which sudden, serious and unexpected symptoms of illness or injury are sufficiently severe to necessitate or call for immediate medical care, including, but not limited to, severe pain, that the absence of immediate medical attention could reasonably be expected by a prudent person who possesses an average knowledge of health and medicine, to result in:

(a) Placing the patient's health in serious jeopardy;

(b) Serious impairment to bodily functions; or

(c) Serious dysfunction of any bodily organ or part.

(13) "Hospital" means a facility licensed and regulated pursuant to sections 39-1301 through 39-1314, Idaho Code, or an out-of-state hospital providing necessary medical services for residents of Idaho, wherein a reciprocal agreement exists, in accordance with section 31-3503B, Idaho Code, excluding state institutions.

(14) "Medicaid eligibility review" means the process used by the department to determine whether a person meets the criteria for medicaid coverage.

(15) "Medical claim" means the itemized statements and standard forms used by hospitals and providers to satisfy centers for medicare and medicaid services (CMS) claims submission requirements.

(16) "Medical home" means a model of primary and preventive care delivery in which the patient has a continuous relationship with a personal physician in a physician directed medical practice that is whole person oriented and where care is integrated and coordinated.

(17) "Medically indigent" means any person who is in need of necessary medical services and who, if an adult, together with his or her spouse, or whose parents or guardian if a minor or dependent, does not have income and other resources available to him from whatever source sufficient to pay for necessary medical services. Nothing in this definition shall prevent the board and the county commissioners from requiring the applicant and obligated persons to reimburse the county and the catastrophic health care cost program, where appropriate, for all or a portion of their medical expenses, when investigation of their application pursuant to this chapter, determines their ability to do so.

(18) A. "Necessary medical services" means health care services and supplies that:

(a) Health care providers, exercising prudent clinical judgment, would provide to a person for the purpose of preventing, evaluating, diagnosing or treating an illness, injury, disease or its symptoms;

(b) Are in accordance with generally accepted standards of medical practice;

(c) Are clinically appropriate, in terms of type, frequency, extent, site and duration and are considered effective for the covered person's illness, injury or disease;

(d) Are not provided primarily for the convenience of the person, physician or other health care provider; and

(e) Are the most cost-effective service or sequence of services or supplies, and at least as likely to produce equivalent therapeutic or diagnostic results for the person's illness, injury or disease.

B. Necessary medical services shall not include the following:

- (a) Bone marrow transplants;
- (b) Organ transplants;
- (c) Elective, cosmetic and/or experimental procedures;
- (d) Services related to, or provided by, residential, skilled nursing, assisted living and/or shelter care facilities;
- (e) Normal, uncomplicated pregnancies, excluding caesarean section, and childbirth well-baby care;
- (f) Medicare copayments and deductibles;
- (g) Services provided by, or available to, an applicant from state, federal and local health programs;
- (h) Medicaid copayments and deductibles; and
- (i) Drugs, devices or procedures primarily utilized for weight reduction and complications directly related to such drugs, devices or procedures.

(19) "Obligated person" means the person or persons who are legally responsible for an applicant including, but not limited to, parents of minors or dependents.

(20) "Primary and preventive health care" means the provision of professional health services that include health education and disease prevention, initial assessment of health problems, treatment of acute and chronic health problems and the overall management of an individual's health care services.

(21) "Provider" means any person, firm or corporation certified or licensed by the state of Idaho or holding an equivalent license or certification in another state, that provides necessary medical services to a patient requesting a medically indigent status determination or filing an application for financial assistance.

(22) "Recipient" means an individual determined eligible for financial assistance under this chapter.

(23) "Reimbursement rate" means the unadjusted medicaid rate of reimbursement for medical charges allowed pursuant to title XIX of the social security act, as amended, that is in effect at the time service is rendered. ~~Beginning July 1, 2011, and sunseting July 1, 2014, The~~ "reimbursement rate" shall mean ninety-five percent (95%) of the unadjusted medicaid rate.

(24) "Resident" means a person with a home, house, place of abode, place of habitation, dwelling or place where he or she actually lived for a consecutive period of thirty (30) days or more within the state of Idaho. A resident does not include a person who comes into this state for temporary purposes, including, but not limited to, education, vacation, or seasonal labor. Entry into active military duty shall not change a person's residence for the purposes of this chapter. Those physically present within the following facilities and institutions shall be residents of the county where they were residents prior to entering the facility or institution:

- (a) Correctional facilities;
- (b) Nursing homes or residential or assisted living facilities;
- (c) Other medical facility or institution.

(25) "Resources" means all property, for which an applicant and/or an obligated person may be eligible or in which he or she may have an interest, whether tangible or intangible, real or personal, liquid or nonliquid, or pending, including, but not limited to, all forms of public assistance, crime victims compensation, worker's compensation, veterans benefits, medicaid, medicare, supplemental security income (SSI), third party insurance, other insurance or apply for section 1011 of the medicare modernization act of 2003, if applicable, and any other property from any source. Resources shall include the ability of an applicant and obligated persons to pay for necessary medical services, excluding any interest charges, over a period of up to five (5) years starting on the date necessary medical services are first provided. For purposes of determining approval for medical

indigency only, resources shall not include the value of the homestead on the applicant or obligated person's residence, a burial plot, exemptions for personal property allowed in section 11-605(1) through (3), Idaho Code, and additional exemptions allowed by county resolution.

(26) "Third party applicant" means a person other than an obligated person who completes, signs and files an application on behalf of a patient. A third party applicant who files an application on behalf of a patient pursuant to section 31-3504, Idaho Code, shall, if possible, deliver a copy of the application to the patient within three (3) business days after filing the application.

(27) "Third party insurance" means casualty insurance, disability insurance, health insurance, life insurance, marine and transportation insurance, motor vehicle insurance, property insurance or any other insurance coverage that may pay for a resident's medical bills.

(28) "Utilization management" means the evaluation of medical necessity, appropriateness and efficiency of the use of health care services, procedures and facilities. "Utilization management" may include, but is not limited to, preadmission certification, the application of practice guidelines, continued stay review, discharge planning, case management, preauthorization of ambulatory procedures, retrospective review and claims review. "Utilization management" may also include the amount to be paid based on the application of the reimbursement rate to those medical services determined to be necessary medical services.

Approved March 26, 2014

CHAPTER 259
(H.B. No. 602)

AN ACT

RELATING TO INCOME TAX; AMENDING SECTION 2, AS ADDED BY HOUSE BILL NO. 384, AS ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SECOND IDAHO LEGISLATURE, TO DECLARE AN EMERGENCY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2 of House Bill No. 384, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 2. This act shall be in full force and effect 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, 2013.

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 26, 2014

CHAPTER 260
(H.B. No. 621)

AN ACT

RELATING TO SCHOOL SUBDISTRICTS; AMENDING SECTION 33-354, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE AUTHORITY OF SCHOOL SUBDISTRICTS TO INCUR DEBT AND ISSUE BONDS.

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

SECTION 1. That Section 33-354, Idaho Code, be, and the same is hereby amended to read as follows:

33-354. INDEBTEDNESS -- BOND ISSUES. School subdistricts may incur debt and issue bonds for the same purposes of ~~acquiring, purchasing or improving a school site or sites, acquiring or constructing new schoolhouses, remodeling existing buildings, constructing additions thereto, including all necessary furnishings and equipment, and all lighting, heating, ventilation, sanitation facilities and appliances necessary to operate the buildings of the new school subdistrict~~ as set forth in section 33-1102, Idaho Code. The governing body of a school subdistrict may submit to the qualified electors of the school subdistrict the question of whether the governing body of the school subdistrict shall be empowered to issue negotiable bonds of the school subdistrict in an amount and for a period of time to be named in the notice of election. 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 title 34, Idaho Code. The question of the issuance of such bonds shall be approved only if the percentage of votes cast at such election were cast in favor thereof as that which is now, or may hereafter be, set by the constitution of the state of Idaho. All such bonds shall be authorized, issued and sold pursuant to the provisions of sections 33-1107 through 33-1121, Idaho Code. No bonds of a school subdistrict may be issued, however, if the issuance of such bonds would cause the percentage of market value for assessment purposes of taxable property within the boundaries of the school subdistrict represented by the aggregate outstanding indebtedness of the school subdistrict, when added to the percentage of the assessed valuation of taxable property represented by the aggregate outstanding indebtedness of the school district within which the school subdistrict lies, to exceed five percent (5%). As used in the preceding sentence hereof, "market value for assessment purposes," "aggregate outstanding indebtedness" and "issuance" shall have the same meanings as set forth in section 33-1103, Idaho Code. Upon the approval of the issuance of such bonds, the same may be issued by the governing body of the school subdistrict on behalf of the school subdistrict at any time within two (2) years from the date of such election. Wherever in title 34, Idaho Code, and in sections 33-1107 through 33-1121, Idaho Code, reference is made to "school district"; for purposes of this chapter it shall be deemed to refer to school subdistricts.

Approved March 26, 2014

CHAPTER 261
(H.B. No. 648)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE COUNTY AND OUT-OF-STATE PLACEMENT PROGRAM FOR FISCAL YEAR 2015.

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 Correction for the County and Out-of-State Placement Program, \$1,100,000 from the General Fund, to be expended for operating expenditures, for the period July 1, 2014, through June 30, 2015, for the purpose of covering a five dollar increase in per diem for those state inmates housed in county jails.

Approved March 26, 2014

CHAPTER 262
(S.B. No. 1233, As Amended)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1623, IDAHO CODE, TO REVISE PROVISIONS RELATING TO MASTERY ADVANCEMENT SCHOLARSHIP, TO REVISE PROVISIONS RELATING TO AMOUNTS RECEIVED BY A DISTRICT OR PUBLIC CHARTER SCHOOL AND TO REVISE A TERM; AMENDING SECTION 33-1626, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN EXAMINATIONS, TO ESTABLISH PROVISIONS RELATING TO STUDENTS QUALIFYING FOR CERTAIN MONETARY CREDIT, TO ESTABLISH PROVISIONS GOVERNING CERTAIN PAYMENTS, TO PROVIDE FOR RULES AND TO PROVIDE FOR A REPORT; AMENDING SECTION 33-1628, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO FOURTEEN CREDITS, TO REVISE PROVISIONS RELATING TO PAYMENT FOR CERTAIN ONLINE COURSES, TO REMOVE LANGUAGE RELATING TO CERTAIN INELIGIBLE COURSES AND TO DEFINE TERMS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1623, Idaho Code, be, and the same is hereby amended to read as follows:

33-1623. STUDENT ADVANCEMENT -- ~~CONCURRENT ENROLLMENT~~ DUAL CREDIT -- EARLY GRADUATION -- MASTERY ADVANCEMENT SCHOLARSHIP -- RESIDUAL SAVINGS. (1) Any student who successfully completes a public charter school or school district's grades 1-12 curriculum at least one (1) year early shall be eligible for a mastery advancement scholarship, regardless of whether or not the public charter school or school district is participating in the mastery advancement program, if such student can show that the student has met all of the graduation requirements of the public charter school or school district in which the student attends school; and

(a) The student has completed the grades 1-12 curriculum in eleven (11) or fewer years and such student has attended schools in the Idaho public school system for the entire grades 1-12 curriculum; or

(b) Where the student has attended Idaho public schools for less than the entire grades 1-12 curriculum, such student shall be eligible for a mastery advancement scholarship if such student has attended Idaho public schools for a minimum of four (4) years. For students who have

attended Idaho public schools for less than four (4) years and who have completed all graduation requirements, such students may be eligible to receive a mastery advancement scholarship at a reduced rate not to exceed one (1) semester of scholarship for each year of Idaho public school attendance.

(2) A student is not required to graduate early and can choose to participate in ~~concurrent enrollment~~ dual credit or advanced placement classes as is the current practice.

(3) (a) If a student requests a mastery advancement scholarship and is eligible pursuant to the provisions of subsection (1) (a) and (1) (b) of this section, the student shall be entitled to a mastery advancement scholarship which may be used for tuition and fees at any publicly funded institution of higher education in Idaho. The amount of such scholarship shall equal thirty-five percent (35%) of the statewide average daily attendance-driven funding per enrolled pupil for each year of grades 1-12 curriculum the student avoids due to early graduation. Such school district or public charter school shall receive an amount equal to each such scholarship if it is participating in the mastery advancement program.

(b) The state department of education shall annually report, no later than January 15, to the senate and the house of representatives education committees, the number of scholarships awarded pursuant to this section during the previous school year, by school district and public charter school. Such report shall also include a fiscal note reflecting the amount of moneys expended for such scholarships.

(4) No student shall be eligible for more than three (3) years of a "mastery advancement" scholarship.

(5) School districts and public charter schools participating in the program established in section 33-1620, Idaho Code, are directed to collaborate with publicly funded institutions of higher education in this state to assist students who seek to graduate from high school early, in enrolling in postsecondary or advanced placement courses held in high school. Such school districts, public charter schools and publicly funded institutions of higher education shall report to the state board of education and the senate and the house of representatives education committees on any difficulties or obstacles they face in providing such assistance to students.

SECTION 2. That Section 33-1626, Idaho Code, be, and the same is hereby amended to read as follows:

33-1626. **ADVANCED OPPORTUNITIES.** (1) Students completing all state high school graduation requirements at any time prior to the beginning of their final twelfth grade semester or trimester term, except the senior project and any other course that the state board of education requires to be completed during the final year of high school, shall be eligible for the following:

(1a) Dual credit courses, up to eighteen (18) credits per semester term or twelve (12) credits per trimester term of postsecondary credits. Average daily attendance shall be counted as normal for such students for public school funding purposes. The state department of education shall distribute funds from the moneys appropriated for the educational support program to defray the per credit cost charged for such dual credit courses by accredited postsecondary institutions. The amount so distributed shall not exceed seventy-five dollars (\$75.00) per credit hour.

(2b) ~~End-of-course,~~ Advanced placement or other college credit-bearing ~~advanced placement or professional certificate~~ examinations, up to six (6) examinations per semester or four (4) per trimester. The state department of education shall distribute funds from the moneys appropri-

ated for the educational support program to defray the per examination cost charged. The amount so distributed shall not exceed ninety dollars (\$90.00) per examination.

The state department of education shall reimburse school districts and public charter schools for such costs, up to the stated limits, within one hundred twenty-five (125) days of receiving the necessary data upon which reimbursements may be paid. If a student fails to earn credit for any course or examination for which the department has paid a reimbursement, the student must pay for and successfully earn credit for one (1) such course or examination before the department may pay any further reimbursements for such student.

(2) Any student in an Idaho public high school or Idaho public charter high school who has attained grade 11 and who has not qualified pursuant to subsection (1) of this section shall qualify for a credit of two hundred dollars (\$200) to pay for courses and examinations pursuant to subsection (1) (a) and (b) of this section. These moneys may be used to pay an amount not to exceed seventy-five percent (75%) of the cost of such courses and examinations, pursuant to the limitations stated in this subsection. The state department of education shall distribute such funds from the moneys appropriated to the educational support program.

(3) Any student in an Idaho public high school or Idaho public charter high school who has attained grade 12 and who has not qualified pursuant to subsection (1) of this section shall qualify for a credit of four hundred dollars (\$400) to pay for courses and examinations described pursuant to subsection (1) (a) and (b) of this section. These moneys may be used to pay an amount not to exceed seventy-five percent (75%) of the cost of such courses and examinations, pursuant to the limitations stated in this subsection. The state department of education shall distribute such funds from the moneys appropriated to the educational support program.

(4) The payments made pursuant to this section shall not be used to duplicate payments made by any other governmental or charitable program, except that any payments made pursuant to this section shall reduce by a like dollar amount any payments that would otherwise be made pursuant to section 33-2110A, Idaho Code.

(5) The state board of education may promulgate rules to implement the provisions of this section.

(6) No later than January 15, the state department of education shall annually report to the senate and the house of representatives education committees the number of scholarships awarded pursuant to subsections (2) and (3) of this section during the previous school year, by school district and public charter school. Such report shall also include a fiscal note reflecting the amount of moneys expended for such scholarships.

SECTION 3. That Section 33-1628, Idaho Code, be, and the same is hereby amended to read as follows:

33-1628. "8 IN 6 PROGRAM." (1) A program is hereby established in the state department of education to be known as the "8 in 6 Program."

(2) If a parent and student agree, by signing the appropriate form provided by the state department of education, to the conditions provided for in paragraphs (a) and (b) of this subsection, the state department of education will pay for a portion of the cost of summer online courses and online overload courses as provided for in this section from the moneys appropriated for this purpose.

(a) The student and parent agree that the student shall take and successfully complete dual credit or professional-technical education courses for at least a portion of the student's courses during the eleventh and/or twelfth grade years. Funding for this requirement will not be provided by the "8 in 6 Program."

(b) The student and parent agree that the student shall take and successfully complete at least one (1) summer online or online overload course and a full course load of ~~at least fourteen (14) credits per school year.~~

(c) The state shall pay the lesser of the actual cost or two hundred twenty-five dollars (\$225) per one (1) credit summer online course or one (1) credit online overload course taken in this program. ~~Provided however, that moneys shall not be paid for Idaho digital learning academy (IDLA) enrollments funded pursuant to section 33-1626, Idaho Code.~~

(d) The state shall pay for no more than two (2) credits of online overload courses per student per school year. The state shall pay for no more than two (2) credits of summer online courses per student per summer. The state shall pay for no more than a combined total of four (4) credits of summer online or online overload courses per student per year. The state shall pay for no more than a combined total of eight (8) credits of summer online and online overload courses per student during such student's participation in the program.

(3) Participation in this program shall be limited to no more than ten percent (10%) of students in each grade 7 through 12. Such limitation shall be applied initially on a school district-by-school district, grade-by-grade basis. If any grades do not fully utilize their available participation slots, the school district shall reallocate said participation slots to those grades in which more than ten percent (10%) of the students have applied for participation in the program. If any school districts do not fully utilize their available participation slots by July 1, the state department of education shall reallocate said participation slots to those districts in which more than ten percent (10%) of the students have applied for participation in the program. Students accepted into the program shall remain in the program from year to year unless they sign a withdrawal form developed by the state department of education. If a participating student transfers from one (1) school district to another, such student shall remain enrolled in the program, the ten percent (10%) participation limitation of the student's new school district notwithstanding. The state department of education shall maintain a list of participants.

(a) If the number of students applying for participation in the "8 in 6 Program" exceeds the number of participation slots available in the school district, the school district shall establish participation preference criteria. Such criteria shall include students who have successfully completed at least one (1) online course prior to participating in the program, and may include any of the following:

- (i) Grade point average;
- (ii) State-mandated summative achievement test results;
- (iii) Other school district administered student assessments.

(b) If a student participating in the program fails to complete with a grade of "C" or better one (1) or more summer online or online overload courses while in the program, the student must pay for and successfully complete a summer online or online overload course with a grade of "C" or better before continuing in the program.

(4) Procedures for participating in the "8 in 6 Program" include the following: The school district shall make reasonable efforts to ensure that any student who considers participating in the program considers the challenges and time necessary to succeed in the program. Such efforts by the district shall be performed prior to a student participating in the program.

(5) Eligible courses. To qualify as an eligible course for the program, the course must be one in which a majority of the instruction is provided electronically, and it must be offered by a provider accredited by the organization that accredits Idaho high schools or an organization whose accreditation of providers is recognized by the organization that accredits Idaho high schools. ~~Dual credit, advanced placement and concurrent enroll-~~

~~ment courses are not eligible under this program.~~ Parents of participating students may enroll their child in any eligible course, with or without the permission of the school district in which the student is enrolled, up to the course enrollment limits provided for in subsection (2) (d) of this section. School district personnel shall assist parents in the process of enrolling students in such courses. Each participating student's transcript at the school district at which the student is enrolled shall include the credits earned and grades received by the student for any online courses taken pursuant to this section.

(6) The state board of education is hereby authorized to promulgate rules to implement the provisions of this section.

(7) Definitions:

(a) "8 in 6 Program" means the two (2) years of junior high, the four (4) years of high school and the first two (2) years of college or professional-technical preparation that normally take eight (8) years to complete are compressed into six (6) years by taking full course loads during the school year and one (1) or two (2) online courses during the summer or as online overload courses.

(b) "Credit" means middle or high school credit.

(c) "Full course load" means no fewer than twelve (12) credits per school year for grades 7-8, no fewer than fourteen (14) credits per school year for grades 9-12 for summer online course eligibility purposes, and the maximum number of courses offered by the student's school during the school day per school year for online overload course eligibility purposes.

(ed) "Overload course" means a course taken that is in excess of or more than the number of courses taken in the normal school day as a normal school day is defined for fractional average daily attendance purposes by the state department of education.

(de) "Parent" means parent or parents or guardian or guardians.

(ef) "School district" means an Idaho school district or a public charter school that provides education to any grades 7-12.

(fg) "School year" means the normal school year that begins upon the conclusion of the break between grades and ends upon the beginning of the same break of the following year.

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 March 26, 2014

CHAPTER 263

(S.B. No. 1240, As Amended)

AN ACT

RELATING TO THE IDAHO DNA DATABASE ACT OF 1996; AMENDING SECTION 19-5506, IDAHO CODE, TO PROVIDE THAT ABSENT CONSENT OR A WARRANT AUTHORIZING DNA COLLECTION BASED UPON PROBABLE CAUSE, NO PERSON SHALL BE REQUIRED TO PROVIDE A DNA SAMPLE UNLESS THE PERSON HAS BEEN CONVICTED OF, OR PLEADS GUILTY TO, ANY FELONY CRIME OR THE ATTEMPT TO COMMIT ANY FELONY CRIME.

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

SECTION 1. That Section 19-5506, Idaho Code, be, and the same is hereby amended to read as follows:

19-5506. SCOPE OF LAW -- OFFENDERS SUBJECT TO SAMPLE COLLECTION -- EARLY COLLECTION OF SAMPLES -- RESTITUTION. (1) Any person, including any juvenile tried as an adult, who is convicted of, or pleads guilty to, any felony crime, or the attempt to commit any felony crime, regardless of the form of judgment or withheld judgment, and regardless of the sentence imposed or disposition rendered, shall be required to provide to the Idaho state police, a DNA sample and a right thumbprint impression.

(2) Absent consent or a warrant authorizing DNA collection based upon probable cause, no person shall be required to provide a DNA sample unless the person has been convicted of, or pleads guilty to, any felony crime or the attempt to commit any felony crime.

(3) This chapter's requirements for submission to tests and procedures for obtaining a DNA sample and thumbprint impression from the persons who are convicted of, or who plead guilty to, any felony crime or the attempt to commit any felony crime are mandatory and apply to those persons convicted of, or who plead guilty to, such felony crimes or the attempt to commit such felony crimes covered in this chapter prior to its effective date, and who, as a result of the conviction or plea, are incarcerated in a county jail facility or a penal facility or are under probation or parole supervision after the effective date of this chapter.

(34) The collection of samples and impressions specified in this chapter are required regardless of whether the person previously has supplied a DNA sample to law enforcement agencies in any other jurisdiction.

(45) The requirements of this chapter are mandatory and apply regardless of whether a court advises a person that samples and impressions must be provided to the databank and database as a condition of probation or parole.

(56) Unless the court determines that an order of restitution would be inappropriate or undesirable, it shall order any person subject to the provisions of this section to pay restitution to help offset costs incurred by law enforcement agencies for the expense of DNA analysis.

(67) The court may order such person to pay restitution for DNA analysis in an amount not to exceed five hundred dollars (\$500) per DNA sample analysis, or in the aggregate not more than two thousand dollars (\$2,000), regardless of whether:

- (a) The source of the sample is the person, the victim or other persons of interest in the case;
 - (b) Results of the analysis are entered into evidence in the person's criminal case;
 - (c) The DNA sample was previously analyzed for another criminal case;
- or
- (d) Restitution for that DNA sample analysis was ordered in any other criminal case.

(78) Law enforcement agencies entitled to restitution under this section include the Idaho state police, county and city law enforcement agencies, the office of the attorney general, county prosecuting attorneys and city attorneys.

(89) In the case of reimbursement for DNA analysis performed by the Idaho state police, those moneys shall be paid to the Idaho state police and deposited in the law enforcement fund. In the case of reimbursement to the office of the attorney general, those moneys shall be paid to the general fund.

(910) Persons who have been sentenced to death, or life without the possibility of parole, or to any life or indeterminate term are not exempt from the requirements of this chapter.

CHAPTER 264
(S.B. No. 1249)

AN ACT

RELATING TO PROBATE; AMENDING SECTION 15-3-108, IDAHO CODE, TO PROVIDE THAT CERTAIN TIME LIMITATIONS FOR COMMENCEMENT OF PROCEEDINGS AND SPECIFIED LIMITATIONS SHALL NOT APPLY TO THE COLLECTION OF PERSONAL PROPERTY BY AFFIDAVIT OR THE SUMMARY ADMINISTRATION OF ESTATES IN WHICH A SURVIVING SPOUSE IS THE SOLE BENEFICIARY AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 15-3-108, Idaho Code, be, and the same is hereby amended to read as follows:

15-3-108. PROBATE -- TESTACY AND APPOINTMENT PROCEEDINGS -- ULTIMATE TIME LIMIT. No informal probate or appointment proceeding or formal testacy or appointment proceeding, other than a proceeding to probate a will previously probated at the testator's domicile and appointment proceedings relating to an estate in which there has been a prior appointment or proceedings under section 15-3-1201, Idaho Code, or section 15-3-1205, Idaho Code, may be commenced more than three (3) years after the decedent's death, except:

(1) ~~±~~If a previous proceeding was dismissed because of doubt about the fact of the decedent's death, appropriate probate, appointment or testacy proceedings may be maintained at any time thereafter upon a finding that the decedent's death occurred prior to the initiation of the previous proceeding and the applicant or petitioner has not delayed unduly in initiating the subsequent proceeding;

(2) ~~a~~Appropriate probate, appointment or testacy proceedings may be maintained in relation to the estate of an absent, disappeared or missing person for whose estate a conservator has been appointed, at any time within three (3) years after the conservator becomes able to establish the death of the protected person; and

(3) ~~a~~A proceeding to contest an informally probated will and to secure appointment of the person with legal priority for appointment in the event the contest is successful, may be commenced within the later of twelve (12) months from the informal probate or three (3) years from the decedent's death.

These limitations do not apply to proceedings to construe probated wills or determine heirs of an intestate or to proceedings under section 15-3-1201, Idaho Code, or section 15-3-1205, Idaho Code. In cases under subsection (1) or (2) of this section, the date on which a testacy or appointment proceeding is properly commenced shall be deemed to be the date of the decedent's death for purposes of other limitations provisions of this code which relate to the date of death.

Approved March 26, 2014

CHAPTER 265
(S.B. No. 1260)

AN ACT

RELATING TO HAZARDOUS WASTE MANAGEMENT; AMENDING SECTION 39-4403, IDAHO CODE, TO REVISE THE DEFINITION OF "RESTRICTED HAZARDOUS WASTE."

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

SECTION 1. That Section 39-4403, Idaho Code, be, and the same is hereby amended to read as follows:

39-4403. DEFINITIONS. As used in this chapter:

- (1) "Board" means the Idaho board of environmental quality.
- (2) "Commercial hazardous waste facility or site" means any hazardous waste facility whose primary business is the treatment, storage or disposal, for a fee or other consideration, of hazardous waste generated offsite by generators other than the owner and operator of the facility.
- (3) "Department" means the Idaho department of environmental quality.
- (4) "Director" means the director of the Idaho department of environmental quality or the director's authorized agent.
- (5) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- (6) "Gate ton" means the weight, in tons (2,000 pounds/ton), of waste material received at a facility. This weight does not include any subsequent changes to the weight resulting from the management of the waste by the facility.
- (7) "Generator" means any person, who by virtue of ownership, management, or control, is responsible for causing or allowing to be caused the creation of a hazardous waste.
- (8) "Hazardous waste" means a waste or combination of wastes of a solid, liquid, semisolid, or contained gaseous form which, because of its quantity, concentration or characteristics (physical, chemical or biological) may:
 - (a) Cause or significantly contribute to an increase in deaths or an increase in serious, irreversible or incapacitating reversible illnesses; or
 - (b) Pose a substantial threat to human health or to the environment if improperly treated, stored, disposed of, or managed. Such wastes include, but are not limited to, materials which are toxic, corrosive, ignitable, or reactive, or materials which may have mutagenic, teratogenic, or carcinogenic properties but do not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to national pollution discharge elimination system permits under the federal water pollution control act, as amended, 33 U.S.C., section 1251 et seq., or source, special nuclear, or byproduct material as defined by the atomic energy act of 1954, as amended, 42 U.S.C., section 2011 et seq.
- (9) "Hazardous waste management" means the systematic control of the collection, source separation, storage, treatment, transportation, processing, and disposal of hazardous wastes.
- (10) "Hazardous waste facility or site" means any property, structure, or ancillary equipment intended or used for the transportation, treatment, storage or disposal of hazardous wastes.
- (11) "Injection" means the subsurface emplacement of free liquids.

(12) "Manifest" means a form used for identifying the quantity, composition, origin, routing, waste identification code(s), and destination of hazardous waste during any transportation from the point of generation to the point of treatment, storage or disposal.

(13) "Manifested waste" means waste which at the point of origin or generation is required to be manifested for transportation in a manner similar to that of the federal uniform hazardous waste manifest or by other manifest requirements designed to assure proper treatment, storage and disposal of such waste.

(14) "PCB waste" means any waste or waste item which is not included in the definition of "hazardous waste" and which is contaminated with polychlorinated biphenyls.

(15) "Person" means any individual, association, partnership, firm, joint stock company, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency, or instrumentality, or any other legal entity which is recognized by law as the subject of rights and duties.

(16) "RCRA" means the resource conservation and recovery act of 1976 as amended from time to time.

(17) "Restricted hazardous waste" means a waste or combination of wastes regulated as land disposal restricted pursuant to federal statutes and regulations, including 40 CFR part 268. Restricted hazardous waste also includes byproduct, ~~except as provided below,~~ source, special nuclear materials or devices or equipment, ~~except as provided below,~~ utilizing such materials regulated under the federal atomic energy act of 1954, as amended. Restricted hazardous waste shall not include radiologically contaminated waste materials from "Formerly Utilized Sites Remedial Action Program (FUSRAP)" sites administered by the United States army corps of engineers ~~and being disposed of pursuant to a contract in existence on July 1, 2001, and as may be renewed thereafter, or byproduct materials or devices or equipment utilizing such materials that are authorized by the United States nuclear regulatory commission pursuant to the federal energy policy act of 2005, or materials that have been exempted or released from radiological control or regulation under the atomic energy act of 1954, as amended,~~ to be disposed of in a commercial hazardous waste facility as regulated pursuant to the rules, permit requirements and acceptance criteria provided for by this chapter.

(18) "Storage" means the containment of hazardous wastes, on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous wastes.

(19) "Transportation" means the movement of any hazardous waste to or from a hazardous waste facility or site.

(20) "Transporter" means any person who transports a hazardous waste to or from a hazardous waste facility or site.

(21) "Treatment" means any method, technique, or process, including neutralization, which is designed not to be an integral part of a production process, but which is rather designed to change the physical, chemical, or biological character or composition of any hazardous waste prior to storage or final disposal so as to neutralize such waste or so as to render such waste nonhazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

(22) "Waste" means any solid, semisolid, liquid or contained gaseous material for which no reasonable use or reuse is intended or which is intended to be discarded.

CHAPTER 266
(S.B. No. 1276)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO REVISE THE DEFINITION OF "QUALIFIED ORGANIZATION" FOR THE PURPOSE OF ISSUANCE OF FREE BIG GAME PERMITS AND TAGS TO MILITARY VETERANS WITH DISABILITIES TO INCLUDE CERTAIN NONPROFIT ORGANIZATIONS THAT ARE QUALIFIED UNDER SECTION 501(c)(4) OF THE INTERNAL REVENUE CODE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 36-408, Idaho Code, be, and the same is hereby amended to read as follows:

36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS LIMITED -- OUTFITTERS SET-ASIDE. (1) Tags and Permits -- Method of Use. The commission is hereby authorized to prescribe the number and kind of wildlife that may be taken under authority of the several types of tags and permits provided for in this title, and the manner in which said tags and permits shall be used and validated.

(2) Limit -- Licenses, Tags or Permits -- Controlled Hunts. The commission is hereby authorized to establish a limit annually as to the number of each kind and class of licenses, tags, or permits to be sold or issued and is further authorized to limit the number or prohibit entirely, the participation by nonresidents in controlled hunts.

(3) Outfitters Set-Aside. When the commission establishes a limit as to the number of nonresident deer tags and nonresident elk tags, it shall set aside annually a maximum of twenty-five percent (25%) of the nonresident deer tag and nonresident elk tag limit. The set-aside tags shall be sold pursuant to commission rule, only to persons that have entered into an agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

In order for a person to purchase any set-aside nonresident deer tag or nonresident elk tag, that person's outfitter must submit an application with the proper fees as required by the director. If any nonresident deer tags or nonresident elk tags set aside pursuant to this subsection are unsold by July 1 of the year in which they were set aside, they may be sold by the department to the general public who are nonresidents. The commission may promulgate all necessary rules to implement the provisions of this subsection.

(4) Deer and Elk Tag Allocation. If the commission limits the number of deer or elk tags available for use in any game management area, unit or zone, the commission may allocate by rule a number of deer or elk tags for use by hunters that have entered into an agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

(5) Special Game Tags. The commission is hereby authorized to issue two (2) special bighorn sheep tags per year.

(a) Auction bighorn sheep tag. One (1) special bighorn sheep tag shall be auctioned off by an incorporated nonprofit organization dedicated to wildlife conservation, selected by the commission. The tag shall be issued by the department of fish and game to the highest eligible bidder. No more than five percent (5%) of all proceeds for the tag may be retained by the organization. The tag to be issued pursuant to this subsection shall be taken from the nonresident bighorn sheep tag quota. The net proceeds shall be forwarded to the director for deposit in the fish and game expendable trust account and shall be used for bighorn

sheep research and management purposes. Moneys raised pursuant to this subsection may not be used to transplant additional bighorn sheep into that portion of southwest Idaho south of the Snake River and west of U.S. highway no. 93, nor for litigation or environmental impact statements involving bighorn sheep. No transplants of bighorn sheep accomplished with moneys raised pursuant to this subsection shall occur in any area until hearings are conducted in the area. Provided however, that none of the proceeds generated from the auction of bighorn sheep tags pursuant to this paragraph be used to purchase or acquire private property or federally managed grazing permits, nor shall any proceeds generated be used for matching funds for the purchase of private property or the retirement or the acquisition of federally managed grazing permits.

(b) Lottery bighorn sheep tag. The commission is also authorized to issue one (1) special bighorn sheep tag, which will be disposed of by lottery. The lottery permit can be marketed by the department of fish and game or a nonprofit organization dedicated to wildlife conservation selected by the commission. The tag will be issued by the department of fish and game to an eligible person drawn from the lottery provided in this subsection. No more than twenty-five percent (25%) of gross revenue can be retained for administrative costs by the organization. All net proceeds for the tag disposed of by lottery pursuant to this subsection shall be remitted to the department and deposited in the fish and game expendable trust account. Moneys in the account from the lottery bighorn sheep tag shall be utilized by the department in solving problems between bighorn sheep and domestic sheep, solving problems between wildlife and domestic animals or improving relationships between sportsmen and private landowners.

(6) Issuance of Free Permit or Tag to Minor Children with Life-Threatening Medical Conditions. Notwithstanding any other provision of law, the commission may issue free big game permits or tags to minor children who have life-threatening medical conditions that have been certified eligible by a qualified organization. The commission may prescribe by rule the manner and conditions of issuing and using the permits or tags authorized under this subsection ~~(6)~~. For purposes of this subsection, ~~(6)~~ a "qualified organization" means a nonprofit organization that is qualified under section 501(c)(3) of the Internal Revenue Code and that affords opportunities and experiences to minor children with life-threatening medical conditions.

(7) Issuance of Free Permit or Tag to Military Veterans with Disabilities. Notwithstanding any other provision of law, the commission may issue free big game permits or tags to disabled military veterans who have been certified eligible by a qualified organization. The commission may prescribe by rule the manner and conditions of issuing and using the permits or tags authorized under this subsection ~~(7)~~. For purposes of this subsection ~~(7)~~, a "qualified organization" means a governmental agency that assists veterans or a nonprofit organization that is qualified under section 501(c)(3), 501(c)(4) or section 501(c)(19), of the Internal Revenue Code and that affords opportunities, experiences and assistance to disabled veterans.

(8) Special Wolf Tags. The commission is hereby authorized to issue up to ten (10) special auction or lottery tags for hunting wolves. Special wolf tags will be auctioned off or made available through lottery by incorporated nonprofit organizations dedicated to wildlife conservation and selected by the director. No more than five percent (5%) of all proceeds for each tag may be retained by the nonprofit organization for administrative costs involved. Each wolf tag shall be issued by the department of fish and game and awarded to the highest eligible bidder or winner of a lottery. Each tag will be good for the harvest of one (1) wolf pursuant to commission rule. The pro-

ceeds from each tag will be sent to the director to be placed in the department general license fund.

(9) Special Big Game Auction Tags -- Governor's Wildlife Partnership Tags. The commission is hereby authorized to issue special big game auction tags hereafter named and referred to as "Governor's wildlife partnership tags" for hunting designated species on dates and in areas designated by the commission. To enhance and sustain the value of Idaho's wildlife, up to three (3) tags per species per year may be issued for deer, elk and pronghorn antelope, one (1) tag per year may be issued for moose, and one (1) tag per species per year may be issued for mountain goat and bighorn sheep. Each tag will be signed by the governor of Idaho prior to auction to the public and be available to either residents or nonresidents of Idaho. Governor's wildlife partnership tags issued for deer, elk, pronghorn antelope and moose pursuant to this subsection shall be taken from the nonresident controlled hunt programs for these species adopted by the fish and game commission. Governor's wildlife partnership tags issued for mountain goat and bighorn sheep shall be taken from the nonresident mountain goat and bighorn sheep quota. Governor's wildlife partnership tags shall be auctioned off by incorporated nonprofit organizations dedicated to wildlife conservation and selected by the director. No more than five percent (5%) of all proceeds from each tag sale may be retained by the nonprofit organization for administrative costs involved, including in the event a tag is redonated and reauctioned. Each tag shall be issued by the department of fish and game and awarded to the highest eligible bidder. Each tag shall be good for the harvest of one (1) big game animal pursuant to commission rule consistent with the provisions of this subsection. The proceeds from each tag shall be sent to the director to be allocated up to thirty percent (30%) for sportsmen access programs, such as access yes, and the balance for wildlife habitat projects, wildlife management projects to increase the quantity and quality of big game herds, and other research and management activities approved by the commission. Provided however, that none of the proceeds generated from the auctions pursuant to the provisions of this subsection shall be used to purchase or acquire private property or federally managed grazing permits, nor shall any proceeds generated be used for matching funds for the purchase of private property or the retirement or the acquisition of federally managed grazing permits. Moneys raised pursuant to this subsection may not be used to transplant additional bighorn sheep into that portion of southwest Idaho south of the Snake River and west of U.S. highway no. 93, nor for litigation or environmental impact statements involving bighorn sheep.

Approved March 26, 2014

CHAPTER 267
(S.B. No. 1278)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-407, IDAHO CODE, TO REVISE NONRESIDENT DISABLED AMERICAN VETERAN LICENSE PROVISIONS TO ALLOW CERTAIN PERSONS TO HUNT, PURCHASE TAGS AND FISH PURSUANT TO SPECIFIED PROVISIONS, TO PROVIDE AN EXCEPTION RELATING TO FISHING, TO PROVIDE THAT CERTAIN NONRESIDENTS MAY BE ISSUED LICENSES TO FISH FOR THREE CONSECUTIVE DAYS EACH LICENSE YEAR PURSUANT TO SPECIFIED PROVISIONS, TO PROVIDE AN EXCEPTION RELATING TO FISHING AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 36-416, IDAHO CODE, TO REVISE FEE PROVISIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-407, Idaho Code, be, and the same is hereby amended to read as follows:

36-407. NONRESIDENT COMBINATION, FISHING, HUNTING, AND TRAPPING LICENSES -- FEES -- RIGHTS UNDER. Licenses of the sixth class shall be issued to nonresidents in the several kinds and for fees as follows:

(a) Nonresident Hunting With Three Day Fishing License. A license issued only to a person twelve (12) years of age or older entitling said person to hunt game animals, game birds and unprotected and predatory wildlife and to purchase game tags as provided in section 36-409(b), Idaho Code, and to fish in the waters of the state for a period of three (3) consecutive days for any fish during an open season for those fish, excluding steelhead trout and anadromous salmon. Provided, that a license may be issued to qualified persons who are eleven (11) years of age to allow the application for a controlled hunt tag; however, said persons shall not hunt until they are twelve (12) years of age. A license of this kind may be had upon payment of a fee as specified in section 36-416, Idaho Code.

(b) Nonresident Season Fishing License. A license entitling a person to fish in the public waters of the state. A license of this kind may be had upon payment of a fee as specified in section 36-416, Idaho Code.

(c) Nonresident Trapping License. A license entitling a person to trap wolves, fur-bearing, unprotected and predatory wildlife. A license of this kind may be had upon payment of a fee as specified in section 36-416, Idaho Code, providing the state of residence of said person grants similar trapping license privileges to residents of Idaho.

(d) Nonresident Nongame License. A nonresident nongame license to hunt is a license entitling a person to hunt unprotected birds and animals and predatory wildlife of this state. A license of this kind may be had by a nonresident person who is twelve (12) years of age or older upon payment of a fee as specified in section 36-416, Idaho Code.

(e) Nonresident Small Game Hunting License. A license issued only to a person twelve (12) years of age or older, entitling the person to hunt upland game birds (to include turkeys), migratory game birds, upland game animals, huntable fur-bearing animals, and unprotected and predatory wildlife of this state. A person holding this license shall purchase the appropriate required tags and permits, and may not hunt pheasants in an area during the first five (5) days of the pheasant season in that area. A license of this type may be had upon payment of a fee as specified in section 36-416, Idaho Code.

(f) Falconry Meet Permit. The director may issue a special permit for a regulated meet scheduled for a specific number of days upon payment of a fee as specified in section 36-416, Idaho Code. Only trained raptors may be used under the special permit issued under the provisions of this subsection.

(g) Daily Fishing License -- Resident May Purchase. A license entitling a person to fish in the waters of the state on a day-to-day basis. A license of this kind may be had by a resident or nonresident person (the provisions of section 36-405, Idaho Code, notwithstanding), upon payment of a fee as specified in section 36-416, Idaho Code, for the first effective day and a fee as specified in section 36-416, Idaho Code, for each consecutive day thereafter.

(h) Nonresident Three Day Fishing License with Steelhead or Salmon Permit. A license entitling a nonresident to fish in the waters of the state for a period of three (3) consecutive days for any fish, including steelhead trout or anadromous salmon during an open season for those fish may be had upon payment of a fee as specified in section 36-416, Idaho Code. The three (3) day license holder may fish for any species of fish, steelhead trout and anadromous salmon subject to the limitations prescribed in rules promulgated by the commission. A nonresident may purchase as many of the licenses

provided in this subsection as he desires provided that the nonresident is otherwise eligible to do so.

(i) Nonresident Junior Fishing License. A license entitling a nonresident who is less than eighteen (18) years of age to fish in the waters of this state may be had upon payment of a fee as specified in section 36-416, Idaho Code.

(j) Nonresident Combination Licenses. A license entitling the person to hunt and fish for game animals, game birds, fish and unprotected and predatory wildlife of the state and to purchase game tags as provided in section 36-409(b), Idaho Code, may be had by a person twelve (12) years of age or older upon payment of a fee as specified in section 36-416, Idaho Code. A license may be issued to a qualified person who is eleven (11) years of age to allow the application for a controlled hunt tag; however, the person shall not hunt until he is twelve (12) years of age.

(k) Nonresident Junior Mentored Hunting License. A license entitling a nonresident between ten (10) and seventeen (17) years of age, inclusive, to hunt big game animals, upland game birds (including turkeys), migratory game birds, upland game animals, huntable furbearing animals and unprotected and predatory wildlife of this state only when accompanied in the field by the holder of an adult Idaho hunting license. A person holding this license shall purchase the appropriate required tags as provided in section 36-409(b), Idaho Code, and permits. Provided, that a license may be issued to qualified persons who are nine (9) years of age to allow the application for a controlled hunt turkey permit; however, said persons shall not hunt until they are ten (10) years of age. Persons with a nonresident junior mentored hunting license who are ten (10) or eleven (11) years of age shall not hunt big game animals. A license of this kind may be had upon payment of a fee as specified in section 36-416, Idaho Code.

~~(l) Nonresident Disabled American Veteran Hunting with Three Day Fishing License. A license entitling a person to participate in a hunt in association with a qualified organization. "Qualified organization," as used in association with these licenses, shall be as defined in section 36-408(7), Idaho Code with a service-connected veterans disability benefit with forty percent (40%) or more disability to hunt game animals, game birds and unprotected and predatory wildlife and to purchase game tags provided in section 36-409(b), Idaho Code, and to fish in the waters of the state for a period of three (3) consecutive days for any fish during an open season for those fish, excluding steelhead trout and anadromous salmon.~~

~~(em) Nonresident Hunting License -- Three Year. A license issued only to a person twelve (12) years of age or older entitling said person to hunt game birds, game animals, unprotected and predatory wildlife and to purchase game tags as provided in section 36-409(b), Idaho Code, and to fish in the waters of the state for a period of three (3) consecutive days in each license year for any fish during an open season for those fish, excluding steelhead trout and anadromous salmon. Provided, that a license may be issued to qualified persons who are eleven (11) years of age to allow the application for a controlled hunt tag; however, said persons shall not hunt until they are twelve (12) years of age. A license of this kind may be had upon payment of three (3) times the fee as specified in section 36-416, Idaho Code. The expiration date for said license shall be December 31 of the third year following the date of issuance.~~

~~(pn) Nonresident Season Fishing License -- Three Year. A license entitling a person to fish in the public waters of the state. A license of this kind may be had upon payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a fishing license. The expiration date for said license shall be December 31 of the third year following the date of issuance.~~

~~(qo) Nonresident Combination Licenses -- Three Year. A license entitling the person to hunt and fish for game animals, game birds, fish and un-~~

protected and predatory wildlife of the state may be had by a person twelve (12) years of age or older upon payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a combined hunting and fishing license. A license may be issued to a qualified person who is eleven (11) years of age to allow the application for a controlled hunt tag; however, the person shall not hunt until he is twelve (12) years of age. The expiration date for said license shall be December 31 of the third year following the date of issuance.

(p) Nonresident Junior Mentored Hunting License -- Three Year. A license entitling a nonresident between ten (10) and seventeen (17) years of age, inclusive, to hunt game animals, upland game birds (including turkeys), migratory game birds, and unprotected and predatory wildlife of this state only when accompanied in the field by the holder of an adult Idaho hunting license. A person holding this license shall purchase the appropriate required tags as provided in section 36-409(b), Idaho Code, and permits. Provided, that a license may be issued to qualified persons who are nine (9) years of age to allow the application for a controlled hunt turkey permit; however, said persons shall not hunt until they are ten (10) years of age. A license of this kind may be had upon payment of three (3) times the fee as specified in section 36-416, Idaho Code, for a junior mentored hunting license. The expiration date for said license shall be December 31 of the third year following the date of issuance.

SECTION 2. That Section 36-416, Idaho Code, be, and the same is hereby amended to read as follows:

36-416. SCHEDULE OF LICENSE FEES. As used in this section, "N/A" means "not available."

(a) Sport Licenses

License	Resident	Non-Resident
Combination License	\$ 31.75	\$ 238.25
Hunting License	11.00	N/A
Hunting License with 3 Day Fishing License	N/A	153.00
Fishing License	24.00	96.50
Sr. Combination License (65 and Older)	10.00	N/A
Sportsman's Pak License	114.65	N/A
Jr. Combination License	15.75	N/A
Jr. Hunting License	5.50	N/A
Jr. Mentored Hunting License <u>or Disabled American Veteran Hunting License with 3 Day Fishing License</u>	N/A	30.00
Jr. Fishing License	12.00	20.00
Disabled Combination License	3.25	N/A

Disabled Fishing License	3.25	N/A
Disabled Hunting License	N/A	3.25
Military Furlough Combination License	15.75	N/A
Military Furlough Fishing License	15.75	N/A
Small Game Hunting License	N/A	96.00
3 Day Small Game Hunting License	N/A	33.75
Daily Fishing (1st-day) License	9.75	11.00
Consecutive Day Fishing License	5.00	6.00
3 Day Fishing with Salmon/Steelhead Permit	N/A	35.75
Nongame Hunting License	N/A	33.75

~~For purposes of this subsection, disabled hunting licenses provided to non-residents shall be limited to nonresident disabled American veterans participating in a hunt in association with a qualified organization. "Qualified organization," as used in association with these licenses, shall be as defined in section 36-408(7), Idaho Code.~~

(b) Sport Tags

Deer Tag	\$ 18.00	\$ 300.00
Controlled Hunt Deer Tag	18.00	300.00
Jr. or Sr. or Disabled American Veteran Deer Tag	9.00	9.00 <u>N/A</u>
Jr. Mentored <u>or</u> <u>Disabled American Veteran</u> Deer Tag	N/A	22.00
Elk A Tag	29.00	415.00
Elk B Tag	29.00	415.00
Controlled Hunt Elk Tag	29.00	415.00
Jr. or Sr. or Disabled American Veteran Elk Tag	14.75	14.75 <u>N/A</u>
Jr. Mentored <u>or</u> <u>Disabled American Veteran</u> Elk Tag	N/A	38.00
Bear Tag	9.75	184.25
Jr. or Sr. or Disabled American Veteran Bear Tag	5.00	5.00 <u>N/A</u>

Jr. Mentored orDisabled American Veteran

Bear Tag	N/A	22.00
Turkey Tag	18.00	78.25
Jr. or Sr. or Disabled American Veteran Turkey Tag	9.00	9.00 <u>N/A</u>

Jr. Mentored orDisabled American Veteran

Turkey Tag	N/A	18.00
Mountain Lion Tag	9.75	184.25
Gray Wolf Tag	9.75	184.25
Antelope Tag	29.50	310.00
Moose Tag	165.00	2,100.00
Sheep Tag	165.00	2,100.00
Goat Tag	165.00	2,100.00
Sandhill Crane Tag	18.00	65.75

For purposes of this subsection, ~~Jr. or Sr. or~~ disabled American veteran tags provided to nonresidents shall be limited to holders of a nonresident disabled American veterans participating in a hunt in association with a qualified organization. "Qualified organization," as used in association with these tags, shall be as defined in section 36-408(7), Idaho Code hunting license.

(c) Sport Permits

Bear Baiting Permit	\$ 11.00	\$ 30.00
Hound Hunter Permit	11.00	168.00
WMA Upland Game Bird Permit	22.00	50.00
Archery Permit	16.50	18.25
Muzzleloader Permit	16.50	18.25
Salmon Permit	11.00	24.00
Steelhead Permit	11.00	24.00
Federal Migratory Bird Harvest Info. Permit	0.00	3.00
Disabled Archery Permit	0.00	0.00
2-Pole Fishing Permit	12.00	13.75
Turkey Controlled Hunt Permit	6.00	6.00
Sage/Sharptail Grouse Permit	3.00	3.00
Disabled Hunt Motor Vehicle Permit	0.00	0.00

(d) Commercial Licenses and Permits

Raptor Captive Breeding

Permit	\$ 65.75	\$ 78.75
Falconry Permit	27.25	N/A
Falconry Capture Permit	N/A	168.00
Jr. Trapping License	5.50	N/A
Trapping License	25.00	300.00
Taxidermist-Fur Buyer License		
5 year license	175.00	N/A
1 year license	38.25	168.25
Shooting Preserve Permit	329.75	N/A
Commercial Wildlife Farm		
License	137.50	N/A
Commercial Fishing License	110.00	265.00
Wholesale Steelhead		
License	165.00	198.25
Retail Steelhead Trout Buyer's		
License	33.00	39.25

(e) Commercial Tags

Bobcat Tag	\$ 3.00	\$ 3.00
Otter Tag	3.00	3.00
Net Tag	55.00	65.75
Crayfish/Minnow Tag	1.25	3.00

(f) Miscellaneous-Other Licenses

Duplicate License	\$ 5.50	\$ 6.50
Shooting Preserve License	11.00	22.00
Captive Wolf License	22.00	N/A

(g) Miscellaneous-Other Tags

Duplicate Tag	\$ 5.50	\$ 6.50
Wild Bird Shooting Preserve		
Tag	5.50	6.50

(h) Miscellaneous-Other Permits-Points-Fees

Falconry In-State Transfer

Permit	\$ 5.50	\$ N/A
Falconry Meet Permit	N/A	26.25
Rehab Permit	3.00	3.00
Educational Fishing Permit	0.00	0.00
Live Fish Importation		
Permit	3.00	3.00
Sport Dog and Falconry Training		
Permit	3.00	3.00

Wildlife Transport Permit	3.00	3.00
Scientific Collection Permit	50.00	50.00
Private Park Permit	21.75	26.25
Wildlife Import Permit	21.75	26.25
Wildlife Export Permit	11.00	13.25
Wildlife Release Permit	11.00	13.25
Captive Wildlife Permit	21.75	26.25
Fishing Tournament Permit	21.75	25.00
Dog Field Trial Permit	33.00	40.00
Live Fish Transport Permit	21.75	26.25
Controlled Hunt Application Fee	4.50	13.00
Fee for Application for the Purchase of Controlled Hunt Bonus or Preference Points	4.50	4.50
Nursing Home Fishing Permit	33.00	N/A

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 26, 2014

CHAPTER 268
(S.B. No. 1303, As Amended)

AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-711A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DELIVERY OF A FORM.

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

SECTION 1. That Section 7-711A, Idaho Code, be, and the same is hereby amended to read as follows:

7-711A. **ADVICE OF RIGHTS FORM -- RIGHTS WHEN CONDEMNING AUTHORITY ACQUIRES PROPERTY.** Whenever a state or local unit of government or a public utility is beginning negotiations to acquire a parcel of real property in fee simple, the condemning authority shall provide the owner of the property a form containing a summary of the rights of an owner of property to be acquired under this chapter. If the condemning authority does not supply the owner of the real property with this form, there will be a presumption that any sale or contract entered into between the condemning authority and the owner was not voluntary and the condemning authority may be held responsible for such relief, if any, as the court may determine to be appropriate considering all of the facts and circumstances. The form shall contain substantially the following:

(1) The (name of entity allowed to use eminent domain proceedings pursuant to chapter 7, title 7, Idaho Code) has the power under the constitution and the laws of the state of Idaho and the United States to take private prop-

erty for public use. This power is generally referred to as the power of "eminent domain" or condemnation. The power can only be exercised when:

- (a) The property is needed for a public use authorized by Idaho law;
- (b) The taking of the property is necessary to such use;
- (c) The taking must be located in the manner which will be most compatible with the greatest public good and the least private injury.

(2) The condemning authority must negotiate with the property owner in good faith to purchase the property sought to be taken and/or to settle with the owner for any other damages which might result to the remainder of the owner's property.

(3) The owner of private property to be acquired by the condemning authority is entitled to be paid for any diminution in the value of the owner's remaining property which is caused by the taking and the use of the property taken proposed by the condemning authority. This compensation, called "severance damages," is generally measured by comparing the value of the property before the taking and the value of the property after the taking. Damages are assessed according to Idaho Code.

(4) The value of the property to be taken is to be determined based upon the highest and best use of the property.

(5) If the negotiations to purchase the property and settle damages are unsuccessful, the property owner is entitled to assessment of damages from a court, jury or referee as provided by Idaho law.

(6) The owner has the right to consult with an appraiser of the owner's choosing at any time during the acquisition process at the owner's cost and expense.

(7) The condemning authority shall deliver to the owner, upon request, a copy of all appraisal reports concerning the owner's property prepared by the condemning authority. Once a complaint for condemnation is filed, the Idaho rules of civil procedure control the disclosure of appraisals.

(8) The owner has the right to consult with an attorney at any time during the acquisition process. In cases in which the condemning authority condemns property and the owner is able to establish that just compensation exceeds the last amount timely offered by the condemning authority by ten percent (10%) or more, the condemning authority may be required to pay the owner's reasonable costs and attorney's fees. The court will make the determination whether costs and fees will be awarded.

(9) The form contemplated by this section shall be deemed delivered by United States certified mail, postage prepaid, addressed to the person or persons shown in the official records of the county assessor as the owner of the property or if hand delivered to such person who acknowledges receipt of the form in writing on the form. A second copy will be attached to the appraisal at the time it is delivered to the owner.

(10) If a condemning authority desires to acquire property pursuant to this chapter, the condemning authority or any of its agents or employees shall not give the owner any timing deadline as to when the owner must respond to the initial offer which is less than thirty (30) days. A violation of the provisions of this subsection shall render any action pursuant to this chapter null and void.

(11) Nothing in this section changes the assessment of damages set forth in section 7-711, Idaho Code.

CHAPTER 269
(S.B. No. 1309, As Amended)

AN ACT

RELATING TO EMINENT DOMAIN PROCEEDINGS; AMENDING SECTION 58-1104, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE AWARD OF CERTAIN COSTS.

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

SECTION 1. That Section 58-1104, Idaho Code, be, and the same is hereby amended to read as follows:

58-1104. UNSUCCESSFUL OR ABANDONED EMINENT DOMAIN PROCEEDING -- AWARD OF LITIGATION EXPENSE. (a) Should the court having jurisdiction of an eminent domain proceeding brought by the department, a political subdivision, or an agency seeking condemnation of an owner's property render judgment that the department, political subdivision, or agency may not acquire the property by condemnation or should the proceeding be abandoned by the department, political subdivision, or agency, the court may award or the department, political subdivision, or agency may pay the owner of the real property such sum as will in the opinion of the court or the department, political subdivision, or agency reimburse such owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceeding.

(b) Should the department, political subdivision or agency amend the project after filing the condemnation complaint and service of the summons and the defendant property owner has actually incurred costs, disbursements, expenses and/or attorney's fees thereafter directly relating to factual or legal issues or damage claims that are rendered moot by such amendment, then upon motion by the defendant property owner prior to judgment the court shall award such sum as will in the opinion of the court reimburse such defendant property owner for his reasonable costs, disbursements and expenses, including reasonable attorney, appraisal and expert fees, actually incurred for generating the evidence rendered moot by reason of the amendment. The parties may stipulate that the factual or legal issues or damage claims are rendered moot by such amendment, or the court may determine such upon submission of affidavits by the parties. Factors for the court to consider demonstrating that the property owner incurred costs that are directly related include, but are not limited to:

(1) Communications, or lack thereof, between the defendant property owner and the department, political subdivision or agency identifying the issues or claims rendered moot or requesting modifications to the project after service of the summons and prior to the time such amendment was made;

(2) Disclosure by the defendant property owner of expert reports, letters or opinions after service of the summons and prior to the time the amendment was made;

(3) Whether the department, political subdivision or agency and the defendant property owner each acted reasonably in negotiations after service of the summons and prior to such amendment; and/or

(4) Whether the claimed costs, disbursements and expenses actually caused the amendment.

Any costs, fees or expenses awarded by the court on such motion shall be paid by the department, political subdivision or agency within sixty (60) days after the court rules on the motion and prior to the conclusion of the case.

If the department, political subdivision or agency and the defendant property owner agree to an amendment as part of a settlement agreement or resolution of a particular issue or claim, the department, political subdivision or agency is not required to pay the defendant property owner's costs incurred relating to said amendment, unless the parties agree to such payment as part of the settlement or resolution of a particular issue or claim.

Approved March 26, 2014

CHAPTER 270
(S.B. No. 1314)

AN ACT

RELATING TO PAYDAY LOANS; AMENDING SECTION 28-46-401, IDAHO CODE, TO REVISE A DEFINITION AND TO ADD A DEFINITION; AMENDING SECTION 28-46-412, IDAHO CODE, TO REMOVE REFERENCE TO WRITTEN NOTICE TO THE BORROWER AND TO PROVIDE THAT A PAYDAY LENDER SHALL NOT MAKE MORE THAN TWO ELECTRONIC REPRESENTMENTS OF A BORROWER'S CHECK; AMENDING SECTION 28-46-413, IDAHO CODE, TO PROVIDE THAT A PAYDAY LOAN SHALL NOT EXCEED TWENTY-FIVE PERCENT OF A BORROWER'S GROSS MONTHLY INCOME, TO PROVIDE THAT A LENDER SHALL OBTAIN INFORMATION ON A BORROWER'S GROSS MONTHLY INCOME AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING CHAPTER 46, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-46-414, IDAHO CODE, TO PROVIDE FOR EXTENDED PAYMENT PLANS AND THE PROVISIONS FOR EXTENDED PAYMENT PLANS; AND AMENDING CHAPTER 46, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-46-415, IDAHO CODE, TO PROVIDE FOR WRITTEN DISCLOSURES TO A BORROWER BEFORE FUNDS ARE DISBURSED.

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

SECTION 1. That Section 28-46-401, Idaho Code, be, and the same is hereby amended to read as follows:

28-46-401. DEFINITIONS. (1) As used in this act, unless the context otherwise requires, "payday loan" means a transaction pursuant to a written agreement between a creditor and the maker of a check whereby the creditor:

- (a) Accepts a check from the maker;
- (b) Agrees to hold the check for a period of time prior to negotiation, deposit or presentment; and
- (c) Pays to the maker of the check the amount of the check, less the fee permitted by this chapter.

(2) Payday loans are regulated consumer credit transactions, and all provisions of the Idaho credit code relating to regulated loans apply to payday loans and to persons engaged in the business of payday loans except for part 3, chapter 46, title 28, Idaho Code.

(3) As used in this section part, "check" refers to a check or the electronic equivalent of a check, including an authorization given by a borrower to a creditor to withdraw an agreed upon amount from any account held by the borrower.

(4) As used in this part, unless the context otherwise requires, "licensee" means a person licensed under this part and all persons required to be licensed under this part.

SECTION 2. That Section 28-46-412, Idaho Code, be, and the same is hereby amended to read as follows:

28-46-412. PAYDAY LOAN PROCEDURES. (1) Each payday loan must be documented in a written agreement signed by the borrower. The loan agreement must include the name of the licensee, the loan date, the principal amount of the loan, and a statement of the total amount of fees charged as a condition of making the loan, expressed both as a dollar amount and as an annual percentage rate (APR).

(2) The maximum principal amount of any payday loan is one thousand dollars (\$1000).

(3) A licensee may charge a fee for each payday loan. Such fee shall be deemed fully earned as of the date of the transaction and shall not be deemed interest for any purpose of law. No other fee or charges may be charged or collected for the payday loan except as specifically set forth in this act.

(4) Each licensee shall conspicuously post in each licensed location a notice of the fees, expressed as a dollar amount per one hundred dollars (\$100), charged for payday loans.

~~(5) Before disbursing funds pursuant to a payday loan, a licensee shall provide written notice to the borrower indicating the following:~~

~~(a) A payday loan is intended to address short-term, not long-term, financial needs.~~

~~(b) The borrower will be required to pay additional fees if the payday loan is renewed rather than paid in full when due.~~

~~(c) The borrower has the right to rescind the payday loan, at no cost, no later than the end of the next business day following the day on which the payday loan is made.~~

~~(6) (a) A payday loan may be made pursuant to a transaction whereby the licensee:~~

~~(i) Accepts a check from a borrower who is the maker of the check; and~~

~~(ii) Agrees not to negotiate, deposit or present the check for an agreed upon period of time and pays to the maker the amount of the check, less the fees permitted by this act.~~

(b) In such a transaction, the licensee may accept only one (1) post-dated check for each loan as security for the loan. Before the licensee may negotiate or present a check for payment, the check shall be endorsed with the actual name under which the licensee is doing business. The borrower shall have the right to redeem the check from the licensee at any time prior to the presentment or deposit of the check by making payment to the licensee of the full amount of the check in cash or immediately available funds.

(7) The amount advanced to the borrower by the licensee in a payday loan may be paid to the borrower in the form of cash, the licensee's business check, a money order, an electronic funds transfer to the borrower's account, or other reasonable electronic payment mechanism, provided however, that no additional fee may be charged to the borrower by a licensee to access the proceeds of the payday loan.

(8) A payday loan may be repaid by the borrower in cash, by negotiation of the borrower's check in a transaction pursuant to subsection (65) of this section or, with the agreement of the licensee, a debit card, a cashier's check, an electronic funds transfer from the borrower's bank account, or any other reasonable electronic payment mechanism to which the parties may agree.

(8) A payday lender shall not make more than two (2) electronic representations of a borrower's check to a depository institution.

SECTION 3. That Section 28-46-413, Idaho Code, be, and the same is hereby amended to read as follows:

28-46-413. PAYDAY LOAN BUSINESS PRACTICES. (1) No licensee or person related to a licensee by common control may have outstanding at any time to a

single borrower a loan or loans with an aggregate principal balance exceeding one thousand dollars (\$1,000), plus allowable fees.

(2) A payday lender shall not make a payday loan that exceeds twenty-five percent (25%) of the gross monthly income of the borrower when the loan is made.

(3) A payday lender shall obtain income information from a borrower consistent with subsection (4) of this section not less than once every twelve (12) months.

(4) A payday lender shall not be in violation of subsection (2) of this section if the borrower presents evidence of his gross monthly income to the payday lender or represents to the payday lender in writing that the payday loan does not exceed twenty-five percent (25%) of the borrower's gross monthly income when the loan is made.

(5) No payday loan shall be repaid by the proceeds of another payday loan made by the same licensee or a person related to the licensee by common control.

(36) If the borrower's check is returned unpaid to the licensee from a payor financial institution, the licensee shall have the right to collect charges authorized by section 28-22-105, Idaho Code, provided such charges are disclosed in the loan agreement. A licensee may not charge treble damages. If the borrower's obligation is assigned to any third party for collection, the provisions of this section shall apply to such third party collector.

(47) A licensee, or person required to be licensed pursuant to this part, shall not threaten a borrower with criminal action as a result of any payment deficit.

(58) No licensee, or person required to be licensed pursuant to this part, shall engage in unfair or deceptive acts, practices or advertising in the conduct of a payday loan business.

(69) A licensee may renew a payday loan no more than three (3) consecutive times, after which the payday loan shall be repaid in full by the borrower. A borrower may enter into a new loan transaction with the licensee at any time after a prior loan to the borrower is completed. A loan secured by a borrower's check is completed when the check is presented or deposited by the licensee or redeemed by the borrower pursuant to section 28-46-412 (65), Idaho Code.

(710) Other than a borrower's check in a transaction pursuant to section 28-46-412 (65), Idaho Code, a licensee shall not accept any property, title to property, or other evidence of ownership as collateral for a payday loan.

(811) A licensee may conduct other business at a location where it engages in payday lending unless it carries on such other business for the purpose of evading or violating the provisions of this act.

(912) A borrower may rescind the payday loan at no cost at any time prior to the close of business on the next business day following the day on which the payday loan was made by paying the principal amount of the loan to the licensee in cash or other immediately available funds.

SECTION 4. That Chapter 46, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-46-414, Idaho Code, and to read as follows:

28-46-414. EXTENDED PAYMENT PLANS. A payday lender shall allow the borrower, upon request, to enter into an extended payment plan that meets the requirements of this section once during any consecutive twelve (12) month period, subject to the following provisions:

(1) A payday lender is not required to enter into an extended payment plan with a borrower more than one (1) time during any consecutive twelve (12) month period.

(2) An extended payment plan shall be in writing and must be executed not later than the day the payday loan is due. The plan shall provide a payment schedule that allows at least four (4) equal payments over a time period of not less than sixty (60) days and shall include the disclosures required under section 28-46-415, Idaho Code.

(3) A borrower's obligations under an extended payment plan shall be not greater than the amount owed under the terms of the original payday loan.

(4) A payday lender shall not charge interest or additional fees as part of an extended payment plan, except as permitted in section 28-46-413(6), Idaho Code. If a borrower defaults under the extended payment plan, the payday lender may terminate the extended payment plan and accelerate the requirement to pay the amount owed.

(5) A payday lender shall not initiate collection activities against a borrower for a payday loan that is subject to an extended payment plan so long as the borrower is in compliance with the terms of the extended payment plan.

SECTION 5. That Chapter 46, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-46-415, Idaho Code, and to read as follows:

28-46-415. DISCLOSURES. Before disbursing funds pursuant to a payday loan, a payday lender shall provide written notice in not less than twelve (12) point bold type and in all capitalized letters to the borrower stating the following:

- "1. Payday loans are intended to address short-term, not long-term, financial needs.
2. You will be required to pay additional fees if the payday loan is renewed rather than paid in full when due.
3. You have the right to rescind the payday loan at no cost no later than the end of the next business day following the day on which the payday loan is made.
4. Payday loans may contain high-cost features, and borrowers should consider alternative lower-cost loans.
5. If you believe that the lender has violated the law, you may file a written complaint with the Idaho Department of Finance. Filing a complaint does not limit nor impair any rights you may have against the lender.
6. You have a one-time right during any consecutive twelve (12) month period to convert a payday loan into an extended payment plan."

Approved March 26, 2014

CHAPTER 271
(S.B. No. 1321)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1004D, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT MAY ACCEPT DATA FOR CERTAIN INSTRUCTIONAL EMPLOYEES HIRED PRIOR TO JANUARY 1 OF EACH YEAR.

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

SECTION 1. That Section 33-1004D, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004D. REPORTING -- IDAHO BASIC EDUCATIONAL DATA SYSTEM. For each employee of the school district, a report shall be made in a format

prescribed by the state superintendent of public instruction, which shall include sufficient identifying information to provide individual verification, education, teaching experience, and other district employment information. The form shall be filed with the state department of education not later than October 15 of each school year. Provided however, that the department may accept data for instructional employees hired prior to January 1 of each year if the position was advertised as open on the school district website prior to October 15, and no qualified applications were received prior to that date.

Approved March 26, 2014

CHAPTER 272
(S.B. No. 1322)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-512, IDAHO CODE, TO ESTABLISH A MINIMUM NUMBER OF INSTRUCTIONAL HOURS FOR ALTERNATIVE SCHOOLS.

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

SECTION 1. 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
<u>Alternative schools</u> <u>(any grades)</u>	<u>900</u>

(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 instruction).

(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 curricular materials 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 and welfare or local health authorities;

(8) To equip and maintain a suitable library or libraries in the school or schools and to exclude therefrom, and from the schools, all books, tracts, papers, and catechisms of sectarian nature;

(9) To determine school holidays. Any listing of school holidays shall include not less than the following: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. Other days listed in section 73-108, Idaho Code, if the same shall fall on a school day, shall be observed with appropriate ceremonies; and any days the state board of education may designate, following the proclamation by the governor, shall be school holidays;

(10) To erect and maintain on each schoolhouse or school grounds a suitable flagstaff or flagpole, and display thereon the flag of the United States of America on all days, except during inclement weather, when the school is in session; and for each Veterans Day, each school in session shall conduct and observe an appropriate program of at least one (1) class period remembering and honoring American veterans;

(11) To prohibit entrance to each schoolhouse or school grounds, to prohibit loitering in schoolhouses or on school grounds and to provide for the removal from each schoolhouse or school grounds of any individual or individuals who disrupt the educational processes or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils. A person who disrupts the educational process or whose presence is detrimental to the morals, health, safety, academic learning or discipline

of the pupils or who loiters in schoolhouses or on school grounds, is guilty of a misdemeanor;

(12) To supervise and regulate, including by contract with established entities, those extracurricular activities which are by definition outside of or in addition to the regular academic courses or curriculum of a public school, and which extracurricular activities shall not be considered to be a property, liberty or contract right of any student, and such extracurricular activities shall not be deemed a necessary element of a public school education, but shall be considered to be a privilege. For the purposes of extracurricular activities, any secondary school located in this state that is accredited by an organization approved through a process defined by the state department of education shall be able to fully participate in all extracurricular activities described in and governed by the provisions of this subsection;

(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 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 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 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. 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 five (5) years. If the district next employing the substitute still elects to require another criminal history check within the five (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) To maintain a safe environment for students by developing a system that cross-checks all contractors 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.

CHAPTER 273
(S.B. No. 1323)

AN ACT

RELATING TO PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND; AMENDING SECTION 33-1009, IDAHO CODE, TO REVISE THE NUMBER OF PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND AND TO PROVIDE THAT THE PAYMENTS SHALL BE MADE BY THE DEPARTMENT OF EDUCATION.

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

SECTION 1. That Section 33-1009, Idaho Code, be, and the same is hereby amended to read as follows:

33-1009. PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND.

1. a. Payments of the state general account appropriation for public school support shall be made each year by the state ~~board~~ department of education to the public school districts of the state in ~~five~~ four (54) payments. Payments to the districts shall be made not later than the fifteenth day of August, ~~the first day of October,~~ the fifteenth day of November, the fifteenth day of February, and the fifteenth day of May each year. The first ~~two~~ (2) payments by the state ~~board~~ department of education shall be approximately ~~thirty~~ fifty percent (35%) of the total general account appropriation for the fiscal year, while the second and third, ~~fourth and fifth~~ payments shall be approximately twenty percent (20%) each, and the fourth payment approximately ten percent (10%) and ~~ten percent (10%),~~ respectively, except as provided for in section 33-5209C, Idaho Code. Amounts apportioned due to a special transfer to the public school income fund to restore or reduce a deficiency in the prior year's transfer pursuant to subsection 4. of this section shall not be subject to this limitation.

b. Payments of moneys, other than the state general account appropriation, that accrue to the public school income fund shall be made by the state ~~board~~ department of education to the school districts of the state on the fifteenth day of November, February, May and July each year. The total amount of such payments shall be determined by the state department of education and shall not exceed the amount of moneys available and on deposit in the public school income fund at the time such payment is made.

c. Amounts apportioned due to a special transfer to the public school income fund to restore or reduce a deficiency in the prior year's transfer pursuant to subsection 4. of this section shall not be subject to the limitation imposed by paragraphs a. and b. of this subsection.

2. Payments made to the school districts in August, ~~October~~ and November are advance payments for the current year and may be based upon payments from the public school income fund for the preceding school year. Each school district may receive its proportionate share of the advance payments in the same ratio that its total payment for the preceding year was to the total payments to all school districts for the preceding year.

3. No later than the fifteenth day of February in each year, the state department of education shall compute the state distribution factor based on the total average daily attendance through the first Friday in November. The factor will be used in payments of state funds in February and May. Attendance shall be reported in a format and at a time specified by the state department of education.

As of the thirtieth day of June of each year the state department of education shall determine final payments to be made on July fifteenth next succeeding to the several school districts from the public school income fund

for the school year ended June 30. The July payments shall take into consideration:

- a. The average daily attendance of the several school districts for the twenty-eight (28) best weeks of the school year completed not later than the thirtieth of June;
- b. All funds available in the public school income fund for the fiscal year ending on the thirtieth of June;
- c. All payments distributed for the current fiscal year to the several school districts;
- d. The adjustment based on the actual amount of discretionary funds per support unit required by the provisions of section 33-1018, Idaho Code;
- e. Payments made or due for the transportation support program and the exceptional education support program. The state department of education shall apportion and direct the payment to the several school districts the moneys in the public school income fund in each year, taking into account the advance made under subsection 2. of this section, in such amounts as will provide in full for each district its support program, and not more than therefor required, and no school district shall receive less than fifty dollars (\$50.00).

4. If the full amount appropriated to the public school income fund from the general account by the legislature is not transferred to the public school income fund by the end of the fiscal year, the deficiency resulting therefrom shall either be restored or reduced through a special transfer from the general account in the first sixty (60) days of the following fiscal year, or shall be calculated in computing district levies, and any additional levy shall be certified by the state superintendent of public instruction to the board of county commissioners and added to the district's maintenance and operation levy. If the deficiency is restored or reduced by special transfer, the amount so transferred shall be in addition to the amount appropriated to be transferred in such following fiscal year and shall be apportioned to each school district in the same amount as each would have received had the transfer been made in the year the deficiency occurred. The state department of education shall distribute to the school district the full amount of the special transfer as soon as practical after such transfer is made. In making the levy computations required by this subsection the state department of education shall take into account and consider the full amount of money receipted into the public school income fund from all sources for the given fiscal year. Deficits in the transfer of the appropriated amount of general account revenue to the public school income fund shall be reduced by the amount, if any, that the total amount receipted from other sources into the public school income fund exceeds the official estimated amount from those sources. The official estimate of receipts from other sources shall be the total amount stated by the legislature in the appropriation bill. The provisions of this subsection shall not apply to any transfers to or from the public education stabilization fund.

5. Any apportionments in any year, made to any school district, which may within the succeeding three (3) year period be found to have been in error either of computation or transmittal, may be corrected during the three (3) year period by reduction of apportionments to any school district to which over-apportionments may have been made or received, and corresponding additions to apportionments to any school district to which under-apportionments may have been made or received.

Approved March 26, 2014

CHAPTER 274
(S.B. No. 1335)

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING CHAPTER 5, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-509A, IDAHO CODE, TO DEFINE A TERM, TO AUTHORIZE MANUFACTURERS OF DISTILLED SPIRITS TO OFFER SAMPLE TASTINGS ON THEIR PREMISES, TO PROHIBIT A MANUFACTURER FROM CHARGING FOR SAMPLES, TO PROVIDE FOR THE SIZE OF SAMPLES, TO PROVIDE THE MAXIMUM NUMBER OF SAMPLES IN A TWENTY-FOUR HOUR PERIOD, TO PROVIDE THE REQUIRED AGE FOR SERVERS, TO PROHIBIT THE SERVING OF SAMPLES TO ANYONE UNDER THE LEGAL DRINKING AGE AND TO PROVIDE THAT SAMPLES SHALL BE PURCHASED FROM THE STATE LIQUOR DIVISION AND TAXES SHALL BE PAID BY THE MANUFACTURER.

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

SECTION 1. That Chapter 5, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-509A, Idaho Code, and to read as follows:

23-509A. SAMPLE TASTING FOR MANUFACTURERS OF DISTILLED SPIRITS. (1) For purposes of this section, "manufacturer of distilled spirits" means a distillery that holds a permit issued by the alcohol and tobacco tax and trade bureau (TTB) and is licensed by the state of Idaho as an Idaho state manufacturer of distilled spirits.

(2) A manufacturer of distilled spirits may offer sample tastings on the premises of such distillery.

(3) A manufacturer of distilled spirits shall not charge for sample tastings.

(4) Sample sizes for tasting events permitted pursuant to the provisions of this section shall not exceed one-quarter of one ounce (0.25 oz).

(5) The maximum number of samples allowed shall not exceed three (3) samples per person in any twenty-four (24) hour period.

(6) Samples at distilleries may be served only by persons twenty-one (21) years of age or older.

(7) In accordance with state law, distilled spirits shall be served only to persons that are twenty-one (21) years of age or older.

(8) The distilled spirits for sample tastings shall be purchased from the Idaho state liquor division, and all taxes for such distilled spirits shall be paid by the manufacturer of distilled spirits.

Approved March 26, 2014

CHAPTER 275
(S.B. No. 1338)

AN ACT

RELATING TO DAIRY PRODUCTS; AMENDING SECTION 37-301, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO THE MAINTENANCE OF NAMES OF CERTAIN DAIRYMEN AND TO PROVIDE A STATEMENT OF PURPOSE; AMENDING SECTION 37-302, IDAHO CODE, TO PROVIDE FOR INSPECTIONS, TO PROVIDE THAT INSPECTIONS SHALL ASCERTAIN AND CERTIFY SANITARY CONDITIONS AND MILK QUALITY, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE TO DESIGNATE AGENTS TO PERFORM CERTAIN DUTIES, TO PROVIDE FOR SANITARY INSPECTIONS, TO PROVIDE THAT INSPECTIONS, EXAMINATIONS AND TESTS SHALL MEET REQUIREMENTS OF STATE AND FEDERAL LAW, TO PROVIDE THAT DESIGNATED AGENTS MAY ENTER PREMISES

AND BUILDINGS FOR INSPECTIONS, TO PROVIDE FOR FEES OR ASSESSMENTS ASSOCIATED WITH INSPECTIONS AND TO PROVIDE FOR THE DAIRY INDUSTRY AND INSPECTION FUND; AMENDING CHAPTER 3, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-303, IDAHO CODE, TO AUTHORIZE RULEMAKING AND ENFORCEMENT BY THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE, TO PROVIDE THAT CERTAIN MILK, CREAM AND MANUFACTURED DAIRY PRODUCTS SHALL COMPLY WITH SPECIFIED LAW AND TO PROVIDE STANDARDS RELATING TO THE SANITATION OF MILK AND CREAM; AMENDING CHAPTER 3, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-304, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF PERMITS, TO SPECIFY REQUIREMENTS FOR THE ISSUANCE OF PERMITS TO NEW OR EXPANDING DAIRY FARMS, TO DEFINE TERMS, TO PROVIDE FOR EXAMINATION, INSPECTION AND REPORTS OF FINDINGS AND CONCLUSIONS BY THE DIRECTOR AND TO PROVIDE THAT THE ISSUANCE OR REVOCATION OF LICENSES OR PERMITS SHALL BE BASED UPON THE REPORT OR REPORTS OF THE DIRECTOR; AMENDING CHAPTER 3, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-305, IDAHO CODE, TO AUTHORIZE THE DIRECTOR TO BRING CIVIL ACTIONS FOR ENFORCEMENT OF SPECIFIED LAW; REPEALING SECTION 37-306, IDAHO CODE, RELATING TO MILK-BOTTLING PLACES; AMENDING CHAPTER 3, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-306, IDAHO CODE, TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE TO ADVISE, ASSIST AND COOPERATE WITH THE FEDERAL GOVERNMENT, AGENCIES AND OTHER ENTITIES IN THE EXERCISE OF ITS POWERS AND DUTIES UNDER SPECIFIED LAW; AMENDING CHAPTER 3, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-307, IDAHO CODE, TO DEFINE TERMS RELATING TO MILK HAULERS AND TANKS; REPEALING SECTION 37-308, IDAHO CODE, RELATING TO THE BOTTLING AND PACKAGING OF MILK; AMENDING CHAPTER 3, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-308, IDAHO CODE, TO PROVIDE STANDARDS FOR TRANSPORTATION TANKS; AMENDING CHAPTER 3, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-309, IDAHO CODE, TO PROVIDE STANDARDS RELATING TO MILK HAULERS AND THE OPERATION OF TRANSPORTATION TANKS; REPEALING SECTION 37-310, IDAHO CODE, RELATING TO EMPTY BOTTLES FROM QUARANTINED PREMISES; AMENDING CHAPTER 3, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-310, IDAHO CODE, TO PROVIDE STANDARDS RELATING TO QUALITY CONTROL OF MILK SAMPLES TAKEN FROM TANKS; REPEALING SECTION 37-313, IDAHO CODE, RELATING TO THE PROHIBITION OF THE SALE OF DILUTED MILK; REPEALING SECTION 37-314, IDAHO CODE, RELATING TO ADULTERATED MILK; REPEALING SECTION 37-315, IDAHO CODE, RELATING TO MILKSMEN AFFLICTED WITH DISEASE; REPEALING SECTION 37-316, IDAHO CODE, RELATING TO THE SALE OF MILK FROM INFECTED PREMISES; REPEALING SECTION 37-317, IDAHO CODE, RELATING TO THE REQUIREMENT THAT MILK BE COOLED; REPEALING SECTION 37-322, IDAHO CODE, RELATING TO STANDARDS FOR CREAM; REPEALING SECTION 37-324, IDAHO CODE, RELATING TO PENALTIES FOR VIOLATIONS; AMENDING SECTION 37-325, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REMOVE CERTAIN REPORTING PROVISIONS RELATING TO CREAMERIES, CHEESE FACTORIES AND MILK DAIRIES, TO REMOVE PROVISIONS RELATING TO THE ATTACHMENT OF TAGS REFLECTING CAPACITY, TO REMOVE CERTAIN VIOLATION PROVISIONS AND TO PROVIDE THAT CERTAIN MILK PROCESSORS, COOPERATIVES AND ORGANIZATIONS SHALL PROVIDE FULL AND ACCURATE ACCOUNTS OF AMOUNTS OF MILK PURCHASED AND VOLUME OF DAIRY PRODUCTS PROCESSED; REPEALING SECTION 37-326, IDAHO CODE, RELATING TO STANDARDS FOR DAIRY PRODUCTS; REPEALING SECTION 37-330, IDAHO CODE, RELATING TO PENALTIES FOR VIOLATIONS OF SPECIFIED LAW; AMENDING SECTION 37-332, IDAHO CODE, TO REDESIGNATE THE SECTION, TO MAKE TECHNICAL CORRECTIONS AND TO MAKE A CODIFIER CORRECTION; AMENDING SECTION 37-332a, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REMOVE CERTAIN GRADING PROVISIONS AND TO PROVIDE THAT GRADES OF BUTTER SHALL COMPLY WITH SPECIFIED STANDARDS; AMENDING SECTION 37-332b, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REMOVE CERTAIN VIOLATIONS, GRADE AND EXCEPTION PROVISIONS RELATING TO BUTTER, TO PROVIDE FOR THE REJECTION OF CERTAIN BUTTER AND TO PROVIDE FOR THE RELABELING, REGRADING AND

REPROCESSING OF CERTAIN REJECTED BUTTER; REPEALING SECTION 37-332c, IDAHO CODE, RELATING TO BUTTER GRADERS, WRAPPERS AND GRADE EMBLEMS; REPEALING SECTION 37-332d, IDAHO CODE, RELATING TO THE LICENSING OF BUTTER GRADERS; REPEALING SECTION 37-332e, IDAHO CODE, RELATING TO THE REVOCATION OR SUSPENSION OF LICENSES; REPEALING SECTION 37-332f, IDAHO CODE, RELATING TO ENFORCEMENT; REPEALING SECTION 37-332g, IDAHO CODE, RELATING TO VIOLATIONS; REPEALING SECTION 37-332h, IDAHO CODE, RELATING TO THE DEPOSIT OF FEES AND FINES INTO THE DAIRY INDUSTRY AND INSPECTION FUND; REPEALING SECTION 37-333, IDAHO CODE, RELATING TO THE DISPLAY OF THE WEIGHT OF BUTTER; AMENDING SECTION 37-334, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 37-334a, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 37-334d, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 37-334e, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 37-335, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE CODE REFERENCES; REPEALING SECTION 37-338, IDAHO CODE, RELATING TO ADMINISTRATION BY THE DEPARTMENT OF AGRICULTURE; REPEALING SECTION 37-339, IDAHO CODE, RELATING TO THE DESIGNATION OF BREED NAME OF DAIRY CATTLE ON LABELS; REPEALING SECTION 37-340, IDAHO CODE, RELATING TO THE UNLAWFUL USE OF BREED NAMES ON LABELS; REPEALING SECTION 37-341, IDAHO CODE, RELATING TO ADMINISTRATION AND ENFORCEMENT; REPEALING SECTION 37-342, IDAHO CODE, RELATING TO VIOLATIONS; AND REPEALING SECTION 37-343, IDAHO CODE, RELATING TO INJUNCTION PROCEEDINGS.

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

SECTION 1. That Section 37-301, Idaho Code, be, and the same is hereby amended to read as follows:

~~37-301. NAMES OF DAIRYMEN STATEMENT OF PURPOSE. All wholesale dairy-~~
~~men and other persons having stationary places of business, keeping and~~
~~offering for sale milk, shall at all times keep the name or names of the~~
~~dairyman or dairymen, from whom the milk on sale shall have been obtained~~
It is hereby declared to be the policy of the legislature of the state of
Idaho that the public interest requires that all dairy products produced,
distributed, offered for sale or sold in Idaho meet minimum standards
of sanitary condition, quality, identity, classification and grade. To
accomplish this purpose, the director of the department of agriculture shall
inspect dairy products, dairy farms, production facilities and processing
facilities, issue permits and enforce minimum standards in accordance with
the provisions of this chapter.

SECTION 2. That Section 37-302, Idaho Code, be, and the same is hereby amended to read as follows:

~~37-302. DAIRIES TO BE INSPECTED INSPECTIONS. (1) It shall be the duty~~
~~of the director of the department of agriculture to cause to be visited as~~
~~frequently as it may deem necessary all dairies supplying dealers and con-~~
~~sumers with milk, and inspect the same to ascertain and certify sanitary con-~~
~~ditions and milk quality. A copy of the inspection report shall be left with~~
~~the owner and such information given as will assist the producer to improve~~
~~the sanitary conditions or remedy such defects as the inspection report in-~~
~~dicates. A copy of the inspection report shall be kept on file in the office~~
~~of the director.~~

(2) The director of the department of agriculture is hereby authorized
and directed to designate any agent to inspect, examine and test any or all
dairy products in accordance with rules as the department may prescribe;
and to ascertain and certify the grade, classification, quality or sanitary

condition thereof and other pertinent facts as the department may require. The director or agent of the department of agriculture of the state of Idaho shall make sanitary inspection of milk, cream, butter and dairy products of any kind whatsoever, intended for human consumption, and of containers, utensils, equipment, buildings, premises or anything whatsoever employed in the production, handling, storing, processing or manufacturing of dairy products or that would affect the purity of the products. Inspections, examinations and tests shall be made to meet the requirements of the laws of the state and of the United States for the sale of the products or their transportation in both intrastate and interstate commerce. Any agent designated by the director to make inspections shall have the right for that purpose to enter any premises and buildings where milk, cream, butter or dairy products shall be produced, stored, processed or manufactured.

(3) Whenever an inspection of any dairy product is made by the department of agriculture, or whenever permanent or temporary inspectors or employees are used by the department for the purpose of enforcing or promulgating an inspection or sanitary program for any dairy product, the department is authorized to fix, assess and collect or cause to be collected from the dairy processors, fees or assessments for services when they are performed by employees or agents of the department, the fees to be on a uniform basis in an amount reasonably necessary to cover the cost of such inspection and the administration of the department of agriculture dairy inspection program; provided however, that the department shall so adjust the fees to be collected under this section as to meet the expenses necessary for this inspection service only, all of the fees to be used for this purpose alone; and provided further, that in no event shall the fees or assessments exceed four (4) mills per pound of butterfat produced by any dairyman in Idaho or received by processors. All such fees and moneys collected or received by the department, its employees or agents under this act shall be deposited in the dairy industry and inspection fund, which fund is hereby created. All moneys coming into the fund are hereby appropriated to the department of agriculture to be used in the inspection required by law to be made of the dairy industry and dairy products. The fees and assessments accrued in any given month are due and payable no later than the twentieth day of the following month.

SECTION 3. That Chapter 3, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-303, Idaho Code, and to read as follows:

37-303. STANDARDS AND RULES. (1) The director of the department of agriculture is hereby authorized to promulgate and enforce reasonable rules as may be necessary or desirable to establish standards and to carry out its functions and the intent and purposes of this chapter.

(2) All milk or cream utilized in the manufacture of dairy products and all manufactured dairy products produced, distributed, offered for sale, or sold in Idaho shall meet the requirements established by this chapter, of federal law, and rules or regulations promulgated or adopted pursuant to state or federal law.

(3) The following standards concerning the sanitation of milk and cream are hereby established:

(a) The term "processor" means any individual, partnership, association or corporation doing business in the state of Idaho that produces, purchases, obtains or uses in the state of Idaho any milk or cream for use in the manufacture of butter, cheese, evaporated milk, frozen desserts, frozen novelties, edible dry milk or other dairy products. The term "processor" shall not include any individual, partnership, association or corporation that produces, purchases, obtains or uses milk or cream for his or its own consumption. The term "producer" means any person, firm or corporation who owns or controls one (1) or more

cows, goats, sheep or water buffalo, a part or all of the milk from which is sold or offered for sale to a processor.

(b) No processor shall purchase or obtain in any manner, or use in any manner, for the sale or manufacture of any dairy products as provided in paragraph (a) of this subsection, any unacceptable milk or cream as herein defined.

(c) The processor shall, for the purpose of determining the acceptability or unacceptability of milk or cream, cause all milk or cream to be tested and graded according to the standards herein defined before purchase, acquisition or use in any manner. Provided however, that where the processor customarily purchases the milk or cream of any person regularly engaged in the production thereof, the processor is required to test milk and cream of such producer not less than once each month by the approved bacteria tests and approved mastitic tests, or other tests as may be prescribed by the director of the department of agriculture. When milk or cream from any producer is found unacceptable as a result of required testing, the processor shall thereafter test the milk or cream of the producer daily by the same test until it is found to be acceptable. Each processor shall retain for at least one (1) year at the place where milk or cream is received, a record of such tests in the form and of the content that shall be prescribed by the department of agriculture and shall exhibit the record at the place where the same is kept whenever requested to do so by the producer or the department and shall permit copies thereof to be taken.

(d) Milk and dairy product quality standards and standards of identity will be established by rules promulgated by the department.

(e) Any milk, cream or dairy product that is unclean, unwholesome or unfit for human consumption, as determined by the department, shall be rejected as unacceptable.

SECTION 4. That Chapter 3, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-304, Idaho Code, and to read as follows:

37-304. PERMIT ISSUANCE AND REVOCATION. (1) The director or the director's authorized agent shall issue a permit authorizing the sale of milk for human consumption to all dairy farms that meet the standards and requirements of this chapter, and rules promulgated pursuant to this chapter.

(2) The director or his agent may issue a permit to sell milk for human consumption to a new or expanding dairy farm only upon presentation to the director by the new or expanding dairy farm of the following:

(a) A certified letter, supplied by the board of county commissioners, certifying the new or expanding dairy farm's compliance with applicable county livestock ordinances; and

(b) Evidence that a valid water right exists to supply adequate water for the new or expanding dairy farm; or

(c) A copy of an application for a permit to appropriate water that has been filed with the Idaho department of water resources and which, if approved, will supply adequate water for the dairy farm; or

(d) A copy of an application to change the point of diversion, place, period and nature of use of an existing water right that has been filed with the Idaho department of water resources and which, if approved, will supply adequate water for the dairy farm.

(3) As used in this section:

(a) "Animal units" shall be as defined in rule by the director.

(b) "Expanding dairy farm" means an existing, legally permitted dairy farm that increases, or applies to increase, its existing animal units beyond the number for which it is permitted under applicable county

livestock ordinances or increases, or applies to increase, the waste containment system.

(c) "New dairy farm" means a dairy farm constructed after the effective date of this act.

(4) Whenever, under any law of this state or rule, the director of the department of agriculture or his agent is required to inspect dairy farms for compliance with rules prescribed by the department, or determine the sanitary condition of anything referred to in section 37-303, Idaho Code, or the purity of milk, cream, butter or other dairy products intended for human consumption, the director shall make or cause to be made an examination and inspection and shall report his findings and conclusions. When the issuance or the revoking of any license or permit by the department of agriculture is required to be made after an inspection involving milk quality, sanitary conditions and purity for human consumption of any milk, cream, butter or other dairy products, the issuance or revocation of license or permit shall be based upon the report or reports so made by the director.

SECTION 5. That Chapter 3, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-305, Idaho Code, and to read as follows:

37-305. ENFORCEMENT. The director of the department of agriculture may bring civil actions to enjoin violations of this chapter or rules promulgated to implement the provisions of this chapter.

SECTION 6. That Section 37-306, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 3, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-306, Idaho Code, and to read as follows:

37-306. DEPARTMENT TO COOPERATE WITH OTHER AGENCIES. The department of agriculture is hereby authorized to advise and assist and to cooperate with the federal government or any of its agencies, other departments, agencies and institutions of this state, counties, school districts, and municipalities and other public and private welfare agencies, in the exercise of any of the powers and duties of the department under this chapter.

SECTION 8. That Chapter 3, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-307, Idaho Code, and to read as follows:

37-307. MILK HAULERS AND TANKS -- DEFINITIONS. As used in this act, unless the context clearly requires otherwise, the following definitions are adopted:

(1) "Milk hauler" means the operator of a transportation tank and may be an employee or the owner of the equipment.

(2) "Farm tank" means a tank used to cool, store or cool and store milk prior to transportation to the processing plant.

(3) "Transportation tank," "bulk tank" and "feeder tank" mean tanks used to transport milk from a farm to a processing plant.

(4) "Chlorine" means chlorine, or other type of sanitizer approved by the director of the department of agriculture.

SECTION 9. That Section 37-308, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Chapter 3, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-308, Idaho Code, and to read as follows:

37-308. STANDARDS FOR TRANSPORTATION TANKS. The following standards are hereby adopted relating to transportation tanks:

(1) The transportation tank and accessories in the milk handling operation shall comply with the requirements of the 3A sanitary standards symbol administrative council, 3A standards for transportation tanks existing at the time of the passage of this act.

(2) Suitable facilities, including hot and cold running water, detergent, brushes, sanitizers and sanitizing equipment, a concrete floor with proper drainage and waste disposal, shall be provided for washing and sanitizing of transportation tanks. Unless the truck is to be used within a few hours of the washing operation the sanitizing of the tank shall be omitted until just before the tank truck is to be used. During the interim, the tank truck shall be protected from contamination by closing port holes, etc. Since the tank truck may be sanitized on a different date and at a different time from the cleaning and washing operation, a tag shall provide space for recording this information. The washing, sanitizing and maintenance of the transportation tank and accessories shall be the responsibility of the processor or milk hauler. The department of agriculture shall be informed in writing designating the person responsible for the cleaning, sanitizing and maintenance of the transportation tank.

(3) The transportation tank and all accessories shall be thoroughly rinsed after each usage, and shall be thoroughly cleaned and sanitized daily and the tank tagged and sealed with a tag attached indicating that the tank has been washed, sanitized or washed and sanitized. This tag shall also contain the name of the person doing the work and the date on which the work was done. The tag shall be removed by the hauler at his first pickup and retained at the receiving plant for a minimum of thirty (30) days.

(4) Single length, durable, nontoxic, flexible milk conductor tubing shall be used for conveying milk from the farm tank to the transportation tank. The inside diameter of milk conductor tubing shall not be less than one and three-eighths (1 3/8) inches. If two (2) lengths of tubing are used, they shall be connected either by the use of sanitary couplings or a piece of 3A sanitary tubing with clamps which can be removed without tools. The connections between the pump and the vehicle tank, and between the pump and the milk conductor tubing shall remain assembled, except when dismantled for cleaning. The open end of the milk tubing shall be capped with an approved protective cap at all times, except when loading or unloading. The outlet valve, milk pump and the milk conductor tubing and samples shall be enclosed in a properly drained, insulated, dust-tight cabinet.

(5) The transportation tank and the accessories shall be used for no other purpose than the handling of milk unless such other use is approved by the department of agriculture.

SECTION 11. That Chapter 3, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-309, Idaho Code, and to read as follows:

37-309. STANDARDS FOR MILK HAULERS. The following standards are hereby adopted relating to milk haulers and to the operation of transportation tanks:

(1) All milk haulers must possess a permit issued by the state department of agriculture. All milk haulers shall be subject to such examination and abilities as the department of agriculture may prescribe by rule or regulation in order to receive and retain such permit. The fee for the permit

shall be twenty-five dollars (\$25.00). The permit shall be valid for three (3) years and must be renewed by December 31 of the third year.

(2) The milk line shall be passed through a special port opening through the milk house wall with care to prevent contact with the ground or floor of the milk house. The port opening shall be closed when not in use.

(3) It shall be the responsibility of the milk hauler to assure that in the event the processor washes and sanitizes the truck the operation has been adequately performed, and that prior to use the tank truck has been properly sanitized. In the event it is the milk hauler's responsibility to sanitize the tank truck, it shall be done with a chlorine solution of proper strength.

(4) The milk hauler's hands shall be washed immediately before gauging the milk.

(5) The milk shall be observed and checked for abnormalities or adulterations, and all abnormal or adulterated milk shall be rejected.

(6) The milk volume in the farm tank shall be determined in a sanitary manner.

(7) The milk in the farm tank shall be thoroughly agitated. Milk samples for analysis shall be taken in a sanitary manner into properly identified sterile containers. All sampling shall follow standard methods.

(8) After the milk is pumped to the transportation tank the milk conductor tubing shall be capped and returned to the vehicle storage cabinet. Care shall be taken to prevent soiling of the milk line by contact with the milk house floor, operator's hands or the ground.

(9) The milk hauler shall rinse the farm tank and accessories free of milk with clean water immediately after emptying.

(10) The milk hauler shall be responsible for proper use of the transportation tank and accessories.

SECTION 12. That Section 37-310, Idaho Code, be, and the same is hereby repealed.

SECTION 13. That Chapter 3, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-310, Idaho Code, and to read as follows:

37-310. STANDARDS FOR QUALITY CONTROL OF MILK SAMPLES. The following standards are hereby adopted relating to quality control of milk samples taken from tanks:

(1) As often as is deemed necessary, the department of agriculture may take samples for analysis from each farm tank or each transportation tank.

(2) All milk samples taken from farm tanks or transportation tanks shall be taken in a sanitary manner in accordance with standard methods. Samples for bacteriological analysis shall be properly iced and transported in accordance with standard methods, thirty-two (32) to forty (40) degrees Fahrenheit.

(3) The department of agriculture shall have access to all records maintained by the receiving plant relating to butterfat, temperature and bacteriological sampling and any other samples of bulk farm tank milk.

(4) Milk samples for analysis shall be available on the farm tank pickup truck at all times during the collection period and delivery to the plant, as required by the department of agriculture.

SECTION 14. That Section 37-313, Idaho Code, be, and the same is hereby repealed.

SECTION 15. That Section 37-314, Idaho Code, be, and the same is hereby repealed.

SECTION 16. That Section 37-315, Idaho Code, be, and the same is hereby repealed.

SECTION 17. That Section 37-316, Idaho Code, be, and the same is hereby repealed.

SECTION 18. That Section 37-317, Idaho Code, be, and the same is hereby repealed.

SECTION 19. That Section 37-322, Idaho Code, be, and the same is hereby repealed.

SECTION 20. That Section 37-324, Idaho Code, be, and the same is hereby repealed.

SECTION 21. That Section 37-325, Idaho Code, be, and the same is hereby amended to read as follows:

37-32511. REPORTS BY DAIRIES, CREAMERIES AND CHEESE FACTORIES OF VOLUMES PURCHASED. ~~The department of agriculture shall furnish blanks to all proprietors or managers of creameries, cheese factories or milk dairies that ship milk, and all vendors and peddlers of milk and dairy goods handled, and all owners or managers of such creameries and cheese factories, and all milk dairies and all milk vendors, or milk peddlers shall fill out the blanks, giving a full and accurate report of the business done during the year, and send them to the department of agriculture before the first day of November of each year. Every person or corporation who shall engage in the business of purchasing or dealing in milk shall attach in a permanent manner to each can furnished by him or the producer, a tag containing in plain figures a correct statement of the capacity thereof. Any neglect or failure or false statement on the part of the proprietor or manager of such creamery, cheese factory, dairy or milk vendor or milk peddler, shall be considered a misdemeanor.~~ All milk processors, cooperatives and organizations that procure milk from Idaho dairy farms or process milk received from other states shall, by the twentieth day of the following month in which the milk was produced or processed, provide a full and accurate account of the amount of milk purchased and the volume of dairy products processed to the department of agriculture pursuant to procedures established by the department.

SECTION 22. That Section 37-326, Idaho Code, be, and the same is hereby repealed.

SECTION 23. That Section 37-330, Idaho Code, be, and the same is hereby repealed.

SECTION 24. That Section 37-332, Idaho Code, be, and the same is hereby amended to read as follows:

37-33212. BUTTER AND WHEY BUTTER -- DEFINITIONS AND QUALITIES. Butter is the product made by gathering the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of other milk constituents, with or without salt or a harmless coloring matter. Butter shall be clean and non-rancid and shall contain not less than eighty per cent percent (80%) of ~~butter fat~~ butterfat. Whey butter or whey cream butter is the food product made by gathering the fat of fresh or ripened whey cream separated from cheese whey and formed into a mass, which also contains a small portion of other milk constituents, with or without salt or a harmless coloring matter. Whey butter shall be clean and ~~nonrancid~~ non-rancid and shall contain not less than eighty per cent percent (80%) ~~butter fat~~ butterfat. The term butter includes whey butter and whey cream butter.

SECTION 25. That Section 37-332a, Idaho Code, be, and the same is hereby amended to read as follows:

~~37-332a13. BUTTER GRADES. The official state consumer grades for butter sold or distributed within this state shall be "grade AA," "grade A," "grade B" and "undergrade". "Grade AA" butter is butter scoring not less than 93. "Grade A" butter is butter scoring 92. "Grade B" butter is butter scoring 90 or 91. The grades of butter shall comply with the United States department of agriculture's 1989 "Standards for Grades of Butter." "Undergrade" butter is butter scoring less than 90 under this standard. United States AA, A, and B grades and emblems of butter shall be accepted in lieu of the corresponding Idaho AA, A, and B grades and emblems of butter, but all United States grades of butter below B shall, for the purpose of this section, correspond to Idaho "undergrade" butter. It is hereby declared to be unlawful to sell, or offer for sale any butter within the state of Idaho unless the wrappers and containers in which said butter is packaged are conspicuously labeled as to grades. Any butter that scores less than 90 and is sold or offered for sale within the state of Idaho must be conspicuously labeled with the words "undergrade butter" upon the wrappers and container in which said butter is packaged.~~

SECTION 26. That Section 37-332b, Idaho Code, be, and the same is hereby amended to read as follows:

~~37-332b14. IMPROPERLY GRADED BUTTER -- SALE UNLAWFUL -- GRADE EMBLEM -- EXCEPTION. It shall be unlawful for any person to sell, offer or expose for sale, or to distribute, within this state to any consumer, or to any retailer, including among others hotels and restaurants, any butter not properly graded by a butter grader licensed under this act and labeled according to section 37-332a, Idaho Code. The official state consumer grades shall be designated by an official grade emblem the design of which shall be prescribed by the state department of agriculture, and said emblem shall be used in designating butter grades only in accordance with regulations of the state department of agriculture governing the manner of such use. Graded butter imported into this state, and otherwise meeting all of the requirements of section 37-332a, Idaho Code, is not required to be designated with said grade emblem. Nothing contained in this act shall be construed to prevent a producer of cream from manufacturing into butter any cream produced by his own herd, provided it shall not exceed eighty (80) pounds in any calendar month, or from selling the same to consumers or retailers or to prevent the resale of such butter by such retailers Butter that fails to meet the grade labeled on the butter container may be rejected. Butter that has been rejected due to failure to meet the standard may be relabeled, regraded or reprocessed if authorized by the department of agriculture.~~

SECTION 27. That Section 37-332c, Idaho Code, be, and the same is hereby repealed.

SECTION 28. That Section 37-332d, Idaho Code, be, and the same is hereby repealed.

SECTION 29. That Section 37-332e, Idaho Code, be, and the same is hereby repealed.

SECTION 30. That Section 37-332f, Idaho Code, be, and the same is hereby repealed.

SECTION 31. That Section 37-332g, Idaho Code, be, and the same is hereby repealed.

SECTION 32. That Section 37-332h, Idaho Code, be, and the same is hereby repealed.

SECTION 33. That Section 37-333, Idaho Code, be, and the same is hereby repealed.

SECTION 34. That Section 37-334, Idaho Code, be, and the same is hereby amended to read as follows:

37-334~~15~~15. ADVERTISING SUBSTITUTES FOR DAIRY PRODUCTS. It shall be unlawful for any person, firm or corporation to make use of the words, milk, cream, butter, cheese, creamery, dairy, churn, cow, the name of any dairy breed or any pictorial representation of any of these terms in connection with the sale, offering for sale or advertisement of any substance designed to be used as a so-called substitute for milk, cheese, butter or any other dairy products.

SECTION 35. That Section 37-334a, Idaho Code, be, and the same is hereby amended to read as follows:

37-334a~~15~~16. FOOD PRODUCTS MADE TO RESEMBLE DAIRY PRODUCTS -- DEFINITIONS. As used in sections 37-334~~15~~15, ~~37-334a~~, ~~37-334b~~, ~~37-334c~~, ~~37-334d~~, ~~37-334e~~ and 37-334~~f~~18, Idaho Code:

(1) "Dairy product" includes:

(a) Milk, skim milk, milk fat, cream, sour cream, lowfat milk and nonfat milk used in fluid, concentrated or dry form.

(b) Cheese. All varieties including asiago, blue, brick, caciocavallo, cheddar, colby, cook cheese, cottage, cream, washed curd, edam, gammelost, gorgonzola, gouda, granular and grated, gruyere, hard, limburg, monterey, monterey jack, mozzarella, scamorza, muenster, neufchatel, nuworld, parmesan, reggiano, pasteurized, blended and processed cheeses, pasteurized cheese spreads, provolone, pasta filata, romano, roquefort, samsoe, sapsago, semi-soft and skim milk, spiced, swiss and emmentaler as described in 21 CFR, part 133.

(c) Butter as defined in section 37-33~~12~~12, Idaho Code.

(d) Ice cream, frozen custard, ice milk, sherbet as defined in 21 CFR, part 135, frozen yogurt dessert mix, frozen yogurt dessert, frozen lowfat and nonfat yogurt dessert, dietetic or dietary frozen dessert, lowfat or nonfat frozen dairy dessert, and milk shake base as defined in state department of agriculture dairy rules or regulations.

(e) Any manufactured food which:

1. Uses milk or a milk ingredient as the principal or characterizing constituent of the food product;

2. Does not contain ingredients added for the purpose of replacing milk or milk ingredients;

3. Does not contain milk-derived ingredients at levels in excess of those permitted in similar standardized dairy products;

4. Does not contain any vegetable-derived ingredients unless the ingredients are used as carriers or function as stabilizers or emulsifiers; and

5. Has no standard of identity recognized by any federal or state of Idaho law, rule or regulation as a dairy product.

(2) "Milk ingredient" includes milk, skim milk, milk fat, cream, sour cream, lowfat milk and nonfat milk used in fluid, concentrated or dry form.

(3) "Milk derived ingredient" includes buttermilk, whey, modified whey products, casein, lactose, lactalbumins and lactoglobulins used in fluid, concentrated or dry forms.

(4) "Artificial dairy product" means any food manufactured or labeled so as to purport to resemble the identity, intended use, composition, physical and sensory properties of a dairy product as defined in subsection (1) of this section.

(5) For the purpose and within the meaning of this act, an "artificial dairy product" shall not include a "dairy product" as defined in this section 37-334a(1), ~~Idaho Code~~, or any other manufactured food which has a federal or state of Idaho standard of identity as a food product.

~~(a) Food products made to resemble those food products other than dairy products in section 37-334a(5), Idaho Code this subsection, are exempt from the labeling requirements in sections 37-334b and 37-334e, Idaho Code, and regulations adopted pursuant thereto of this chapter.~~

SECTION 36. That Section 37-334d, Idaho Code, be, and the same is hereby amended to read as follows:

37-334d17. QUALITY STANDARDS FOR FOOD PRODUCTS MADE TO RESEMBLE DAIRY PRODUCTS. Quality standards (e.g., bacteria, coliform, etc.) for food products made to resemble dairy products shall be at least the equivalent of the established quality standards of the dairy product resembled.

SECTION 37. That Section 37-334e, Idaho Code, be, and the same is hereby amended to read as follows:

37-334e18. LICENSE REQUIREMENTS FOR MANUFACTURERS OF FOOD PRODUCTS MADE TO RESEMBLE DAIRY PRODUCTS. (1) It is unlawful to engage in the manufacture of food products resembling dairy products, unless a license for the current calendar year for each separate plant or place used for such business is issued by the director of the Idaho department of agriculture.

(2) Applications for a license shall be in the form which shall be prescribed by the director of the Idaho department of agriculture.

(3) The application shall be accompanied by a fee of one hundred dollars (\$100). The fee shall be prorated on a monthly basis for any licensee that commences operations after the first quarter in any calendar year whether or not such plant was licensed during the preceding calendar year.

(4) Plant licenses are not required if the plant is located in a state other than Idaho.

(5) The director of the Idaho department of agriculture shall issue to each applicant that meets the requirements of this section, a license which entitles the applicant to manufacture, sell, or distribute food products resembling dairy products for the then current calendar year for which the license is issued, unless the license is sooner revoked or suspended.

(6) The license shall expire at the end of each calendar year.

(7) It is unlawful for any person to sell any food product resembling dairy products which has been produced in a plant that is in an unsanitary condition.

(8) The manufacture of food products resembling dairy products under unhealthful or unsanitary conditions or which violate the provisions of sections 37-33415 through 37-33518, Idaho Code, and rules or regulations adopted pursuant thereto, shall be grounds for revocation or suspension of such license.

SECTION 38. That Section 37-335, Idaho Code, be, and the same is hereby amended to read as follows:

37-33519. PENALTY -- ENFORCEMENT. (1) Any person, firm or corporation, violating the provisions of sections 37-33115 through 37-33418, Idaho Code, or any part or provision of any of said sections, shall be guilty of a misdemeanor and punishable by a fine not exceeding two hundred dollars (\$200) or imprisonment in the county jail not exceeding six (6) months or by both such fine and imprisonment.

(2) In addition, any products not in compliance with the provisions of sections 37-33415 through 37-33418, Idaho Code, shall be subject to

seizure and disposition in accordance with an appropriate court order or rule adopted by the director of the department of agriculture.

SECTION 39. That Section 37-338, Idaho Code, be, and the same is hereby repealed.

SECTION 40. That Section 37-339, Idaho Code, be, and the same is hereby repealed.

SECTION 41. That Section 37-340, Idaho Code, be, and the same is hereby repealed.

SECTION 42. That Section 37-341, Idaho Code, be, and the same is hereby repealed.

SECTION 43. That Section 37-342, Idaho Code, be, and the same is hereby repealed.

SECTION 44. That Section 37-343, Idaho Code, be, and the same is hereby repealed.

Approved March 26, 2014

CHAPTER 276
(S.B. No. 1342)

AN ACT

RELATING TO SCHOOL DISTRICTS; AMENDING SECTION 33-513, IDAHO CODE, TO PROVIDE FOR RECORD AUGMENTATION ON APPEAL AND TO PROVIDE FOR A SUPERINTENDENT OR OTHER DESIGNEE'S ONGOING AUTHORITY TO PLACE A CERTIFICATED EMPLOYEE ON INVOLUNTARY LEAVE.

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

SECTION 1. That Section 33-513, Idaho Code, be, and the same is hereby amended to read as follows:

33-513. PROFESSIONAL PERSONNEL. The board of trustees of each school district, including any specially chartered district, shall have the following powers and duties:

1. To employ professional personnel, on written contract in form approved by the state superintendent of public instruction, conditioned upon a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder. Should the board of trustees fail to enter into written contract for the employment of any such person, the state superintendent of public instruction shall withhold ensuing apportionments until such written contract be entered into. When the board of trustees has delivered a proposed contract for the next ensuing year to any such person, such person shall have a period of time to be determined by the board of trustees in its discretion, but in no event less than ten (10) calendar days from the date the contract is delivered, in which to sign the contract and return it to the board. If the board of trustees does not make a determination as to how long the person has to sign and return the contract, the default time limit shall be twenty-one (21) calendar days after the contract is delivered to the person. Delivery of a contract may be made only in person or by certified mail, return receipt requested or electronically, return receipt requested. When delivery is made in person, delivery of the contract must be acknowledged by a signed receipt. When delivery is made

by certified mail or electronically, delivery must be acknowledged by the return of the certified mail receipt or return electronic receipt from the person to whom the contract was sent. If the delivery is made electronically, with return electronic receipt, and the district has not received a return of a signed contract and has not received an electronic read receipt from the employee, the district shall then resend the original electronically delivered contract to the employee via certified mail, return receipt requested, and provide such individual with a new date for contract return. Should the person willfully refuse to acknowledge receipt of the contract or the contract is not signed and returned to the board in the designated period of time or if no designated period of time is set by the board, the default time, the board or its designee may declare the position vacant.

The board of trustees shall withhold the salary of any teacher who does not hold a teaching certificate valid in this state. It shall not contract to require any teacher to make up time spent in attending any meeting called by the state board of education or by the state superintendent of public instruction; nor while attending regularly scheduled official meetings of the state teachers' association.

2. In the case of school districts other than elementary school districts, to employ a superintendent of schools for a term not to exceed three (3) years, who shall be the executive officer of the board of trustees with such powers and duties as the board may prescribe. The superintendent shall also act as the authorized representative of the district whenever such is required, unless some other person shall be named by the board of trustees to act as its authorized representative. The board of trustees shall conduct an annual, written formal evaluation of the work of the superintendent of the district. The evaluation shall indicate the strengths and weaknesses of the superintendent's job performance in the year immediately preceding the evaluation and areas where improvement in the superintendent's job performance, in the view of the board of trustees, is called for.

3. To employ through written contract principals who shall hold a valid certificate appropriate to the position for which they are employed, who shall supervise the operation and management of the school in accordance with the policies established by the board of trustees and who shall be under the supervision of the superintendent.

4. To employ assistant superintendents and principals for a term not to exceed two (2) years. Service performed under such contract shall be included in meeting the provisions of section 33-515, Idaho Code, as a teacher and persons eligible for a renewable contract as a teacher shall retain such eligibility. The superintendent, the superintendent's designee, or in a school district that does not employ a superintendent, the board of trustees, shall conduct an annual, written evaluation of each such employee's performance.

5. To suspend, grant leave of absence, place on probation or discharge certificated professional personnel for a material violation of any lawful rules or regulations of the board of trustees or of the state board of education, or for any conduct which could constitute grounds for revocation of a teaching certificate. Any certificated professional employee, except the superintendent, may be discharged during a contract term under the following procedures:

(a) The superintendent or any other duly authorized administrative officer of the school district may recommend the discharge of any certificated employee by filing with the board of trustees written notice specifying the alleged reasons for discharge.

(b) Upon receipt of such notice the board, acting through its duly authorized administrative official, shall give the affected employee written notice of the allegations and the recommendation of discharge, along with written notice of a hearing before the board prior to any determination by the board of the truth of the allegations.

- (c) The hearing shall be scheduled to take place not less than six (6) days nor more than twenty-one (21) days after receipt of the notice by the employee. The date provided for the hearing may be changed by mutual consent.
- (d) The hearing shall be public unless the employee requests in writing that it be in executive session.
- (e) All testimony at the hearing shall be given under oath or affirmation. Any member of the board, or the clerk of the board, may administer oaths to witnesses or affirmations by witnesses.
- (f) The employee may be represented by legal counsel and/or by a representative of a local or state teachers association.
- (g) The chairman of the board or the designee of the chairman shall conduct the hearing.
- (h) The board shall cause an electronic record of the hearing to be made or shall employ a competent reporter to take stenographic or stenotype notes of all the testimony at the hearing. A transcript of the hearing shall be provided at cost by the board upon request of the employee.
- (i) At the hearing, the superintendent or other duly authorized administrative officer shall present evidence to substantiate the allegations contained in such notice.
- (j) The employee may produce evidence to refute the allegations. Any witness presented by the superintendent or by the employee shall be subject to cross-examination. The board may also examine witnesses and be represented by counsel.
- (k) The affected employee may file written briefs and arguments with the board within three (3) days after the close of the hearing or such other time as may be agreed upon by the affected employee and the board.
- (l) Within fifteen (15) days following the close of the hearing, the board shall determine and, acting through its duly authorized administrative official, shall notify the employee in writing whether the evidence presented at the hearing established the truth of the allegations and whether the employee is to be retained, immediately discharged, or discharged upon termination of the current contract.
- (m) If the employee appeals the decision of the board of trustees to the district court, the district court may affirm the board's decision or set it aside and remand the matter to the board of trustees upon the following grounds and shall not set the same aside for any other grounds:
- (i) That the findings of fact are not based upon any substantial, competent evidence;
 - (ii) That the board of trustees has acted without jurisdiction or in excess of its authority; or
 - (iii) That the findings by the board of trustees as a matter of law do not support the decision.
- (n) The determination of the board of trustees shall be affirmed unless the court finds that the action of the board of trustees was:
- (i) In violation of constitutional or statutory provisions;
 - (ii) In excess of the statutory authority of the board;
 - (iii) Made upon unlawful procedure; or
 - (iv) Arbitrary, capricious or an abuse of discretion.
- (o) Record augmentation on appeal:
- (i) If before the date set for any hearing at the district court, application is made to the court for leave to present additional evidence and it is shown to the satisfaction of the court that the additional evidence is material, relates to the validity of the board action and that there was good cause for failure to present it in the proceeding before the board, then the court may remand the matter to the board with direction that the board receive additional evidence and conduct additional fact-finding;

(ii) Any party desiring to augment the transcript or record may file a motion in the same manner and pursuant to the same procedure for augmentation of the record in appeals to the supreme court; and
(iii) The board may modify its action by reason of the additional evidence and shall file any modifications, new findings or decisions with the reviewing court.

6. To grant an employee's request for voluntary leave of absence. The board of trustees may delegate ongoing authority to grant an employee's request for voluntary leave of absence to the district's superintendent or other designee. Upon the superintendent or designee's granting of an employee's request for voluntary leave of absence, the board shall ratify or nullify the action at the next regularly scheduled board meeting.

7. To delegate to the superintendent or other designee the ongoing authority to place any employee on a period of involuntary leave of absence should the superintendent or designee believe that such action is in the best interest of the district. Upon the superintendent or designee's action to place an certificated employee on a period of involuntary leave of absence, the board shall ratify or nullify the action of the superintendent or designee at the next regularly scheduled meeting of the board or at a special meeting of the board should the next regularly scheduled meeting of the board not be within a period of twenty-one (21) days from the date of the action.

(a) Where there is a criminal court order preventing the certificated employee from being in the presence of minors or students, preventing the employee from being in the presence of any other adult individual employed at the school or detaining the employee in prison or jail, the certificated employee's involuntary leave of absence shall be without pay due to the certificated employee's inability to perform the essential functions of the employee's position. Without such a condition or situation, the involuntary leave of absence shall be with pay.

(i) During the period of involuntary leave of absence without pay, the salary of the certificated employee will be maintained in a district managed account. Should the certificated employee return to the district for active employment subsequent to the removal or dismissal of the court order, acquittal or adjudication of innocence, the district shall remit the salary funds, less the cost incurred by the district for the substitute hired to replace the certificated employee. Further, should the certificated employee return to the district under the provisions established in this subsection, the district shall arrange to have the certificated employee credited with the public employee retirement system of Idaho (PERSI) for the certificated employee's time away from work during the period of leave of absence.

(ii) During the period of involuntary leave of absence, the district shall continue to pay the district's portion of monthly costs associated with the certificated employee's health insurance benefits. The assumption of this payment by the district shall not alter the certificated employee's financial obligations, if any, under the policy.

(b) Should there be dual court orders preventing more than one (1) employee from being in the presence of one (1) or more other employees, all employees subject to the court order shall be excluded from the school pursuant to subsection 7. (a) of this section.

(c) If the period of involuntary leave of absence is due to the district's need to conduct an investigation into the conduct of the certificated employee, and there are no related criminal investigation(s) and/or criminal charges of any nature pending, the administration shall complete its investigation within a period of sixty (60) working days. On or before the sixtieth working day, the administrative leave shall either cease and the certificated employee

shall be returned to his position of employment or the administration shall advance a personnel recommendation to the board of trustees. If a recommendation is advanced, the involuntary leave of absence shall continue until such time as the district board has made its decision in regard to the personnel recommendation with such decision effectively concluding the involuntary leave of absence. If a related criminal investigation is occurring and/or criminal charges are pending, the district shall not be bound to any limitation as to the duration of involuntary leave of absence. The timelines established in this section may be waived or modified by mutual agreement.

Approved March 26, 2014

CHAPTER 277
(S.B. No. 1354, As Amended)

AN ACT

RELATING TO BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT; AMENDING TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 48, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT, TO PROVIDE DEFINITIONS, TO PROVIDE THAT IT IS UNLAWFUL TO MAKE BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT, TO PROVIDE PROVISIONS RELATING TO PERSONAL JURISDICTION, TO GRANT CERTAIN AUTHORITY TO THE ATTORNEY GENERAL AND DISTRICT COURTS, TO PROVIDE A PRIVATE CAUSE OF ACTION, REMEDIES AND DAMAGES AND A LIMITATION OF ACTION, TO ESTABLISH PROVISIONS RELATING TO BOND AND TO PROVIDE EXEMPTIONS; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Title 48, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 17, Title 48, Idaho Code, and to read as follows:

CHAPTER 17
BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT

48-1701. LEGISLATIVE FINDINGS AND INTENT. (1) The legislature of the state of Idaho finds that:

(a) Idaho is striving to build an entrepreneurial and knowledge-based economy. Attracting and nurturing information technology (IT) and other knowledge-based companies are important parts of this effort and will be beneficial to Idaho's future.

(b) Patents are essential to encouraging innovation, especially in the IT and knowledge-based fields. The protections afforded by the federal patent system create an incentive to invest in research and innovation, which spurs economic growth. Patent holders have every right to enforce their patents when they are valid and infringed, to solicit interest from prospective licensees and to initiate patent enforcement litigation as necessary to protect intellectual property.

(c) The legislature does not wish to interfere with the good faith enforcement of patents or good faith patent litigation. The legislature also recognizes that Idaho is preempted from passing any law that conflicts with federal patent law.

(d) Abusive patent litigation, and especially the assertion of bad faith infringement claims, can harm Idaho companies. A business that receives a letter or other communication asserting such claims faces the threat of expensive and protracted litigation and may feel that it

has no choice but to settle and to pay a licensing fee, even if the claim is meritless.

(e) Not only do bad faith patent infringement claims impose a significant burden on individual Idaho businesses, they also undermine Idaho's efforts to attract and nurture IT and other knowledge-based companies. Funds used to avoid the threat of bad faith litigation are no longer available to invest, produce new products, expand or hire new workers, thereby harming Idaho's economy.

(2) Through this narrowly focused chapter, the legislature seeks to facilitate the efficient and prompt resolution of patent infringement claims, protect Idaho businesses from abusive and bad faith assertions of patent infringement and build Idaho's economy, while at the same time carefully not interfering with legitimate patent enforcement actions.

48-1702. DEFINITIONS. As used in this chapter:

(1) "Demand letter" means a letter, e-mail or other communication asserting or claiming that the target has engaged in patent infringement, or that the actions of the target would benefit from the grant of a license to any patent, or any similar assertion.

(2) "Idaho person" means a person as defined in section 48-602, Idaho Code.

(3) "Target" means an Idaho person:

(a) Who has received a demand letter or against whom an assertion or allegation of patent infringement has been made;

(b) Who has been threatened with litigation or against whom a lawsuit has been filed alleging patent infringement; or

(c) Whose customers have received a demand letter asserting that the person's product, service or technology has infringed a patent.

48-1703. BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT. (1) It is unlawful for a person to make a bad faith assertion of patent infringement in a demand letter, a complaint or any other communication.

(2) A court may consider the following factors as evidence that a person has made a bad faith assertion of patent infringement:

(a) The person sends a demand letter to a target without first conducting an analysis comparing the claims in the patent to the target's products, services or technology.

(b) The demand letter does not contain the following information:

(i) The patent number;

(ii) The name and address of the patent owner or owners and assignee or assignees, if any; and

(iii) The factual allegations concerning the specific areas in which the target's products, services and technology infringe the patent or are covered by the claims in the patent.

(c) The demand letter does not identify specific areas in which the products, services and technology are covered by the claims in the patent.

(d) The demand letter demands payment of a license fee or response within an unreasonably short period of time.

(e) The person offers to license the patent for an amount that is not reasonably based on the value of a license to the patent.

(f) The person asserting a claim or allegation of patent infringement acts in subjective bad faith, or a reasonable actor in the person's position would know or reasonably should know that such assertion is meritless.

(g) The claim or assertion of patent infringement is deceptive.

(h) The person or its subsidiaries or affiliates have previously filed or threatened to file one (1) or more lawsuits alleging patent infringement based on the same or similar claim, the person attempted to

enforce the claim of patent infringement in litigation and a court found the claim to be meritless.

(i) Any other factor the court finds relevant.

(3) A court may consider the following factors as evidence that a person has not made a bad faith assertion of patent infringement:

(a) The person engages in a good faith effort to establish that the target has infringed the patent and to negotiate an appropriate remedy.

(b) The person makes a substantial investment in the use of the patent or in the production or sale of a product or item covered by the patent.

(c) The person has:

(i) Demonstrated good faith in previous efforts to enforce the patent, or a substantially similar patent; or

(ii) Successfully enforced the patent, or a substantially similar patent, through litigation.

(d) Any other factor the court finds relevant.

(4) Any violation of the provisions of this chapter is an unlawful, unfair and deceptive act or practice in trade or commerce for the purpose of applying the Idaho consumer protection act, chapter 6, title 48, Idaho Code.

48-1704. PERSONAL JURISDICTION. Any person outside this state sending a demand letter to an Idaho person shall be deemed to be transacting business within this state within the meaning of section 5-514(a), Idaho Code, and shall thereby be subject to the jurisdiction of the courts of this state.

48-1705. AUTHORITY OF THE ATTORNEY GENERAL AND DISTRICT COURTS. The attorney general and the district court shall have the same authority in enforcing and carrying out the provisions of this chapter as is granted the attorney general and district courts under the Idaho consumer protection act, chapter 6, title 48, Idaho Code.

48-1706. PRIVATE CAUSE OF ACTION, REMEDIES AND DAMAGES -- LIMITATION OF ACTION. (1) A target of conduct involving assertions of patent infringement, or a person aggrieved by a violation of this chapter or by a violation of rules promulgated under chapter 6, title 48, Idaho Code, may bring an action in district court. A court may award the following remedies to a plaintiff who prevails in an action brought pursuant to this subsection:

(a) Equitable relief;

(b) Damages;

(c) Costs and fees, including reasonable attorney's fees; and

(d) Exemplary damages in an amount equal to fifty thousand dollars (\$50,000) or three (3) times the total of damages, costs and fees, whichever is greater.

(2) The remedies provided for in this chapter are not exclusive and shall be in addition to any other procedures or remedies for any violation or conduct provided for in any other statute.

(3) No private action may be brought under the provisions of this chapter more than three (3) years after the cause of action accrues. A cause of action shall be deemed to have accrued when the party bringing an action under the provisions of this chapter knows, or in the exercise of reasonable care should have known, about the violation of the provisions of this chapter. Each bad faith assertion of patent infringement constitutes a separate violation under this chapter.

48-1707. BOND. Upon motion by a target and a finding by the court that a target has established a reasonable likelihood that a person has made a bad faith assertion of patent infringement in violation of this chapter, the court shall require the person to post a bond in an amount equal to a good faith estimate of the target's costs to litigate the claim and amounts reasonably likely to be recovered under this chapter, conditioned upon payment

of any amounts finally determined to be due to the target. A hearing shall be held if either party so requests. The court may waive the bond requirement if it finds the person has available assets equal to the amount of the proposed bond or for other good cause shown.

48-1708. EXEMPTIONS. A demand letter or assertion of patent infringement that includes a claim for relief arising under 35 U.S.C. section 271(e) (2) shall not be subject to the provisions of this chapter.

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

Approved March 26, 2014

CHAPTER 278
(S.B. No. 1356)

AN ACT

RELATING TO THE UNIFORM ELECTRONIC LEGAL MATERIAL ACT; AMENDING TITLE 60, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 3, TITLE 60, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR APPLICABILITY OF LAWS, TO PROVIDE FOR LEGAL MATERIAL IN AN OFFICIAL ELECTRONIC RECORD, TO PROVIDE FOR AUTHENTICATION OF AN OFFICIAL ELECTRONIC RECORD, TO ESTABLISH PROVISIONS RELATING TO THE EFFECT OF AUTHENTICATION, TO ESTABLISH PROVISIONS RELATING TO THE PRESERVATION AND SECURITY OF LEGAL MATERIAL IN AN OFFICIAL ELECTRONIC RECORD, TO PROVIDE FOR PUBLIC ACCESS TO LEGAL MATERIALS, TO ESTABLISH PROVISIONS RELATING TO STANDARDS, TO PROVIDE FOR THE UNIFORMITY OF APPLICATION AND CONSTRUCTION AND TO PROVIDE FOR THE RELATION TO THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 60, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 3, Title 60, Idaho Code, and to read as follows:

CHAPTER 3
UNIFORM ELECTRONIC LEGAL MATERIAL ACT

60-301. SHORT TITLE. This act may be cited as the "Uniform Electronic Legal Material Act."

60-302. DEFINITIONS. In this act:

- (1) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.
- (2) "Legal material" means:
 - (a) The constitution of the state of Idaho;
 - (b) The general laws of the state of Idaho, also known as the session laws;
 - (c) The Idaho code;
 - (d) The Idaho administrative code and the Idaho administrative bulletin;

- (e) Reported decisions of the following state courts: the Idaho supreme court and the court of appeals; or
- (f) Idaho court rules.
- (3) "Official publisher" means:
 - (a) For the constitution of the state of Idaho, the secretary of state;
 - (b) For the general laws of the state of Idaho, the secretary of state;
 - (c) For the Idaho code, the Idaho code commission;
 - (d) For a rule published in the Idaho administrative code, the administrative rules coordinator;
 - (e) For a rule published in the Idaho administrative bulletin, the administrative rules coordinator;
 - (f) For a state court decision included under subsection (2) (e) of this section, the clerk of the supreme court (ex officio reporter);
 - (g) For Idaho court rules, the Idaho code commission.
- (4) "Publish" means to display, present or release to the public, or cause to be displayed, presented, or released to the public, by the official publisher.
- (5) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (6) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

60-303. APPLICABILITY. (1) This act applies to all legal material in an electronic record that is designated as official under section 60-304, Idaho Code, and first published electronically on or after July 1, 2015.

(2) This act applies to the following legal material in an official electronic record that was first published before July 1, 2015:

- (a) The Idaho administrative code for the years 2010, 2011, 2012, 2013 and 2014.
- (b) The Idaho administrative bulletin for the years 2010, 2011, 2012, 2013 and 2014.

60-304. LEGAL MATERIAL IN OFFICIAL ELECTRONIC RECORD. (1) If an official publisher publishes legal material only in an electronic record, the publisher shall:

- (a) Designate the electronic record as official; and
- (b) Comply with sections 60-305, 60-307 and 60-308, Idaho Code.

(2) An official publisher that publishes legal material in an electronic record and also publishes the material in a record other than an electronic record may designate the electronic record as official if the publisher complies with sections 60-305, 60-307 and 60-308, Idaho Code.

60-305. AUTHENTICATION OF OFFICIAL ELECTRONIC RECORD. An official publisher of legal material in an electronic record that is designated as official under section 60-304, Idaho Code, shall authenticate the record. To authenticate an electronic record, the publisher shall provide a method for a user to determine that the record received by the user from the publisher is unaltered from the official record published by the publisher.

60-306. EFFECT OF AUTHENTICATION. (1) Legal material in an electronic record that is authenticated under section 60-305, Idaho Code, is presumed to be an accurate copy of the legal material.

(2) If another state has adopted a law substantially similar to this act, legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.

(3) A party contesting the authentication of legal material in an electronic record authenticated under section 60-305, Idaho Code, has the burden of proving by a preponderance of the evidence that the record is not authentic.

60-307. PRESERVATION AND SECURITY OF LEGAL MATERIAL IN OFFICIAL ELECTRONIC RECORD. (1) An official publisher of legal material in an electronic record that is or was designated as official under section 60-304, Idaho Code, shall provide for the preservation and security of the record in an electronic form or a form that is not electronic.

(2) If legal material is preserved under subsection (1) of this section in an electronic record, the official publisher shall:

- (a) Ensure the integrity of the record;
- (b) Provide for backup and disaster recovery of the record; and
- (c) Ensure the continuing usability of the material.

60-308. PUBLIC ACCESS TO LEGAL MATERIAL IN OFFICIAL ELECTRONIC RECORD. An official publisher of legal material in an electronic record that is required to be preserved under section 60-307, Idaho Code, shall ensure that the material is reasonably available for use by the public on a permanent basis.

60-309. STANDARDS. In implementing this act, an official publisher of legal material in an electronic record shall consider:

- (1) Standards and practices of other jurisdictions;
- (2) The most recent standards regarding authentication of, preservation and security of, and public access to, legal material in an electronic record and other electronic records, as promulgated by national standard-setting bodies;
- (3) The needs of users of legal material in an electronic record;
- (4) The views of governmental officials and entities and other interested persons; and
- (5) To the extent practicable, methods and technologies for the authentication of, preservation and security of, and public access to, legal material that are compatible with the methods and technologies used by other official publishers in this state and in other states that have adopted a law substantially similar to this act.

60-310. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

60-311. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This act modifies, limits and supersedes the electronic signatures in global and national commerce act, 15 U.S.C. 7001 et seq., but does not modify, limit or supersede section 101(c) of that act, 15 U.S.C. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. 7003(b).

SECTION 2. This act shall be in full force and effect on and after July 1, 2015.

Approved March 26, 2014

CHAPTER 279
(S.B. No. 1362)

AN ACT

RELATING TO THE PERSONNEL SYSTEM; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5339, IDAHO CODE, TO ESTABLISH A LOAN REPAYMENT PROGRAM FOR PHYSICIANS, PSYCHOLOGISTS AND MID-LEVEL PRACTITIONERS AT CERTAIN STATE HOSPITALS, TO DEFINE TERMS, TO PROVIDE LIMITATIONS ON THE PROGRAM, TO PROVIDE ELIGIBILITY CRITERIA FOR THE PROGRAM, TO ESTABLISH A STATE HOSPITAL GOVERNING BODY TO OVERSEE THE PROGRAM, TO PROVIDE THAT ELIGIBLE EMPLOYEES SHALL ENTER INTO AN AGREEMENT WITH THE GOVERNING BODY FOR LOAN REPAYMENT, TO ESTABLISH CRITERIA FOR THE AGREEMENT WITH THE GOVERNING BODY, TO PROVIDE FOR THE LENGTH OF THE PROGRAM AND TO PROVIDE FOR AMOUNTS TO BE REIMBURSED.

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

SECTION 1. That Chapter 53, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5339, Idaho Code, and to read as follows:

67-5339. LOAN REPAYMENT PROGRAM. (1) There is hereby created an educational loan repayment program for eligible physicians, psychologists and mid-level practitioners at state hospital north and state hospital south.

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

(a) "Mid-level practitioner" means a position at state hospital north or state hospital south that is licensed as a nurse practitioner pursuant to chapter 14, title 54, Idaho Code, or as a physician assistant pursuant to chapter 18, title 54, Idaho Code.

(b) "Physician" means a physician at state hospital north or state hospital south that is licensed to practice medicine pursuant to chapter 18, title 54, Idaho Code.

(c) "Psychologist" means a psychologist at state hospital north or state hospital south that is licensed to practice psychology pursuant to chapter 23, title 54, Idaho Code.

(3) The educational loan repayment program shall be subject to appropriation by the Idaho legislature.

(4) The educational loan repayment program shall be limited to the repayment of outstanding loans accrued prior to employment in a qualifying job class for undergraduate, graduate and medical school incurred by physicians, psychologists or mid-level practitioners who are eligible for the program under the provisions of this section.

(5) There is hereby created a state hospital governing body. The state hospital governing body shall have the responsibility to oversee the educational loan repayment program and the authority to offer loan repayment disbursements under the program and shall annually review each loan repayment agreement entered into pursuant to subsection (6) of this section and determine whether continuation of the loan repayment program for each participating employee shall occur based upon the number of program participants and the availability of funds. The state hospital governing body shall consist of the administrator of the division of behavioral health, the hospital administrator of state hospital south, the president of the medical staff at state hospital south and the hospital administrator of state hospital north. The administrator of the division of behavioral health shall be the chair of the state hospital governing body.

(6) Employees eligible for loan repayment under the provisions of this section shall be required to enter into an agreement with the state hospi-

tal governing body each year a loan repayment disbursement is offered. The agreement shall include, but not be limited to, the following:

- (a) Disclosure of the employee's current student loan balance;
- (b) Affirmation by the hospital that the employee has provided no less than two thousand eighty (2,080) credited state service hours prior to first disbursement and that the employee has obtained satisfactory performance standards during this time;
- (c) Affirmation that any subsequent disbursements occur one (1) year or two thousand eighty (2,080) credited state service hours after the previous disbursement and that the employee has obtained satisfactory performance standards during this time; and
- (d) Confirmation that any prior disbursements made under this program were used to pay outstanding student loans.

(7) Loan repayment disbursements made pursuant to this section shall be limited to a period of four (4) years.

(8) Loan repayment disbursements made pursuant to this section shall be made as follows:

(a) For physician reimbursements, a single yearly reimbursement may be made to or on behalf of an eligible physician not to exceed:

- (i) Fifteen thousand dollars (\$15,000) for the employee's first year of eligibility;
- (ii) Fifteen thousand dollars (\$15,000) for the employee's second year of eligibility;
- (iii) Twenty thousand dollars (\$20,000) for the employee's third year of eligibility; and
- (iv) Twenty-five thousand dollars (\$25,000) for the employee's fourth year of eligibility.

(b) For psychologist reimbursements, a single yearly reimbursement may be made to or on behalf of an eligible psychologist not to exceed:

- (i) Ten thousand dollars (\$10,000) for the employee's first year of eligibility;
- (ii) Ten thousand dollars (\$10,000) for the employee's second year of eligibility;
- (iii) Fifteen thousand dollars (\$15,000) for the employee's third year of eligibility; and
- (iv) Fifteen thousand dollars (\$15,000) for the employee's fourth year of eligibility.

(c) For mid-level practitioner reimbursements, a single yearly reimbursement may be made to or on behalf of an eligible mid-level practitioner not to exceed:

- (i) Ten thousand dollars (\$10,000) for the employee's first year of eligibility;
- (ii) Ten thousand dollars (\$10,000) for the employee's second year of eligibility;
- (iii) Fifteen thousand dollars (\$15,000) for the employee's third year of eligibility; and
- (iv) Fifteen thousand dollars (\$15,000) for the employee's fourth year of eligibility.

Approved March 26, 2014

CHAPTER 280
(S.B. No. 1369)

AN ACT

RELATING TO COUNTY OFFICERS; AMENDING CHAPTER 20, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-2002, IDAHO CODE, TO PROVIDE FOR DUTIES OF THE ATTORNEY GENERAL RELATING TO PRELIMINARY INVESTIGATIONS AND ACTIONS AGAINST COUNTY ELECTED OFFICERS, TO AUTHORIZE THE ATTORNEY GENERAL TO ISSUE SUBPOENAS, TO PROVIDE AN EXCEPTION AND TO DEFINE A TERM; AMENDING SECTION 31-2227, IDAHO CODE, TO PROVIDE A CERTAIN EXCEPTION RELATING TO THE PRIMARY RESPONSIBILITY FOR ENFORCING PENAL LAWS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-1401, IDAHO CODE, TO PROVIDE THAT THE ATTORNEY GENERAL SHALL RESPOND TO ALLEGATIONS OF VIOLATION OF STATE LAW BY ELECTED COUNTY OFFICIALS.

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

SECTION 1. That Chapter 20, 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 31-2002, Idaho Code, and to read as follows:

31-2002. PRELIMINARY INVESTIGATIONS AND ACTIONS AGAINST COUNTY ELECTED OFFICERS -- DUTIES OF ATTORNEY GENERAL. (1) Notwithstanding any provision of law to the contrary, the attorney general shall conduct a preliminary investigation of any allegation of a violation of state law, civil or criminal, against a county officer occupying an elective office for violation of state law in his official capacity.

(2) Upon completion of the preliminary investigation, the attorney general may:

- (a) Issue a finding of no further action necessary;
- (b) Prescribe training or other nonjudicial remedies; or
- (c) Issue a finding that further investigation or prosecution is warranted, provided that the attorney general shall refer a recommendation for further investigation or prosecution to the county prosecutor who shall seek appointment of a special prosecutor. If the attorney general issues a finding that further investigation or prosecution is warranted against a county prosecutor, the attorney general shall retain the matter and act as special prosecutor.

(3) In furtherance of the duty to conduct investigations set forth in the provisions of this section, the attorney general shall have the authority to issue subpoenas for the production of documents or tangible things that may be relevant to such investigations.

(4) The provisions of this section shall not apply to any alleged violations of the open meetings law as codified in chapter 23, title 67, Idaho Code.

(5) For purposes of this section, a county officer occupying an elective office shall be deemed to have performed an act in his "official capacity" when such act takes place while the officer is working or claims to be working on behalf of his employer at his workplace or elsewhere, while the officer is at his workplace whether or not he is working at the time, involves the use of public property or equipment of any kind or involves the expenditure of public funds.

SECTION 2. That Section 31-2227, Idaho Code, be, and the same is hereby amended to read as follows:

31-2227. ENFORCEMENT OF PENAL LAWS -- PRIMARY RESPONSIBILITY. (1) Irrespective of police powers vested by statute in state, county, and municipi-

pal officers, and except where otherwise provided in Idaho Code, it is hereby declared to be the policy of the state of Idaho that the primary duty of enforcing all the penal provisions of any and all statutes of this state, in any court, is vested in the sheriff and prosecuting attorney of each of the several counties. When, in the judgment of such county officers, they need assistance from municipal peace officers within the county, they are authorized and directed to call for such assistance and such local officers shall render such assistance.

(2) When, in the judgment of such county officers, advice and/or assistance is needed which is not available in the county, the sheriff and/or the prosecuting attorney are directed to call upon the Idaho state police for such advice and assistance and the department shall render such cooperative service. Whenever in the opinion of the governor any peace officer of this state refuses to offer assistance when requested to do so, or refuses to perform any duty enjoined upon him by the penal statutes of this state, the governor shall direct the attorney general to commence action under chapter 41, title 19, Idaho Code, to remove such officer from office.

(3) When in the judgment of the governor the penal laws of this state are not being enforced as written, in any county, or counties, in this state, he may direct the director of the Idaho state police to act independently of the sheriff and prosecuting attorney in such county, or counties, to execute and enforce such penal laws. In such an instance, the attorney general shall exclusively exercise all duties, rights and responsibilities of the prosecuting attorney.

SECTION 3. That Section 67-1401, Idaho Code, be, and the same is hereby amended to read as follows:

67-1401. DUTIES OF ATTORNEY GENERAL. Except as otherwise provided in this chapter, it is the duty of the attorney general:

(1) To perform all legal services for the state and to represent the state and all departments, agencies, offices, officers, boards, commissions, institutions and other state entities, in all courts and before all administrative tribunals or bodies of any nature. Representation shall be provided to those entities exempted pursuant to the provisions of section 67-1406, Idaho Code. Whenever required to attend upon any court or administrative tribunal, the attorney general shall be allowed necessary and actual expenses, all claims for which shall be audited by the state board of examiners.

(2) To advise all departments, agencies, offices, officers, boards, commissions, institutions and other state entities in all matters involving questions of law.

(3) After judgment in any of the causes referred to in this chapter, to direct the issuing of such process as may be necessary to carry the same into execution.

(4) To account for and pay over to the proper officer all moneys received which belong to the state.

(5) To supervise nonprofit corporations, corporations, charitable or benevolent societies, person or persons holding property subject to any public or charitable trust and to enforce whenever necessary any noncompliance or departure from the general purpose of such trust and, in order to accomplish such purpose, said nonprofit corporations, corporations, charitable or benevolent societies, person or persons holding property subject to any public or charitable trust are subject at all times to examination by the attorney general, on behalf of the state, to ascertain the condition of its affairs and to what extent, if at all, said trustee or trustees may have failed to comply with trusts said trustee or trustees have assumed or may have departed from the general purpose for which it was formed. In case of any such failure or departure, the attorney general shall institute, in the name of

the state, any proceeding necessary to enforce compliance with the terms of the trust or any departure therefrom.

(6) To give an opinion in writing, without fee, to the legislature or either house thereof, or any senator or representative, and to the governor, secretary of state, treasurer, state controller, and the superintendent of public instruction, when requested, upon any question of law relating to their respective offices. The attorney general shall keep a record of all written opinions rendered by the office and such opinions shall be compiled annually and made available for public inspection. All costs incurred in the preparation of said opinions shall be borne by the office of the attorney general. A copy of the opinions shall be furnished to the supreme court and to the state librarian.

(7) When required by the public service, to repair to any county in the state and assist the prosecuting attorney thereof in the discharge of duties.

(8) To bid upon and purchase, when necessary, in the name of the state, and under the direction of the state controller, any property offered for sale under execution issued upon judgments in favor of or for the use of the state, and to enter satisfaction in whole or in part of such judgments as the consideration for such purchases.

(9) Whenever the property of a judgment debtor in any judgment mentioned in subsection (8) of this section has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance, taking precedence of the judgment in favor of the state, under the direction of the state controller, to redeem such property from such prior judgment, lien, or encumbrance; and all sums of money necessary for such redemption must, upon the order of the board of examiners, be paid out of any money appropriated for such purposes.

(10) When necessary for the collection or enforcement of any judgment hereinbefore mentioned, to institute and prosecute, in behalf of the state, such suits or other proceedings as may be necessary to set aside and annul all conveyances fraudulently made by such judgment debtors; the cost necessary to the prosecution must, when allowed by the board of examiners, be paid out of any appropriations for the prosecution of delinquents.

(11) To exercise all the common law power and authority usually appertaining to the office and to discharge the other duties prescribed by law.

(12) To report to the governor, at the time required by this section, the condition of the affairs of the attorney general's office and of the reports received from prosecuting attorneys.

(13) To appoint deputy attorneys general and special deputy attorneys general and other necessary staff to assist in the performance of the duties of the office. Such deputies and staff shall be nonclassified employees within the meaning of section 67-5302, Idaho Code.

(14) To establish a medicaid fraud control unit pursuant to the provisions of section 56-226, Idaho Code, and to exercise concurrent investigative and prosecutorial authority and responsibility with county prosecutors to prosecute persons for the violation of the criminal provisions of chapter 2, title 56, Idaho Code, and for criminal offenses that are not defined in said chapter 2, title 56, Idaho Code, but that involve or are directly related to the use of medicaid program funds or services provided through the medicaid program.

(15) To seek injunctive and any other appropriate relief as expeditiously as possible to preserve the rights and property of the residents of the state of Idaho, and to defend as necessary the state of Idaho, its officials, employees and agents in the event that any law or regulation violating the public policy set forth in the Idaho health freedom act, chapter 90, title 39, Idaho Code, is enacted by any government, subdivision or agency thereof.

(16) To establish an internet crimes against children unit pursuant to the provisions of section 67-1410, Idaho Code, and to exercise concurrent investigative and prosecutorial authority and responsibility with county prosecutors to prosecute persons for the violation of the criminal provisions of sections 18-1507, 18-1509A, 18-1513 and 18-1515, Idaho Code, which may also encompass criminal offenses that are not defined in said sections but that involve or are directly related to child pornography and solicitation of minors for pornography, prostitution or sex-related offenses.

(17) To respond to allegations of violation of state law by elected county officers, to investigate such claims, to issue appropriate findings and to refer such cases for further investigation and prosecution pursuant to section 31-2002, Idaho Code.

Approved March 26, 2014

CHAPTER 281
(S.B. No. 1372, As Amended)

AN ACT

RELATING TO EDUCATION; TO PROVIDE A SHORT TITLE; TO PROVIDE LEGISLATIVE INTENT; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-133, IDAHO CODE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR A RESPONSIBLE ENTITY, TO ESTABLISH PROVISIONS RELATING TO A DATA INVENTORY AND DICTIONARY OR INDEX, TO ESTABLISH PROVISIONS RELATING TO CERTAIN POLICIES AND PROCEDURES, TO ESTABLISH PROVISIONS RELATING TO THE STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION ENSURING THAT CERTAIN VENDORS SHALL COMPLY WITH THE LAW, TO PROVIDE FOR A CIVIL ENFORCEMENT ACTION, TO PROVIDE FOR A COURT ACTION, TO PROVIDE FOR A PENALTY, TO ESTABLISH PROVISIONS RELATING TO DATA DEEMED CONFIDENTIAL, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE FOR A DATA SECURITY PLAN, TO ESTABLISH PROVISIONS RELATING TO COMPLIANCE WITH CERTAIN POLICIES AND LAWS, TO ESTABLISH PROVISIONS RELATING TO CERTAIN CONTRACTS, TO ESTABLISH PROVISIONS RELATING TO NOTIFICATION TO THE GOVERNOR AND THE LEGISLATURE, TO PROVIDE FOR RULES, TO ESTABLISH PROVISIONS RELATING TO EXISTING COLLECTION OF STUDENT DATA, TO ESTABLISH PROVISIONS RELATING TO A PARENT OR GUARDIAN REQUEST, TO PROVIDE FOR A MODEL POLICY AND TO PROVIDE FOR PENALTIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. SHORT TITLE. This act shall be known as the "Student Data Accessibility, Transparency and Accountability Act of 2014."

SECTION 2. LEGISLATIVE INTENT. It is the intent of the Legislature to help ensure that student information is safeguarded and that privacy is honored, respected and protected. The Legislature also acknowledges that student information is a vital resource for teachers and school staff in planning responsive education programs and services, scheduling students into appropriate classes and completing reports for educational agencies. Student information is critical in helping educators assist students in successfully graduating from high school and being ready to enter the workforce or postsecondary education. In emergencies, certain information should be readily available to school officials to assist students and their families. A limited amount of this information makes up a student's permanent record or transcript. The Legislature firmly believes that while student information is important for educational purposes, it is also critically important to ensure that student information is protected, safeguarded and kept private and used only by appropriate educational authorities and then, only to

serve the best interests of the student. To that end, this act will help ensure that student information is protected and expectations of privacy are honored.

SECTION 3. That Chapter 1, 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 33-133, Idaho Code, and to read as follows:

33-133. DEFINITIONS -- STUDENT DATA -- USE AND LIMITATIONS -- PENALTIES. (1) As used in this act, the following terms shall have the following meanings:

(a) "Agency" means each state board, commission, department, office or institution, educational or otherwise, of the state of Idaho. State agency shall also mean any city, county, district or other political subdivision of the state.

(b) "Aggregate data" means data collected and/or reported at the group, cohort or institutional level. Aggregate data shall not include personally identifiable information. The minimum number of students shall be determined by the state board of education.

(c) "Board" means the state board of education.

(d) "Data system" means the state's elementary, secondary and postsecondary longitudinal data systems.

(e) "Department" means the state department of education.

(f) "District" or "school district" means an Idaho public school district and shall also include Idaho public charter schools.

(g) "Parent" means parent, parents, legal guardian or legal guardians.

(h) "Personally identifiable data," "personally identifiable student data" or "personally identifiable information" includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student education unique identification number or biometric record; other indirect identifiers, such as the student's date of birth, place of birth and mother's maiden name; and other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

(i) "Provisional student data" means new student data proposed for inclusion in the data system.

(j) "Student data" means data collected and/or reported at the individual student level included in a student's educational record.

(i) "Student data" includes: (1) state and national assessment results, including information on untested public school students; (2) course taking and completion, credits earned and other transcript information; (3) course grades and grade point average; (4) date of birth, grade level and expected graduation date/graduation cohort; (5) degree, diploma, credential attainment and other school exit information such as general educational development and drop-out data; (6) attendance and mobility; (7) data required to calculate the federal four (4) year adjusted secondary cohort graduation rate, including sufficient exit information; (8) discipline reports limited to objective information sufficient to produce the federal annual incident reports, children with disabilities disciplinary reports and discipline reports including students involved with firearms; (9) remediation; (10) special education data; (11) demographic data

and program participation information; and (12) files, documents, images or data containing a student's educational record that are stored in or transmitted through a cloud computing service.

(ii) A student's educational record shall not include: (1) juvenile delinquency records and criminal records unless required in paragraph (k) of this subsection; (2) medical and health records; (3) student social security number; (4) student biometric information; (5) gun ownership records; (6) sexual orientation; (7) religious affiliation; (8) except for special needs and exceptional students, any data collected pursuant to a statewide assessment via affective computing, including analysis of facial expressions, EEG brain wave patterns, skin conductance, galvanic skin response, heart rate variability, pulse, blood volume, posture and eye tracking, any data that measures psychological resources, mind sets, effortful control, attributes, dispositions, social skills, attitudes or intrapersonal resources.

(k) "Student educational record" means all information directly related to a student and recorded and kept in the data system as that term is defined in this section. Provided however, that the following shall not be kept as part of a student's permanent educational record: daily assignments, homework, reports, chapter tests or similar assessments or other schoolwork that may be considered daily or weekly work. A student educational record may include information considered to be personally identifiable.

(l) "Student education unique identification number" means the unique student identifier assigned by the state to each student that shall not be or include the social security number of a student in whole or in part.

(m) "Violation" means an act contrary to the provisions of this section that materially compromises the security, confidentiality or integrity of personally identifiable data of one (1) or more students and that results in the unauthorized release or disclosure of such data.

(2) Unless otherwise provided for in this act, the executive office of the state board of education shall be the entity responsible for implementing the provisions of this act. All decisions relating to the collection and safeguarding of student data shall be the responsibility of the executive office of the state board of education.

(3) The state board of education shall:

(a) Create, publish and make publicly available a data inventory and dictionary or index of data elements with definitions of individual student data fields currently in the student data system including:

(i) Any individual student data required to be reported by state and federal education mandates;

(ii) Any individual student data that has been proposed for inclusion in the student data system with a statement regarding the purpose or reason for the proposed collection; and

(iii) Any individual student data collected or maintained with no current purpose or reason.

No less frequently than annually, the state board of education shall update the data inventory and index of data elements provided for in this subsection.

(b) Develop, publish and make publicly available policies and procedures to comply with the federal family educational rights and privacy act (FERPA) and other relevant privacy laws and policies including, but not limited to the following:

(i) Access to student data in the student data system shall be restricted to: (1) the authorized staff of the state board of education and the state department of education and the board's and the department's vendors who require such access to perform

their assigned duties; (2) the district and the district's private vendors who require access to perform their assigned duties and public postsecondary staff who require such access to perform their assigned duties; (3) students and their parents or legal guardians; and (4) the authorized staff of other state agencies in this state as required by law and/or defined by interagency data-sharing agreements. All such data-sharing agreements shall be summarized in a report compiled by the state board of education and submitted no later than January 15 of each year to the senate education committee and the house of representatives education committee;

(ii) Provide that public reports or responses to record requests shall include aggregate data only as that term is defined in subsection (1) of this section;

(iii) Develop criteria for the approval of research and data requests from state and local agencies, the state legislature, researchers and the public: (1) unless otherwise approved by the state board of education, student data maintained shall remain confidential; (2) unless otherwise approved by the state board of education, released student data in response to research and data requests may include only aggregate data; and (3) any approval of the board to release personally identifiable student data shall be subject to legislative approval prior to the release of such information;

(iv) Ensure that any contract entered into by the state board of education or the state department of education includes provisions requiring and governing data destruction dates and specific restrictions on the use of data;

(v) Provide for notification to students and parents regarding their rights under federal and state law; and

(vi) Ensure that all school districts, primary schools, secondary schools and other similar institutions entering into contracts that govern databases, online services, assessments, special education or instructional supports with private vendors shall include in each such contract a provision that private vendors are permitted to use aggregated data; or an individual student's data for secondary uses, but only if the vendor discloses in clear detail the secondary uses and receives written permission from the student's parent or legal guardian. The contract shall also include either of the following: (1) a prohibition on any secondary uses of student data by the private vendor including, but not limited to, sales, marketing or advertising, but permitting the private vendor to process or monitor such data solely to provide and maintain the integrity of the service; or (2) a requirement that the private vendor disclose in detail any secondary uses of student data including, but not limited to, sales, marketing or advertising, and the board shall obtain express parental consent for those secondary uses prior to deployment of the private vendor's services under the contract.

The state board of education and the state department of education shall ensure that any and all private vendors employed or otherwise engaged by the board or the department shall comply with the provisions of this section. Any person determined, in either a civil enforcement action initiated by the board or initiated by the department or in a court action initiated by an injured party, to have violated a provision of this section or any rule promulgated pursuant to this section shall be liable for a civil penalty not to exceed fifty thousand dollars (\$50,000) per violation. In the case of an unauthorized release of student data, the state board of education or the state department of education shall no-

tify the parent or student of the unauthorized release of student data that includes personally identifiable information in a manner consistent with the provisions of section 28-51-105, Idaho Code.

(c) Unless otherwise approved by the state board of education, any data deemed confidential pursuant to this act shall not be transferred to any federal, state or local agency or other organization or entity outside of the state of Idaho, with the following exceptions:

(i) A student transfers out of state or a school or district seeks help with locating an out-of-state transfer;

(ii) A student leaves the state to attend an out-of-state institution of higher education or training program;

(iii) A student voluntarily participates in a program for which such a data transfer is a condition or requirement of participation;

(iv) The state board of education or the state department of education may share such data with a vendor to the extent it is necessary as part of a contract that governs databases, online services, assessments, special education or instructional supports with a vendor;

(v) Pursuant to a written agreement between the two (2) school districts, where a student transfers from an Idaho district abutting upon another state to the nearest appropriate district in such neighboring state in accordance with the provisions of section 33-1403, Idaho Code; or

(vi) A student is classified as "migrant" for reporting purposes as required by the federal government in order to assure linkage between the various states of migrant students educational records;

(d) Develop a detailed data security plan that includes:

(i) Guidelines for authorizing access to the student data system and to individual student data including guidelines for authentication of authorized access;

(ii) Guidelines relating to administrative safeguards providing for the security of electronic and physical data; such guidelines should include provisions relating to data encryption as well as staff training to better ensure the safety and security of data;

(iii) Privacy compliance standards;

(iv) Privacy and security audits;

(v) Breach planning, notification and procedures; and

(vi) Data retention and disposition policies;

(e) Ensure routine and ongoing compliance with FERPA, other relevant privacy laws and policies, and the privacy and security policies and procedures developed under the authority of this act, including the performance of compliance audits;

(f) Ensure that any contracts that govern databases, online services, assessments or instructional supports that include student data and are outsourced to private vendors, include express provisions that safeguard privacy and security, contain the restrictions on secondary uses of student data described in subsection (3) (b) (vi) of this section, provides for data destruction, including a time frame for data destruction, and includes penalties for noncompliance with this paragraph; and

(g) Notify the governor and the legislature annually of the following:

(i) New student data proposed for inclusion in the state student data system: (1) any new student data collection proposed by the state board of education becomes a provisional requirement to allow districts and their local data system vendors the opportunity to meet the new requirement; and (2) the state board of education must submit any new provisional student data collection to the governor and the legislature for their approval within one (1)

year in order to make the new student data a permanent requirement through the administrative rules process. Any provisional student data collection not approved by the governor and the legislature by the end of the next legislative session expires and must be deleted and no longer collected;

(ii) Changes to existing data collections required for any reason, including changes to federal reporting requirements made by the U.S. department of education;

(iii) An explanation of any exceptions granted by the state board of education in the past year regarding the release or out-of-state transfer of student data;

(iv) The results of any and all privacy compliance and security audits completed in the past year. Notifications regarding privacy compliance and security audits shall not include any information that would pose a security threat to the state or local student information systems or to the secure transmission of data between state and local systems by exposing vulnerabilities; and

(v) Data collected specific to a grant program where such data is not otherwise included in student data.

(4) The state board of education shall adopt rules to implement the provisions of this act.

(5) Upon the effective date of this act, any existing collection of student data in the data system shall not be considered a new student data collection in accordance with this section.

(6) Unless otherwise prohibited by law or court order, school districts must provide parents or guardians with copies of all of their child's educational records, upon request, if such child has not attained the age of eighteen (18) years.

(7) The state board of education shall develop a model policy for school districts and public charter schools that will govern data collection, access, security and use of such data. The model policy shall be consistent with the provisions of this act. In order to assure that student educational information is treated safely and securely and in a consistent manner throughout the state, each district and public charter school shall adopt and implement the model policy. The state department of education shall provide outreach and training to the districts and public charter schools to help implement the policy. A current copy of such policy shall be posted to the school district's website. Any district or public charter school that fails to adopt, implement and post the policy where any inappropriate release of data occurs shall be liable for a civil penalty not to exceed fifty thousand dollars (\$50,000). Such civil penalty may be imposed per violation. The method of recovery of the penalty shall be by a civil enforcement action brought by the state board of education, with the assistance of the office of the state attorney general, 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.

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

Approved March 26, 2014

CHAPTER 282
(S.B. No. 1374, As Amended)

AN ACT

RELATING TO THE CORRECTIONAL INDUSTRIES ACT; AMENDING CHAPTER 4, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-413A, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS AND DUTIES OF THE BOARD OF CORRECTION FOR PROVIDING INMATE AGRICULTURAL LABOR TO PRIVATE EMPLOYERS AND TO PROVIDE TERMS AND CONDITIONS.

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

SECTION 1. That Chapter 4, Title 20, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 20-413A, Idaho Code, and to read as follows:

20-413A. CONTRACTS FOR AGRICULTURAL LABOR. (1) The board may contract with private agricultural employers as that term is defined in section 44-1601, Idaho Code, for the use of inmate labor in the production, harvesting and processing of perishable agricultural food products as that term is defined in section 6-2002, Idaho Code. The use of inmate labor may not result in the displacement of employed workers within the local region in which the agricultural work is being performed.

(2) The board shall establish by rule factors to be considered by the board prior to entering into such contract including, but not limited to, ensuring that employed workers are not displaced, inmate safety and any security risks and needs. All moneys derived from such contracts shall be deposited into the correctional industries betterment account established in section 20-415, Idaho Code.

(3) Inmates shall be compensated for their services pursuant to section 20-412, Idaho Code. The board shall establish by rule factors to be considered in dispersing inmate earnings. Deductions shall be made for:

- (a) Reducing or offsetting costs of incarceration from the general fund;
- (b) Satisfying court ordered restitution, fines and other legal judgments;
- (c) Providing resources for successful reentry by inmates; and
- (d) Other fees and deductions as deemed necessary by the board.

Approved March 26, 2014

CHAPTER 283
(S.B. No. 1375)

AN ACT

RELATING TO SUSPENSION OF JUDGMENT AND SENTENCE; AMENDING SECTION 19-2604, IDAHO CODE, TO ESTABLISH AND TO REVISE PROVISIONS RELATING TO THE DISCHARGE OF CERTAIN DEFENDANTS AND TO THE AMENDMENT OF JUDGMENTS OF CONVICTION AND TO PROVIDE THAT A VIOLATION OF THE TERMS OF AN AGREEMENT OF SUPERVISION SHALL NOT PRECLUDE GRANTING CERTAIN RELIEF.

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

SECTION 1. That Section 19-2604, Idaho Code, be, and the same is hereby amended to read as follows:

19-2604. DISCHARGE OF DEFENDANT -- AMENDMENT OF JUDGMENT.

(1) ~~If sentence has been imposed but suspended, or if sentence has been withheld,~~ (a) Application for relief under this subsection may be made by the following persons who have pled guilty to or been found guilty of a crime:

(i) A defendant whose sentence has been suspended or who has received a withheld judgment;

(ii) A defendant in a felony case whose sentence has been commuted under section 19-2601 1., Idaho Code;

(iii) A defendant in a felony case upon whom the court has not imposed a sentence to the custody of the board of correction;

(iv) A defendant who has not been sentenced but who has successfully completed a drug court or mental health court program;

(v) A defendant in a misdemeanor case who has not been sentenced to serve a term in the county jail.

(b) Upon application of the defendant and upon satisfactory showing that:

(ai) The court did not find, and the defendant did not admit, in any probation violation proceeding that the defendant violated any of the terms or conditions of any probation that may have been imposed; or

(bii) The defendant has successfully completed and graduated from an authorized drug court program or mental health court program and during any period of probation that may have been served following such graduation, the court did not find, and the defendant did not admit, in any probation violation proceeding that the defendant violated any of the terms or conditions of probation;

the court may, if convinced by the showing made that there is no longer cause for continuing the period of probation should the defendant be on probation at the time of the application, and if it be compatible with the public interest that there is good cause for granting the requested relief, may terminate the sentence or set aside the plea of guilty or conviction of the defendant, and finally dismiss the case and discharge the defendant or may amend the judgment of conviction from a term in the custody of the state board of correction to "confinement in a penal facility" for the number of days served prior to suspension sentencing, and the amended judgment may be deemed to be a misdemeanor conviction. This shall apply to the cases in which defendants have been convicted ~~and granted probation by the court~~ before this law goes into effect, as well as to cases which arise thereafter. The final dismissal of the case as herein provided shall have the effect of restoring the defendant to his civil rights.

(2) If sentence has been imposed but suspended for any period during the first three hundred sixty-five (365) days of a sentence to the custody of the state board of correction, and the defendant placed upon probation as provided in subsection 4. of section 19-2601, Idaho Code, upon application of the defendant, the prosecuting attorney, or upon the court's own motion, and upon satisfactory showing that:

(a) The court did not find, and the defendant did not admit, in any probation violation proceeding that the defendant violated any of the terms or conditions of probation; or

(b) The defendant has successfully completed and graduated from an authorized drug court program or mental health court program and during any period of probation that may have been served following such graduation, the court did not find, and the defendant did not admit, in any probation violation proceeding that the defendant violated any of the terms or conditions of probation;

the court may amend the judgment of conviction from a term in the custody of the state board of correction to "confinement in a penal facility" for the

number of days served prior to suspension, and the amended judgment may be deemed to be a misdemeanor conviction.

(3) (a) In addition to the circumstances in which relief from a felony conviction may be granted under subsections (1) and (2) of this section, a defendant who has been convicted of a felony and who has been discharged from probation may apply to the sentencing court for a reduction of the conviction from a felony to a misdemeanor as provided in this subsection.

(b) If less than five (5) years have elapsed since the defendant's discharge from probation, the application may be granted only if the prosecuting attorney stipulates to the reduction.

(c) If at least five (5) years have elapsed since the defendant's discharge from probation, and if the defendant was convicted of any of the following offenses, the application may be granted only if the prosecuting attorney stipulates to the reduction:

- (i) Assault with intent to commit a serious felony (18-909, 18-915, Idaho Code);
- (ii) Battery with intent to commit a serious felony (18-911, 18-915, Idaho Code);
- (iii) Enticing of children (18-1509, Idaho Code);
- (iv) Murder in the first or second degree (18-4003, Idaho Code);
- (v) Voluntary manslaughter (18-4006(1), Idaho Code);
- (vi) Assault with intent to commit murder (18-4015, Idaho Code);
- (vii) Administering poison with intent to kill (18-4014, Idaho Code);
- (viii) Kidnapping in the first degree (18-4502, Idaho Code);
- (ix) Robbery (18-6501, Idaho Code);
- (x) Trafficking (37-2732B, Idaho Code);
- (xi) Threats against state officials of the executive, legislative or judicial branch, felony (18-1353A, Idaho Code);
- (xii) Unlawful discharge of a firearm at a dwelling house, occupied building, vehicle or mobile home (18-3317, Idaho Code);
- (xiii) Cannibalism (18-5003, Idaho Code);
- (xiv) Unlawful use of destructive device or bomb (18-3320, Idaho Code);
- (xv) Attempt, conspiracy or solicitation to commit any of the crimes described in paragraph (c) (i) through (xiv).

(d) The decision as to whether to grant such an application shall be in the discretion of the district court, provided that the application may be granted only if the court finds that:

- (i) The defendant has not been convicted of any felony committed after the conviction from which relief is sought;
- (ii) The defendant is not currently charged with any crime;
- (iii) ~~The There is good cause for granting the reduction in sentence would be compatible with the public interest;~~ and
- (iv) In those cases where the stipulation of the prosecuting attorney is required under paragraph (b) or (c) of this subsection, the prosecuting attorney has so stipulated.

(e) If the court grants the application, the court shall reduce the felony conviction to a misdemeanor and amend the judgment of conviction for a term in the custody of the state board of correction to "confinement in a penal facility" for the number of days served prior to the judgment of conviction.

(4) Subsections (2) and (3) of this section shall not apply to any judgment of conviction for a violation of any offense requiring sex offender registration as set forth in section 18-8304, Idaho Code. A judgment of conviction for a violation of any offense requiring sex offender registration as set forth in section 18-8304, Idaho Code, shall not be subject to dismissal or reduction under this section. A conviction for the purposes of this chapter means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment.

(5) A violation of the terms of an agreement of supervision with the board of correction by a person under the supervision of the board shall not preclude the granting of relief to that person under this section.

Approved March 26, 2014

CHAPTER 284
(S.B. No. 1376)

AN ACT

RELATING TO DAIRY PRODUCTS; AMENDING TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 6, TITLE 37, IDAHO CODE, TO PROVIDE FOR THE DAIRY ENVIRONMENTAL CONTROL ACT, TO PROVIDE A SHORT TITLE, TO DECLARE POLICY AND TO PROVIDE FOR LEGISLATIVE INTENT AND RECOGNITION OF SPECIFIED FACTORS, TO PROVIDE THAT SUCCESSFUL IMPLEMENTATION OF SPECIFIED PROVISIONS OF LAW IS DEPENDENT ON CERTAIN FACTORS, TO PROVIDE THAT IF CERTAIN CONDITIONS ARE MET THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE SHALL AS APPROPRIATE ESTABLISH A SPECIFIED AGREEMENT, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE SHALL BE SOLELY RESPONSIBLE FOR PROTECTING CERTAIN GROUND WATER AND SURFACE WATER, TO PROVIDE FOR RULEMAKING, TO PROVIDE THAT SPECIFIED LAW SHALL NOT AFFECT CERTAIN AUTHORITY OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE TO EXERCISE CERTAIN DELEGATED AUTHORITY, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO DELEGATE CERTAIN AUTHORITY, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY WILL CONSULT WITH THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE BEFORE CERTIFYING DISCHARGES FROM DAIRY FARMS, TO DEFINE TERMS, TO PROVIDE FOR THE DESIGN AND CONSTRUCTION OF NEW AND MODIFIED WASTE SYSTEMS, TO PROVIDE FOR NUTRIENT MANAGEMENT PLANS, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE OR HIS DESIGNEE TO ENTER AND INSPECT DAIRY FARMS, TO AUTHORIZE ACCESS TO AND COPYING OF FACILITY RECORDS, TO PROVIDE FOR COMPLIANCE WITH CERTAIN BIOSECURITY PROTOCOL, TO PROVIDE FOR CONSTITUTIONAL CONFORMANCE AND TO PROHIBIT CERTAIN WARRANTLESS SEARCHES, TO PROHIBIT UNAUTHORIZED DISCHARGES, TO PROVIDE THAT CERTAIN NONCOMPLIANCE SHALL BE ADDRESSED THROUGH CORRECTIVE ACTIONS AND COMPLIANCE SCHEDULES, TO PROVIDE FOR FINES FOR CERTAIN VIOLATIONS AND TO PROVIDE THAT CIVIL PENALTIES SHALL BE REMITTED TO THE COUNTY WHERE THE VIOLATION OCCURRED, TO PROVIDE THAT DAIRY FARMS OPERATING IN COMPLIANCE WITH SPECIFIED LAW SHALL NOT BE SUBJECT TO CERTAIN STATE ENFORCEMENT ACTIONS EXCEPT UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THAT UNDER CERTAIN CONDITIONS PENDING ADMINISTRATIVE OR CIVIL ENFORCEMENT ACTIONS SHALL BE DEEMED VOID AND TO PROVIDE THAT CERTAIN ORDERS SHALL REMAIN IN EFFECT; REPEALING CHAPTER 7, TITLE 37, IDAHO CODE, RELATING TO PASTEURIZATION; REPEALING CHAPTER 8, TITLE 37, IDAHO CODE, RELATING TO GRADES OF QUALITY FOR MILK AND MILK PRODUCTS; AND REPEALING CHAPTER 10, TITLE 37, IDAHO CODE, RELATING TO DISCRIMINATION AND UNFAIR COMPETITION IN BUYING AND SELLING DAIRY PRODUCTS.

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

SECTION 1. That Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 6, Title 37, Idaho Code, and to read as follows:

CHAPTER 6
DAIRY ENVIRONMENTAL CONTROL ACT

37-601. SHORT TITLE. This chapter shall be known and cited as the "Dairy Environmental Control Act."

37-602. DECLARATION OF POLICY AND STATEMENT OF LEGISLATIVE INTENT. (1) The legislature recognizes the importance of protecting state natural resources including surface water and ground water. It is the intent of the legislature to protect the quality of these natural resources while maintaining an ecologically sound, economically viable and socially responsible dairy industry in the state. This chapter is intended to ensure that dairy waste systems are constructed, operated and maintained in a manner which protects the natural resources of the state.

(2) Further, the legislature recognizes that the dairy industry is potentially subject to various state and federal laws designed to protect state natural resources and that the Idaho department of agriculture is in the best position to administer and implement these various laws. It is therefore the intent of the legislature that the administration of this chapter by the department of agriculture fully meets the goals and requirements of the federal clean water act and state laws designed to further protect state waters.

(3) Successful implementation of this chapter is dependent upon the department receiving adequate funding from the legislature and upon effective coordination between the department of agriculture, the department of environmental quality and the Idaho dairymen's association to ensure compliance with this chapter and applicable state and federal laws, including the federal clean water act. Moreover, the legislature recognizes that it is important for the state to obtain an approved national pollutant discharge elimination system (NPDES) permit program from the environmental protection agency (EPA) under the clean water act. If such approval is obtained, the director of the department of environmental quality and the director of the department of agriculture shall, as appropriate, establish an agreement relating to the administration of any NPDES permit program that recognizes the expertise of the department of agriculture.

37-603. AUTHORITY AND DUTIES OF DIRECTOR. (1) Notwithstanding the provisions of chapters 1 and 36, title 39, Idaho Code, the director of the department of agriculture shall be solely responsible for protecting ground water within the boundaries of dairy farms regulated under this chapter and solely responsible for protecting surface water within the boundaries of dairy farms regulated under this chapter that are not under, or required to be under, an NPDES permit issued by the federal EPA or the department of environmental quality. The department is authorized to adopt rules to implement the provisions in this chapter.

(2) Except as provided in section 37-609, Idaho Code, nothing in this chapter shall affect the authority of the department of environmental quality regarding surface or ground water quality or violation of surface or ground water quality standards beyond the boundaries of dairy farms regulated under this chapter. In addition, nothing in this chapter shall affect the authority of the department of environmental quality to implement an NPDES permit program for dairy farms.

(3) The director shall have the authority to exercise any other authorities delegated by the director of the department of environmental quality regarding the protection of ground water, surface water and other natural resources associated with dairy farms, and this shall be the authority for the director of the department of environmental quality to so delegate.

(4) The director of the department of environmental quality shall consult with the director of the department of agriculture before certifying discharges from dairy farms as provided under 33 U.S.C. section 1341.

37-604. DEFINITIONS. When used in this chapter:

(1) "Best management practice" means a practice, technique or measure that is determined to be a reasonable precaution, a cost-effective and practicable means of preventing or reducing the discharge of pollutants from a point source or a nonpoint source to a level compatible with environmental goals, including water quality goals and standards.

(2) "Dairy farm" means land owned or operated by a dairy farm and is a place or premises where one (1) or more milking cows, sheep or goats are kept, and from which all or a portion of the milk produced thereon is delivered, sold or offered for sale for human consumption.

(3) "Dairy waste" means manure and process wastewater that may also contain bedding, spilled feed, compost, water or soil. It also includes wastes not particularly associated with manure, such as milking center or washing wastes, milk, feed leachate, or livestock carcasses or parts thereof.

(4) "Dairy waste system" or "waste system" means the portion of a dairy farm where dairy waste is stored, collected or treated. This may include corrals, feeding areas, waste collection systems, waste conveyance systems, waste storage ponds, waste treatment lagoons and evaporative ponds.

(5) "Department" means the Idaho department of agriculture.

(6) "Director" means the director of the Idaho department of agriculture or his designee.

(7) "Modification" or "modified" means structural changes and alterations to the dairy waste system that would require increased storage or containment capacity or such changes that would alter the function of the waste system.

(8) "Noncompliance" means a practice or condition that: causes an unauthorized discharge; or, if left uncorrected, will cause an unauthorized discharge, or does not meet nutrient management standards and comply with a nutrient management plan.

(9) "National pollutant discharge elimination system" (NPDES) means the point source permitting program established pursuant to section 402 of the federal clean water act.

(10) "Nutrient management plan" means a plan prepared in conformance with the nutrient management standard or other equally protective standard for managing the amount, placement, form and timing of the land application of nutrients and soil amendments.

(11) "Person" means any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any legal entity that is recognized by law as the subject of rights and duties.

(12) "Process wastewater" means liquid containing dairy manure.

(13) "Unauthorized discharge" means a discharge of dairy waste to state surface waters or ground waters, or beyond a dairy farm's property boundaries that does not meet the requirements of this chapter or ground water or surface water quality standards.

37-605. DESIGN AND CONSTRUCTION. Each new dairy farm and each modified dairy farm shall design and construct all new and modified waste systems in

accordance with rules adopted by the director pursuant to this chapter. Such design and construction shall be considered a best management practice.

37-606. NUTRIENT MANAGEMENT PLAN. (1) All dairy farms shall have a nutrient management plan approved by the department. The nutrient management plan shall cover the dairy farm site and other land owned and operated by the dairy farm owner or operator. Nutrient management plans submitted to the department by the dairy farm shall include the names and addresses of each recipient of that dairy farm's livestock waste, the number of acres to which the livestock waste is applied and the amount of such livestock waste received by each recipient. The information provided in this subsection shall be available to the county in which the dairy farm, or the land upon which the livestock waste is applied, is located. If livestock waste is converted to compost before it leaves the dairy farm, only the first recipient of the compost must be listed in the nutrient management plan as a recipient of livestock waste from the dairy farm. Existing dairy farms shall submit a nutrient management plan to the department.

(2) Any new dairy farms or dairy farms that change owners or operators shall have an approved nutrient management plan on file with the department prior to the issuance of the milk permit for that dairy. The nutrient management plan shall be implemented upon approval of the plan by the department.

(3) The nutrient management plan, and all information generated by the dairy as a result of such plan, shall be deemed to be trade secrets, production records or other proprietary information, shall be kept confidential and shall be exempt from disclosure pursuant to section 9-340D, Idaho Code.

37-607. INSPECTIONS. (1) The director or his designee is authorized to enter and inspect any dairy farm to determine that dairy waste has been managed to prevent an unauthorized discharge or contamination of surface and ground water, and to determine compliance with a nutrient management plan. The director shall have access to or copy any facility records deemed necessary to ensure compliance with this chapter and the federal clean water act. The director shall comply with the biosecurity protocol of the operation so long as the protocol does not inhibit reasonable access to:

- (a) Enter and inspect at reasonable times the premises or land application site or sites of a dairy farm;
- (b) Review, copy or review and copy at reasonable times any records that must be kept under conditions of this chapter;
- (c) Sample or monitor at reasonable times substances or parameters directly related to compliance with an NPDES permit or this chapter.

(2) All inspections and investigations conducted under the authority of this chapter shall be performed in conformity with section 17, article I of the constitution of the state of Idaho. The state shall not, under the authority granted by this chapter, conduct warrantless searches of private property in the absence of either consent from the property owner or other authorized person.

37-608. UNAUTHORIZED DISCHARGES -- COMPLIANCE SCHEDULES -- PENALTIES. (1) No dairy farm shall cause an unauthorized discharge.

(2) Noncompliance with requirements for dairy waste systems, with nutrient management standards, and with nutrient management plans shall be addressed through corrective actions and compliance schedules pursuant to rules adopted by the director.

(3) For unauthorized discharges and noncompliance conditions, the director or his designee shall have the authority to assess a fine of up to ten thousand dollars (\$10,000) per occurrence. Civil penalties collected under this subsection shall be remitted to the county where the violation occurred for deposit in the county current expense fund.

37-609. SAFE HARBOR. (1) Dairy farms and discharges operating in compliance with this chapter shall not be subject to state enforcement action due to violations of state water quality standards or state ground water quality standards except in the event of imminent and substantial danger as provided in chapter 1, title 39, Idaho Code.

(2) In any case in which the United States environmental protection agency initiates an enforcement action regarding an alleged noncompliance at a dairy farm, any pending administrative or civil enforcement action initiated by the director regarding the same alleged noncompliance shall be deemed void. If a compliance order addressing the alleged noncompliance has already been issued by the director, that order shall remain in full force and effect.

SECTION 2. That Chapter 7, Title 37, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 8, Title 37, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 10, Title 37, Idaho Code, be, and the same is hereby repealed.

Approved March 26, 2014

CHAPTER 285
(S.B. No. 1392)

AN ACT

RELATING TO AGRICULTURE; AMENDING SECTION 22-5125, IDAHO CODE, TO PROVIDE A PROCEDURE FOR THE REVIEW AND DETERMINATION OF PRODUCER CLAIMS RELATING TO THE SEED INDEMNITY FUND; AND AMENDING SECTION 69-262, IDAHO CODE, TO PROVIDE A PROCEDURE FOR THE REVIEW AND DETERMINATION OF PRODUCER CLAIMS RELATING TO THE COMMODITY INDEMNITY FUND.

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

SECTION 1. That Section 22-5125, Idaho Code, be, and the same is hereby amended to read as follows:

22-5125. PROOF OF CLAIMS -- PROCEDURE -- HEARING. After the director has declared a failure, the department shall process the claims of producers having paid or owing assessments who: (a) produce written evidence of transfer together with the amounts of their unpaid claims, and (b) have "stored for withdrawal" and provide written evidence of deposit.

(1) The department shall give written notice to and provide a reasonable time of not less than thirty (30) days and not more than sixty (60) days for producers to file their written verified claims, including any written evidence, with the department.

(2) The department shall investigate each claim and prepare a staff report and recommendation as to the validity and amount of each claim. The department shall provide a copy of the staff report and recommendation to the seed indemnity fund advisory committee, and make available for review by the advisory committee any documentation upon which the department relied in preparing the staff report and recommendation. No later than two (2) weeks following issuance of the staff report and recommendation, the advisory committee shall provide the director with the committee's written comments regarding the staff report, recommendation and payment of claims from the fund.

(3) Following the receipt of the staff report, recommendation and the seed indemnity fund advisory committee's written comments, if any, the director shall issue a determination regarding the validity and amount of each claim.

(4) The director shall notify in writing each claimant, the seed buyer and the advisory committee of the department's determination as to the validity and amount of each claim. A claimant or seed buyer may request a hearing on the department's determination within twenty (20) days of receipt of written notification of the determination pursuant to chapter 52, title 67, Idaho Code. Upon determining the amount and validity of the claim, the director shall pay to the claimant an amount equal to ninety percent (90%) of the approved claim from the seed indemnity fund. Prior to any payment from the fund to a claimant, the claimant shall be required to subrogate and assign to the department his right to any recovery from any other source. The claimant shall be entitled to seek recovery of the remaining ten percent (10%), which was not assigned to the department. The procedure to determine the value of any claim will be established by rules.

(35) In the event of a shortage or inability to meet financial obligations, the department shall determine each producer's pro rata share of available seed crops and any deficiency shall be the claims of the producers. Each type of seed crop shall be treated separately for the purpose of determining shortages.

(46) The director shall not approve or pay any claim based on losses resulting from transactions with persons unlicensed pursuant to this chapter. The director shall not approve or pay any claim made on the seed indemnity fund if the claim is for the payment of interest, attorney's fees, ancillary costs, or punitive damages. The director shall not approve or pay any claim based on losses resulting from uninsurable perils.

(57) If a producer's claim reveals that the assessment has not been paid or collected, and the claim is otherwise valid, the amount of the assessment shall be deducted from the claim payment.

SECTION 2. That Section 69-262, Idaho Code, be, and the same is hereby amended to read as follows:

69-262. PROOF OF CLAIMS -- PROCEDURE -- HEARING -- INSPECTION OF WAREHOUSE. In the event a warehouse or dealer fails, as defined in section 69-202(8), Idaho Code, the department shall process the claims of producers who have paid or owe assessments as required by this chapter. Claims against a failed warehouse or dealer shall include written evidence disclosing a storage obligation or a sale or delivery of commodities.

(1) The department shall give notice and provide a reasonable time of not less than thirty (30) days and not more than sixty (60) days to producers to file their written verified claims, including any written evidence, with the department.

(2) The department shall investigate each claim and prepare a staff report and recommendation as to the validity and amount of each claim. The department shall provide a copy of the staff report and recommendation to the commodity indemnity fund advisory committee, and make available for review by the advisory committee any documentation upon which the department relied in preparing the staff report and recommendation. No later than two (2) weeks following issuance of the staff report and recommendation, the advisory committee shall provide the director with the committee's written comments regarding the staff report, recommendation and payment of claims from the fund.

(3) Following the receipt of the staff report, recommendation and the commodity indemnity fund advisory committee's written comments, if any, the director shall issue a determination regarding the validity and amount of each claim.

(4) The director shall notify each claimant, the warehouseman or dealer, and the advisory committee of the department's determination as to the validity and amount of each claimant's claim. A claimant or warehouseman or dealer may request a hearing on the department's determination within twenty (20) days of receipt of written notification and a hearing shall be held by the department pursuant to chapter 52, title 67, Idaho Code. Upon determining the amount and validity of the claim, the director shall pay to the claimant an amount equal to ninety percent (90%) of the approved claim from the commodity indemnity fund. Prior to any payment from the fund to a claimant, the claimant shall be required to subrogate and assign his right to recover from any other source. The department may then pay up to ninety percent (90%) of the approved claim to the claimant. The department shall have a priority claim for that amount. The claimant shall be entitled to seek recovery of the remaining ten percent (10%) which was not originally assigned to the department. For the purpose of determining the amount of the producer's claim, the value of a producer's commodity shall be the lesser of: (a) the value of the commodity on the date the director declared the warehouse or dealer to have failed or to have failed to comply with the provisions of this chapter or rules promulgated thereunder; (b) the contract price as listed on a valid contract; or (c) the value of the commodity represented on the contract on the date the contract was signed. The value shall be determined by a survey of the available market price reports or markets of similar facilities within the same geographic location as the failed facility.

(35) The department may inspect and audit a failed warehouseman or dealer. In the event of a shortage, the department shall determine each producer's pro rata share of available commodities and the deficiency shall be considered as a claim of the producer. Each type of commodity shall be treated separately for the purpose of determining shortages.

(46) The director shall not approve or pay any claim made on the commodity indemnity fund if the claim is based on losses resulting from the deposit, sale or storage of commodities in an unlicensed warehouse or dealer.

(57) The fund shall not be liable for claims filed against a warehouse or dealer in good standing who has voluntarily relinquished their license if such claims are not filed with the department within six (6) months of the closing.

(68) The fund shall not be liable for claims that result from losses due to uninsurable physical perils.

Approved March 26, 2014

CHAPTER 286

(S.B. No. 1232, As Amended, As Amended in the House)

AN ACT

RELATING TO SCHOOL BUS DRIVERS; AMENDING SECTION 33-1509, IDAHO CODE, TO PROVIDE THAT WHILE WITHIN THE COURSE OF DUTIES, A SCHOOL BUS DRIVER SHALL NOT BE CIVILLY OR CRIMINALLY LIABLE FOR REASONABLY ACTING TO AID A RIDER ON THE BUS WHOM THE DRIVER REASONABLY BELIEVES TO BE IN IMMINENT DANGER OF HARM OR INJURY AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-1509, Idaho Code, be, and the same is hereby amended to read as follows:

33-1509. SCHOOL BUS DRIVERS -- DEFINITION -- QUALIFICATION -- DUTIES -- LIABILITY. For the purpose of this chapter, the term "school bus driver"

shall mean any person who at any time is operating a school bus while transporting pupils to or from school, or to or from approved school activities.

A board of trustees shall employ school bus drivers only upon prior application in writing, and the board shall require of school bus drivers employed by others who transport pupils of their district under contract, the same information required in such written application. Each application shall contain at least the minimum information specified by the state department of education.

Any person employed as a school bus driver shall be over the age of eighteen (18) years, be of good moral character and not addicted to the use of intoxicants or narcotics. School bus drivers shall meet the physical examination standards of the federal motor carrier safety regulations. Provided however, that individuals with insulin-dependent diabetes mellitus, who are otherwise medically qualified under the physical examination standards of the federal motor carrier safety regulations, may request a waiver for this condition from the state department of education. If the applicant meets the requirements as specified in subsections (1) through (7) of this section, the department shall grant a waiver. The department shall notify each applicant and each affected school district of its determination of eligibility with regard to each application for a waiver. An applicant shall:

(1) Document that he has no other disqualifying conditions including diabetes-related complications;

(2) Document that he has had no recurring, two (2) or more, hypoglycemic reactions resulting in a loss of consciousness or seizure within the past five (5) years. A period of one (1) year of demonstrated stability is required following the first episode of hypoglycemia;

(3) Document that he has had no recurrent hypoglycemic reactions requiring the assistance of another person within the past five (5) years. A period of one (1) year of demonstrated stability is required following the first episode of hypoglycemia;

(4) Document that he has had no recurrent hypoglycemic reactions resulting in impaired cognitive function that occurred without warning symptoms within the past five (5) years. A period of one (1) year of demonstrated stability is required following the first episode of hypoglycemia;

(5) Document that he has been examined by a board-certified or board-eligible endocrinologist who has conducted a complete medical examination. The complete medical examination shall consist of a comprehensive evaluation of the applicant's medical history and current status with a report including the following information:

(a) The date insulin use began;

(b) Diabetes diagnosis and disease history;

(c) Hospitalization records;

(d) Consultation notes for diagnostic examinations;

(e) Special studies pertaining to the diabetes;

(f) Follow-up reports;

(g) Reports of any hypoglycemic insulin reactions within the last five (5) years;

(h) Two (2) measures of glycosylated hemoglobin, the first ninety (90) days before the last and current measure;

(i) Insulin dosages and types, diet utilized for control and any significant factors such as smoking, alcohol use, and other medications or drugs taken; and

(j) Examinations to detect any peripheral neuropathy or circulatory insufficiency of the extremities;

(6) Submit a signed statement from an examining endocrinologist indicating the following medical determinations:

(a) The endocrinologist is familiar with the applicant's medical history for the past five (5) years, either through actual treatment over

that time or through consultation with a physician who has treated the applicant during that time;

(b) The applicant has been educated in diabetes and its management, thoroughly informed of and understands the procedures which must be followed to monitor and manage the applicant's diabetes and what procedures should be followed if complications arise; and

(c) The applicant has the ability and has demonstrated willingness to properly monitor and manage the applicant's diabetes; and

(7) Submit a separate signed statement from an ophthalmologist or optometrist that the applicant has been examined and that the applicant does not have diabetic retinopathy and meets the vision standard in 49 CFR 391.41(b)(10), or has been issued a valid medical exemption. If the applicant has any evidence of diabetic retinopathy, the applicant must be examined by an ophthalmologist and submit a separate signed statement from the ophthalmologist that the applicant does not have unstable advancing disease of blood vessels in the retina, known as unstable proliferative diabetic retinopathy.

Before entering upon his duties, each school bus driver shall file with the board of trustees a current health certificate. Subsequent health certificates shall be filed with the frequency required by the federal motor carrier safety regulations. School bus drivers shall be physically able to perform all job-related duties.

Each school bus driver shall at all times possess a valid and appropriate commercial driver's license, including endorsements as specified in section 49-105, Idaho Code, and if applicable, a waiver for insulin-dependent diabetes mellitus issued by the state department of education.

Each school bus driver shall maintain such route books and other records as may be required by the state department of education or by the board of trustees of the school district. The school bus driver shall report any pupil whose behavior is such as may endanger the operation of the vehicle, or who damages the same or any part thereof, or whose language is obscene.

It shall be the duty of each school bus driver to report any condition on, or bordering, his route which constitutes a hazard to the safety of the pupils being transported.

The state department of education shall promulgate rules as necessary for the determination of eligibility and issuance of a waiver to individuals with insulin-dependent diabetes mellitus in accordance with the provisions of this section.

(8) While within the course and scope of his or her duties, a school bus driver shall not be civilly or criminally liable for reasonably acting to aid a rider on the bus whom the school bus driver reasonably believes to be in imminent danger of harm or injury.

Approved March 28, 2014

CHAPTER 287
(S.B. No. 1248)

AN ACT

RELATING TO TESTAMENTARY APPOINTMENTS OF GUARDIANS OF MINORS; AMENDING SECTION 15-5-202, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISTRIBUTION OF WRITTEN NOTICE OF ACCEPTANCE OF TESTAMENTARY APPOINTMENT OF GUARDIANSHIP OF A MINOR, TO PROVIDE FOR THE APPOINTMENT OF ALTERNATIVE GUARDIANS, TO SPECIFY CONDITIONS UNDER WHICH AN ALTERNATE GUARDIAN BECOMES THE APPOINTED GUARDIAN AND TO PROVIDE FOR WRITTEN NOTICE OF ACCEPTANCE; AND AMENDING SECTION 15-5-203, IDAHO CODE, TO PROVIDE THAT IN

THE EVENT A MINOR OBJECTS TO A TESTAMENTARY APPOINTMENT THE ALTERNATE GUARDIAN NEXT IN PRIORITY NAMED IN THE WILL MAY ACCEPT THE APPOINTMENT, TO PROVIDE THAT THE MINOR SHALL HAVE THE SAME RIGHT OF OBJECTION AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 15-5-202, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-202. TESTAMENTARY APPOINTMENT OF GUARDIAN OF MINOR. A parent of a minor may appoint a guardian of an unmarried minor by will, subject to the right of the minor under section 15-5-203, Idaho Code. The termination of parental rights of a parent as to the minor shall also terminate the right of that parent to appoint a guardian for the minor. A testamentary appointment becomes effective upon the filing of the guardian's acceptance in the court in which the will is probated, if, at the decedent's death, no parent of the minor was alive who had a right to appoint a guardian for the minor. This state recognizes a testamentary appointment effected by the guardian's acceptance under a will probated in another state which is the testator's domicile. Written notice of acceptance of the appointment must be given by the guardian to the minor and to the person having his custody, or if none, his care, or if none, to his nearest adult relation immediately upon acceptance of appointment. The parent may appoint by will one (1) or more alternate guardians, in order of priority. If a guardian appointed by will fails to accept guardianship within thirty (30) days after the will is probated, or files a notice of declination to accept appointment prior to the running of the thirty (30) day period, or is deceased, or ceases to act after acceptance, then the alternate guardian next in priority becomes the appointed guardian and may file a written notice of acceptance in the court in which the will is probated.

SECTION 2. That Section 15-5-203, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-203. OBJECTION BY MINOR OF FOURTEEN YEARS OR OLDER TO TESTAMENTARY APPOINTMENT. A minor of fourteen (14) or more years may prevent an appointment of his testamentary guardian from becoming effective, or may cause a previously accepted appointment to terminate, by filing with the court in which the will is probated a written objection to the appointment before it is accepted or within thirty (30) days after notice of its acceptance. An objection may be withdrawn. In the event of such objection, the alternate guardian next in priority named in the will may accept appointment as set forth in section 15-5-202, Idaho Code, and the minor shall have the same right of objection. An objection does not preclude appointment by the court in a proper proceeding of the testamentary nominee, or any other suitable person.

Approved March 28, 2014

CHAPTER 288
(S.B. No. 1351)

AN ACT

RELATING TO BATTERY; AMENDING CHAPTER 9, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-915C, IDAHO CODE, TO AUTHORIZE PUNISHMENT FOR BATTERY AGAINST CERTAIN HEALTH CARE WORKERS.

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

SECTION 1. That Chapter 9, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-915C, Idaho Code, and to read as follows:

18-915C. BATTERY AGAINST HEALTH CARE WORKERS. Any person who commits battery as defined in section 18-903, Idaho Code, against or upon any person licensed, certified or registered by the state of Idaho to provide health care, or an employee of a hospital, medical clinic or medical practice, when the victim is in the course of performing his or her duties or because of the victim's professional or employment status under this statute, shall be subject to imprisonment in the state prison not to exceed three (3) years.

Approved March 28, 2014

CHAPTER 289
(S.B. No. 1384)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF INDEPENDENT COUNCILS, INDIRECT SUPPORT SERVICES AND LICENSING AND CERTIFICATION FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; DIRECTING MONTHLY MEDICAID TRACKING REPORTS; DIRECTING REPORTING FOR THE MEDICAID PROGRAM INTEGRITY UNIT COLLECTIONS; DIRECTING PROGRAM TRANSFER REPORTS; PROVIDING LEGISLATIVE INTENT REGARDING APPROPRIATION BY FUND; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. INDEPENDENT COUNCILS:					
A. DEVELOPMENTAL DISABILITIES COUNCIL:					
FROM:					
Cooperative Welfare (General)					
Fund	\$93,000	\$11,800			\$104,800
Cooperative Welfare (Dedicated)					
Fund		15,000			15,000
Cooperative Welfare (Federal)					
Fund	<u>307,600</u>	<u>196,600</u>		<u>\$31,600</u>	<u>535,800</u>
TOTAL	\$400,600	\$223,400		\$31,600	\$655,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
B. DOMESTIC VIOLENCE COUNCIL:					
FROM:					
Cooperative Welfare (General)					
Fund	\$12,400	\$1,300			\$13,700
Domestic Violence Project					
Fund	161,400	163,200		\$171,800	496,400
Cooperative Welfare (Dedicated)					
Fund		40,000			40,000
Cooperative Welfare (Federal)					
Fund	<u>106,700</u>	<u>66,900</u>		<u>3,415,400</u>	<u>3,589,000</u>
TOTAL	\$280,500	\$271,400		\$3,587,200	\$4,139,100
DIVISION TOTAL	\$681,100	\$494,800		\$3,618,800	\$4,794,700
II. INDIRECT SUPPORT SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$10,307,100	\$6,584,900	\$1,232,600		\$18,124,600
Cooperative Welfare (Dedicated)					
Fund	1,167,700	1,190,400	2,900		2,361,000
Cooperative Welfare (Federal)					
Fund	<u>11,724,800</u>	<u>7,464,800</u>	<u>1,014,200</u>		<u>20,203,800</u>
TOTAL	\$23,199,600	\$15,240,100	\$2,249,700		\$40,689,400
III. LICENSING AND CERTIFICATION:					
FROM:					
Cooperative Welfare (General)					
Fund	\$1,286,400	\$271,800			\$1,558,200
Cooperative Welfare (Dedicated)					
Fund	725,000	12,200			737,200
Cooperative Welfare (Federal)					
Fund	<u>2,922,800</u>	<u>615,200</u>			<u>3,538,000</u>
TOTAL	\$4,934,200	\$899,200			\$5,833,400
GRAND TOTAL	\$28,814,900	\$16,634,100	\$2,249,700	\$3,618,800	\$51,317,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the divisions in the Department of Health and Welfare listed below is authorized no more than the number of full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Independent Councils	9
Indirect Support Services	288.5
Licensing and Certification	63.9

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Comptroller 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. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure class shall not be transferred to any other expense classes during fiscal year 2015.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provisions of law, it is hereby declared to be the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. MEDICAID TRACKING REPORT. The Department of Health and Welfare, Medical Assistance Services Division and Indirect Support Services Division shall deliver on a monthly basis to the Legislative Services Office and Division of Financial Management a report that compares the Medicaid budget as appropriated, distributed by month for the year, to actual expenditures and remaining forecasted expenditures for the year. The report shall also include a forecast, updated monthly, of the next fiscal year's anticipated trustee and benefit expenditures. The format of the report, and the information included therein, shall be determined by the Legislative Services Office and Division of Financial Management.

SECTION 7. MEDICAID PROGRAM INTEGRITY COLLECTIONS. It is the intent of the Legislature that the Indirect Support Services Division provide quarterly reports to the Legislative Services Office and Division of Financial Management comparing the total costs from all funding sources used for the Medicaid Program Integrity Unit and the collections related to those efforts.

SECTION 8. PROGRAM TRANSFER REPORT. The Department of Health and Welfare, Indirect Support Services Division shall provide, on a quarterly basis, to the Legislative Services Office and the Division of Financial Management, a report that compares the department budget as appropriated to the estimated expenditures of the department for each budget unit, to include transfers of FTP authority between and among budget units; transfers of appropriation, by fund, between and among budget units; and transfers of funds by expense class, between and among budget units.

SECTION 9. APPROPRIATION BY FUND. The Legislature recognizes the benefits of the Cooperative Welfare Fund for the Department of Health and Welfare; however, Management Review MR27012, as conducted by the Legislative Services Office, Audit Division, identified areas of concern that included all three programs in the Division of Public Health Services exceeding their appropriated amounts, and transfers of appropriation between expenditure categories lacked proper approvals. Given the seriousness of these findings, along with the antiquated software system being used by the department, it is the intent of the Legislature that the Department of Health and Welfare provide to the Legislative Services Office and the Division of Financial Management a multifaceted plan by December 31, 2014, that shall include:

- 1) Ensuring appropriation compliance and providing transparency with the appropriation remaining in the Cooperative Welfare Fund; and
- 2) Providing the department's solution to handling accounting transactions in the coming years, which may include:
 - a) Replacing the current software system;
 - b) Working with the Office of the State Controller to use the new accounting system, when developed;
- 3) Identifying the steps and projected costs that would need to occur if the Legislature was to appropriate by a specific fund source, rather than the Cooperative Welfare Fund for a program or programs.

SECTION 10. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 28, 2014

CHAPTER 290
(S.B. No. 1393)

AN ACT

RELATING TO THE SPECIAL COMMITTEE ON CRIMINAL JUSTICE REINVESTMENT OVERSIGHT; REPEALING SECTION 67-456, IDAHO CODE, RELATING TO THE SPECIAL COMMITTEE ON HEALTH CARE; AND AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-456, IDAHO CODE, TO PROVIDE FOR THE SPECIAL COMMITTEE ON CRIMINAL JUSTICE REINVESTMENT OVERSIGHT AND RELATED PROVISIONS.

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

SECTION 1. That Section 67-456, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 4, 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 67-456, Idaho Code, and to read as follows:

67-456. SPECIAL COMMITTEE ON CRIMINAL JUSTICE REINVESTMENT OVERSIGHT. (1) In order to maintain continuous oversight of the Idaho criminal justice reinvestment initiative and related issues, there is hereby established a special legislative committee on justice reinvestment oversight.

(2) The committee shall consist of five (5) members of the senate, one (1) of whom shall be the chairperson of the senate judiciary and rules committee, two (2) from the majority party appointed by the president pro tempore of the senate and two (2) from the minority party appointed by the minority leader, and five (5) members of the house of representatives, one (1) of whom shall be the chairperson of the house judiciary, rules and administration committee, two (2) from the majority party appointed by the speaker of the house and two (2) from the minority party appointed by the minority leader. The cochairs of the special committee shall be the chairperson of the senate judiciary and rules committee and the chairperson of the house judiciary, rules and administration committee. Appointments to the committee shall be for the term of office of the member appointed. Any vacancy shall be filled in a manner consistent with the appointment procedure set forth in this subsection, except the appointment shall be for the remainder of the unexpired term. A committee member may be reappointed to the committee.

(3) The cochairs may appoint advisors with expertise in Idaho's criminal justice system and are expected to receive input and technical assistance from the council of state governments justice center. Any advisors to the committee who are not legislative members shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges.

(4) The committee shall have as a primary duty and responsibility the task of monitoring, studying and guiding analysis and policy development in all aspects of the criminal justice system in Idaho including, but not limited to, monitoring performance and outcome measures as set forth in the justice reinvestment act and studying the data-driven justice reinvestment and resource allocation approach and policies to improve public safety, reduce recidivism and reduce spending on corrections in Idaho.

(5) By no later than February 1 of each year, the committee shall report to the legislature on its activities and findings and may report and make recommendations on any aspect of the Idaho criminal justice system in this state at any time.

(6) Members of the committee shall be compensated from the legislative account on order of the president pro tempore of the senate or the speaker of the house of representatives at the rates applicable for committee members of the legislative council.

(7) The special committee shall cease to exist following its report to the first regular session of the sixty-fifth Idaho legislature in 2019.

Approved March 28, 2014

CHAPTER 291
(S.B. No. 1394)

AN ACT

RELATING TO SALARIES OF JUDGES; AMENDING SECTION 1-201, IDAHO CODE, TO INCREASE A CERTAIN ANNUAL SALARY AMOUNT RECEIVED BY THE CHIEF JUSTICE OF THE SUPREME COURT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 1-703, IDAHO CODE, TO INCREASE A CERTAIN ANNUAL SALARY AMOUNT RECEIVED BY THE ADMINISTRATIVE JUDGE; REPEALING SECTION 1-2222, IDAHO CODE, RELATING TO A SALARY SCHEDULE AND ATTORNEY AND NONATTORNEY MAGISTRATES; AMENDING SECTION 1-2404, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO THE SALARIES OF JUDGES OF THE COURT OF APPEALS; AMENDING SECTION 1-2408, IDAHO CODE, TO PROVIDE A CERTAIN ANNUAL SALARY AMOUNT RECEIVED BY THE CHIEF JUDGE OF THE COURT OF APPEALS; AND AMENDING SECTION 59-502, IDAHO CODE, TO REVISE PROVISIONS AND TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO SALARIES OF JUDGES.

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

SECTION 1. That Section 1-201, Idaho Code, be, and the same is hereby amended to read as follows:

1-201. CONSTITUTION OF COURT. The Ssupreme Ccourt consists of five (5) justices, a majority of whom shall be necessary to make a quorum or pronounce a decision. The justices of the Ssupreme Ccourt shall be elected by the electors of the state at large. The terms of office of said justices shall be six (6) years. The chief justice shall receive an annual salary in an amount of one two thousand five hundred dollars (\$1,52,000) greater than the annual salary of the justices of the Ssupreme Ccourt to compensate for the additional constitutional and statutory duties of the office.

SECTION 2. That Section 1-703, Idaho Code, be, and the same is hereby amended to read as follows:

1-703. JURISDICTION OF JUDGES WHERE MORE THAN ONE -- ADMINISTRATIVE JUDGE. Where there is more than one (1) judge in any district, the jurisdiction of the respective judges of said district shall be equal and coextensive with the boundaries of the district. In each judicial district there shall be an administrative judge elected by a majority of the district judges within the district to serve for a period of time as provided by rules of the Idaho supreme court. In the event a majority of the district judges cannot agree as to who shall be the administrative judge, then the appointment of the administrative judge shall be by a majority of the Idaho supreme court justices for a period of time as provided by rules of the Idaho supreme court. The administrative judge is hereby granted all powers and duties heretofore or hereafter granted to the senior district judge, and the administrative judge shall apportion the business of such district among such judges as equally as may be, but any judge shall have full power to hold terms of court, transact judicial business, make orders, grant or refuse writs and generally exercise all the powers of a district judge without the concurrence of the other judge or judges. The administrative judge shall receive an annual salary in an amount of one two thousand five hundred dollars (\$1,52,000) greater than the annual salary of a district judge to compensate for the additional duties of the office.

SECTION 3. That Section 1-2222, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 1-2404, Idaho Code, be, and the same is hereby amended to read as follows:

1-2404. NUMBER OF JUDGES -- QUALIFICATIONS -- CONDUCT AND DISCIPLINE -- TERM -- SELECTION -- ELECTION -- COMPENSATION. (1) The court of appeals shall consist of four (4) judges, and shall sit in panels of not less than three (3) judges each.

(2) No person shall be appointed or elected to the office of judge of the court of appeals unless he has attained the age of thirty (30) years at the time of his appointment or election, is a citizen of the United States, shall have been admitted to the practice of law for at least ten (10) years prior to taking office, and is admitted to practice law in the state of Idaho, and has resided within this state two (2) years next preceding his appointment or election.

(3) A judge of the court of appeals shall be governed by the code of judicial conduct as promulgated by the Idaho supreme court, and shall be subject to removal, discipline, or retirement pursuant to section 1-2103, Idaho Code.

(4) (a) Judges of the court of appeals shall be appointed by the governor effective the first Monday of January, 1982, for the following initial terms: one (1) judge shall be appointed for a term to expire on the first Monday of January, 1985, one (1) judge shall be appointed for a term expiring two (2) years later, and one (1) judge shall be appointed for a term expiring two (2) further years later. Thereafter, the term of office of a judge of the court of appeals shall be six (6) years.

(b) Vacancies in the office of judge of the court of appeals shall be filled in the same manner as vacancies in the office of supreme court justice or district judge.

(c) The positions of judges of the Idaho court of appeals shall first be filled as vacancies. The judicial council shall submit to the governor its recommendations for the offices at the earliest practicable time after the effective date of this act. The governor may make the appointment at any time thereafter, to be effective the first Monday of January, 1982, for the terms set forth in section 1-2404(4) (a), Idaho Code.

(d) In making its nominations for the initial vacancies to be created by this act, the Idaho judicial council shall submit the names of not less than six (6) nor more than nine (9) qualified persons for the initial three (3) vacancies to be created by this act. Otherwise, the judicial council shall submit the names of not less than two (2) nor more than four (4) persons for each vacancy. The governor shall appoint the judges, identifying each appointment by the length of the term of appointment.

(e) Nominations and appointments to fill initial or subsequent vacancies shall be made with due regard for balanced geographical membership of the court of appeals.

(f) Subsequent terms of office of a judge who has been appointed to the court of appeals shall be subject to a statewide nonpartisan election to be held in the primary election next preceding the expiration of an appointed term in the same method and manner as a justice of the supreme court.

(g) A fourth judge of the court of appeals shall be appointed by the governor effective the first Monday of January, 2009, for an initial term to expire on the first Monday of January, 2013. Thereafter, the term of office for this position shall be six (6) years. The judicial council shall submit the names of not less than two (2) nor more than four (4) persons for the initial vacancy in this position under the procedure set forth in section 1-2102, Idaho Code. This position shall be subject to all of the provisions relating to qualifications, removal, discipline,

retirement, filling of vacancies, election and compensation set forth in this chapter.

(5) ~~Judges of the court of appeals, shall receive an annual salary in an amount of one thousand dollars (\$1,000) less than the annual salary of a supreme court justice and except for judges who have made an election to remain in the public employee retirement system of Idaho pursuant to section 1-2011, Idaho Code, shall receive compensation upon retirement as provided in chapter 20, title 1, Idaho Code.~~

SECTION 5. That Section 1-2408, Idaho Code, be, and the same is hereby amended to read as follows:

1-2408. CHIEF JUDGE. The chief justice of the supreme court shall appoint a chief judge of the court of appeals for a term of two (2) years or such shorter period as may be determined by the chief justice. The chief judge shall exercise such administrative powers as may be delegated by the full membership of the court of appeals, not in conflict with supreme court rules. The chief judge shall receive an annual salary in an amount of two thousand dollars (\$2,000) greater than the annual salary of a judge of the court of appeals to compensate for the additional duties of the office.

SECTION 6. That Section 59-502, Idaho Code, be, and the same is hereby amended to read as follows:

59-502. SALARIES OF JUDGES. (1) ~~Commencing on July 1, 2012⁴, the salary of the justices of the supreme court shall be one hundred twenty-one thousand three hundred dollars (\$121,300) per annum, and the salary of the judges of the district courts shall be one hundred fourteen thousand three hundred dollars (\$114,300) per annum.~~ Commencing on July 1, 2016, the salary of the justices of the supreme court shall be one hundred forty thousand dollars (\$140,000) per annum.

(2) ~~Salaries of magistrates shall be as prescribed by chapter 22, title 1, Idaho Code~~ Commencing on July 1, 2014, judges of the court of appeals shall receive an annual salary in an amount of five thousand dollars (\$5,000) less than the annual salary of a supreme court justice. Commencing on July 1, 2016, judges of the court of appeals shall receive an annual salary in an amount of ten thousand dollars (\$10,000) less than the annual salary of a supreme court justice.

(3) Commencing on July 1, 2014, district judges shall receive an annual salary in an amount of six thousand dollars (\$6,000) less than the annual salary of a judge of the court of appeals.

(4) Commencing on July 1, 2014, magistrate judges shall receive an annual salary in an amount of twelve thousand dollars (\$12,000) less than the annual salary of a district judge.

(35) Salaries shall be paid on regular pay periods not less frequently than monthly as determined by order of the supreme court as due out of the state treasury, but no justice of the supreme court or judge of the district court or magistrate shall be paid his salary, or any part thereof, unless he shall first take and subscribe an oath that there is not in his hands any matter in controversy not decided by him, which has been finally submitted for his consideration and determination thirty (30) days prior to his taking and subscribing said oath.

Approved March 28, 2014

CHAPTER 292
(S.B. No. 1398)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Commission on Hispanic Affairs, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$95,000	\$21,900	\$116,900
Miscellaneous Revenue			
Fund	52,200	48,700	100,900
Federal Grant			
Fund	<u>20,500</u>	<u>21,000</u>	<u>41,500</u>
TOTAL	\$167,700	\$91,600	\$259,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on Hispanic Affairs is authorized no more than three (3) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to pro-

vide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 28, 2014

CHAPTER 293
(S.B. No. 1399)

AN ACT

APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE PROGRAM AND DIRECTING A TRANSFER FOR FISCAL YEAR 2015.

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

SECTION 1. There is hereby appropriated to the Catastrophic Health Care Program \$34,966,300 from the General Fund to be transferred to the Catastrophic Health Care Fund for the period July 1, 2014, through June 30, 2015.

Approved March 28, 2014

CHAPTER 294
(S.B. No. 1400)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF MENTAL HEALTH SERVICES, PSYCHIATRIC HOSPITALIZATION AND SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; LIMITING TRANSFER OF LEGISLATIVE APPROPRIATIONS; CLARIFYING RESPONSIBILITY FOR EDUCATION OF CERTAIN CHILDREN IN STATE CARE; DIRECTING AN INTERAGENCY PAYMENT FOR JUVENILE DETENTION CLINICIANS CONTRACT; PROVIDING FOR COURT SERVICES FUND TRANSFERS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MENTAL HEALTH SERVICES:					
A. CHILDREN'S MENTAL HEALTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$3,986,100	\$633,400		\$3,304,000	\$7,923,500
Cooperative Welfare (Dedicated)					
Fund				164,500	164,500
Cooperative Welfare (Federal)					
Fund	<u>1,904,500</u>	<u>1,357,600</u>		<u>1,117,600</u>	<u>4,379,700</u>
TOTAL	\$5,890,600	\$1,991,000		\$4,586,100	\$12,467,700
B. ADULT MENTAL HEALTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$12,821,100	\$1,439,100		\$1,414,900	\$15,675,100
Cooperative Welfare (Dedicated)					
Fund	433,100			350,000	783,100
Drug Court, Mental Health and Family Court Services					
Fund	159,800	98,000			257,800
Cooperative Welfare (Federal)					
Fund	<u>1,983,900</u>	<u>1,152,500</u>		<u>803,700</u>	<u>3,940,100</u>
TOTAL	\$15,397,900	\$2,689,600		\$2,568,600	\$20,656,100
DIVISION TOTAL	\$21,288,500	\$4,680,600		\$7,154,700	\$33,123,800
II. PSYCHIATRIC HOSPITALIZATION:					
A. COMMUNITY HOSPITALIZATION:					
FROM:					
Cooperative Welfare (General)					
Fund				\$2,790,000	\$2,790,000
B. STATE HOSPITAL NORTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$6,335,000	\$673,200	\$89,000	\$22,400	\$7,119,600
Cooperative Welfare (Dedicated)					
Fund	142,200				142,200
State Hospital North Endowment Income					
Fund	<u>349,900</u>	<u>568,000</u>	<u>0</u>	<u>44,500</u>	<u>962,400</u>
TOTAL	\$6,827,100	\$1,241,200	\$89,000	\$66,900	\$8,224,200

	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	
				PAYMENTS	
C. STATE HOSPITAL SOUTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$8,831,600	\$361,700		\$217,200	\$9,410,500
Cooperative Welfare (Dedicated)					
Fund	2,933,600	679,200	\$75,000	900	3,688,700
Mental Hospital Endowment Income					
Fund	2,535,400	900,300	104,700		3,540,400
Cooperative Welfare (Federal)					
Fund	<u>3,600,400</u>	<u>1,070,100</u>	<u>0</u>	<u>25,900</u>	<u>4,696,400</u>
TOTAL	\$17,901,000	\$3,011,300	\$179,700	\$244,000	\$21,336,000
DIVISION TOTAL	\$24,728,100	\$4,252,500	\$268,700	\$3,100,900	\$32,350,200
III. SUBSTANCE ABUSE TREATMENT AND PREVENTION:					
FROM:					
Cooperative Welfare (General)					
Fund	\$513,400	\$573,500		\$1,455,400	\$2,542,300
Prevention of Minors' Access to Tobacco					
Fund	6,600	43,800			50,400
Cooperative Welfare (Dedicated)					
Fund	45,900	438,300			484,200
Liquor Control					
Fund				650,000	650,000
Cooperative Welfare (Federal)					
Fund	<u>590,200</u>	<u>3,459,200</u>		<u>8,410,000</u>	<u>12,459,400</u>
TOTAL	\$1,156,100	\$4,514,800		\$10,515,400	\$16,186,300
GRAND TOTAL	\$47,172,700	\$13,447,900	\$268,700	\$20,771,000	\$81,660,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the number of full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Adult Mental Health	204.98
Children's Mental Health	79.00
State Hospital North	99.60
State Hospital South	267.85
Substance Abuse Treatment and Prevention	14.72

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. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure class shall not be transferred to any other expense class during fiscal year 2015.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provisions of law, it is hereby declared to be the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. LIMITING TRANSFER OF LEGISLATIVE APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, Cooperative Welfare (General) Fund moneys appropriated to the Adult Mental Health Program and Children's Mental Health Program shall not be transferred to any other program outside of Mental Health Services without legislative approval.

SECTION 7. LEGISLATIVE INTENT. It is the finding of the Legislature that the Department of Health and Welfare is responsible for the educational needs of school-age children placed in their custody by the courts for either child protective or for mental health issues. If the Department of Health and Welfare places a child in a licensed residential treatment facility that includes a non-public accredited school, and it is determined by the Department of Health and Welfare that it is in the best interests of the child to be educated at the residential treatment facility, then it is the responsibility of the Department of Health and Welfare to pay for such education at the current rate of \$71.05 per student per educational day. This intent language does not preclude other Idaho state agencies from exercising their responsibility to ensure a free and appropriate education for these students within the requirements of federal disability law. The fiscal impact of this language is approximately \$690,000 from existing appropriations.

SECTION 8. INTERAGENCY PAYMENT FOR JUVENILE DETENTION CLINICIANS CONTRACT. The Children's Mental Health Program shall, no later than July 16, 2014, make an interagency payment of \$327,000 from the Cooperative Welfare (General) Fund to the Department of Juvenile Corrections to be used for the purchase of contract clinician services with juvenile detention facilities in Idaho, for the period July 1, 2014, through June 30, 2015.

SECTION 9. COURT SERVICES FUND TRANSFERS. As appropriated, the State Controller shall make transfers of the 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 10. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 28, 2014

CHAPTER 295
(S.B. No. 1401)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF CHILD WELFARE AND SERVICES FOR THE DEVELOPMENTALLY DISABLED FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; CLARIFYING RESPONSIBILITY FOR EDUCATION OF CERTAIN CHILDREN IN STATE CARE; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CHILD WELFARE:					
A. CHILD WELFARE:					
FROM:					
Cooperative Welfare (General)					
Fund	\$6,908,400	\$2,003,000	\$6,700		\$8,918,100
Cooperative Welfare (Dedicated)					
Fund	72,100	20,000			92,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)					
Fund	<u>17,698,200</u>	<u>5,649,500</u>	<u>15,600</u>		<u>23,363,300</u>
TOTAL	\$24,678,700	\$7,672,500	\$22,300		\$32,373,500
B. FOSTER AND ASSISTANCE PAYMENTS:					
FROM:					
Cooperative Welfare (General)					
Fund				\$10,006,200	\$10,006,200
Cooperative Welfare (Dedicated)					
Fund				955,400	955,400
Cooperative Welfare (Federal)					
Fund				<u>16,722,000</u>	<u>16,722,000</u>
TOTAL				\$27,683,600	\$27,683,600
DIVISION TOTAL	\$24,678,700	\$7,672,500	\$22,300	\$27,683,600	\$60,057,100
II. SERVICES FOR THE DEVELOPMENTALLY DISABLED:					
A. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$6,460,500	\$1,113,300		\$2,311,000	\$9,884,800
Cooperative Welfare (Dedicated)					
Fund	846,600	46,300		1,909,800	2,802,700
Cooperative Welfare (Federal)					
Fund	<u>5,371,700</u>	<u>1,047,600</u>		<u>945,900</u>	<u>7,365,200</u>
TOTAL	\$12,678,800	\$2,207,200		\$5,166,700	\$20,052,700
B. SOUTHWEST IDAHO TREATMENT CENTER:					
FROM:					
Cooperative Welfare (General)					
Fund	\$1,979,400	\$356,700	\$27,500	\$76,800	\$2,440,400
Medical Assistance					
Fund		3,500			3,500
Cooperative Welfare (Dedicated)					
Fund	616,200	137,800		10,600	764,600
Cooperative Welfare (Federal)					
Fund	<u>6,693,600</u>	<u>1,942,700</u>	<u>0</u>	<u>143,700</u>	<u>8,780,000</u>
TOTAL	\$9,289,200	\$2,440,700	\$27,500	\$231,100	\$11,988,500
DIVISION TOTAL	\$21,968,000	\$4,647,900	\$27,500	\$5,397,800	\$32,041,200
GRAND TOTAL	\$46,646,700	\$12,320,400	\$49,800	\$33,081,400	\$92,098,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the number of full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Child Welfare	388.75
Services for Developmentally Disabled	176.96
Southwest Idaho Treatment Center	176.75

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. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure class shall not be transferred to any other expense class during fiscal year 2015.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provisions of law, it is hereby declared to be the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. LEGISLATIVE INTENT. It is the finding of the Legislature that the Department of Health and Welfare is responsible for the educational needs of school-age children placed in their custody by the courts for either child protective or for mental health issues. If the Department of Health and Welfare places a child in a licensed residential treatment facility that includes a non-public accredited school, and it is determined by the Department of Health and Welfare that it is in the best interests of the child to be educated at the residential treatment facility, then it is the responsibility of the Department of Health and Welfare to pay for such education at the current rate of \$71.05 per student per educational day. This intent language does not preclude other Idaho state agencies from exercising their responsibility to ensure a free and appropriate education for these students within the requirements of federal disability law. The fiscal impact of this language is approximately \$690,000 from existing appropriations.

SECTION 7. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 28, 2014

CHAPTER 296
(S.B. No. 1402)

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Board of Tax Appeals from the General Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2014, through June 30, 2015:

FOR:

Personnel Costs	\$448,900
Operating Expenditures	70,500
Capital Outlay	<u>8,600</u>
TOTAL	\$528,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Board of Tax Appeals is authorized no more than five (5) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 28, 2014

CHAPTER 297
(S.B. No. 1403)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2015;
LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING
GUIDANCE FOR EMPLOYEE COMPENSATION.

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 to be expended for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$2,329,900	\$960,100	\$2,600,000	\$5,890,000
Idaho Opportunity				
Fund			3,000,000	3,000,000
Tourism and Promotion				
Fund	752,200	3,882,400	3,764,900	8,399,500
Miscellaneous Revenue				
Fund	122,900	157,500	12,600	293,000
Small Business Assistance				
Fund			67,000	67,000
Seminars and Publications				
Fund		378,400		378,400
Federal Grant				
Fund	<u>518,900</u>	<u>249,300</u>	<u>15,620,800</u>	<u>16,389,000</u>
TOTAL	\$3,723,900	\$5,627,700	\$25,065,300	\$34,416,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Commerce is authorized no more than forty-nine (49) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 28, 2014

CHAPTER 298
(S.B. No. 1404)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR REGULATORY BOARDS FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Regulatory Boards, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	
				PAYMENTS	
I. BOARD OF ACCOUNTANCY:					
FROM:					
State Regulatory					
Fund	\$269,100	\$253,600			\$522,700
II. BOARD OF PROF. ENGINEERS & LAND SURVEYORS:					
FROM:					
State Regulatory					
Fund	\$350,100	\$224,600	\$3,000		\$577,700
III. BUREAU OF OCCUPATIONAL LICENSES:					
FROM:					
State Regulatory					
Fund	\$2,130,000	\$1,292,700		\$52,500	\$3,475,200
IV. OUTFITTERS AND GUIDES LICENSING BOARD:					
FROM:					
State Regulatory					
Fund	\$368,400	\$203,100			\$571,500
V. REAL ESTATE COMMISSION:					
FROM:					
State Regulatory					
Fund	\$939,900	\$553,900			\$1,493,800
GRAND TOTAL	\$4,057,500	\$2,527,900	\$3,000	\$52,500	\$6,640,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Regulatory Boards is authorized no more than the number of full-time equivalent positions listed below at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Board of Accountancy	Four (4)
Board of Prof. Engineers & Land Surveyors	Four (4)
Board of Occupational Licenses	Thirty-Five (35)
Outfitters and Guides Licensing Board	Six (6)
Real Estate Commission	Fifteen (15)

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 28, 2014

CHAPTER 299
(S.B. No. 1405)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2015;
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND
PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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 according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. INSURANCE REGULATION:				
FROM:				
Insurance Administrative				
Fund	\$4,217,900	\$2,850,500	\$92,100	\$7,160,500
Federal Grant				
Fund	<u>252,500</u>	<u>398,100</u>	<u>0</u>	<u>650,600</u>
TOTAL	\$4,470,400	\$3,248,600	\$92,100	\$7,811,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
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II. STATE FIRE MARSHAL:

FROM:

Arson, Fire and Fraud Prevention

Fund	\$665,100	\$336,200	\$10,100	\$1,011,400
GRAND TOTAL	\$5,135,500	\$3,584,800	\$102,200	\$8,822,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Insurance is authorized no more than seventy-three and five-tenths (73.5) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 28, 2014

CHAPTER 300
(S.B. No. 1406)

AN ACT

APPROPRIATING MONEYS TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the State Liquor Division from the Liquor Control Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2014, through June 30, 2015:

FOR:

Personnel Costs	\$11,455,000
Operating Expenditures	5,715,500
Capital Outlay	<u>510,200</u>
TOTAL	\$17,680,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Liquor Division is authorized no more than two hundred five (205) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 28, 2014

CHAPTER 301
(S.B. No. 1407)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2015; LIM-
ITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PRO-
VIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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 to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. EMPLOYMENT SERVICES:					
FROM:					
Unemployment Penalty and Interest					
Fund	\$1,545,100	\$1,655,000			\$3,200,100
Employment Security Special Administration					
Fund	<u>331,400</u>	<u>7,318,600</u>	<u>\$701,600</u>		<u>8,351,600</u>
TOTAL	\$1,876,500	\$8,973,600	\$701,600		\$11,551,700
II. WAGE AND HOUR:					
FROM:					
General					
Fund	\$248,700	\$64,800			\$313,500
Unemployment Penalty and Interest					
Fund	161,200	64,700			225,900
Miscellaneous Revenue					
Fund	<u>0</u>	<u>10,600</u>			<u>10,600</u>
TOTAL	\$409,900	\$140,100			\$550,000
III. CAREER INFORMATION SERVICES:					
FROM:					
Unemployment Penalty and Interest					
Fund	\$134,300	\$107,600			\$241,900
Employment Security Special Administration					
Fund	74,800	46,000			120,800
Miscellaneous Revenue					
Fund	<u>98,100</u>	<u>72,900</u>			<u>171,000</u>
TOTAL	\$307,200	\$226,500			\$533,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. HUMAN RIGHTS COMMISSION:					
FROM:					
Unemployment Penalty and Interest					
Fund		\$187,600			\$187,600
Employment Security Special Administration					
Fund	\$674,200				674,200
Miscellaneous Revenue					
Fund		700			700
Federal Grant					
Fund	<u>0</u>	<u>201,600</u>			<u>201,600</u>
TOTAL	\$674,200	\$389,900			\$1,064,100
V. SERVE IDAHO:					
FROM:					
Unemployment Penalty and Interest					
Fund	\$38,500	\$36,700			\$75,200
Miscellaneous Revenue					
Fund		56,400			56,400
Federal Grant					
Fund	<u>186,500</u>	<u>248,400</u>		<u>\$2,050,000</u>	<u>2,484,900</u>
TOTAL	\$225,000	\$341,500		\$2,050,000	\$2,616,500
GRAND TOTAL	\$3,492,800	\$10,071,600	\$701,600	\$2,050,000	\$16,316,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Labor is authorized no more than forty-five and one-hundredth (45.01) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 28, 2014

CHAPTER 302
(S.B. No. 1408)

AN ACT

RELATING TO THE BUDGET STABILIZATION FUND; AMENDING SECTION 57-814, IDAHO CODE, TO INCREASE THE PERCENTAGE OF THE GENERAL FUND RECEIPTS THAT MAY BE IN THE BUDGET STABILIZATION FUND AND TO PROVIDE FOR APPROPRIATIONS WHEN THE FUND HAS REACHED A CERTAIN PERCENTAGE.

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

SECTION 1. That Section 57-814, Idaho Code, be, and the same is hereby amended to read as follows:

57-814. BUDGET STABILIZATION FUND. (1) There is hereby created in the state treasury the budget stabilization fund for the purpose of meeting general fund revenue shortfalls and to meet expenses incurred as the result of a major disaster declared by the governor. All moneys in the budget reserve account at the date of approval of this act shall be transferred to the budget stabilization fund. Interest earnings from the investment of moneys in this fund by the state treasurer shall be credited to the permanent building account subject to the provisions of section 67-1210, Idaho Code.

(2) Subject to the requirements of section 63-3203, Idaho Code, the state controller shall annually transfer moneys from the general fund to the budget stabilization fund subject to the following criteria:

(a) If the state controller certifies that the receipts to the general fund for the fiscal year just ending have exceeded the receipts of the previous fiscal year by more than four percent (4%), then the state controller shall transfer all general fund collections in excess of said four percent (4%) increase to the budget stabilization fund, up to a maximum of one percent (1%) of the actual general fund collections of the fiscal year just ending. The state controller shall make the transfers in four (4) equal amounts during September, December, March and June of the next fiscal year.

(b) The amount of moneys in the budget stabilization fund shall not exceed five ~~ten~~ percent (~~5~~10%) of the total general fund receipts for the fiscal year just ending.

(c) The state controller shall transfer moneys in the budget stabilization fund in excess of the limit imposed in subsection (2) (b) of this section to the general fund.

(3) If a majority of the membership of each house of the legislature adopt a concurrent resolution requesting the amount of the transfer specified in subsection (2) of this section be reduced, the state controller shall reduce the amount of the transfer.

(4) Appropriations of moneys from the budget stabilization fund in any year shall be limited to fifty percent (50%) after the fund balance has reached ~~five~~ ten percent (~~5~~10%).

Approved March 28, 2014

CHAPTER 303
(S.B. No. 1413)

AN ACT

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the State Tax Commission, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. GENERAL SERVICES:				
FROM:				
General				
Fund	\$4,524,900	\$2,764,200	\$366,400	\$7,655,500
Multistate Tax Compact				
Fund		396,700	109,600	506,300
Administration and Accounting				
Fund	52,300	42,000	2,500	96,800
Administration Services for Transportation				
Fund	467,100	489,600	147,900	1,104,600
Seminars and Publications				
Fund	<u>0</u>	<u>9,100</u>	<u>0</u>	<u>9,100</u>
TOTAL	\$5,044,300	\$3,701,600	\$626,400	\$9,372,300
II. AUDIT DIVISION:				
FROM:				
General				
Fund	\$6,714,200	\$949,600		\$7,663,800
Multistate Tax Compact				
Fund	1,361,200	483,700		1,844,900
Administration and Accounting				
Fund	104,100	34,400		138,500
Administration Services for Transportation				
Fund	1,591,000	345,500		1,936,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Federal Grant				
Fund	<u>0</u>	<u>8,000</u>		<u>8,000</u>
TOTAL	\$9,770,500	\$1,821,200		\$11,591,700
III. COLLECTIONS DIVISION:				
FROM:				
General				
Fund	\$6,202,400	\$989,900		\$7,192,300
Administration Services for Transportation				
Fund	<u>176,600</u>	<u>22,600</u>		<u>199,200</u>
TOTAL	\$6,379,000	\$1,012,500		\$7,391,500
IV. REVENUE OPERATIONS:				
FROM:				
General				
Fund	\$3,651,900	\$1,509,300		\$5,161,200
Multistate Tax Compact				
Fund		4,000		4,000
Administration and Accounting				
Fund	139,100	73,800		212,900
Administration Services for Transportation				
Fund	580,900	254,300	\$2,300	837,500
Seminars and Publications				
Fund	<u>0</u>	<u>14,400</u>	<u>0</u>	<u>14,400</u>
TOTAL	\$4,371,900	\$1,855,800	\$2,300	\$6,230,000
V. PROPERTY TAX:				
FROM:				
General				
Fund	\$2,859,600	\$423,100		\$3,282,700
Seminars and Publications				
Fund	<u>0</u>	<u>131,000</u>	<u>\$8,800</u>	<u>139,800</u>
TOTAL	\$2,859,600	\$554,100	\$8,800	\$3,422,500
GRAND TOTAL	\$28,425,300	\$8,945,200	\$637,500	\$38,008,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Tax Commission is authorized no more than four hundred forty-seven (447) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Re-

sources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 28, 2014

CHAPTER 304
(S.B. No. 1414)

AN ACT

APPROPRIATING MONEYS TO THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2015; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION; EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS; AND PROVIDING NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2014.

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, the following amounts to be expended from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$22,734,400	\$3,569,300	\$150,000	\$26,453,700
Equine Education				
Fund	<u>0</u>	<u>25,700</u>	<u>0</u>	<u>25,700</u>
TOTAL	\$22,734,400	\$3,595,000	\$150,000	\$26,479,400

SECTION 2. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2015, the Agricultural Research and Cooperative Extension Service is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes, for all moneys appropriated to it for the period July 1, 2014, through June 30, 2015. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Agricultural Research and Cooperative Extension Service any unexpended and unencumbered balances of moneys categorized as dedicated funds and federal funds as appropriated for fiscal year 2014, to be used for nonrecurring expenditures, for the period July 1, 2014, through June 30, 2015.

Approved March 28, 2014

CHAPTER 305
(S.B. No. 1415)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR 2015; EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION; AND PROVIDING LEGISLATIVE INTENT RELATING TO SYSTEM-WIDE EXPENDITURES.

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 Colleges, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. COLLEGE OF SOUTHERN IDAHO (CSI) :				
FROM:				
General				
Fund	\$9,908,200	\$1,749,700	\$607,400	\$12,265,300
Community College				
Fund	<u>163,900</u>	<u>27,300</u>	<u>8,800</u>	<u>200,000</u>
TOTAL	\$10,072,100	\$1,777,000	\$616,200	\$12,465,300
II. COLLEGE OF WESTERN IDAHO (CWI) :				
FROM:				
General				
Fund	\$6,482,600	\$3,888,900	\$600	\$10,372,100
Community College				
Fund	<u>0</u>	<u>200,000</u>	<u>0</u>	<u>200,000</u>
TOTAL	\$6,482,600	\$4,088,900	\$600	\$10,572,100
III. NORTH IDAHO COLLEGE (NIC) :				
FROM:				
General				
Fund	\$9,411,400	\$914,700	\$15,000	\$10,341,100
Community College				
Fund	<u>122,200</u>	<u>52,800</u>	<u>25,000</u>	<u>200,000</u>
TOTAL	\$9,533,600	\$967,500	\$40,000	\$10,541,100
GRAND TOTAL	\$26,088,300	\$6,833,400	\$656,800	\$33,578,500

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2015, the State Board of Education for Community Colleges is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2014, through June 30, 2015. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that of the amount appropriated from the General Fund in Section 1 of this act, an amount not to exceed \$70,000 may be expended by the Office of the State Board of Education for system-wide needs including, but not limited to, projects to promote accountability and information transfer throughout the higher education system.

Approved March 28, 2014

CHAPTER 306
(S.B. No. 1416)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2015; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION; EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS FOR THE POSTSECONDARY PROGRAM; PROVIDING NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2014; AND PROVIDING LEGISLATIVE INTENT.

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

SECTION 1. There is hereby appropriated to the Division of Professional-Technical Education, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. STATE LEADERSHIP & TECHNICAL ASSISTANCE:					
FROM:					
General					
Fund	\$1,694,200	\$473,200	\$13,700		\$2,181,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant					
Fund	<u>272,600</u>	<u>60,200</u>	<u>0</u>		<u>332,800</u>
TOTAL	\$1,966,800	\$533,400	\$13,700		\$2,513,900
II. GENERAL PROGRAMS:					
FROM:					
General					
Fund	\$198,700	\$22,000		\$11,551,900	\$11,772,600
Hazardous Materials/Waste Enforcement					
Fund				67,800	67,800
Federal Grant					
Fund	<u>178,600</u>	<u>14,800</u>		<u>4,252,400</u>	<u>4,445,800</u>
TOTAL	\$377,300	\$36,800		\$15,872,100	\$16,286,200
III. POSTSECONDARY PROGRAMS:					
FROM:					
General					
Fund	\$33,809,700	\$2,956,900	\$1,381,400		\$38,148,000
Unrestricted					
Fund	<u>0</u>	<u>480,000</u>	<u>0</u>		<u>480,000</u>
TOTAL	\$33,809,700	\$3,436,900	\$1,381,400		\$38,628,000
IV. UNDERPREPARED ADULTS/DISPLACED HOMEMAKERS:					
FROM:					
Displaced Homemaker					
Fund				\$170,000	\$170,000
Federal Grant					
Fund				<u>1,747,300</u>	<u>1,747,300</u>
TOTAL				\$1,917,300	\$1,917,300
V. RELATED SERVICES:					
FROM:					
General					
Fund	\$130,700	\$5,700		\$840,900	\$977,300
Miscellaneous Revenue					
Fund	221,500	31,500			253,000
Seminars and Publications					
Fund		140,000			140,000
Federal Grant					
Fund	<u>46,500</u>	<u>17,800</u>		<u>2,174,000</u>	<u>2,238,300</u>
TOTAL	\$398,700	\$195,000		\$3,014,900	\$3,608,600
GRAND TOTAL	\$36,552,500	\$4,202,100	\$1,395,100	\$20,804,300	\$62,954,000

SECTION 2. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. For fiscal year 2015, the Division of Professional-Technical Education, Postsecondary Program, is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes, for all moneys appropriated to it for the period July 1, 2014, through June 30, 2015. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Division of Professional-Technical Education, any unexpended and unencumbered balances of moneys categorized as dedicated funds and federal funds as appropriated for fiscal year 2014, to be used for nonrecurring expenditures, for the period July 1, 2014, through June 30, 2015.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that within General Programs, ongoing funding provided in this act be used to increase the secondary schools added-cost unit values for the Agriculture Science and Technology Programs and the Agriculture Science/Mechanics Programs from \$10,260 to \$15,000 and to increase the secondary schools added-cost unit values by 5% for all other secondary programs.

Approved March 28, 2014

CHAPTER 307
(S.B. No. 1417)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR COLLEGE AND UNIVERSITIES AND THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2015; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION; PROVIDING NON-GENERAL FUND REAPPROPRIATION; PROVIDING LEGISLATIVE INTENT FOR SYSTEMWIDE NEEDS; PROVIDING LEGISLATIVE INTENT FOR COMPLETE COLLEGE IDAHO GOAL OF SIXTY PERCENT; AND EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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 college and universities, and the Office of the State Board of Education, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOISE STATE UNIVERSITY:					
FROM:					
General					
Fund	\$68,531,200	\$7,692,000	\$3,757,800		\$79,981,000
Unrestricted					
Fund	<u>64,721,800</u>	<u>19,615,600</u>	<u>917,800</u>		<u>85,255,200</u>
TOTAL	\$133,253,000	\$27,307,600	\$4,675,600		\$165,236,200
II. IDAHO STATE UNIVERSITY:					
FROM:					
General					
Fund	\$65,831,400	\$804,300			\$66,635,700
Charitable Institutions Endowment Income					
Fund	1,027,200				1,027,200
Normal School Endowment Income					
Fund	1,572,000				1,572,000
Unrestricted					
Fund	<u>32,086,500</u>	<u>22,443,200</u>	<u>\$5,033,800</u>		<u>59,563,500</u>
TOTAL	\$100,517,100	\$23,247,500	\$5,033,800		\$128,798,400
III. UNIVERSITY OF IDAHO:					
FROM:					
General					
Fund	\$69,903,800	\$5,717,100	\$3,534,100		\$79,155,000
Agricultural College Endowment Income					
Fund	824,400	56,200	283,400		1,164,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Scientific School Endowment Income					
Fund	2,858,600		1,007,800		3,866,400
University Endowment Income					
Fund	2,316,800	214,200	795,400		3,326,400
Unrestricted					
Fund	<u>39,987,300</u>	<u>34,190,400</u>	<u>739,800</u>		<u>74,917,500</u>
TOTAL	\$115,890,900	\$40,177,900	\$6,360,500		\$162,429,300
IV. LEWIS-CLARK STATE COLLEGE:					
FROM:					
General					
Fund	\$12,183,600	\$1,349,600	\$434,000		\$13,967,200
Normal School Endowment Income					
Fund		1,572,000			1,572,000
Unrestricted					
Fund	<u>10,635,300</u>	<u>3,132,300</u>	<u>1,321,700</u>		<u>15,089,300</u>
TOTAL	\$22,818,900	\$6,053,900	\$1,755,700		\$30,628,500
V. SYSTEMWIDE:					
FROM:					
General					
Fund	\$2,681,600	\$1,285,000	\$4,084,600	\$3,433,100	\$11,484,300
GRAND TOTAL	\$375,161,500	\$98,071,900	\$21,910,200	\$3,433,100	\$498,576,700

SECTION 2. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and

also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

SECTION 3. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for college and universities any unexpended and unencumbered balances of moneys categorized as dedicated funds appropriated for fiscal year 2014, to be used for nonrecurring expenditures, for the period July 1, 2014, through June 30, 2015.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature that of the amount appropriated from the General Fund in Section 1, Subsection V. of this act, the following amounts may be used as follows: (1) An amount not to exceed \$140,000 may be used by the Office of the State Board of Education for systemwide needs; (2) An amount of approximately \$1,435,500 may be used for the mission and goals of the Higher Education Research Council as outlined in State Board of Education policy III.W., which includes awards for infrastructure, matching grants, and competitive grants through the Idaho Incubation Fund program; and (3) An amount not to exceed \$863,300 may be used by the State Board of Education for instructional projects designed to foster innovative learning approaches using technology, to promote accountability and information transfer throughout the higher education system including longitudinal student-level data and program/course transferability and to promote the Idaho Electronic Campus.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that of the amount appropriated from the General Fund in Section 1, Subsection V. of this act, \$2,759,700 of ongoing funds provided for Complete College Idaho 60% goal and \$4,085,800 of one-time funds provided shall be allocated by the State Board of Education for either personnel, operating or one-time capital outlay costs.

SECTION 6. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2014, the State Board of Education and the Board of Regents of the University of Idaho for college and universities is hereby exempted from the provisions of Section 67-3511(1), (2) and (3), Idaho Code, allowing unlimited transfers between object codes and between programs, for all moneys appropriated to it for the period July 1, 2014, through June 30, 2015. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 28, 2014

CHAPTER 308
(S.B. No. 1419)

AN ACT

APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Superintendent of Public Instruction, the following amounts to be expended for the designated expense

classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$4,539,400	\$3,957,700	\$1,500	\$24,600	\$8,523,200
Indirect Cost Recovery					
Fund	693,800	560,800			1,254,600
Driver's Training					
Fund	167,200	151,000	5,400	2,113,300	2,436,900
Public Instruction					
Fund	661,600	844,400	9,600	11,400	1,527,000
Miscellaneous Revenue					
Fund	717,600	2,112,500	15,200		2,845,300
Public Schools Other Income					
Fund	88,000	362,000			450,000
Federal Grant					
Fund	<u>4,723,900</u>	<u>12,432,600</u>	<u>28,000</u>	<u>82,200</u>	<u>17,266,700</u>
TOTAL	\$11,591,500	\$20,421,000	\$59,700	\$2,231,500	\$34,303,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Superintendent of Public Instruction is authorized no more than one hundred forty-one (141) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary sav-

ings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 28, 2014

CHAPTER 309
(S.B. No. 1421)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING A PORTION OF THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS; EXPRESSING LEGISLATIVE INTENT REGARDING A CERTAIN UNEXPENDED BALANCE OF MONEY; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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 according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES:					
FROM:					
General					
Fund	\$7,632,900	\$3,120,400	\$507,300		\$11,260,600
Inmate Labor					
Fund	45,700				45,700
Parolee Supervision					
Fund	184,100	92,300			276,400
Miscellaneous Revenue					
Fund	416,500	96,400			512,900
Federal Grant					
Fund	<u>0</u>	<u>500,000</u>	<u>0</u>		<u>500,000</u>
TOTAL	\$8,279,200	\$3,809,100	\$507,300		\$12,595,600

II. PRISONS ADMINISTRATION:

FROM:

General

Fund \$919,700 \$131,900 \$1,051,600

Inmate Labor

Fund 49,100 49,100

Miscellaneous Revenue

Fund 171,200 73,900 245,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>0</u>	<u>\$160,000</u>		<u>160,000</u>
TOTAL	\$1,140,000	\$205,800	\$160,000		\$1,505,800
III. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$19,887,900	\$3,544,800	\$293,200		\$23,725,900
Inmate Labor					
Fund		46,100			46,100
Miscellaneous Revenue					
Fund	607,500	145,600	250,000		1,003,100
Penitentiary Endowment Income					
Fund		951,500	87,900		1,039,400
Federal Grant					
Fund	<u>150,400</u>	<u>0</u>	<u>0</u>		<u>150,400</u>
TOTAL	\$20,645,800	\$4,688,000	\$631,100		\$25,964,900
IV. IDAHO CORRECTIONAL INSTITUTION - OROFINO:					
FROM:					
General					
Fund	\$6,693,100	\$1,600,900	\$4,300		\$8,298,300
Inmate Labor					
Fund	885,000	648,100	138,900		1,672,000
Miscellaneous Revenue					
Fund	53,200	50,800			104,000
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>30,000</u>	<u>121,300</u>		<u>151,300</u>
TOTAL	\$7,631,300	\$2,329,800	\$264,500		\$10,225,600
V. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:					
FROM:					
General					
Fund	\$4,275,000	\$1,046,300	\$32,600		\$5,353,900
Inmate Labor					
Fund		40,900			40,900
Miscellaneous Revenue					
Fund	43,100	67,000			110,100
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>0</u>	<u>86,700</u>		<u>86,700</u>
TOTAL	\$4,318,100	\$1,154,200	\$119,300		\$5,591,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VI. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$5,457,600	\$1,597,500	\$122,400		\$7,177,500
Inmate Labor					
Fund	943,600	476,500	90,500		1,510,600
Miscellaneous Revenue					
Fund	105,800	73,300			179,100
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>0</u>	<u>93,600</u>		<u>93,600</u>
TOTAL	\$6,507,000	\$2,147,300	\$306,500		\$8,960,800
VII. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$9,089,600	\$1,477,700	\$26,000		\$10,593,300
Inmate Labor					
Fund		49,100			49,100
Miscellaneous Revenue					
Fund	63,000	48,600			111,600
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>0</u>	<u>73,900</u>		<u>73,900</u>
TOTAL	\$9,152,600	\$1,575,400	\$99,900		\$10,827,900
VIII. ST. ANTHONY WORK CAMP:					
FROM:					
General					
Fund	\$2,038,200	\$413,500	\$22,300		\$2,474,000
Inmate Labor					
Fund	803,500	500,500	9,700		1,313,700
Miscellaneous Revenue					
Fund		8,300			8,300
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>0</u>	<u>34,900</u>		<u>34,900</u>
TOTAL	\$2,841,700	\$922,300	\$66,900		\$3,830,900
IX. POCATELLO WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General					
Fund	\$4,651,100	\$928,100	\$39,900		\$5,619,100
Inmate Labor					
Fund	264,800	71,800	42,200		378,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue					
Fund	274,300	32,800			307,100
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>18,300</u>	<u>65,400</u>		<u>83,700</u>
TOTAL	\$5,190,200	\$1,051,000	\$147,500		\$6,388,700
X. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General					
Fund	\$2,884,700	\$550,100	\$56,400		\$3,491,200
Miscellaneous Revenue					
Fund		32,700			32,700
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>0</u>	<u>37,500</u>		<u>37,500</u>
TOTAL	\$2,884,700	\$582,800	\$93,900		\$3,561,400
XI. IDAHO CORRECTIONAL CENTER (PUBLICLY-OPERATED) :					
FROM:					
General					
Fund		\$25,072,500			\$25,072,500
Miscellaneous Revenue					
Fund		<u>340,000</u>			<u>340,000</u>
TOTAL		\$25,412,500			\$25,412,500
XII. IDAHO CORRECTIONAL CENTER (PRIVATELY-OPERATED) :					
FROM:					
General					
Fund		\$2,445,500			\$2,445,500
XIII. COUNTY & OUT-OF-STATE PLACEMENT :					
FROM:					
General					
Fund		\$14,133,300			\$14,133,300
XIV. CORRECTIONAL ALTERNATIVE PLACEMENT :					
FROM:					
General					
Fund		\$8,579,400	\$846,400		\$9,425,800
Miscellaneous Revenue					
Fund		<u>200,000</u>	<u>0</u>		<u>200,000</u>
TOTAL		\$8,779,400	\$846,400		\$9,625,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
XV. COMMUNITY SUPERVISION:					
FROM:					
General					
Fund	\$12,778,700	\$1,068,800	\$375,700		\$14,223,200
Parolee Supervision					
Fund	5,635,600	1,167,300			6,802,900
Drug and Mental Health Court Supervision					
Fund	<u>423,400</u>	<u>27,200</u>	<u>0</u>		<u>450,600</u>
TOTAL	\$18,837,700	\$2,263,300	\$375,700		\$21,476,700
XVI. COMMUNITY WORK CENTERS:					
FROM:					
General					
Fund	\$2,696,300	\$1,600			\$2,697,900
Inmate Labor					
Fund	624,600	1,169,800	\$449,800		2,244,200
Miscellaneous Revenue					
Fund		29,700			29,700
Federal Grant					
Fund	<u>60,100</u>	<u>0</u>	<u>0</u>		<u>60,100</u>
TOTAL	\$3,381,000	\$1,201,100	\$449,800		\$5,031,900
XVII. OFFENDER PROGRAMS:					
FROM:					
General					
Fund	\$1,619,700	\$870,400			\$2,490,100
Inmate Labor					
Fund		54,100			54,100
Miscellaneous Revenue					
Fund	187,200	59,500			246,700
Federal Grant					
Fund	<u>454,500</u>	<u>583,400</u>			<u>1,037,900</u>
TOTAL	\$2,261,400	\$1,567,400			\$3,828,800
XVIII. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT:					
FROM:					
General					
Fund	\$1,517,300	\$130,300		\$6,286,300	\$7,933,900
Substance Abuse Treatment					
Fund	<u>0</u>	<u>0</u>		<u>124,500</u>	<u>124,500</u>
TOTAL	\$1,517,300	\$130,300		\$6,410,800	\$8,058,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
XIX. MEDICAL SERVICES:					
FROM:					
General					
Fund		\$40,731,000	\$16,000		\$40,747,000
Miscellaneous Revenue					
Fund	\$164,500	135,000	0		299,500
TOTAL	\$164,500	\$40,866,000	\$16,000		\$41,046,500
GRAND TOTAL	\$94,752,500	\$115,264,500	\$4,084,800	\$6,410,800	\$220,512,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Correction is authorized no more than one thousand six hundred ten and thirty-five hundredths (1,610.35) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTION FROM OBJECT TRANSFER LIMITATIONS. To provide the Department of Correction maximum flexibility in converting the Idaho Correctional Center from a privately-operated to a publicly-operated facility, the Idaho Correctional Center is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, for all moneys appropriated to it for the period July 1, 2014, through June 30, 2015. Legislative appropriations shall not be transferred from one fund to another fund, however, unless expressly approved by the Legislature.

SECTION 4. LEGISLATIVE INTENT REGARDING A CERTAIN UNEXPENDED BALANCE OF MONEY. It is the intent of the Legislature that any unexpended balance of General Fund money, as appropriated to the Department of Correction for the privately-operated Idaho Correctional Center for fiscal year 2015, be returned to the General Fund once final payment has been made to cover the state's contractual obligation with Corrections Corporation of America.

SECTION 5. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 28, 2014

CHAPTER 310
(S.B. No. 1422)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2015; MAKING A CASH TRANSFER; AND PROVIDING REAPPROPRIATION AUTHORITY FOR DEDICATED FUNDS.

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 for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:			
Capitol Commission Operating			
Fund	\$142,000		\$142,000
Capitol Maintenance Reserve			
Fund	<u>230,000</u>	<u>\$2,700,000</u>	<u>2,930,000</u>
TOTAL	\$372,000	\$2,700,000	\$3,072,000

SECTION 2. CASH TRANSFER. There is hereby appropriated to the Department of Administration for the Capitol Commission and the State Controller shall transfer \$100,000 from the Capitol Maintenance Reserve Fund to the Capitol Commission Operating Fund, on July 1, 2014, or as soon thereafter as practicable, for the period July 1, 2014, through June 30, 2015.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Administration for the Idaho State Capitol Commission

any unexpended and unencumbered balances of moneys categorized as dedicated funds as appropriated for fiscal year 2014, to be used for nonrecurring expenditures, for the period July 1, 2014, through June 30, 2015.

Approved March 28, 2014

CHAPTER 311
(S.B. No. 1423)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE BOND PAYMENT PROGRAM FOR FISCAL YEAR 2015.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Bond Payment Program, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:			
General			
Fund	\$2,012,600	\$2,255,000	\$4,267,600
Permanent Building			
Fund	2,994,200	16,705,000	19,699,200
Administration and Accounting Services			
Fund	<u>273,200</u>	<u>380,000</u>	<u>653,200</u>
TOTAL	\$5,280,000	\$19,340,000	\$24,620,000

Approved March 28, 2014

CHAPTER 312
(S.B. No. 1424)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MEDICAID FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; REQUIRING MONTHLY MEDICAID TRACKING REPORTS; PROVIDING FOR TRANSFER OF APPROPRIATIONS BETWEEN CERTAIN PROGRAMS; PROVIDING LEGISLATIVE INTENT FOR REPORTING ON THE IMPLEMENTATION OF HOUSE BILL NO. 260, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-FIRST IDAHO LEGISLATURE; REQUIRING QUARTERLY REPORTS ON MEDICAID MANAGED CARE IMPLEMENTATION; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare, the following amounts to be expended according to the designated

programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MGMT:				
FROM:				
Cooperative Welfare (General)				
Fund	\$5,525,300	\$7,326,900	\$469,200	\$13,321,400
Idaho Health Insurance Access Card				
Fund		152,000		152,000
Cooperative Welfare (Dedicated)				
Fund		9,083,800		9,083,800
Cooperative Welfare (Federal)				
Fund	<u>8,959,800</u>	<u>28,210,100</u>	<u>1,638,600</u>	<u>38,808,500</u>
TOTAL	\$14,485,100	\$44,772,800	\$2,107,800	\$61,365,700
II. COORDINATED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$83,629,500	\$83,629,500
Hospital Assessment				
Fund			15,135,300	15,135,300
Cooperative Welfare (Dedicated)				
Fund			46,700	46,700
Cooperative Welfare (Federal)				
Fund			<u>229,367,800</u>	<u>229,367,800</u>
TOTAL			\$328,179,300	\$328,179,300
III. ENHANCED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$292,927,800	\$292,927,800
Idaho Health Insurance Access Card				
Fund			1,524,200	1,524,200
Hospital Assessment				
Fund			4,406,400	4,406,400
Cooperative Welfare (Dedicated)				
Fund			142,939,700	142,939,700
Cooperative Welfare (Federal)				
Fund			<u>669,913,400</u>	<u>669,913,400</u>
TOTAL			\$1,111,711,500	\$1,111,711,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. BASIC MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$102,468,400	\$102,468,400
Idaho Health Insurance Access Card				
Fund			2,166,100	2,166,100
Hospital Assessment				
Fund			10,458,300	10,458,300
Cooperative Welfare (Dedicated)				
Fund			1,813,600	1,813,600
Cooperative Welfare (Federal)				
Fund			<u>415,127,100</u>	<u>415,127,100</u>
TOTAL			\$532,033,500	\$532,033,500
GRAND TOTAL	\$14,485,100	\$44,772,800	\$1,974,032,100	\$2,033,290,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than two hundred ten (210) full-time equivalent positions for the Medicaid Administration and Medical Management Program at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

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. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure class shall not be transferred to any other expense class during fiscal year 2015.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provisions of law, it is hereby declared to be the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. MEDICAID TRACKING REPORT. The Department of Health and Welfare, Medicaid Division and Indirect Support Services Division, shall deliver on a monthly basis to the Legislative Services Office and the Division of Financial Management a report that compares the Medicaid budget as appropriated, distributed by month for the year, to actual expenditures and remaining forecasted expenditures for the year. The report shall also include a forecast, updated monthly, of the next fiscal year's anticipated trustee and benefit expenditures. The format of the report, and the information included therein, shall be determined by the Legislative Services Office and the Division of Financial Management.

SECTION 7. TRANSFER OF APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for the trustee and benefit payments expenditure class in the Medicaid Division may be transferred in excess of ten percent (10%) among the Coordinated Medicaid Plan, Enhanced Medicaid Plan, Basic Medicaid Plan, and Medicaid Administration and Medical Management Program, but shall not be transferred to any other budgeted programs or expenditure class within the Department of Health and Welfare during fiscal year 2015.

SECTION 8. REPORTING ON IMPLEMENTATION OF HOUSE BILL NO. 260 OF 2011. The Medicaid Division shall report on a quarterly basis the status of the implementation of House Bill No. 260, as enacted by the First Regular Session of the Sixty-first Idaho Legislature, to the Legislative Services Office and the Division of Financial Management. The report shall, at a minimum, include benefit modification implementation updates on both long-term and short-term changes and actual cost savings realized as a result of those changes compared to estimated savings for each modification. The format of the report, and information contained therein, shall be determined by the Legislative Services Office and the Division of Financial Management.

SECTION 9. MEDICAID MANAGED CARE IMPLEMENTATION. The Medicaid Division shall provide quarterly reports to the Division of Financial Management and the Legislative Services Office on progress in integrating managed care approaches into the state Medicaid system. The format of the report, and information contained therein, shall be determined by the Legislative Services Office and the Division of Financial Management.

SECTION 10. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

CHAPTER 313
(S.B. No. 1425)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2015; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS; PROVIDING LEGISLATIVE INTENT RELATING TO UTILIZATION OF MATCHING FUNDS; EXEMPTING THE APPROPRIATION FROM THE PROVISIONS OF CHAPTER 36, TITLE 67, IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 67-3516, IDAHO CODE; AND PROVIDING LEGISLATIVE INTENT RELATING TO REALLOCATION OF PROJECT SAVINGS.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Division of Public Works \$26,320,000 from the Permanent Building Fund, to be expended for capital outlay, for the period July 1, 2014, through June 30, 2015.

SECTION 2. ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS. Moneys appropriated in Section 1 of this act, or so much thereof as in each case may be necessary, shall be used 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 therein authorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

MAINTENANCE PROJECTS IN THE FOLLOWING AREAS:

Alterations and Repairs	\$14,654,900
Jones House Siding Repairs at Harriman State Park	35,000
Asbestos Abatement	184,500
Statewide Americans with Disabilities Act Compliance	800,000
Capitol Mall Maintenance	<u>120,000</u>
TOTAL	\$15,794,400

CAPITAL PROJECTS:

Capitol Annex Infrastructure	\$1,000,000
University of Idaho Research & Innovation Center	2,500,000
Fish & Game Wildlife Research Lab	80,000
Idaho State Historical Museum Remodel	4,563,000
Idaho State Police Combined Facility	600,000
Mountain Home Armory	722,500
Idaho State University Bioskills Learning Center	<u>1,060,100</u>
TOTAL	\$10,525,600

GRAND TOTAL \$26,320,000

SECTION 3. UTILIZATION OF MATCHING FUNDS. 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 4. EXEMPTION OF APPROPRIATIONS FROM CERTAIN PROVISIONS. All appropriations made herein shall be exempt from the provisions of Chapter 36, Title 67, Idaho Code, 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 5. REALLOCATION OF PROJECT SAVINGS. It is the intent of the Legislature that the Division of Public Works have the flexibility to allocate any savings or unused appropriation from any capital, line-item project to any other requested and funded fiscal year 2015 capital projects. The reallocation of such appropriation must be approved by the Permanent Building Fund Advisory Council prior to the funds being spent.

Approved March 28, 2014

CHAPTER 314
(S.B. No. 1427)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR STATE HOSPITAL NORTH FOR FISCAL YEAR 2015; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR STATE HOSPITAL SOUTH FOR FISCAL YEAR 2015.

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

SECTION 1. In addition to the appropriation made in Section 1 of Senate Bill No. 1400, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the Department of Health and Welfare for State Hospital North \$85,000 from the State Hospital North Endowment Income Fund, to be expended for operating expenditures, for the period July 1, 2014, through June 30, 2015.

SECTION 2. In addition to the appropriation made in Section 1 of Senate Bill No. 1400, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the Department of Health and Welfare for State Hospital South \$85,000 from the Mental Hospital Endowment Income Fund, to be expended for operating expenditures, for the period July 1, 2014, through June 30, 2015.

Approved March 28, 2014

CHAPTER 315
(S.B. No. 1428)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE ADULT MENTAL HEALTH PROGRAM FOR FISCAL YEAR 2015.

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

SECTION 1. In addition to the appropriation made in Section 1 of Senate Bill No. 1400, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the Department of Health and Welfare for the Adult Mental Health Program the following amounts to be expended for trustee and benefit payments from the listed funds for the period July 1, 2014, through June 30, 2015:

FROM:

Cooperative Welfare (General)

Fund	\$1,520,000
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Cooperative Welfare (Federal)

Fund	<u>600,000</u>
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TOTAL	\$2,120,000
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Approved March 28, 2014

CHAPTER 316
(S.B. No. 1429)

AN ACT

RELATING TO COMMISSIONER SALARIES; AMENDING SECTION 61-215, IDAHO CODE, TO INCREASE THE SALARIES OF THE PUBLIC UTILITIES COMMISSIONERS; AMENDING SECTION 63-102, IDAHO CODE, TO INCREASE THE SALARIES OF THE STATE TAX COMMISSIONERS; AMENDING SECTION 72-503, IDAHO CODE, TO INCREASE THE SALARIES OF THE INDUSTRIAL COMMISSIONERS; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2015; APPROPRIATING ADDITIONAL MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2015; APPROPRIATING ADDITIONAL MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2015; AND PROVIDING AN ADDITIONAL ONE PERCENT SALARY INCREASE TO THE COMMISSIONERS FOR FISCAL YEAR 2015.

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, 2012 ~~2014~~, the annual salary of members of the public utilities commission shall be ninety-four thousand ~~ten~~ nine hundred fifty dollars (\$94,010950) 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, 2012 2014, the annual salary for members of the state tax commission shall be ~~eighty-seve~~eighty thousand ~~one hundred fifty-six~~ twenty-eight dollars (~~\$87,15688,028~~).

(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, 2012 2014, the annual salary of each member of the industrial commission shall be ~~ninety-one~~two thousand ~~five~~ four hundred ~~five~~ twenty dollars (~~\$91,50592,420~~). 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 the appropriation made in Section 1 of House Bill No. 554, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated \$6,800 to the Public Utilities Commission to be expended for personnel costs from the Public Utilities Commission Fund for the period July 1, 2014, through June 30, 2015.

SECTION 5. In addition to the appropriation made in Section 1 of Senate Bill No. 1413, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the Idaho State Tax Commission the following amounts to be expended for personnel costs from the listed funds for the period July 1, 2014, through June 30, 2015:

I. GENERAL SERVICES:

FROM:

General Fund	\$6,700
Administration Services for Transportation Fund	<u>1,000</u>
TOTAL	\$7,700

II. AUDIT DIVISION:

FROM:

Multistate Tax Compact Fund	\$400
Administration and Accounting Fund	200
Administration Services for Transportation Fund	<u>200</u>
TOTAL	\$800

GRAND TOTAL	\$8,500
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SECTION 6. In addition to the appropriation made in Section 1 of Senate Bill No. 1367, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated \$6,700 to the Industrial Commission to be expended for personnel costs from the Industrial Administration Fund for the period July 1, 2014, through June 30, 2015.

SECTION 7. Notwithstanding any other provision of law to the contrary, commissioner salaries referenced in Sections 1, 2 and 3 of this act shall be increased by the equivalent of 1% for the period July 1, 2014, through June 30, 2015.

Approved March 28, 2014

CHAPTER 317
(S.B. No. 1432)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2015; AND AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. In addition to the appropriation made in Section 1 of Senate Bill No. 1418, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the Office of the State Board of Education for the Administration Program the following amount to be expended according to the designated expense classes from the General Fund for the period July 1, 2014, through June 30, 2015:

FOR:

Personnel Costs	\$40,000
Operating Expenditures	2,100
Capital Outlay	<u>900</u>
TOTAL	\$43,000

SECTION 2. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Office of the State Board of Education in Section 2, Senate Bill No. 1418, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, is increased by five-tenths (0.5) for the period July 1, 2014, through June 30, 2015.

Approved March 28, 2014

CHAPTER 318
(S.B. No. 1433)

AN ACT

RELATING TO JUSTICE REINVESTMENT; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2015; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR COMMUNITY SUPERVISION FOR FISCAL YEAR 2015; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2015; APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION FOR PARDONS AND PAROLE FOR FISCAL YEAR 2015; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR THE COMMISSION FOR PARDONS AND PAROLE FOR FISCAL YEAR 2015; EXPRESSING LEGISLATIVE INTENT REGARDING SUBSTANCE ABUSE TREATMENT SERVICES; AND EXPRESSING LEGISLATIVE INTENT REGARDING INFORMATION TECHNOLOGY IMPROVEMENTS AT THE COMMISSION FOR PARDONS AND PAROLE.

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

SECTION 1. In addition to the appropriation made in Section 1 of Senate Bill No. 1421, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the Department of Correction the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MANAGEMENT SERVICES:				
FROM:				
General				
Fund	\$198,300			\$198,300
II. COMMUNITY SUPERVISION:				
FROM:				
General				
Fund	\$1,483,900	\$516,100		\$2,000,000
Parolee Supervision				
Fund	<u>0</u>	<u>304,000</u>	<u>\$56,800</u>	<u>360,800</u>
TOTAL	\$1,483,900	\$820,100	\$56,800	\$2,360,800
GRAND TOTAL	\$1,682,200	\$820,100	\$56,800	\$2,559,100

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Correction for the Community Supervision Program in Section 1 of Senate Bill No. 1421, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature from the Parolee Supervision Fund is hereby reduced by \$1,192,600 for personnel costs, for the period July 1, 2014, through June 30, 2015.

SECTION 3. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Department of Correction in Section 2 of Senate Bill No. 1421, as enacted by the Second Regular Session of the Sixty-second Idaho

Legislature, is increased by seven and five-tenths (7.5) for the period July 1, 2014, through June 30, 2015.

SECTION 4. In addition to the appropriation made in Section 1 of House Bill No. 627, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated from the General Fund to the Commission for Pardons and Parole the following amounts to be expended according to the designated expense classes for the period July 1, 2014, through June 30, 2015:

FOR:

Personnel Costs	\$100,000
Operating Expenditures	100,000
Capital Outlay	<u>25,000</u>
TOTAL	\$225,000

SECTION 5. FTP AUTHORIZATION. The full-time equivalent position authorization provided to the Commission for Pardons and Parole in Section 2 of House Bill No. 627, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, is increased by one (1) for the period July 1, 2014, through June 30, 2015.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the Legislature that all moneys appropriated to the Department of Correction for the Community-Based Substance Abuse Treatment Services Program for fiscal year 2015 shall be used for treatment, drug testing and cognitive programming designed to reduce offender criminality and recidivism.

SECTION 7. LEGISLATIVE INTENT. It is legislative intent that moneys appropriated in Section 4 of this act shall be used to hire a qualified information technology position to assess commission needs; provide hardware, software and network support; and design, install, program and maintain all necessary automated systems. This position will also work with the Department of Correction to integrate with their information systems, where appropriate, to expedite and improve the flow of information and data between the commission and the department. In addition to hiring a qualified information technology position, moneys may also be expended for contractual services, if required, and for the purchase of reasonable and necessary computer equipment and software.

Approved March 28, 2014

CHAPTER 319
(H.B. No. 358)

AN ACT

RELATING TO RISK-BASED CAPITAL FOR INSURERS; AMENDING SECTION 41-5401, IDAHO CODE, TO ADD AND REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 41-5402, IDAHO CODE, TO PROVIDE FOR OTHER ENTITIES THAT MUST FILE RBC REPORTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-5403, IDAHO CODE, TO PROVIDE FOR OTHER ENTITIES SUBJECT TO A COMPANY ACTION LEVEL EVENT, TO REVISE EVENTS, TO PROVIDE ADDITIONAL DETAIL FOR AN RBC PLAN AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-5406, IDAHO CODE, TO PROVIDE FOR OTHER ENTITIES WHO ARE SUBJECT TO ACTION BY THE DIRECTOR FOLLOWING A MANDATORY CONTROL LEVEL EVENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION

41-5408, IDAHO CODE, TO CLARIFY THE PROTECTIONS AFFORDED CONFIDENTIAL RBC DOCUMENTS AND INFORMATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-5409, IDAHO CODE, TO REVISE EXEMPTIONS; AMENDING SECTION 41-3239, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING SECTION 41-3434, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 41-5401, Idaho Code, be, and the same is hereby amended to read as follows:

41-5401. DEFINITIONS. As used in this chapter, these terms shall have the following meanings:

(1) "Adjusted RBC report" means an RBC report which has been adjusted by the director in accordance with section 41-5402 (5), Idaho Code.

(2) "Corrective order" means an order issued by the director specifying corrective actions which the director has determined are required.

(3) "Domestic insurer" means any ~~insurance company~~ insurer domiciled in this state.

(4) "Foreign insurer" means any ~~insurance company which is licensed to do business in this state under section 41-322, Idaho Code, but is~~ insurer not domiciled in this state.

(5) "Health organization" means any hospital service corporation or professional service corporation licensed under chapter 34, title 41, Idaho Code.

(6) "Insurer" means any insurance company authorized to transact insurance business in this state and includes a fraternal benefit society and a health organization unless the context otherwise requires.

(7) "Life and/or health insurer" means any ~~insurance company insurer~~ licensed under chapter 3, title 41, Idaho Code, to transact life, disability, accident and/or health insurance and includes any managed care organization within the scope of section 41-3921(1), Idaho Code, or a licensed property and casualty insurer writing only disability or accident and health insurance, but shall not include fraternal benefit societies, health service organizations, dental service organizations, health maintenance organizations, dental plan organizations or mutual benefit associations.

(68) "NAIC" means the national association of insurance commissioners.

(79) "Negative trend" means, with respect to a life and/or health insurer or a fraternal benefit society, a negative trend over a period of time, as determined in accordance with the "Trend Test Calculation" included in the life or fraternal RBC instructions.

(810) "Property and casualty insurer" means any ~~insurance company insurer~~ licensed under chapter 3, title 41, Idaho Code, to transact property and casualty insurance, but shall not include monoline mortgage guaranty insurers, financial guaranty insurers, title insurers, farm and county mutuals, ~~health service organizations, dental service organizations, health maintenance organizations, dental plan organizations or~~ and domestic reciprocal insurers with fewer than seven (7) subscribers which insure only worker's compensation risk in this state and which only issue fully assessable policies.

(911) "RBC" means risk-based capital.

(102) "RBC instructions" means the RBC report, including risk-based capital instructions adopted by the NAIC, as such RBC instructions may be amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC.

(113) "RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC where:

- (a) "Authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC instructions;
- (b) "Company action level RBC" means, with respect to any insurer, the product of 2.0 and its authorized control level RBC;
- (c) "Mandatory control level RBC" means the product of .70 and the authorized control level RBC;
- (d) "Regulatory action level RBC" means the product of 1.5 and its authorized control level RBC.

(124) "RBC plan" means a comprehensive financial plan containing the elements specified in section 41-5403(2), Idaho Code. If the director rejects the RBC plan, and it is revised by the insurer, with or without the director's recommendation, the plan shall be called the "revised RBC plan."

(135) "RBC report" means the report required in section 41-5402, Idaho Code.

(146) "Total adjusted capital" means the sum of:

- (a) An insurer's statutory capital and surplus as determined in accordance with the statutory accounting applicable to the annual financial statements required to be filed under section 41-335, 41-3225 or 41-3425, Idaho Code; and
- (b) Such other items, if any, as the RBC instructions may provide.

SECTION 2. That Section 41-5402, Idaho Code, be, and the same is hereby amended to read as follows:

41-5402. RBC REPORTS. (1) Every domestic insurer shall, on or prior to each March 1 (the "filing date"), prepare and submit to the director a report of its RBC levels as of the end of the calendar year just ended, in a form and containing such information as is required by the RBC instructions. In addition, every domestic insurer shall file its RBC report:

- (a) With the NAIC in accordance with the RBC instructions; and
- (b) With the insurance director in any state in which the insurer is authorized to do business, if the insurance director has notified the insurer of its request in writing, in which case the insurer shall file its RBC report not later than the later of:
 - (i) Fifteen (15) days from the receipt of notice to file its RBC report with that state; or
 - (ii) The filing date.

(2) A life and health insurer's or fraternal benefit society's RBC shall be determined in accordance with the formula set forth in the RBC instructions. The formula shall take into account, and may adjust for the covariance between, the following factors determined in each case by applying the factors in the manner set forth in the RBC instructions-:

- (a) The risk with respect to the insurer's assets;
- (b) The risk of adverse insurance experience with respect to the insurer's liabilities and obligations;
- (c) The interest rate risk with respect to the insurer's business; and
- (d) All other business risks and such other relevant risks as are set forth in the RBC instructions.

(3) A property and casualty insurer's or health organization's RBC shall be determined in accordance with the formula set forth in the RBC instructions. The formula shall take the following into account, and may adjust for the covariance between, determined in each case by applying the factors in the manner set forth in the RBC instructions-:

- (a) Asset risk;
- (b) Credit risk;
- (c) Underwriting risk; and
- (d) All other business risks and such other relevant risks as are set forth in the RBC instructions.

(4) An excess of capital over the amount produced by the risk-based capital requirements contained in this chapter and the formulas, schedules and instructions referenced in this chapter is desirable in the business of insurance. Accordingly, insurers should seek to maintain capital above the RBC levels required by this chapter. Additional capital is used and useful in the insurance business and helps to secure an insurer against various risks inherent in, or affecting, the business of insurance and not accounted for or only partially measured by the risk-based capital requirements contained in this chapter.

(5) If a domestic insurer files an RBC report which in the judgment of the director is inaccurate, then the director shall adjust the RBC report to correct the inaccuracy and shall notify the insurer of the adjustment. The notice shall contain a statement of the reason for the adjustment. An RBC report as so adjusted is referred to as an "adjusted RBC report."

SECTION 3. That Section 41-5403, Idaho Code, be, and the same is hereby amended to read as follows:

41-5403. COMPANY ACTION LEVEL EVENT. (1) "Company action level event" means any of the following events:

- (a) The filing of an RBC report by an insurer which indicates that:
 - (i) The insurer's total adjusted capital is greater than or equal to its regulatory action level RBC but less than its company action level RBC; or
 - (ii) If a life and/or health insurer that completes the life annual statement for the reporting year or fraternal benefit society, the insurer has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 2.53.0 and has a negative trend; or
 - (iii) If a property or casualty insurer, health organization or health insurer that completes the health annual statement for the reporting year, the insurer has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the property and casualty or health RBC instructions;
- (b) The notification by the director to the insurer of an adjusted RBC report that indicates an event in paragraph (a) of this subsection, provided the insurer does not challenge the adjusted RBC report under section 41-5407, Idaho Code; or
- (c) If, pursuant to section 41-5407, Idaho Code, an insurer challenges an adjusted RBC report that indicates the event in paragraph (a) of this subsection, the notification by the director to the insurer that the director has, after a hearing, rejected the insurer's challenge.

(2) In the event of a company action level event, the insurer shall prepare and submit to the director an RBC plan which shall:

- (a) Identify the conditions which contribute to the company action level event;
- (b) Contain proposals of corrective actions which the insurer intends to take and would be expected to result in the elimination of the company action level event;
- (c) Provide projections of the insurer's financial results in the current year and at least the four (4) succeeding years, and for managed care organizations and health organizations for at least the two (2) succeeding years, both in the absence of proposed corrective actions and giving effect to the proposed corrective actions, including projections of statutory operating income, net income, capital and surplus.

~~{The projections for both new and renewal business might include separate projections for each major line of business and separately identify each significant income, expense and benefit component};~~

(d) Identify the key assumptions impacting the insurer's projections and the sensitivity of the projections to the assumptions; and

(e) Identify the quality of, and problems associated with, the insurer's business, including but not limited to, its assets, anticipated business growth and associated surplus strain, extraordinary exposure to risk, mix of business and use of reinsurance, if any, in each case.

(3) The RBC plan shall be submitted:

(a) Within forty-five (45) days of the company action level event; or

(b) If the insurer challenges an adjusted RBC report pursuant to section 41-5407, Idaho Code, within forty-five (45) days after notification to the insurer that the director has, after a hearing, rejected the insurer's challenge.

(4) Within sixty (60) days after the submission by an insurer of an RBC plan to the director, the director shall notify the insurer whether the RBC plan shall be implemented or is, in the judgment of the director, unsatisfactory. If the director determines the RBC plan is unsatisfactory, the notification to the insurer shall set forth the reasons for the determination, and may set forth proposed revisions which will render the RBC plan satisfactory, in the judgment of the director. Upon notification from the director, the insurer shall prepare a revised RBC plan, which may incorporate by reference any revisions proposed by the director, and shall submit the revised RBC plan to the director:

(a) Within forty-five (45) days after the notification from the director; or

(b) If the insurer challenges the notification from the director under section 41-5407, Idaho Code, within forty-five (45) days after a notification to the insurer that the director has, after a hearing, rejected the insurer's challenge.

(5) In the event of a notification by the director to an insurer that the insurer's RBC plan or revised RBC plan is unsatisfactory, the director may, at the director's discretion, subject to the insurer's right to a hearing under section 41-5407, Idaho Code, specify in the notification that the notification constitutes a regulatory action level event.

(6) Every domestic insurer that files an RBC plan or revised RBC plan with the director shall file a copy of the RBC plan or revised RBC plan with the insurance director in any state in which the insurer is authorized to do business if:

(a) Such state has an RBC provision substantially similar to section 41-5408(1), Idaho Code; and

(b) The insurance director of that state has notified the insurer of its request for the filing in writing, in which case the insurer shall file a copy of the RBC plan or revised RBC plan in that state no later than the later of:

(i) Fifteen (15) days after the receipt of notice to file a copy of its RBC plan or revised RBC plan with the state; or

(ii) The date on which the RBC plan or revised RBC plan is filed under subsections (3) and (4) of this section.

SECTION 4. That Section 41-5406, Idaho Code, be, and the same is hereby amended to read as follows:

41-5406. MANDATORY CONTROL LEVEL EVENT. (1) "Mandatory control level event" means any of the following events:

(a) The filing of an RBC report which that indicates that the insurer's total adjusted capital is less than its mandatory control level RBC;

(b) Notification by the director to the insurer of an adjusted RBC report that indicates the event in paragraph (a) of this subsection, provided the insurer does not challenge the adjusted RBC report under section 41-5407, Idaho Code; or

(c) If, pursuant to section 41-5407, Idaho Code, the insurer challenges an adjusted RBC report that indicates the event in paragraph (a) of this subsection, notification by the director to the insurer that the director has, after a hearing, rejected the insurer's challenge.

(2) In the event of a mandatory control level event:

(a) With respect to a life and/or health insurer that completes the life annual statement for the reporting year or fraternal benefit society, the director shall take such actions as are necessary to place the insurer under regulatory control pursuant to chapter 33, title 41, Idaho Code. In that event, the mandatory control level event shall be deemed sufficient grounds for the director to take action pursuant to chapter 33, title 41, Idaho Code, and the director shall have the rights, powers and duties with respect to the insurer as are set forth in chapter 33, title 41, Idaho Code. If the director takes actions pursuant to an adjusted RBC report, the insurer shall be entitled to the protections of section 41-3309, Idaho Code, pertaining to summary proceedings. Notwithstanding any of the foregoing, the director may ~~forege~~ forgo action for up to ninety (90) days after the mandatory control level event if the director finds there is a reasonable expectation that the mandatory control level event may be eliminated within the ninety (90) day period.

(b) With respect to a property and casualty insurer, health organization or health insurer that completes the health annual statement for the reporting year, the director shall take such actions as are necessary to place the insurer under regulatory control pursuant to chapter 33, title 41, Idaho Code, or, in the case of an insurer which is writing no business and which is running off its existing business, may allow the insurer to continue its run off under the supervision of the director. In either event, the mandatory control level event shall be deemed sufficient grounds for the director to take action pursuant to chapter 33, title 41, Idaho Code, and the director shall have the rights, powers and duties with respect to the insurer as are set forth in chapter 33, title 41, Idaho Code. If the director takes actions pursuant to an adjusted RBC report, the insurer shall be entitled to the protections of section 41-3309, Idaho Code, pertaining to summary proceedings. Notwithstanding any of the foregoing, the director may ~~forege~~ forgo action for up to ninety (90) days after the mandatory control level event if the director finds there is a reasonable expectation that the mandatory control level event may be eliminated within the ninety (90) day period.

SECTION 5. That Section 41-5408, Idaho Code, be, and the same is hereby amended to read as follows:

41-5408. CONFIDENTIALITY -- PROHIBITION ON ANNOUNCEMENTS, PROHIBITION ON USE IN RATEMAKING. (1) All RBC reports, to the extent the information therein is not required to be set forth in a publicly available annual statement schedule, and RBC plans, including the results or report of any examination or analysis of an insurer performed pursuant hereto and any corrective order issued by the director pursuant to examination or analysis, with respect to any domestic insurer or foreign insurer which are filed with the director, constitute information that might be damaging to the insurer if made available to its competitors, and therefore shall be kept confidential by the director and shall be considered privileged. Notwithstanding the provisions of chapter 3, title 9, Idaho Code, this information shall not

be made public or be subject to subpoena, other than by the director and then only for the purpose of enforcement actions taken by the director pursuant to this chapter or any other provision of the insurance laws of this state and shall not be subject to discovery or admissible in evidence in any private civil action. However, the director is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the director's official duties.

(2) Neither the director nor any person who received documents, materials or other information while acting under the authority of the director shall be permitted or required to testify in any private civil action concerning any confidential documents, materials or information obtained or provided pursuant to subsection (1) of this section.

(3) In order to assist in the performance of his duties under this chapter, the director may:

(a) Share documents, materials or other information, including the confidential and privileged documents, materials or information subject to subsection (1) of this section, with other states, federal and international regulatory agencies, with the NAIC and its affiliates and subsidiaries and with state, federal and international law enforcement authorities, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material or other information;

(b) Receive documents, materials or information, including otherwise confidential and privileged documents, materials or information, from the NAIC and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions and shall maintain as confidential or privileged any document, material or information received with notice of or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information; and

(c) Enter into agreements governing the sharing and use of information consistent with the provisions of this subsection.

(4) No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information referenced in this section shall occur as a result of disclosure to the director under this section or as a result of sharing as authorized in subsection (3) of this section.

(5) It is the judgment of the legislature that the comparison of an insurer's total adjusted capital to any of its RBC levels is a regulatory tool which may indicate the need for possible corrective action with respect to the insurer, and is not intended as a means to rank insurers generally. Therefore, except as otherwise required under the provisions of this chapter, the making, publishing, disseminating, circulating or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or in any other way, an advertisement, announcement or statement containing an assertion, representation or statement with regard to the RBC levels of any insurer, or of any component derived in the calculation, by any insurer, agent, broker or other person engaged in any manner in the insurance business would be misleading and is therefore prohibited; provided however, that if any materially false statement with respect to the comparison regarding an insurer's total adjusted capital to its RBC levels, (or any of them), or an inappropriate comparison of any other amount to the insurers' RBC levels is published in any written publication and the insurer is able to demonstrate to the director with substantial proof the falsity of such statement, or the inappropriateness, as the case may be, then the insurer may publish an announcement in a written publication if the sole purpose of the announcement is to rebut the materially false statement.

(36) It is the further judgment of the legislature that the RBC instructions, RBC reports, adjusted RBC reports, RBC plans and revised RBC plans are intended solely for use by the director in monitoring the solvency of insurers and the need for possible corrective action with respect to insurers and shall not be used by the director for ratemaking nor considered or introduced as evidence in any rate proceeding nor used by the director to calculate or derive any elements of an appropriate premium level or rate of return for any line of insurance which an insurer or any affiliate is authorized to write.

SECTION 6. That Section 41-5409, Idaho Code, be, and the same is hereby amended to read as follows:

41-5409. SUPPLEMENTAL PROVISIONS -- RULES -- EXEMPTION. (1) The provisions of this chapter are supplemental to any other provisions of the laws of this state, and shall not preclude or limit any other powers or duties of the director under such laws, including, but not limited to, chapter 33, title 41, Idaho Code, and rules adopted by the department of insurance relating to the director's authority for companies deemed to be in hazardous financial condition.

(2) The director may adopt reasonable rules necessary for the implementation of this chapter in accordance with the provisions of chapter 52, title 67, Idaho Code.

(3) Upon written application, the director may exempt from compliance with this chapter, for a specified period or periods, any domestic property and casualty insurer, domestic managed care organization or domestic health organization which:

(a) Writes direct business only in this state; and

(b) Writes direct annual premiums of two million dollars (\$2,000,000) or less; and

(c) Assumes no reinsurance in excess of five percent (5%) of direct premium written; or

(d) Is a managed care organization offering only a limited managed care plan, a hospital service corporation or a professional service corporation that covers less than two thousand (2,000) lives.

SECTION 7. That Section 41-3239, Idaho Code, be, and the same is hereby amended to read as follows:

41-3239. OTHER PROVISIONS APPLICABLE. (1) Except as herein provided, societies shall be governed by this chapter and shall be exempt from all other provisions of the insurance laws of this state, not only in governmental relations with this state, but for every other purpose, and no law hereafter enacted shall apply to them, unless expressly designated therein.

(2) The following chapters and provisions of this code shall also apply to fraternal benefit societies (who for the purpose shall be deemed also to be "insurers") to the extent so applicable and not inconsistent with the express provisions of this chapter and the reasonable implications of such express provisions:

(a) Chapter 1 (scope of code);

(b) Chapter 2 (the director of insurance);

(c) Section 41-308(2) (general eligibility for certificate of authority), and for the purpose the annual license of a fraternal benefit society is deemed to be its "certificate of authority";

(d) Sections 41-1201 (representing or aiding unauthorized insurer prohibited), 41-1202 (penalty), and 41-1203 (suits by unauthorized insurer prohibited);

(e) The following sections of chapter 18 (the insurance contract):

(i) Section 41-1828 (payment discharges insurer -- payment to marital community);

- (ii) Section 41-1829 (minor may give acquittance) ;
- (iii) Section 41-1830 (life policy as separate property of married woman) ;
- (iv) Section 41-1838 (venue of suits against insurers) ;
- (v) Section 41-1839 (allowance of attorney fees in suits against insurers) ;
- (f) Section 41-1934 (prohibited policy plans) ;
- (g) Section 41-2837 (prohibited pecuniary interest of officials) ;
- (h) Chapter 33 (rehabilitation and liquidation) ;
- (i) Section 41-332 (foreign insurers exempt from corporation laws governing admission of foreign corporations) ;
- (j) Section 41-2141 (coordination with social security benefits) ;
- (k) Section 41-1927A (standard nonforfeiture law for individual deferred annuities) ; and
- (l) Chapter 46 (long-term care insurance) ; and
- (m) Chapter 54 (risk-based capital) .

SECTION 8. That Section 41-3434, Idaho Code, be, and the same is hereby amended to read as follows:

41-3434. OTHER PROVISIONS APPLICABLE. In addition to those contained or referred to heretofore in this chapter, the following chapters and provisions of this code shall also apply with respect to service corporations to the extent applicable and not in conflict with the express provisions of this chapter and the reasonable implications of such express provisions, and for the purposes of such application such corporations shall be deemed to be mutual "insurers":

- (1) Chapter 1 (scope of code) ;
- (2) Chapter 2 (the director of insurance) ;
- (3) Section 41-308(2) (general eligibility for certificate of authority -- competence, affiliations of management) ;
- (4) Sections 41-345 through 41-347 (disclosure of material transactions) ;
- (5) Section 41-601 ("assets" defined) ;
- (6) Section 41-603 (assets not allowed) ;
- (7) Section 41-604 (disallowance of "wash" transactions) ;
- (8) Section 41-613 (valuation of bonds) ;
- (9) Section 41-731 (prohibited investments and investment underwriting) ;
- (10) Chapter 13 (trade practices and frauds) ;
- (11) Section 41-2840 (vouchers for expenditures) ;
- (12) Section 41-2841 (borrowed surplus) ;
- (13) Sections 41-2857 (mergers and consolidations, mutual insurers), 41-2858 (bulk reinsurance, mutual insurers), and 41-2859 (mutual member's share of assets on liquidation) ;
- (14) Chapter 33 (supervision, rehabilitation and liquidation) ;
- (15) Sections 799 to 809 of chapter 330 of Session Laws of 1961 (transitory provisions) ;
- (16) Section 41-2106(3) (health history application for disability insurance) ;
- (17) Section 41-2141 (coordination of benefits -- coordination with social security benefits) ;
- (18) Section 41-1839 (attorney fees) ;
- (19) Chapter 46 (long-term care insurance) ;
- (20) Section 41-1844 (prescription drug benefit restrictions prohibited) ; and
- (21) Section 41-2216 (coordination of benefits -- coordination with social security benefits) ; and
- (22) Chapter 54 (risk-based capital) .

SECTION 9. This act shall be in full force and effect on and after January 1, 2015.

Approved March 28, 2014

CHAPTER 320

(H.B. No. 457, As Amended in the Senate)

AN ACT

RELATING TO SAFETY RESTRAINT EVIDENCE; AMENDING CHAPTER 16, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-1608, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO EVIDENCE OF THE FAILURE TO WEAR A SAFETY RESTRAINT; AND AMENDING SECTION 49-673, IDAHO CODE, TO REMOVE LANGUAGE PROVIDING THAT THE FAILURE TO USE A SAFETY RESTRAINT SHALL NOT BE CONSIDERED UNDER ANY CIRCUMSTANCES AS EVIDENCE OF CONTRIBUTORY OR COMPARATIVE NEGLIGENCE, NOR SHALL SUCH FAILURE BE ADMISSIBLE AS EVIDENCE IN ANY CIVIL ACTION WITH REGARD TO NEGLIGENCE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Chapter 16, Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6-1608, Idaho Code, and to read as follows:

6-1608. LIMITATION ON EVIDENCE OF FAILURE TO WEAR A SAFETY RESTRAINT. (1) In any action where the respondent seeks to introduce evidence of the failure of the claimant to wear a safety restraint as required by section 49-673, Idaho Code, the respondent shall prove, by clear and convincing evidence, that the claimant's failure to wear a safety restraint was a contributing cause of the particular injury or damage sustained by the claimant. Such evidence may not be used to determine comparative fault for purposes of section 6-801, Idaho Code, but only for apportionment of damages.

(2) In all civil actions in which the affirmative defense of failure to wear a safety restraint is permitted, no pleading shall be filed containing such affirmative defense. However, a party may, pursuant to a pretrial motion and after a hearing before the court, amend the pleadings to include an affirmative defense that the failure to wear a safety restraint was a contributing cause of the particular injury or damage sustained by the claimant. The court shall allow the motion to amend the pleadings if, after weighing the evidence presented, the court concludes that the moving party has established at such hearing a reasonable likelihood of proving facts at trial sufficient to support a finding of damages apportionment caused by the failure to wear a safety restraint. Such an affirmative defense added pursuant to this section shall not be barred by lapse of time under the applicable limitation on the time in which an action may be brought or claim asserted, if the time prescribed or limited had not expired when the original pleading was filed.

(3) Evidence of the failure to wear a safety restraint as required by section 49-673, Idaho Code, shall not be admissible in the context of a claim under a policy of uninsured motorist and underinsured motorist coverage for automobile insurance.

(4) Evidence of the failure to wear a safety restraint as required by section 49-673, Idaho Code, shall not be admissible in an action for recovery of damages for and on behalf of a minor who is not old enough to qualify for driver's training; however, evidence of the failure to wear a safety re-

straint as required by section 49-673, Idaho Code, may be offered in cases in accordance with subsections (1) and (2) of this section where the parent of the minor bringing an action for the wrongful death of the minor has failed to comply with section 49-673, Idaho Code.

SECTION 2. That Section 49-673, Idaho Code, be, and the same is hereby amended to read as follows:

49-673. SAFETY RESTRAINT USE. (1) Except as provided in section 49-672, Idaho Code, and subsection (2) of this section, each occupant of a motor vehicle which that has a gross vehicle weight of not more than eight thousand (8,000) pounds, and which that was manufactured with safety restraints in compliance with federal motor vehicle safety standard no. 208, shall have a safety restraint properly fastened about his body at all times when the vehicle is in motion.

(2) The provisions of this section shall not apply to:

(a) An occupant of a motor vehicle who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety restraint;

(b) Occupants of motorcycles, implements of husbandry and emergency vehicles;

(c) Occupants of seats of a motor vehicle in which all safety restraints are then properly in use by other occupants of that vehicle; or

(d) Mail carriers.

(3) (a) A citation may be issued to:

(i) Any occupant of the motor vehicle aged eighteen (18) years or older who fails to wear a safety restraint as required in this section; and

(ii) The operator of the motor vehicle if the operator is aged eighteen (18) years or older and any occupant under eighteen (18) years of age who fails to wear a safety restraint as required in this section. For purposes of this paragraph (a) (ii), it shall be deemed a single violation regardless of the number of occupants not properly restrained.

(b) A person issued a citation pursuant to this subsection shall be subject to a fine of ten dollars (\$10.00), with five dollars (\$5.00) of such fine to be apportioned to the catastrophic health care cost fund, as set forth in section 57-813, Idaho Code. A conviction under this subsection shall not result in violation point counts as prescribed in section 49-326, Idaho Code, nor shall such a conviction be deemed to be a moving traffic violation for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer.

(4) A citation may be issued to the operator of the motor vehicle if the operator is under eighteen (18) years of age and the operator or any other occupant who is under eighteen (18) years of age fails to wear a safety restraint as required in this section. For purposes of this subsection, it shall be deemed a single violation regardless of the number of occupants not properly restrained. A person issued a citation pursuant to this subsection shall be subject to a fine of ten dollars (\$10.00), five dollars (\$5.00) of such fine to be apportioned to the catastrophic health care cost fund as set forth in section 57-813, Idaho Code, plus court costs. A conviction under this subsection shall not result in violation point counts as prescribed in section 49-326, Idaho Code. In addition, a conviction under this subsection shall not be deemed to be a moving traffic violation for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer.

(5) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when the operator of the motor vehicle has been detained for a suspected violation of another law.

(6) The department shall initiate and conduct an educational program, to the extent sufficient private donations or federal funds for this specific purpose are available to the department, to encourage compliance with the provisions of this section and to publicize the effectiveness of use of safety restraints and other restraint devices in reducing risk of harm to occupants of motor vehicles.

(7) The department shall evaluate the effectiveness of the provisions of this section and shall include a report of its findings in its annual evaluation report on the Idaho highway safety plan which it submits to the national highway traffic safety administration and federal highway administration pursuant to 23 U.S.C. section 402.

~~(8) The failure to use a safety restraint shall not be considered under any circumstances as evidence of contributory or comparative negligence, nor shall such failure be admissible as evidence in any civil action with regard to negligence.~~

Approved March 28, 2014

CHAPTER 321

(H.B. No. 518, As Amended in the Senate)

AN ACT

RELATING TO SCRAP METAL BUSINESSES; AMENDING SECTION 54-2701, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-2702, IDAHO CODE, TO REVISE REQUIREMENTS FOR RECORDS FOR PURCHASING NONFERROUS OR STAINLESS STEEL METAL PROPERTY FROM THE GENERAL PUBLIC; AMENDING SECTION 54-2704, IDAHO CODE, TO PROVIDE A CERTAIN RECORD RETENTION TIME REQUIREMENT; AMENDING SECTION 54-2705, IDAHO CODE, TO REVISE REQUIREMENTS FOR REPORTING TO LAW ENFORCEMENT; AMENDING SECTION 54-2706, IDAHO CODE, TO REVISE REQUIREMENTS FOR PRESERVING EVIDENCE OF METAL THEFT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2707, IDAHO CODE, TO REVISE PROVISIONS REGARDING UNLAWFUL VIOLATIONS AND LIABILITY; AND AMENDING SECTION 54-2708, IDAHO CODE, TO REVISE EXEMPTIONS.

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

SECTION 1. That Section 54-2701, Idaho Code, be, and the same is hereby amended to read as follows:

54-2701. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under this chapter.

(2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.

(3) "Commercial metal property" means: Utility property sold by a commercial enterprise consisting of: access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a municipality, governmental entity or a commercial enterprise, including, but not limited to, a telephone, cable, electric, water, natural gas, or other utility, or railroad materials; building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters copper or aluminum wiring with associated clamps and connectors; aluminum or stainless steel fence panels; aluminum decking, bleachers, or risers; historical markers;

statue plaques; grave markers and funeral vases; or agricultural irrigation equipment not limited to wheels, sprinkler heads, and or pivots or pipes; ~~or stainless steel designed to be used in agricultural or commercial businesses.~~

(4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, gold, silver, platinum and their alloys, but shall not include aluminum beverage containers, used beverage containers or similar beverage containers; however, the term includes stainless steel beer kegs.

(5) "Record" means a paper, electronic, or other method of storing information.

(6) "Scrap metal business" means a scrap metal supplier, scrap metal recycling center, and or scrap metal processor that is a commercial enterprise that purchases, receives and processes nonferrous metal property, stainless steel or commercial metal property.

(7) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, crusher or shredding device for recycling.

(8) "Scrap metal recycling center" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

(9) "Scrap metal supplier" means a person that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to a scrap metal recycling center or scrap metal processor and that does not maintain a fixed business location in the state.

(10) "Transaction" means a pledge, or the purchase of, or the trade of any item of nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

SECTION 2. That Section 54-2702, Idaho Code, be, and the same is hereby amended to read as follows:

54-2702. RECORDS REQUIRED FOR PURCHASING NONFERROUS OR STAINLESS STEEL METAL PROPERTY FROM THE GENERAL PUBLIC. (1) At the time of a transaction, every scrap metal business doing business in this state shall produce, wherever that business is conducted, an accurate and legible record of each transaction involving nonferrous metal property or stainless steel metal property and ~~the photographs required in subsection (3) of this section.~~ This record must be written in the English language, documented on a standardized form or in electronic form, retained for five (5) years and contain the following information:

- (a) The signature of the person with whom the transaction is made;
- (b) The date, location and value of the transaction;
- (c) The name of the employee representing the scrap metal business in the transaction;
- (d) The name and street address of the person with whom the transaction is made;

(e) A photocopy or digital image of a current driver's license that is valid to operate a motor vehicle in the state of Idaho or a United States or Idaho government-issued picture identification of the seller; and

(f) The license plate number of any vehicle required to have such a plate, if any, used by the person with whom the transaction is made.

(2) For every transaction that involves nonferrous or stainless steel metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration, which record must be maintained for five (5) years.

The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following: "I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated and the time of day noted by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

~~(3) For every transaction that involves nonferrous or stainless steel metal property purchased from the general public, every scrap metal business doing business in the state shall create a photographic or digital image of the following, or may create a digital video record of no less than thirty (30) seconds in total length of the following:~~

~~(a) Each of the individuals with whom the transaction is being made, to include the face, head and shoulders;~~

~~(b) The vehicle used by the person(s) with whom the transaction is being made with the property involved in the transaction clearly visible;~~

~~(c) The vehicle used by the person(s) with whom the transaction is being made with the license plate number clearly visible;~~

~~(d) The property involved in the transaction that allows for the property to be identified; and~~

~~(e) The provisions of this subsection shall not apply upon and after the fourth purchase from the same member of the general public to the same scrap metal business within one (1) year.~~

All transactions involving the sale of nonferrous metal property shall include a digital, photographic or videographic image of the transaction to include the person, property and vehicle involved in the transaction. Such images shall be used exclusively for the purposes as defined in this section. The provisions of this subsection shall not apply upon and after the fourth purchase from the same member of the general public to the same scrap metal business within one (1) year.

SECTION 3. That Section 54-2704, Idaho Code, be, and the same is hereby amended to read as follows:

54-2704. RECORD FOR COMMERCIAL ACCOUNTS. (1) Every scrap metal business must create and maintain a permanent record with a commercial enterprise, including another scrap metal business, in order to establish a commercial account. That record, at a minimum, must be retained for five (5) years and must include the following information:

(a) The full name of the commercial enterprise or commercial account;

(b) The business address and telephone number of the commercial enterprise or commercial account;

(c) The full name of the primary contact of the commercial enterprise or whoever is authorized to deliver nonferrous metal and stainless steel and commercial metal property to the scrap metal business; and

(d) The full name of the primary contact of the commercial enterprise who is authorized to permit a scrap metal business to take possession of

nonferrous metal and stainless steel and commercial metal property at the business location of the commercial enterprise.

(2) The record maintained by a scrap metal business for a commercial account must document every purchase or receipt of nonferrous metal and stainless steel and commercial metal property made in the previous five (5) years from the commercial enterprise. The documentation must include, at a minimum, the following information:

(a) The time, date and value of the property being purchased or received;

(b) A description of the predominant types of property being purchased or received.

(3) Payment for nonferrous metal and stainless steel and/or commercial metal property purchased or received by the scrap metal business under a commercial account will be made by cash, credit cards, electronic funds transfer or check payable to the commercial enterprise.

SECTION 4. That Section 54-2705, Idaho Code, be, and the same is hereby amended to read as follows:

54-2705. REPORTING TO LAW ENFORCEMENT. Upon request by any commissioned law enforcement officer of the state or any of its political subdivisions, every scrap metal business shall make available a full, true, and correct record from the purchase or receipt of nonferrous metal property or stainless steel involving a specific individual, vehicle, or item of nonferrous metal property or commercial metal property provided that such record still exists at the time of inquiry. This information may be transmitted within a specified time of not less than five (5) business days to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police or the county's chief law enforcement officer. The scrap metal business and law enforcement may arrange a time for law enforcement to review records in lieu of providing the records as set forth in this section.

SECTION 5. That Section 54-2706, Idaho Code, be, and the same is hereby amended to read as follows:

54-2706. PRESERVING EVIDENCE OF METAL THEFT. ~~(1)~~ Following notification, either verbally or in writing, from a commissioned law enforcement officer of the state or any of its political subdivisions, that an item of nonferrous metal property, stainless steel, or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the applicable law enforcement agency up to a maximum of ~~ten~~ five (105) business days.

SECTION 6. That Section 54-2707, Idaho Code, be, and the same is hereby amended to read as follows:

54-2707. UNLAWFUL VIOLATIONS AND LIABILITY. (1) It is a misdemeanor for:

(a) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of nonferrous metal property or commercial metal property in order to deceive a scrap metal business;

(b) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

(c) Any person to sign the declaration required under this chapter knowing that the nonferrous metal property subject to the transaction is stolen;

(d) Any scrap metal business to knowingly possess commercial metal property that was not lawfully purchased or received under the requirements of this chapter;

(e) Any scrap metal business to engage in a series of transactions valued at less than twenty dollars (\$20.00) with the same seller at the same location within a twenty-four (24) hour period of time for the purposes of avoiding the requirements of this chapter; or

(f) Any person to intentionally violate the provisions of section 54-2703, Idaho Code.

(2) Any person, other than a scrap metal business, who has pled guilty to or been found guilty of violating the provisions of this section for a second time within five (5) years is guilty of a felony.

(3) A person who knowingly and intentionally takes copper or other nonferrous metals from an electrical substation without authorization of the utility, or who knowingly and intentionally takes copper or other nonferrous metals from a utility or communications services provider, thereby causing damage to the facilities of a utility or communications services provider, or interfering with the ability of a utility or communications services provider to provide service, is guilty of a felony.

(4) (a) A public or private owner of metal property is not civilly liable to a person who is injured during the theft or attempted theft of metal property.

(b) A public or private owner of metal property is not civilly liable to a person for injuries caused by a dangerous condition created as a result of the theft or attempted theft of the owner's metal property when the owner did not know, and could not have reasonably known, of the dangerous condition.

This section does not create or impose a duty of care upon an owner of metal property that would not otherwise exist under common law.

SECTION 7. That Section 54-2708, Idaho Code, be, and the same is hereby amended to read as follows:

54-2708. EXEMPTIONS. The provisions of this chapter do not apply to transactions conducted by the following:

(1) Motor vehicle dealers that do not meet the definition of a scrap metal business as described in section 54-2701, Idaho Code;

(2) Persons in the business of operating an automotive repair facility that do not meet the definition of a scrap metal business as described in section 54-2701, Idaho Code;

(3) Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers, except beer kegs; and

(4) Transactions of a value of less than twenty dollars (\$20.00);

(5) Entities or individuals who do not receive compensation for the metal property; and

(6) Authorized insurers as defined in section 41-110(1), Idaho Code.

Approved March 28, 2014

CHAPTER 322

(H.B. No. 565, As Amended in the Senate)

AN ACT

RELATING TO PUBLIC ASSISTANCE LAW; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-205, IDAHO CODE, TO REQUIRE THAT THE STATE DEPARTMENT OF HEALTH AND WELFARE OR ITS AUTHORIZED AGENT ISSUE CERTAIN BENEFITS OVER THE COURSE OF NOT LESS THAN TEN CONSECUTIVE DAYS WITHIN THE MONTH AND TO PROVIDE THAT BONUS MONEY FROM THE DEPARTMENT OF AGRICULTURE SHALL BE USED, IF AVAILABLE, TOWARD IMPLEMENTATION COSTS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 56-205, Idaho Code, and to read as follows:

56-205. ISSUANCE OF SNAP BENEFITS. (1) In each month that the state department or its authorized agent issues benefits under the supplemental nutrition assistance program (SNAP) to eligible persons, such benefits shall be issued over the course of not less than ten (10) consecutive days within the month.

(2) To reduce the burden on state general funds, any implementation costs incurred by the department under subsection (1) of this section shall be paid using SNAP performance bonus money if such money is received from the United States department of agriculture. If the department does not receive sufficient SNAP performance bonus money, state general funds shall be requested to implement the provisions of this act. This act is dependent upon ongoing operating and personnel appropriations.

SECTION 2. This act shall be in full force and effect not later than June 30, 2016.

Approved March 28, 2014

CHAPTER 323

(H.B. No. 580)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Office of Drug Policy, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$242,600	\$54,200		\$296,800
Miscellaneous Revenue				
Fund		3,500		3,500
Federal Grant				
Fund	<u>222,900</u>	<u>376,000</u>	<u>\$2,717,100</u>	<u>3,316,000</u>
TOTAL	\$465,500	\$433,700	\$2,717,100	\$3,616,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Drug Policy is authorized no more than six (6.0) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 28, 2014

CHAPTER 324
(H.B. No. 584)

AN ACT

RELATING TO HOMESTEAD EXEMPTIONS; AMENDING SECTION 63-602G, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THOSE CONSIDERED TO BE IN ACTIVE MILITARY SERVICE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 63-602G, Idaho Code, be, and the same is hereby amended to read as follows:

63-602G. PROPERTY EXEMPT FROM TAXATION -- HOMESTEAD. (1) During the tax year 2006 and each year thereafter, subject to annual adjustment as provided herein, the first seventy-five thousand dollars (\$75,000) of the market value for assessment purposes of the homestead as that term is defined in section 63-701, Idaho Code, or fifty percent (50%) of the market value for assessment purposes of the homestead as that term is defined in section 63-701, Idaho Code, whichever is the lesser, shall be exempt from property taxation. Beginning for tax year 2007, the state tax commission shall publish adjustments to the maximum amount subject to property tax exemption to reflect cost-of-living fluctuations. The adjustments shall effect changes in the amount subject to tax exemption by a percentage equal as near as practicable to the annual change in the Idaho housing price index as determined by the United States office of federal housing enterprise oversight. The state tax commission shall publish the adjustments required by this subsection each and every year the office of federal housing enterprise oversight announces a change in the Idaho housing price index. The adjustments shall be published no later than October 1 of each year and shall be effective for claims filed in and for the following property tax year. The publication of adjustments under this subsection shall be exempt from the provisions of chapter 52, title 67, Idaho Code, but shall be provided to each county and to members of the public upon request and without charge.

(2) The exemption allowed by this section may be granted only if:

(a) The homestead is owner-occupied and used as the primary dwelling place of the owner as of January 1, provided that in the event the homestead is owner-occupied after January 1 but before April 15, the owner of the property is entitled to the exemption. The homestead may consist of part of a multidwelling or multipurpose building and shall include all of such dwelling or building except any portion used exclusively for anything other than the primary dwelling of the owner. The presence of an office in a homestead, which office is used for multiple purposes, including business and personal use, shall not prevent the owner from claiming the exemption provided in this section; and

(b) The state tax commission has certified to the board of county commissioners that all properties in the county which are subject to appraisal by the county assessor have, in fact, been appraised uniformly so as to secure a just valuation for all property within the county; and

(c) The owner has certified to the county assessor by April 15 that:

(i) He is making application for the exemption allowed by this section;

(ii) ~~That~~ ~~the~~ homestead is his primary dwelling place; and

(iii) ~~That~~ ~~he~~ has not made application in any other county for the exemption, and has not made application for the exemption on any other homestead in the county.

(d) For the purpose of this section, the definition of "owner" shall be the same definition set forth in section 63-701(7), Idaho Code.

When an "owner," pursuant to the provisions of section 63-701(7), Idaho Code, is any person who is the beneficiary of a revocable or irrevocable trust, or who is a partner of a limited partnership, a member of a limited liability company, or shareholder of a corporation, he or she may provide proof of the trust, limited partnership, limited liability company, or corporation in the manner set forth in section 63-703(4), Idaho Code.

(e) Any owner may request in writing the return of all copies of any documents submitted with the affidavit set forth in section 63-703(4), Idaho Code, that are held by a county assessor, and the copies shall be returned by the county assessor upon submission of the affidavit in proper form.

(f) For the purpose of this section, the definition of "primary dwelling place" shall be the same definition set forth in section 63-701(8), Idaho Code.

(g) For the purpose of this section, the definition of "occupied" shall be the same definition set forth in section 63-701(6), Idaho Code.

(3) An owner need only make application for the exemption described in subsection (1) of this section once, as long as all of the following conditions are met:

(a) The owner has received the exemption during the previous year as a result of his making a valid application as defined in subsection (2) (c) of this section.

(b) The owner or beneficiary, partner, member or shareholder, as appropriate, still occupies the same homestead for which the owner made application.

(c) The homestead described in subsection (3) (b) of this section is owner-occupied or occupied by a beneficiary, partner, member or shareholder, as appropriate, and used as the primary dwelling place of the owner or beneficiary, partner, member or shareholder, as appropriate, as of January 1; provided however, that in the event the homestead is owner-occupied after January 1, but before April 15, the owner of the property is entitled to the exemption.

(4) The exemption allowed by this section must be taken before the reduction in taxes provided by sections 63-701 through 63-710, Idaho Code, is applied.

(5) Recovery of property tax exemptions allowed by this section but improperly claimed or approved:

(a) Upon discovery of evidence, facts or circumstances indicating any exemption allowed by this section was improperly claimed or approved, the county assessor shall decide whether the exemption claimed should have been allowed, and if not, notify the taxpayer in writing, assess a recovery of property tax and notify the county treasurer of this assessment. If the county assessor determined that an exemption was improperly approved as a result of county error, the county assessor shall present the discovered evidence, facts or circumstances from the improperly approved exemption to the board of county commissioners, at which time the board may waive a recovery of the property tax and notify such taxpayer in writing.

(b) When information indicating that an improper claim for the exemption allowed by this section is discovered by the state tax commission, the state tax commission may disclose this information to the appropriate county assessor, board of county commissioners and county treasurer. Information disclosed to county officials by the state tax commission under this subsection may be used to decide the validity of any entitlement to the exemption provided in this section and is not otherwise subject to public disclosure pursuant to chapter 3, title 9, Idaho Code.

(c) The assessment and collection of the recovery of property tax must begin within the seven (7) year period beginning the date the assessment notice reflecting the improperly claimed or approved exemption was required to be mailed to the taxpayer.

(d) The taxpayer may appeal to the county board of equalization the decision by the county assessor to assess the recovery of property tax within thirty (30) days of the date the county assessor sent the notice to the taxpayer pursuant to this section. The board may waive the collection of all or part of any costs, late charges and interest, in order to facilitate the collection of the recovery of the property tax.

(e) For purposes of calculating the tax, the amount of the recovered property tax shall be for each year the exemption allowed by this section was improperly claimed or approved, up to a maximum of seven (7) years. The amount of the recovery of property tax shall be calculated using the product of the amount of exempted value for each year multiplied by the levy for that year plus costs, late charges and interest for each year at the rates equal to those provided for delinquent property taxes during that year.

(f) Any recovery of property tax shall be due and payable no later than the date provided for property taxes in section 63-903, Idaho Code, and if not timely paid, late charges and interest, beginning the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section, shall be calculated at the current rate provided for property taxes.

(g) Recovered property taxes shall be billed, collected and distributed in the same manner as property taxes, except each taxing district or unit shall be notified of the amount of any recovered property taxes included in any distribution.

(h) Thirty (30) days after the taxpayer is notified, as provided in subsection (5) (a) of this section, the assessor shall record a notice of intent to attach a lien. Upon the payment in full of such recovered property taxes prior to the attachment of the lien as provided in subsection (5) (i) of this section, or upon the successful appeal by the taxpayer, the county assessor shall record a rescission of the intent to attach a lien within seven (7) business days of receiving such payment or within seven (7) business days of the county board of equalization decision granting the appeal. If the real property is sold to a bona fide purchaser for value, prior to the recording of the notice of the intent to attach a lien, the county assessor and treasurer shall cease the recovery of such unpaid recovered property tax.

(i) Any unpaid recovered property taxes shall become a lien upon the real property in the same manner as provided for property taxes in section 63-206, Idaho Code, except such lien shall attach as of the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section.

(j) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this subsection as recovery of property tax shall be treated as property tax revenue.

(6) The legislature declares that this exemption is necessary and just.

(7) A homestead, having previously qualified for exemption under this section in the preceding year, shall not lose such qualification due to: the owner's, beneficiary's, partner's, member's or shareholder's absence in the current year by reason of active military service ~~in a designated combat zone, as defined in section 112 of the Internal Revenue Code~~, or because the homestead has been leased because the owner, beneficiary, partner, member or shareholder is absent in the current year by reason of active military service ~~in a designated combat zone, as defined in section 112 of the Internal Revenue Code~~. ~~If an owner fails to timely apply for exemption as required in this section solely by reason of active duty in a designated combat zone~~

~~by the owner, beneficiary, partner, member or shareholder, as appropriate, as defined in section 112 of the Internal Revenue Code, and such homestead would have otherwise qualified under this section, then the board of county commissioners of the county in which the homestead is located shall refund property taxes, if previously paid, in an amount equal to the exemption which would otherwise have applied. An owner subject to the provisions of this subsection must apply for the exemption with the county assessor every year on or before a deadline date as specified by the county assessor for the county in which the homestead is claimed. If an owner fails to apply on or before the established deadline, the county may, at its discretion, discontinue the exemption for that year.~~

(8) A homestead, having previously qualified for exemption under this section in the preceding year, shall not lose such qualification due to the owner's, beneficiary's, partner's, member's or shareholder's death during the year of the owner's, beneficiary's, partner's, member's or shareholder's death and the tax year immediately following such death provided that the homestead continues to be a part of the owner's, beneficiary's, partner's, member's or shareholder's estate. After such time the new owner shall reapply to receive the exemption pursuant to this section and shall meet the qualification criteria contained in this section.

Approved March 28, 2014

CHAPTER 325

(H.B. No. 589, As Amended in the Senate)

AN ACT

RELATING TO SCHOOL SAFETY AND THE PUBLIC SCHOOL INCOME FUND; AMENDING SECTION 33-512, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO A SCHOOL SAFETY PLAN; AND AMENDING SECTION 63-2552A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PUBLIC SCHOOL INCOME FUND AND THE USE OF CERTAIN MONEYS AND TO REVISE PROVISIONS RELATING TO USES OF AN APPROPRIATION.

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

SECTION 1. 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 instruction).

(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 curricular materials 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 and welfare or local health authorities;

(8) To equip and maintain a suitable library or libraries in the school or schools and to exclude therefrom, and from the schools, all books, tracts, papers, and catechisms of sectarian nature;

(9) To determine school holidays. Any listing of school holidays shall include not less than the following: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. Other days listed in section 73-108, Idaho Code, if the same shall fall on a school day, shall be observed with appropriate ceremonies; and any days the state board of education may designate, following the proclamation by the governor, shall be school holidays;

(10) To erect and maintain on each schoolhouse or school grounds a suitable flagstaff or flagpole, and display thereon the flag of the United States of America on all days, except during inclement weather, when the school is in session; and for each Veterans Day, each school in session shall conduct

and observe an appropriate program of at least one (1) class period remembering and honoring American veterans;

(11) To prohibit entrance to each schoolhouse or school grounds, to prohibit loitering in schoolhouses or on school grounds and to provide for the removal from each schoolhouse or school grounds of any individual or individuals who disrupt the educational processes or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils. A person who disrupts the educational process or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils or who loiters in schoolhouses or on school grounds, is guilty of a misdemeanor;

(12) To supervise and regulate, including by contract with established entities, those extracurricular activities which are by definition outside of or in addition to the regular academic courses or curriculum of a public school, and which extracurricular activities shall not be considered to be a property, liberty or contract right of any student, and such extracurricular activities shall not be deemed a necessary element of a public school education, but shall be considered to be a privilege. For the purposes of extracurricular activities, any secondary school located in this state that is accredited by an organization approved through a process defined by the state department of education shall be able to fully participate in all extracurricular activities described in and governed by the provisions of this subsection;

(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 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 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 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. 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 five (5) years. If the district next employing the substitute still elects to require another criminal history check within the five (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) To maintain a safe environment for students by developing a system that cross-checks all contractors or other persons who have irregular contact with students against the statewide sex offender register, by developing a school safety plan for each school and by meeting annually with emergency first responders to update the plans and discuss emergency exercises and operations;

(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.

SECTION 2. That Section 63-2552A, Idaho Code, be, and the same is hereby amended to read as follows:

63-2552A. ADDITIONAL TAX IMPOSED -- RATE. (1) In addition to the tax imposed in section 63-2552, Idaho Code, from and after July 1, 1994, there is levied and there shall be collected an additional tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of five percent (5%) of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor:

(a) Brings, or causes to be brought, into this state from without the state tobacco products for sale;

(b) Makes, manufactures, or fabricates tobacco products in this state for sale in this state; or

(c) Ships or transports tobacco products to retailers in this state to be sold by those retailers.

(2) Each distributor, within twenty (20) days after July 1, 1994, shall file a report with the commission, in such form as the commission may prescribe, showing the tobacco products on hand on July 1, 1994, and the amount of tax due thereon. The tax imposed in this subsection shall be due and payable within twenty (20) days after July 1, 1994, and thereafter shall bear interest at the rate of one percent (1%) per month.

(3) Fifty percent (50%) of the tax collected pursuant to this section shall be subject to appropriation to the public school income fund to be utilized to develop and implement school safety improvements and to facilitate and provide substance abuse prevention programs in the public school system, of which amount less two hundred fifty thousand dollars (\$250,000) that shall be remitted annually to the Idaho state police to increase toxicology lab capacity in the bureau of forensic services for drug testing of juveniles, and less eighty thousand dollars (\$80,000) that shall be remitted to the commission on Hispanic affairs to be used for substance abuse prevention efforts in collaboration with the state department of education. Fifty percent (50%) of the tax collected pursuant to this section shall be subject to appropriation to the department of juvenile corrections for distribution quarterly to the counties to be utilized for county juvenile probation services, based upon the percentage the population of the county bears to the population of the state as a whole. The moneys remitted to the Idaho state police shall be reviewed annually and any money excess to the operations needs of the laboratory for juvenile drug testing will be returned to deposited in the public school income fund for substance abuse prevention programs in the public school system. The laboratory may utilize this increased toxicology capacity for adult drug testing to the extent that timely testing for juveniles is not adversely impacted.

Approved March 28, 2014

CHAPTER 326
(H.B. No. 592)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Commission on the Arts, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$315,500	\$136,800	\$249,700	\$702,000
Miscellaneous Revenue				
Fund		89,800	16,300	106,100
Federal Grant				
Fund	<u>361,200</u>	<u>219,000</u>	<u>450,200</u>	<u>1,030,400</u>
TOTAL	\$676,700	\$445,600	\$716,200	\$1,838,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on the Arts is authorized no more than ten (10) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the

Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved March 28, 2014

CHAPTER 327

(H.B. No. 595, As Amended in the Senate)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3022K, IDAHO CODE, TO REVISE PROVISIONS REGARDING TAXATION AND CONTRIBUTIONS TO MEDICAL SAVINGS ACCOUNTS FOR STATE INCOME TAX PURPOSES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

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

63-3022K. MEDICAL SAVINGS ACCOUNT. (1) For taxable years commencing on and after January 1, 1995, annual contributions to a medical savings account not exceeding two thousand dollars (\$2,000) for the account holder and interest earned on a medical savings account shall be deducted from taxable income by the account holder, if such amount has not been previously deducted or excluded in arriving at taxable income. For married individuals the maximum deduction shall be computed separately for each individual. Contributions to the account shall not exceed the amount deductible under this section.

(2) For taxable years beginning on or after January 1, 2014, the annual contributions to a medical savings account shall be limited to ten thousand dollars (\$10,000). Both interest earned and all contributions to medical savings accounts shall be deducted from taxable income by the account holder, if such amount has not been previously deducted or excluded in arriving at taxable income.

(3) For the purpose of this section, the following terms have the following meanings unless the context clearly denotes otherwise:

(a) "Account holder" means an individual, in the case of married individuals each spouse, including a self-employed person, on whose behalf the medical savings account is established.

(b) "Dependent" means a person for whom a deduction is permitted under section 151(b) or (c) of the Internal Revenue Code if a deduction for the person is claimed for that person on the account holder's Idaho income tax return.

(c) "Dependent child" means a child or grandchild of the account holder who is not a dependent if the account holder actually pays the eligible medical expenses of the child or grandchild and the child or grandchild is any of the following:

(i) Under twenty-one (21) years of age, or enrolled as a full-time student at an accredited college or university.

(ii) Legally entitled to the provision of proper or necessary subsistence, education, medical care or other care necessary for his or her health, guidance or well-being and not otherwise emanci-

pated, self-supporting, married or a member of the armed forces of the United States.

(iii) Mentally or physically incapacitated to the extent that he or she is not self-sufficient.

(d) "Depository" means a state or national bank, savings and loan association, credit union or trust company authorized to act as a fiduciary or an insurance administrator or insurance company authorized to do business in this state, a broker or investment advisor regulated by the department of finance, a broker or insurance agent regulated by the department of insurance or a health maintenance organization, fraternal benefit society, hospital and professional service corporation as defined in section 41-3403, Idaho Code, or nonprofit mutual insurer regulated under title 41, Idaho Code.

(e) "Eligible medical expense" means an expense paid by the taxpayer for medical care described in section 213(d) of the Internal Revenue Code, and long-term care expenses of the account holder and the spouse, dependents and dependent children of the account holder.

(f) "Long-term care expenses" means expenses incurred in providing custodial care in a nursing facility as defined in section 39-1301, Idaho Code, and for insurance premiums relating to long-term care insurance under chapter 46, title 41, Idaho Code.

(g) "Medical savings account" means an account established with a depository to pay the eligible medical expenses of the account holder and the dependents and dependent children of the account holder. Medical savings accounts shall carry the name of the account holder, a designated beneficiary or beneficiaries of the account holder and shall be designated by the depository as a "medical savings account."

(34) Upon agreement between an employer and employee, an employer may establish and contribute to the employee's medical savings account or contribute to an employee's existing medical savings account. For taxable years beginning on or after January 1, 1995, but before January 1, 2014, the total combined annual contributions by an employer and the account holder shall not exceed two thousand dollars (\$2,000) for the account holder. Employer contributions to an employee's medical savings account shall be owned by the employee.

(45) Funds held in a medical savings account may be withdrawn by the account holder at any time. Withdrawals for the purpose of paying eligible medical expenses shall not be subject to the tax imposed in this chapter. Funds held in a medical savings account must be exhausted before the account holder, the account holder's dependent or the account holder's dependent child receives any state assistance for medical care. The burden of proving that a withdrawal from a medical savings account was made for an eligible medical expense is upon the account holder and not upon the depository or the employer of the account holder. Other withdrawals shall be subject to the following restrictions and penalties:

(a) There shall be a distribution penalty for withdrawal of funds by the account holder for purposes other than the payment of eligible medical expenses. The penalty shall be ten percent (10%) of the amount of withdrawal from the account and, in addition, the amount withdrawn shall be subject to the tax imposed in this chapter. The direct transfer of funds from a medical savings account to a medical savings account at a different depository shall not be considered a withdrawal for purposes of this section. Charges relating to the administration and maintenance of the account by the depository are not withdrawals for purposes of this section.

(b) After an account holder reaches fifty-nine and one-half (59 1/2) years of age, withdrawals may be made for eligible medical expenses or for any other reason without penalty, but subject to the tax imposed by this section.

(c) Upon the death of an account holder, the account principal, as well as any interest accumulated thereon, shall be distributed without penalty to the designated beneficiary or beneficiaries.

(d) Funds withdrawn which are later reimbursed shall be taxable unless redeposited into the account within sixty (60) days of the reimbursement. Deposits of reimbursed eligible medical expenses shall not be included in calculating the amount deductible.

(e) Funds deposited in a medical savings account which are deposited in error or unintentionally and which are withdrawn within thirty (30) days of being deposited shall be treated as if the amounts had not been deposited in the medical savings account. Funds withdrawn from a medical savings account which are withdrawn in error or unintentionally and which are redeposited within thirty (30) days of being withdrawn shall be treated as if the amounts had not been withdrawn from the medical savings account.

(f) Funds withdrawn which are, not later than the sixtieth day after the day of the withdrawal, deposited into another medical savings account for the benefit of the same account holder are not a withdrawal for purposes of this section and shall not be included in calculating the amount deductible.

(56) Reporting. Depositories, in the case of medical savings accounts, shall provide to the state tax commission, in the routine fashion used for all interest-bearing accounts, the same information that is provided for any interest-bearing bank account. So as to minimize the burden of reporting, the information shall be provided in the format in which information is provided for any interest-bearing bank account to the state tax commission. There shall be no other reporting requirements. Account holders shall provide on any state income tax form in which they take a deduction for a medical savings account the account number of their medical savings account and the depository at which the account is held.

(67) Any medical care savings account established pursuant to chapter 53, title 41, Idaho Code, as enacted by chapter 186, laws of 1994, may be continued pursuant to the provisions of this section and all duties, privileges and liabilities imposed in this section upon account holders of medical care savings accounts and the beneficiaries of those accounts shall apply to account holders of medical care savings accounts and their beneficiaries established pursuant to chapter 53, title 41, Idaho Code, as enacted by chapter 186, laws of 1994, as if the medical care savings account were a medical savings account established pursuant to this section.

(78) (a) If the account holder's surviving spouse acquires the account holder's interest in a medical savings account by reason of being the designated beneficiary of such account at the death of the account holder, the medical savings account shall be treated as if the spouse were the account holder.

(b) If, by reason of the death of the account holder, any person acquires the account holder's interest in a medical savings account in a case to which ~~subparagraph~~section (78) (a) of this section does not apply:

(i) Such account shall cease to be a medical savings account as of the date of death; and

(ii) An amount equal to the fair market value of the assets in such account on such date shall be includable, if such person is not the estate of such holder, in such person's Idaho taxable income for the taxable year which includes such date, or if such person is the estate of such holder, in such holder's Idaho taxable income for the last taxable year of such holder.

(c) The amount includable in Idaho taxable income under ~~subparagraph (b) of this subsection~~ (78) (b) of this section by any person, other than the estate, shall be reduced by the amount of qualified medical expenses

which were incurred by the decedent before the date of the decedent's death and paid by such person within one (1) year after such date.

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, 2014.

Approved March 28, 2014

CHAPTER 328
(H.B. No. 629)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SERVICE INTEGRATION, WELFARE AND MEDICALLY INDIGENT ADMINISTRATION DIVISIONS FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; REQUIRING THE WELFARE DIVISION TO SUBMIT QUARTERLY FORECAST REPORTS; DIRECTING EXPENDITURES FOR HEAD START APPROPRIATIONS FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILIES; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION; AND CLARIFYING GUIDANCE FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SERVICE INTEGRATION:				
FROM:				
Cooperative Welfare (General)				
Fund	\$327,800	\$134,900	\$450,000	\$912,700
Cooperative Welfare (Dedicated)				
Fund		19,500	50,000	69,500
Cooperative Welfare (Federal)				
Fund	<u>1,764,600</u>	<u>185,600</u>	<u>2,900,000</u>	<u>4,850,200</u>
TOTAL	\$2,092,400	\$340,000	\$3,400,000	\$5,832,400
II. WELFARE, DIVISION OF:				
A. SELF-RELIANCE OPERATIONS:				
FROM:				
Cooperative Welfare (General)				
Fund	\$13,249,300	\$5,909,000		\$19,158,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Dedicated)				
Fund		2,597,400		2,597,400
Cooperative Welfare (Federal)				
Fund	<u>23,946,300</u>	<u>27,031,900</u>		<u>50,978,200</u>
TOTAL	\$37,195,600	\$35,538,300		\$72,733,900

B. BENEFIT PAYMENTS:

FROM:

Cooperative Welfare (General)

Fund			\$19,927,500	\$19,927,500
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Cooperative Welfare (Dedicated)

Fund			250,200	250,200
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Cooperative Welfare (Federal)

Fund			<u>58,217,400</u>	<u>58,217,400</u>
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TOTAL			\$78,395,100	\$78,395,100
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DIVISION TOTAL	\$37,195,600	\$35,538,300	\$78,395,100	\$151,129,000
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III. MEDICALLY INDIGENT ADMINISTRATION:

FROM:

Cooperative Welfare (General)

Fund	\$124,700	\$15,100		\$139,800
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GRAND TOTAL	\$39,412,700	\$35,893,400	\$81,795,100	\$157,101,200
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SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the number of full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Service Integration	36.00
Welfare	616.55
Medically Indigent Administration	1.10

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. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure class shall not be transferred to any other expense class during fiscal year 2015.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provisions of law, it is hereby declared to be the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. ACTUAL AND FORECAST DETAIL REPORTING. The Division of Welfare shall deliver the Self-Reliance Programs Forecast to the Legislative Services Office and Division of Financial Management no less than quarterly. The report shall include monthly caseload details for Temporary Assistance for Needy Families, Child Care, Medicaid, Aid to the Aged, Blind and Disabled, Food Stamps, and Child Support programs. The Self-Reliance Programs Forecast shall also include expenditure details for all of the named programs with the exception of Medicaid. The format of the report, and any additional information contained therein, shall be determined by the Legislative Services Office and Division of Financial Management.

SECTION 7. HEAD START APPROPRIATION FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILY FUNDS. At a minimum, the Department of Health and Welfare is directed to maintain Head Start appropriations paid from federal Temporary Assistance for Needy Families funds at the same level as was paid to the Head Start Program in fiscal year 2007.

SECTION 8. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

SECTION 9. CLARIFYING GUIDANCE ON EMPLOYEE COMPENSATION. Relating to the direction provided in this act, which encourages the use of "salary savings" for merit increases, reduced reliance on the General Fund for personnel costs resulting from changes in federal match rates are not considered "salary savings," and should not be considered for use as such. Any General Fund personnel cost savings resulting from changes in federal match rates should be identified by the Division of Welfare for discussion next legislative session.

Approved March 28, 2014

CHAPTER 329
(H.B. No. 638)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2015; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2015; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2015; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR TEACHERS AND TO INCREASE THE MINIMUM SALARY FOR TEACHERS; DIRECTING THE USE OF MONEYS FOR PROFESSIONAL DEVELOPMENT, TRAINING AND ASSISTANCE; AND DEFINING THE TERM "DISTRIBUTED."

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Teachers for the period July 1, 2014, through June 30, 2015:

FROM:

General Fund	\$755,110,500
Federal Grant	<u>15,000,000</u>
TOTAL	\$770,110,500

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2014, through June 30, 2015:

FROM:

General Fund	\$755,110,500
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SECTION 3. There is hereby appropriated to the Public School Educational Support Program/Division of Teachers the following amount to be expended from the listed funds for the period July 1, 2014, through June 30, 2015:

FROM:

Public School Income Fund	\$755,110,500
Federal Grant	<u>15,000,000</u>
TOTAL	\$770,110,500

SECTION 4. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the 1994-95 school year, and shall receive their actual index but not more than the state average plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district instructional staff index shall be multiplied by the instructional base salary of ~~\$23,12323,354~~. 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 ~~\$31,00031,750~~. 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 provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. 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 \$31,833. 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 \$19,058 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 5. LEGISLATIVE INTENT. It is the intent of the Legislature that of the moneys appropriated in Section 3 of this act, \$9,455,000 shall be distributed for professional development, training and assistance that promotes the following: (1) The implementation of Idaho core mathematical and English language arts standards including, but not limited to, the alignment of curriculum and instruction to such standards. (2) The identification of gifted and talented students, enables educators to gain gifted education certification in Idaho, and enables school districts to meet the requirements of Section 33-2003, Idaho Code. (3) The ability of classroom teachers to provide career or academic counseling for students, with such services incorporated within or provided in addition to the teacher's regular classroom instructional duties.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the Legislature for the purposes of this act, the term "distributed" means moneys that are transferred to school districts and public charter schools, with no funds withheld for any other contract or administrative costs.

Approved March 28, 2014

CHAPTER 330
(H.B. No. 641)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2015; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZATION PROGRAM; LIMITING THE AMOUNT OF FUNDS DISTRIBUTED TO THE GENERAL FUND FOR FISCAL YEAR 2015; AND TEMPORARILY RELIEVING THE STATE OF THIRTY-THREE PERCENT OF THE REQUIREMENT TO PROVIDE SCHOOL MAINTENANCE MATCHING FUNDS.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program/Division of Facilities, the following amount to be expended from the listed funds for the period July 1, 2014 through June 30, 2015:

FROM:

General Fund	\$7,153,600
Bond Levy Equalization Fund	16,262,400
School District Building Account	<u>12,570,000</u>
TOTAL	\$35,986,000

SECTION 2. Of the moneys appropriated to the Public Schools Educational Support Program/Division of Facilities, the amount necessary to fund the provisions of Section 33-906, Idaho Code, is hereby transferred and appropriated to the Bond Levy Equalization Fund.

SECTION 3. The provisions of Section 63-2520(4), Idaho Code, notwithstanding, the amount of revenue distributed to the General Fund shall be \$3,337,600 for the period July 1, 2014 through June 30, 2015.

SECTION 4. Notwithstanding the provisions of Sections 33-1018B and 33-1019, Idaho Code, for the period July 1, 2014, through June 30, 2015, only, the state is hereby temporarily relieved from the requirement to provide thirty-three percent of its portion of the school maintenance matching funds normally required by such sections, nor shall school districts be required to make up such portion that would otherwise be provided by the state.

Approved March 28, 2014

CHAPTER 331
(H.B. No. 642)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2015; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2015; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; AND APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2015.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Educational Services for the Deaf and the Blind for the period July 1, 2014, through June 30, 2015:

FROM:

General Fund	\$8,299,900
Miscellaneous Revenue	109,200
School for the Deaf and the Blind Endowment	128,400
Federal Grant	<u>223,500</u>
TOTAL	\$8,761,000

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2014, through June 30, 2015:

FROM:

General Fund	\$8,229,900
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Educational Services for the Deaf and the Blind the following amount to be expended from the listed funds for the period July 1, 2014, through June 30, 2015:

FROM:

Public School Income Fund	\$8,299,900
Miscellaneous Revenue	109,200
School for the Deaf and the Blind Endowment	128,400
Federal Grant	<u>223,500</u>
TOTAL	\$8,761,000

Approved March 28, 2014

CHAPTER 332
(H.B. No. 643)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2015; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2015; DEFINING TERMS; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; AND APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2015.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Central Services for the period July 1, 2014, through June 30, 2015:

FROM:

General Fund	\$15,713,500
Public Schools Other Income	1,000,000
Cigarette, Tobacco and Lottery Income Taxes	<u>90,000</u>
TOTAL	\$16,803,500

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2014, through June 30, 2015:

FROM:

General Fund	\$15,713,500
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SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Central Services, the following amounts to be expended for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
Public School Income Fund	\$592,000	\$15,121,500	\$15,713,500
Public Schools Other Income		1,000,000	1,000,000
Cigarette, Tobacco and Lottery Income Taxes	<u>90,000</u>	<u>0</u>	<u>90,000</u>
TOTAL	\$682,000	\$16,121,500	\$16,803,500

SECTION 4. Of the moneys appropriated in Section 3 of this act, \$4,060,000 may be expended for the support of literacy programs, as outlined in Sections 33-1207A(2), 33-1614 and 33-1615, Idaho Code; intervention services for non-Title I schools that fail to achieve proficiency on Idaho's standards-based achievement tests; and math initiative programs. Of this amount, up to \$3,781,000 may be expended for operating costs and up to \$279,000 may be used for personnel costs. The superintendent of public instruction shall report to the Joint Finance-Appropriations Committee and the Senate and House Education committees, by no later than February 1, 2016, on the uses of funds and effectiveness of the programs and efforts.

SECTION 5. Of the moneys appropriated in Section 3 of this act, \$90,000 from funds determined by available revenues accruing, appropriated or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, 63-3035A and 63-3067, Idaho Code, notwithstanding, for the period July 1, 2014, through June 30, 2015, may be expended by the superintendent of public instruction for Safe and Drug-Free Schools Program administration, technical assistance and evaluation.

SECTION 6. Pursuant to Section 33-1617, Idaho Code, of the moneys appropriated in Section 3 of this act, up to \$50,000 may be expended by the superintendent of public instruction for evaluation and administration of the programs for students with non-English or limited English proficiency.

SECTION 7. Of the moneys appropriated in Section 3 of this act, the superintendent of public instruction may expend up to \$1,703,500 for the development or administration of student assessments, including a college entrance exam for 11th grade students, an exam for 10th grade students that provides preparation for the college entrance exam and end-of-course examinations for high school science subjects.

SECTION 8. Of the moneys appropriated in Section 3 of this act, the superintendent of public instruction may expend up to \$300,000 for professional development and training that promotes the effective and consistent evaluation of teacher and administrator performance, pursuant to standards established by the State Board of Education.

SECTION 9. Of the moneys appropriated in Section 3 of this act, \$2,400,000 shall be expended or distributed as follows:

(1) Up to \$2,250,000 of one-time moneys shall be expended or distributed by the superintendent of public instruction for the installation, repair, replacement and support of a wireless technology infrastructure, in each public school serving high school grades, of sufficient capacity to support utilization of mobile computing devices by all students in such grades in the following ways:

- (a) Expend for any current contracts entered into by the State Department of Education for wireless technology infrastructure;
- (b) Distribute to school districts and charter schools that did not submit an approved application to receive wireless technology in-

frastructure pursuant to the statewide contract, \$21.00 per student enrolled at such schools, in such grades; and

(c) Distribute to school districts and charter schools currently receiving services under the statewide contract for wireless technology infrastructure that choose, during the remainder of fiscal year 2014, to withdraw from such services, \$21.00 per student enrolled at such schools, in such grades.

(2) To receive moneys as described in subsection (1) (a), (b) or (c) of this section, the wireless technology infrastructure must meet or exceed standards established in Idaho Code or State Board of Education administrative rule.

(3) The superintendent of public instruction shall collaborate with the Legislative Branch in performing service audits to ensure compliance and district satisfaction.

(4) If actual expenditures in subsection (1) of this section exceed the amount specified in said subsection, the difference shall be included in the year-end reconciliation used to calculate funding available to meet the requirements of Section 33-1018, Idaho Code, notwithstanding any laws to the contrary.

(5) Up to \$150,000 may be expended by the superintendent of public instruction for the development and maintenance of an Internet-based portal of available online, nonsectarian K-12 or dual credit courses available from any of the following:

- (a) Idaho digital learning academy;
- (b) Idaho public school districts;
- (c) Idaho public charter schools;
- (d) Idaho public colleges and universities;
- (e) Idaho private colleges and universities accredited by the same organization that accredits Idaho's public colleges and universities; and
- (f) Any provider of online courses;

provided however, that the courses available on the portal have been verified and approved by the State Department of Education to meet state content standards.

Of the amounts allocated pursuant to subsections (1) and (5) of this section, no more than \$190,000 may be utilized by the superintendent of public instruction for technology staff support costs. The dollars allocated for subsections (1) and (5) of this section may be reallocated between said subsections by the superintendent of public instruction, subject to a ten percent maximum cumulative change in the allocated amounts.

SECTION 10. Of the moneys appropriated in Section 3 of this act, the superintendent of public instruction may expend up to \$2,700,000 for professional development, training and assistance that promotes the implementation of Idaho core mathematical and English language arts standards including, but not limited to, the alignment of curriculum and instruction to such standards.

SECTION 11. Of the funds appropriated in Section 3 of this act, an amount not to exceed \$1,000,000 of one-time moneys may be expended by the superintendent of public instruction to contract for services that provide technology education opportunities and/or information technology certifications to high school students, including faculty, that prepare students for college, career or the workplace. Funding shall be awarded based on a request for proposal process administered by the Department of Administration that includes three or more of the following components:

- (1) Certification of skills and competencies;
- (2) Professional development for teachers;
- (3) Integration with curriculum standards;

- (4) Online access to research-based content and curriculum; or
- (5) Instructional software for classroom use.

The superintendent of public instructions shall provide a progress report to the Joint Finance-Appropriations Committee and the Senate and House Education committees by January 1, 2015, and a final report by January 1, 2016.

SECTION 12. For the purposes of this appropriation, the term "distributed" means moneys that are transferred to school districts and public charter schools with no funds withheld for any other contract or administrative costs. For the purposes of this section, the term "expended" means moneys that pay for the cost of contracts that provide services to school districts, public charter schools or students, or pay for the State Department of Education's cost of administering the programs for which the moneys are allocated.

SECTION 13. Of the moneys appropriated in Section 3 of this act, the superintendent of public instruction may expend or distribute up to \$4,500,000 for the maintenance, operation and licensing of the instructional improvement system known as the Idaho System for Educational Excellence Phase II (ISEE Phase II) that includes high quality digital learning resources and software linked to state and local curricula, model lesson plans, content and formative and summative assessments tied to rigorous college and career-ready standards, and safe and secure online knowledge sharing and collaboration systems; or for school districts and charter schools to implement and operate instructional improvement systems of their choice that interface with the Idaho System for Educational Excellence (ISEE); or for other technology-related costs. Moneys shall be distributed or may be expended in the following ways:

- (1) The superintendent shall distribute an amount not to exceed \$2,000,000 to school districts and charter schools based on the support units used to calculate salary-based apportionment. Moneys so distributed may be used for costs associated with implementation and operation of instructional improvement systems of their choice that interface with the Idaho System for Educational Excellence (ISEE), technology staffing costs, or classroom technology, at the discretion of the school district.

- (2) The superintendent may expend:

- (a) An amount not to exceed \$904,000 for digital content; and
- (b) An amount not to exceed \$1,596,000 for assessment items, professional development, training and school district support, in-house system maintenance, software licensing, and self-hosting support of the current ISEE Phase II.

Approved March 28, 2014

CHAPTER 333
(H.B. No. 651)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE LEGISLATIVE SERVICES OFFICE FOR FISCAL YEAR 2015; AND PROVIDING LEGISLATIVE INTENT.

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

SECTION 1. In addition to any other appropriation provided for in law, there is hereby appropriated to the Legislative Services Office \$90,000 from the General Fund to be expended for the period July 1, 2014, through June 30, 2015.

SECTION 2. LEGISLATIVE INTENT. It is the intent of the Legislature that the Legislative Audit Division will manage a contract for service audits of the statewide Wi-Fi contract in public schools and the Idaho Education Network (IEN) Program in the Department of Administration. At a minimum, the service audit for the Wi-Fi contract will review compliance and district satisfaction and, for the IEN, will determine ownership of all equipment purchased or leased in association with the IEN contract, as well as confirmation of the type and level of usage of IEN services by each school district receiving services under the contract. Any funding not necessary to complete the audits will be reverted to the General Fund upon completion of the audits.

Approved March 28, 2014

CHAPTER 334
(S.B. No. 1382)

AN ACT

RELATING TO APPROPRIATIONS, DISTRIBUTIONS AND TRANSFERS OF IDAHO MILLENNIUM FUNDS; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE IDAHO ACADEMY OF FAMILY PHYSICIANS FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE AMERICAN LUNG ASSOCIATION OF IDAHO FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE IDAHO DEPARTMENT OF JUVENILE CORRECTIONS FOR THE YOUTH PREVENTION AND CESSATION PROGRAMS FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE SUPPORTIVE HOUSING AND INNOVATIVE PARTNERSHIPS INC OF IDAHO FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE BOYS AND GIRLS CLUB OF IDAHO FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR TOBACCO PERMITTEE COMPLIANCE INSPECTIONS FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE PUBLIC HEALTH DISTRICTS FOR THE PUBLIC HEALTH DISTRICT MILLENNIUM FUND CESSATION PROGRAM FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE IDAHO DRUG FREE YOUTH PROGRAM FOR PARENT AND TEEN PREVENTION EDUCATION FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO BOISE STATE UNIVERSITY FOR THE IDAHO REGIONAL ALCOHOL DRUG AWARENESS RESOURCE CENTER FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE WOMEN'S HEALTH CHECK PROGRAM FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE IDAHO METH PROJECT FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE

IDAHO DEPARTMENT OF CORRECTION FOR THE COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES PROGRAM FOR FISCAL YEAR 2015; PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED BALANCE OF MONEYS SHALL REVERT TO THE IDAHO MILLENNIUM INCOME FUND AT THE END OF FISCAL YEAR 2015; AND TRANSFERRING ANY REMAINING UNEXPENDED AND UNENCUMBERED BALANCE OF MONEYS IN THE IDAHO MILLENNIUM INCOME FUND TO THE IDAHO MILLENNIUM FUND AT THE END OF FISCAL YEAR 2015.

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

SECTION 1. There is hereby appropriated \$70,400 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Idaho Academy of Family Physicians for the period July 1, 2014, through June 30, 2015. The purpose of this grant is for the TAR WARS Program, which is designed to teach children how to make positive decisions regarding their health. Tar Wars is a tobacco-free education program for fourth-grade and fifth-grade students. In Idaho, the program focuses on fifth-grade students but will incorporate fourth-grade students when the need arises. The program is designed to teach children about the short-term health effects, financial aspects and image-based consequences of tobacco use; and about being tobacco-free by providing them tools to make positive decisions regarding their health and to promote personal responsibility for their well-being. The program is implemented in classrooms by volunteers. It uses a community-based approach to mobilize family physicians, dentists, educators and other health care professionals to take an active part in their community's health education and encourages overall community support for tobacco-free education.

SECTION 2. There is hereby appropriated \$159,000 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the American Lung Association in Idaho for the period July 1, 2014, through June 30, 2015. The purpose of this grant is to provide youth tobacco prevention services to Idaho youth through participation in three American Lung Association programs statewide: Teens Against Tobacco Use (TATU), to train teens in grades 8 through 12 to provide tobacco prevention presentations in grades 4 through 7; Support Teens Against Nicotine Dependency (STAND), which provides mini-grants, training and technical support to Idaho youth groups to engage in community awareness and policy improvement projects regarding tobacco; and adult facilitator training for Not-On-Tobacco (N-O-T), a smoking cessation program designed specifically for youth under the age of 18 years.

SECTION 3. There is hereby appropriated and, at the request of the State Treasurer, the State Controller shall transfer \$1,088,600 from the Idaho Millennium Income Fund to the Department of Juvenile Corrections for the Youth Prevention and Cessation programs for the period July 1, 2014, through June 30, 2015. The purpose of this grant is to support programs that prevent and reduce the use of tobacco and other substances by youth.

SECTION 4. There is hereby appropriated \$160,100 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Supportive Housing and Innovative Partnerships Inc, for the period July 1, 2014, through June 30, 2015. The purpose of this grant is to promote prescription drug safety through a trademarked but free mobile application titled, "The Amazing Adventures of Pharmacist Phil." The application provides medical professionals, teachers and counselors with an easy way to start the discussion about prescription drug safety.

SECTION 5. There is hereby appropriated \$328,800 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Boys & Girls Club of Idaho for the period July 1, 2014, through June 30, 2015. The purpose of this grant is for the Youth Empowerment Project, which is a comprehensive approach to reduce the likelihood of current or future abuse of alcohol, tobacco and other drugs by at-risk youth, ages 6-18, served by the Boys & Girls Clubs in Idaho.

SECTION 6. There is hereby appropriated and, at the request of the State Treasurer, the State Controller shall transfer \$94,000 from the Idaho Millennium Income Fund to the Idaho State Police for tobacco permittee compliance inspections to be expended for the period July 1, 2014, through June 30, 2015. The purpose of this grant is to assist the Idaho State Police and the Department of Health and Welfare with the cost of tobacco permittee compliance inspections as required by law.

SECTION 7. There is hereby appropriated and, at the request of the State Treasurer, the State Controller shall transfer \$750,000 from the Idaho Millennium Income Fund to the Idaho Public Health Districts for the period July 1, 2014, through June 30, 2015. The purpose of this grant is to continue the Public Health District Millennium Fund cessation program. Through this program, high-quality, best practice tobacco cessation programs are provided statewide at no cost to Idahoans who want to quit smoking, with a primary emphasis on youth and pregnant women.

SECTION 8. There is hereby appropriated \$179,800 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Idaho Drug Free Youth Program for the period July 1, 2014, through June 30, 2015. The purpose of this grant is to continue a multifaceted parent and teen prevention education program called i2i to educate Idaho parents, together with their teens, about alcohol and other drugs and the damage that substances can do to the underdeveloped teen brain.

SECTION 9. There is hereby appropriated and, at the request of the State Treasurer, the State Controller shall transfer \$65,000 from the Idaho Millennium Income Fund to the Boise State University for the Idaho Regional Alcohol Drug Awareness Resource (RADAR) Center for the period July 1, 2014, through June 30, 2015. The purpose of this grant is to provide free substance abuse prevention and addiction treatment resources to Idahoans. The grant will be used to support salaries, travel and to purchase print and video resources. The print and video resources purchased for dissemination or loan will be tracked by these categories: tobacco prevention and cessation, underage drinking prevention and general drug abuse prevention and addiction treatment.

SECTION 10. There is hereby appropriated and, at the request of the State Treasurer, the State Controller shall transfer \$2,500,000 from the Idaho Millennium Income Fund to the Idaho Department of Health and Welfare for the Physical Health Services Program for the period July 1, 2014, through June 30, 2015. The purpose of this grant is to provide free nicotine replacement therapy medication (nicotine patches, gum and lozenges), web-based cessation services and telephonic cessation counseling services to assist people in quitting tobacco use. These funds will help residents who are attempting to quit tobacco use and who cannot afford to pay for these services and medications on their own. This funding will also be used to promote the services through television, radio and print. It will help reduce the burden tobacco use places on taxpayers and reduce tobacco-related illnesses and deaths. The grant will also be used for a counter-marketing program that includes social media, grassroots marketing and other activities such as sponsorships and community outreach.

SECTION 11. On behalf of the American Cancer Society, Cancer Action Network, there is hereby appropriated and, at the request of the State Treasurer, the State Controller shall transfer \$325,000 from the Idaho Millennium Income Fund to the Idaho Department of Health and Welfare for the Division of Public Health, Bureau of Clinical and Preventive Services, for the period July 1, 2014, through June 30, 2015. The purpose of this grant is to support breast and cervical cancer early detection efforts of the Idaho Women's Health Check Program for qualifying low-income, uninsured or underinsured women. It will also be used to assess tobacco use history of all enrolled clients, referring those who use tobacco to Idaho's QuitLine, QuitNet or other tobacco cessation resources.

SECTION 12. There is hereby appropriated \$264,000 from the Idaho Millennium Income Fund to the State Treasurer for distribution to the Idaho Meth Project for the period July 1, 2014, through June 30, 2015. The purpose of this grant is to continue the "Not Even Once" campaign to discourage the use of methamphetamine and to add a prescription drug educational component. The request would be used for continued aggressive teen outreach through digital media, school presentations and community engagement activities.

SECTION 13. There is hereby appropriated and, at the request of the State Treasurer, the State Controller shall transfer \$1,859,200 from the Idaho Millennium Income Fund to the Idaho Department of Correction for the Community-Based Substance Abuse Treatment Services Program, for the period July 1, 2014, through June 30, 2015. The purpose of this grant is to continue coordination, assessment and community-based substance abuse treatment and recovery support services for felony offenders in lieu of incarceration in a state facility.

SECTION 14. Notwithstanding any other provision of law to the contrary, on June 30, 2015, or as soon thereafter as is practicable, any remaining unexpended and unencumbered balance of moneys appropriated in Sections 3, 6, 7, 9, 10, 11 and 13 of this act shall be reverted to the Idaho Millennium Income Fund.

SECTION 15. Notwithstanding any other provision of law to the contrary, on June 30, 2015, or as soon thereafter as is practicable, the State Controller, at the request of the State Treasurer, shall transfer any remaining unexpended and unencumbered balance of moneys in the Idaho Millennium Income Fund to the Idaho Millennium Fund.

Law without signature

CHAPTER 335
(H.B. No. 455)

AN ACT

RELATING TO FEES; AMENDING SECTION 31-3204, IDAHO CODE, TO INCREASE A CERTAIN FEE.

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

SECTION 1. That Section 31-3204, Idaho Code, be, and the same is hereby amended to read as follows:

31-3204. VICTIM NOTIFICATION -- FEE. The court shall charge a fee of ~~ten~~ fifteen dollars (\$~~10~~15.00) for victim notification purposes to be paid by each person found guilty of each felony or misdemeanor, except when the court orders such fee waived because the person is indigent and unable to pay such fee. Such fee shall be in addition to all other fines and fees levied. Such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the state victim notification fund established in section 67-2912, Idaho Code.

Law without signature

CHAPTER 336
(H.B. No. 546, As Amended in the Senate)

AN ACT

RELATING TO THE IDAHO REIMBURSEMENT INCENTIVE ACT; AMENDING CHAPTER 47, TITLE 67, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 67-4737 THROUGH 67-4744, IDAHO CODE, TO PROVIDE A SHORT TITLE AND LEGISLATIVE INTENT, TO PROVIDE DEFINITIONS, TO PROVIDE FOR AN APPLICATION, APPLICATION PROCESS, FORMATION OF AGREEMENTS AND REIMBURSEMENT, TO PROVIDE FOR AGREEMENT WITH THE APPLICANT, TO PROVIDE FOR AN ANNUAL REPORTING PROCEDURE, TO REQUIRE AN ANNUAL REPORT TO THE LEGISLATURE BY THE DIRECTOR OF THE IDAHO DEPARTMENT OF COMMERCE AND TO PROVIDE FOR RULEMAKING AUTHORITY.

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 NEW SECTIONS, to be known and designated as Sections 67-4737 through 67-4744, Idaho Code, and to read as follows:

67-4737. IDAHO REIMBURSEMENT INCENTIVE ACT -- SHORT TITLE -- LEGISLATIVE INTENT. Sections 67-4737 through 67-4744, Idaho Code, shall be known and may be cited as the "Idaho Reimbursement Incentive Act." The Idaho legislature finds that in order to compete more effectively in a national and global marketplace for economic expansion, business retention and job creation, a number of states, including Idaho, have deemed it necessary to create economic-based incentives for the creation of quality jobs. Further, the Idaho legislature desires to create the Idaho reimbursement incentive act to be a performance-based tax reimbursement mechanism available to existing Idaho businesses and new businesses creating jobs in Idaho when the same are in good standing in the state of Idaho.

67-4738. DEFINITIONS. As used in sections 67-4737 through 67-4744, Idaho Code:

(1) "Applicant" means a business entity that intends to create new jobs and submits an application for reimbursement to the department in accordance with this act.

(2) "Application" means a form approved by the director of the department containing all information required by the provisions of this act.

(3) "Approved percentage" means the amount of new state revenue the applicant is entitled to receive in the form of a tax credit over the term of the project. The approved percentage shall not exceed thirty percent (30%) of the new state revenue over the term of the project subject to the criteria as established by rules.

(4) "Business entity" means a single business, a separate division, branch or identifiable segment, or a group of businesses related through ownership pursuant to section 267 of the Internal Revenue Code. For the purpose of this subsection, a "separate division, branch, or identifiable segment" shall be deemed to exist if, prior to the date of application, the income and expense attributable to such "separate division, branch, or identifiable segment" could be separately ascertained from the books of accounts and records.

(5) "Community match" means a commitment by the local government that demonstrates its active support of the applicant creating new jobs in its jurisdiction. Such match may include, but shall not be limited to, a contribution of money, fee waivers, in-kind services, the provision of infrastructure or a combination thereof. Such match shall also include a letter of commitment by the governing elected officials of the jurisdiction detailing the local government's support that shall be included as part of an application.

(6) "Council" means the economic advisory council created pursuant to chapter 47, title 67, Idaho Code.

(7) "Department" means the Idaho department of commerce.

(8) "Director" means the director of the Idaho department of commerce.

(9) "Full-time job" means a job in which an individual is employed by the applicant and performs such duties at least thirty (30) hours per week.

(10) "Meaningful project" means an expansion of an existing business located in Idaho or the creation of new business operations in Idaho that generate the minimum required new jobs and otherwise qualify under the provisions of this act.

(11) "Minimum new jobs" means new jobs created by the applicant that shall be not less than twenty (20) such jobs over the term of the project if created within a rural community, or not less than fifty (50) such jobs over the term of the project if created within an urban community. An applicant will not be eligible for tax credit during the term of the project until the minimum new jobs have been added.

(12) "New jobs" means new jobs created in Idaho in accordance with this act that are nonseasonal, full-time jobs that pay annual wages that equal or exceed the average annual county wage where the jobs will be created. For purposes of this act, a job that shifts from one (1) location within the state of Idaho to another location shall not be considered a new job. New jobs must exceed the applicant's maximum number of full-time jobs in Idaho during the twelve (12) months immediately preceding the date of application.

(13) "New state revenue" means the Idaho portion of state corporate income tax, personal income tax and sales and use tax that is paid by the applicant in excess of those taxes paid at the date of application and is attributable only to the new growth upon which the application is based. New state revenue does not include taxes paid during the term that is attributable to those operations that existed prior to the application. New state revenue shall include:

(a) Incremental new state sales and use tax revenues as governed by chapter 36, title 63, Idaho Code, that have been paid by the applicant on their own purchases as a result of a meaningful project;

(b) Incremental new state income tax, including income tax generated by corporations, pass-through entities, as defined in section 63-3006C, Idaho Code, or proprietorships, pursuant to chapter 30, title 63, Idaho Code, that have been paid by an applicant as a result of a meaningful project;

(c) Incremental new state personal income taxes, as governed by chapter 30, title 63, Idaho Code, withheld on behalf of the applicant's employees, resulting from new jobs in a meaningful project, as evidenced by payroll withholding records indicating the amount of employee income taxes withheld and transmitted to the tax commission. Incremental new state personal income taxes shall not exceed the maximum allowable percentage of gross wages paid during a corresponding period that shall be the lesser of seven percent (7%) or the highest incremental state income tax rate.

(14) "Rural community" means, at the time of application, a city with a population of less than twenty-five thousand (25,000) persons or an unincorporated area within a county.

(15) "Tax commission" means the Idaho state tax commission.

(16) "Tax credit" means a refundable tax credit authorized by the director of the department. The tax commission shall make a refund to an applicant that is granted a tax credit under this section if the amount of the tax credit exceeds the applicant's tax liability for a taxable year. The credit may be used as a credit against the income or franchise tax contained in chapter 30, title 63, Idaho Code.

(17) "Tax credit amount" means the amount the department authorizes as a tax credit for a taxable year.

(18) "Term of project" or "term" means the number of years an applicant is authorized to receive a tax credit under this act that shall not exceed fifteen (15) years subject to the criteria as established by rules.

(19) "Urban community" means, at the time of application, a city with a population of at least twenty-five thousand (25,000), provided however, that a city of less than twenty-five thousand (25,000) that is adjoining an urban community shall be considered urban.

67-4739. APPLICATION -- PROCESS -- AGREEMENTS -- REIMBURSEMENT. (1) A business entity may claim a refundable tax credit for creating a minimum number of new jobs in the state of Idaho. In order to be considered for participation, an applicant or its designated representative must submit an application to the director and shall include:

(a) A complete description of the proposed project and the economic benefit that will accrue to the state as a result of the project;

(b) A description or explanation of whether the project will occur or how it will be altered if the tax credit application is denied by the council;

(c) Proof of a community match;

(d) An affidavit from the tax commission confirming that the applicant is in good standing in the state of Idaho and is not in unresolved arrears in the payment of any state tax or fee administered by the tax commission;

(e) A detailed statement with an estimate of Idaho goods and services to be consumed or purchased by the applicant during the term;

(f) Known or expected detriments to the state or existing industries in the state;

(g) An anticipated project inception date and proposed schedule of progress;

- (h) Proposed performance requirements and measurements that must be met prior to issuance of the tax credit;
- (i) A detailed description of the proposed capital investment;
- (j) A detailed description of jobs to be created, an approximation of the number of such jobs to be created and the projected wages to be paid for such jobs; and
- (k) A detailed description of the estimated new state tax revenues to be generated by the project.

(2) Upon satisfaction by the director that all requirements are met pursuant to this chapter, the director shall submit such application to the council. The council shall review the application, may request additional information and shall approve or reject the application. An approval or rejection from the council shall not be considered a contested case pursuant to chapter 52, title 67, Idaho Code; provided, however, that nothing in this section shall prohibit an aggrieved applicant from seeking judicial review as provided in chapter 52, title 67, Idaho Code.

(3) If the council approves the application, the council shall instruct the director to enter into an agreement with the applicant with the terms of the council's approval. If the council rejects an application, the applicant may reapply with a new application.

(4) In the event a member of the council has a conflict of interest on an application that is before the council, the member shall fully disclose it to the council and abstain from any vote on the application.

67-4740. AGREEMENT WITH APPLICANT. (1) With instruction from the council, and in accordance with criteria as established by rules, the director of the department shall enter into a reimbursement incentive agreement with the applicant, provided the agreement defines the following in addition to the terms as approved by the council:

- (a) The term of the agreement which in no case shall exceed fifteen (15) years;
- (b) The projected new state revenues to be generated during the term of the project;
- (c) The method and recordkeeping requirements to be used by the applicant to determine the new state revenue paid by the applicant. The approved tax credit percentage applied to new state revenue each year the applicant is entitled to receive the reimbursement during the term of the project;
- (d) The projected new jobs;
- (e) The terms and conditions of any and all requirements and measurements that must be met prior to the issuance of a tax credit authorization;
- (f) The agreed upon and necessary proof of compliance required prior to tax credit issuance. Proof of compliance provided by the applicant must be adequate to demonstrate to the director that all requirements and measurements have been met for the applicant to receive the tax credit;
- (g) The consequences of default by the applicant;
- (h) The period to be used to determine the taxes paid at the date of application;
- (i) Identification of any individual or entity included within the application that is entitled to a rebate pursuant to section 63-3641 or 63-4408, Idaho Code, or is required to obtain a separate seller's permit pursuant to chapter 36, title 63, Idaho Code.
- (j) The federal employer identification and social security number for each individual or entity included within the definition of business entity and that is included within the filing of the application; and
- (k) Identification of the individual or entity that is or will be claiming the refundable credit.

67-4741. APPLICANT'S ANNUAL REPORTING PROCEDURE. (1) On an annual basis during the term of the project, the applicant shall submit to the department reporting information outlined in the agreement that shall include, but not be limited to, the following:

- (a) Supporting documentation of the new state revenues from the applicant's new project that were paid during the preceding calendar year;
- (b) Supporting documentation of the new jobs that were created during the preceding calendar year;
- (c) Known or expected detriments to the state or existing industries in the state;
- (d) A document that expressly directs and authorizes the tax commission and department of labor to allow the department access to the applicant's returns and other information that may be necessary to verify or otherwise confirm the declared new state revenues;
- (e) An affidavit from the tax commission confirming that the applicant is in good standing in the state of Idaho and is not in unresolved arrears in the payment of any state tax or fee administered by the tax commission;
- (f) Identification of any individual or entity included within the application that is entitled to a rebate pursuant to section 63-3641 or 63-4408, Idaho Code, or is required to obtain a separate seller's permit pursuant to chapter 36, title 63, Idaho Code; and
- (g) Supporting documentation that the business entity has satisfied the measurements and requirements outlined in the agreement.

(2) If, after review and audit of the information provided by the applicant, or after review of the ongoing performance of the applicant, the department determines that the information is inadequate to provide a reasonable justification for authorizing or continuing a tax credit, the department shall:

- (a) Deny the tax credit for such tax year;
- (b) Terminate the agreement for failure to meet the performance standards established in the agreement; or
- (c) Inform the applicant that the returns or other information are inadequate and request the applicant to submit additional documentation.

(3) If, after review and/or audit of the information provided by the applicant, the department determines that the information provided by the applicant provides reasonable justification for authorizing a tax credit, the department shall, based upon the returns and other information:

- (a) Determine the amount of the tax credit to be granted to the applicant which amount shall be the lowest approved percentage that will incentivize creation of new jobs and new state revenue;
- (b) Issue a tax credit authorization to the applicant; and
- (c) Provide a duplicate copy of the tax credit authorization to the tax commission.

(4) No applicant may claim a tax credit unless the applicant has a tax credit authorization issued by the department. An applicant may claim a tax credit in the amount listed on the tax credit authorization on its tax return.

67-4742. ANNUAL REPORTING BY DEPARTMENT. (1) The department shall create an annual written report for the governor and the legislature describing:

- (a) The department's success under this act in attracting new jobs;
- (b) The estimated amount of tax credit commitments made by the department and the period of time over which tax credits will be paid;
- (c) The economic impact on the state related to generating new state revenue and providing tax credits under this act;
- (d) The estimated costs and economic benefits of the tax credit commitments that the department made; and

(e) The actual costs and economic benefits of the tax credit commitments the department made.

(2) On or before November 1, 2015, and every year thereafter, the department shall:

(a) Conduct an independent, third-party audit of the tax credits issued under this act;

(b) Evaluate the tax credits issued under this act and the effectiveness of the tax credits; and

(c) Make recommendations concerning whether the tax credits should be continued, modified or repealed.

(3) The audit as set forth herein shall include an evaluation of:

(a) The amount of tax credits granted; and

(b) The effectiveness of the department's internal controls within the application and approval process pursuant to this chapter.

(4) The results of such audit and the director's recommendations shall be forwarded in a timely manner to the office of the governor and to the appropriate legislative committee chairmen.

67-4743. SUSPENSION OF IDAHO REIMBURSEMENT INCENTIVE ACT. (1) The director shall suspend the issuance of all new agreements with applicants upon the occurrence of the following conditions:

(a) The governor orders a temporary reduction of general fund spending authority, pursuant to section 67-3512A, Idaho Code; and

(b) The governor issues an executive order directing the department to suspend the issuance of new agreements during the tax year in which the temporary reduction of general fund spending authority has been ordered and the executive order issued.

(2) Pursuant to this chapter, all agreements that have been approved by the council prior to the governor issuing an executive order as provided by subsection (1) (b) of this section shall remain in full force and effect and shall not be modified or impaired as a result of the executive order.

(3) During the period of time that new agreements have been suspended, the director shall maintain the necessary services required pursuant to this chapter to support all existing agreements and comply with all required reporting and review responsibilities.

(4) The governor may, by executive order, remove the suspension issued pursuant to subsection (1) (b) of this section.

67-4744. DIRECTOR RULEMAKING AUTHORITY. The director shall promulgate rules pursuant to chapter 52, title 67, Idaho Code, in the furtherance of the objectives of this act.

Approved April 3, 2014

CHAPTER 337

(H.B. No. 478, As Amended in the Senate)

AN ACT

RELATING TO THE IDAHO STATE LOTTERY; AMENDING SECTION 67-7434, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISTRIBUTION OF NET INCOME, TO MAKE TECHNICAL CORRECTIONS AND TO REMOVE A SUNSET PROVISION; AND AMENDING SECTION 63-2520, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 67-7434, IDAHO CODE, RELATING TO LOTTERY DIVIDENDS; REPEALING SECTION 63-2520, IDAHO CODE, RELATING TO DISTRIBUTION OF MONEYS COLLECTED; AMENDING CHAPTER 74, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-7434, IDAHO CODE,

TO ESTABLISH PROVISIONS RELATING TO LOTTERY DIVIDENDS; AMENDING CHAPTER 25, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-2520, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE DISTRIBUTION OF CERTAIN MONEYS COLLECTED; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 67-7434, Idaho Code, be, and the same is hereby amended to read as follows:

67-7434. LOTTERY DIVIDENDS. (1) ~~Annually, on July 1, the lottery shall transfer one-half (1/2) of its net income to the permanent building account and one-half (1/2) of its net income to the school district building account, after reserving sufficient moneys to ensure the continuation of the lottery, as determined by the director and commission.~~

~~(2) Beginning on July 1, 2009, the distribution of net income provided for in subsection (1) of this section, shall be superseded by the provisions of this subsection (2).~~

~~(a) Annually, on July 1, the lottery shall transfer three-eighths (3/8) of its net income to the permanent building account; three-eighths (3/8) of its net income to the school district building account; and one-fourth (1/4) of its net income to the bond levy equalization fund after reserving sufficient moneys to ensure the continuation of the lottery, as determined by the director and commission.~~

~~(b2) The lottery shall ensure that the distributions made to the permanent building account and the school district building account, pursuant to the provisions of paragraph (a) subsection (1) of this subsection, shall not be less than the amount those accounts received for fiscal year 2008, provided funds are available at the fiscal year 2008 level. Provided however, in the event the level of available funds is less than the fiscal year 2008 level, one-half (1/2) of the available funds shall be transferred to the permanent building account and one-half (1/2) of the available funds shall be transferred to the school district building account.~~

~~(e3) In the event the lottery determines that an adjustment to an annual transfer as provided in paragraph (a) subsection (1) of this subsection must be made pursuant to the provisions of paragraph (b) subsection (2) of this subsection, the difference shall be deducted from the one-fourth (1/4) net income transfer that was to be made to the bond levy equalization fund, and the bond levy equalization fund shall receive the remainder, if any.~~

~~(d) The provisions of this subsection (2) shall be null, void and of no force and effect on and after September 30, 2014.~~

SECTION 2. That Section 63-2520, Idaho Code, be, and the same is hereby amended to read as follows:

63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from the taxes imposed by this chapter, and any revenues received from licenses, permits, penalties, interest, or deficiency additions, shall be distributed by the state tax commission as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(b) On and after July 1, 2005, the balance remaining with the state treasurer after deducting the amount described in subsection (a) of this section shall be distributed as follows:

(1) 17.3% of such balance shall be distributed to the permanent building fund created by section 57-1108, Idaho Code.

(2) 0.4% of such balance shall be distributed to the central cancer registry fund. The amount of money so distributed to the central cancer

registry fund shall not exceed the fiscal year's appropriation, and at such time as the appropriation has been distributed to the central cancer registry fund during any fiscal year, all such distributions in excess of the appropriation shall be made instead to the general fund of the state of Idaho.

(3) 1% of such balance shall be distributed to the cancer control account created by section 57-1702, Idaho Code. Revenues received in the cancer control account shall be paid over to the state treasurer by the state tax commission to be distributed as follows:

(i) Such amounts as are appropriated for purposes specified in section 57-1702, Idaho Code, shall be expended as appropriated;

(ii) Any balance remaining in the cancer control account on June 30 of any fiscal year after the amounts withdrawn by appropriation have been deducted, shall be reserved for transfer to the general fund on July 1 and the state controller shall order such transfer.

(4) An amount equal to the annual general fund appropriation for bond levy equalization, less the amount distributed under section 67-7434(21), Idaho Code, if applicable, pursuant to section 33-906, Idaho Code, shall be annually distributed to the general fund.

(5) All remaining moneys shall be distributed as follows: For the fiscal year commencing July 1, 2005, and ending June 30, 2006, all moneys shall be distributed to the economic recovery reserve fund created by section 67-3520, Idaho Code. For fiscal years on and after July 1, 2006, all moneys shall be distributed to the permanent building fund with the moneys to be used for the repair, remodel and restoration of the state capitol building and state facilities pertaining to the capitol restoration until such time as the capitol restoration is adequately funded as certified by the director of the department of administration. Thereafter all moneys shall be distributed to the economic recovery reserve fund created by section 67-3520, Idaho Code.

SECTION 3. That Section 67-7434, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 63-2520, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 74, 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 67-7434, Idaho Code, and to read as follows:

67-7434. LOTTERY DIVIDENDS. (1) Annually, on July 1, the lottery shall transfer one-half (1/2) of its net income to the permanent building account and one-half (1/2) of its net income to the school district building account, after reserving sufficient moneys to ensure the continuation of the lottery, as determined by the director and commission.

(2) Beginning on July 1, 2009, the distribution of net income provided for in subsection (1) of this section shall be superseded by the provisions of this subsection (2).

(a) Annually, on July 1, the lottery shall transfer three-eighths (3/8) of its net income to the permanent building account; three-eighths (3/8) of its net income to the school district building account; and one-fourth (1/4) of its net income to the bond levy equalization fund after reserving sufficient moneys to ensure the continuation of the lottery, as determined by the director and commission.

(b) The lottery shall ensure that the distributions made to the permanent building account and the school district building account, pursuant to the provisions of paragraph (a) of this subsection, shall not be less than the amount those accounts received for fiscal year

2008, provided funds are available at the fiscal year 2008 level. Provided however, in the event the level of available funds is less than the fiscal year 2008 level, one-half (1/2) of the available funds shall be transferred to the permanent building account and one-half (1/2) of the available funds shall be transferred to the school district building account.

(c) In the event the lottery determines that an adjustment to an annual transfer as provided in paragraph (a) of this subsection must be made pursuant to the provisions of paragraph (b) of this subsection, the difference shall be deducted from the one-fourth (1/4) net income transfer that was to be made to the bond levy equalization fund, and the bond levy equalization fund shall receive the remainder, if any.

(d) The provisions of this subsection (2) shall be null, void and of no force and effect on and after September 30, 2014.

SECTION 6. That Chapter 25, 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 63-2520, Idaho Code, and to read as follows:

63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from the taxes imposed by this chapter, and any revenues received from licenses, permits, penalties, interest, or deficiency additions, shall be distributed by the tax commission as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(b) On and after July 1, 2005, the balance remaining with the state treasurer after deducting the amount described in subsection (a) of this section shall be distributed as follows:

(1) 17.3% of such balance shall be distributed to the permanent building fund created by section 57-1108, Idaho Code.

(2) 0.4% of such balance shall be distributed to the central cancer registry fund. The amount of money so distributed to the central cancer registry fund shall not exceed the fiscal year's appropriation and, at such time as the appropriation has been distributed to the central cancer registry fund during any fiscal year, all such distributions in excess of the appropriation shall be made instead to the general fund of the state of Idaho.

(3) 1% of such balance shall be distributed to the cancer control account created by section 57-1702, Idaho Code. Revenues received in the cancer control account shall be paid over to the state treasurer by the state tax commission to be distributed as follows:

(i) Such amounts as are appropriated for purposes specified in section 57-1702, Idaho Code, shall be expended as appropriated;

(ii) Any balance remaining in the cancer control account on June 30 of any fiscal year, after the amounts withdrawn by appropriation have been deducted, shall be reserved for transfer to the general fund on July 1 and the state controller shall order such transfer.

(4) An amount equal to the annual general fund appropriation for bond levy equalization, less the amount distributed under section 67-7434(2), Idaho Code, if applicable, pursuant to section 33-906, Idaho Code, shall be annually distributed to the general fund.

(5) All remaining moneys shall be distributed as follows: For the fiscal year commencing July 1, 2005, and ending June 30, 2006, all moneys shall be distributed to the economic recovery reserve fund created by section 67-3520, Idaho Code. For fiscal years on and after July 1, 2006, all moneys shall be distributed to the permanent building

fund with the moneys to be used for the repair, remodel and restoration of the state capitol building and state facilities pertaining to the capitol restoration until such time as the capitol restoration is adequately funded as certified by the director of the department of administration. Thereafter, all moneys shall be distributed to the economic recovery reserve fund created by section 67-3520, Idaho Code.

SECTION 7. Sections 1 and 2 of this act shall be in full force and effect on and after July 1, 2014. Sections 3, 4, 5 and 6 shall be in full force and effect on and after July 1, 2019.

Approved April 4, 2014

CHAPTER 338

(H.B. No. 492, As Amended in the Senate)

AN ACT

RELATING TO VEHICLE REGISTRATION AND FEES; AMENDING SECTION 49-426, IDAHO CODE, TO REPLACE THE TERM "REGISTERED" WITH THE TERM "NUMBERED" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-7008, IDAHO CODE, TO REPLACE REFERENCES TO REGISTRATION NUMBERS WITH REFERENCES TO CERTIFICATES OF NUMBER, TO PROVIDE FOR VESSEL NUMBERS AND VALIDATION STICKERS AND TO REMOVE LANGUAGE RELATING TO CERTAIN REGISTRATION FEES; AMENDING SECTION 67-7101, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 67-7103, IDAHO CODE, TO PROVIDE FOR VALIDATION STICKERS AND TO PROVIDE THAT EACH SNOWMOBILE MUST BE NUMBERED BEFORE IT LEAVES THE PREMISES AT THE TIME OF SALE; AMENDING SECTION 67-7104, IDAHO CODE, TO REPLACE THE TERM "REGISTRATION" WITH "CERTIFICATE OF NUMBERING", TO REPLACE REFERENCE TO DISPLAY OF CERTIFICATES OF NUMBER WITH REFERENCE TO DISPLAY OF VALIDATION STICKERS AND TO PROVIDE FOR NONRESIDENT SNOWMOBILE USER CERTIFICATES; AMENDING SECTION 67-7106, IDAHO CODE, TO REPLACE THE TERM "REGISTRATION" WITH "CERTIFICATE OF NUMBER"; AMENDING SECTION 67-7108, IDAHO CODE, TO PROVIDE FOR APPLICATION OF LAW AND TO PROVIDE FOR A PROHIBITION; AMENDING SECTION 67-7112, IDAHO CODE, TO REPLACE THE TERM "REGISTERED" WITH THE TERM "NUMBERED"; AMENDING SECTION 67-7113, IDAHO CODE, TO REVISE A FINE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7122, IDAHO CODE, TO PROVIDE FOR NUMBER CERTIFICATES, TO REMOVE REFERENCE TO REGISTRATION, TO REVISE PROVISIONS RELATING TO CERTAIN INFORMATION SUBMITTED TO THE DEPARTMENT, TO REVISE PROVISIONS RELATING TO THE SALE OF CERTAIN VEHICLES AND TO PROVIDE FOR VALIDATION STICKERS; AMENDING SECTION 67-7123, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TRANSFER OF NUMBER CERTIFICATES AND TO REMOVE REFERENCE TO REGISTRATION STICKERS; AMENDING SECTION 67-7124, IDAHO CODE, TO REFERENCE NUMBER CERTIFICATES IN REGARD TO NONRESIDENT OWNERS; AMENDING SECTION 67-7125, IDAHO CODE, TO REPLACE THE TERM "REGISTRATION" WITH "NUMBERING" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7126, IDAHO CODE, TO REMOVE REFERENCE TO REGISTRATION AND TO PROVIDE FOR NUMBER CERTIFICATES AND VALIDATION STICKERS; TO PROVIDE FOR RULES; AMENDING SECTION 67-7003, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 67-7008A, IDAHO CODE, TO REMOVE A REFERENCE TO A REGISTRATION FEE AND TO PROVIDE FOR FEES FOR NUMBERED VESSELS; AMENDING SECTION 67-7010, IDAHO CODE, TO REPLACE REFERENCE TO CERTIFICATE OF REGISTRATION WITH REFERENCE TO CERTIFICATE OF NUMBER AND TO REPLACE REFERENCE TO DISPLAY OF REGISTRATION NUMBER WITH REFERENCE TO DISPLAY OF VESSEL NUMBER; AMENDING SECTION 67-7013, IDAHO CODE, TO REPLACE REFERENCE TO CERTIFICATES OF REGISTRATION WITH REFERENCE TO CERTIFICATES OF NUMBER; AMENDING SECTION 67-7014, IDAHO CODE, TO REPLACE REFERENCE

TO REGISTERED VESSELS WITH REFERENCE TO NUMBERED VESSELS; AMENDING SECTION 67-7029, IDAHO CODE, TO REPLACE REFERENCE TO CERTIFICATES OF REGISTRATION WITH REFERENCE TO CERTIFICATES OF NUMBER AND TO PROVIDE THAT CERTAIN PERSONS AUTHORIZED TO ISSUE CERTIFICATES OF NUMBER SHALL BE ASSIGNED A BLOCK OF VESSEL NUMBERS, VALIDATION STICKERS AND CERTIFICATES OF NUMBER; AMENDING SECTION 67-7040, IDAHO CODE, TO REPLACE REFERENCE TO CERTIFICATE OF REGISTRATION WITH REFERENCE TO CERTIFICATE OF NUMBER; AND PROVIDING SEVERABILITY.

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

SECTION 1. 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, other construction equipment, forestry equipment, lawn and grounds equipment 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 licensed under the provisions of this chapter or ~~registered~~ numbered pursuant to the provisions of section 67-7122, Idaho Code, if they are 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.

(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 or resolutions designating highways or sections of highways under its jurisdiction which are closed to all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes licensed pursuant to this chapter and ~~registered~~ numbered pursuant to section 67-7122, Idaho Code. The operation of licensed and ~~registered~~ numbered all-terrain vehicles, utility type vehicles and motorbikes and those vehicles exempt from licensing and ~~registration~~ numbering pursuant to subsection (2) of this section shall not be permitted on controlled access highways. The requirements of title 18 and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall

apply to the operation of any all-terrain vehicle, utility type vehicle or motorbike upon highways. Costs related to the posting of signs on 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, specialty off-highway vehicles and motorbikes may cross. The requirements of title 18, and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes when using designated crossings on state highways.

(5) All-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes may be used on highways located on state lands or federal lands which are not part of the highway system of the state of Idaho, provided the registration numbering requirements of section 67-7122, Idaho Code, are met.

SECTION 2. That Section 67-7008, Idaho Code, be, and the same is hereby amended to read as follows:

67-7008. CERTIFICATE OF REGISTRATION NUMBER -- EXPIRATION -- FEES. (1) Within fifteen (15) days after purchase, or as otherwise herein provided, the owner of each vessel requiring numbering by the state of Idaho shall file an application for registration certificate of number with an assessor or authorized vendor on forms provided by the department. The application shall be signed by the owner and shall be accompanied by the fee herein designated. Upon receipt of an application in approved form, and the appropriate fee, the assessor or authorized vendor shall enter the same upon the records of its office and issue to the applicant two (2) validation stickers and a certificate of registration stating the number issued to the vessel, the receipt of any fee paid and the name and address of the owner, and the assessor or authorized vendor shall forward to the department a duplicate copy. The owner shall also receive a vessel number that shall be permanently assigned to the boat. The owner shall paint on or permanently attach to each side of the bow of the vessel the registration vessel number and validation sticker in a manner as may be prescribed by rules of the department in order that they may be completely visible, and the number shall be maintained in legible condition. The certificate of registration number shall be pocket-size and shall be on board and available at all times for inspection on the vessel for which issued whenever that vessel is in operation, except that livery operators may have the rental agreement on board rented vessels in lieu of the certificate of registration number.

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

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

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

(5) Every certificate of registration number issued shall continue in full force and effect through December 31 of the year of issue unless

sooner terminated or discontinued in accordance with law. Certificates of registration number may be renewed by the owner in the same manner provided for in the initial securing of them.

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

(7) Whenever the ownership of a vessel changes, the purchaser shall, within fifteen (15) days after acquisition, make application to the department for transfer to him of the certificate of registration number issued for the vessel, giving his name, address, and the vessel number of the vessel and shall, at the same time, pay to the department a transfer fee of three dollars (\$3.00). Upon receipt of the application and fee, the department shall transfer the certificate of registration number issued for the vessel to the new owner or owners. Unless the application is made and the fee paid within fifteen (15) days, the vessel shall be considered to be without a certificate of registration number.

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

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

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

(11) The registration fees shall be:

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

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

- ~~(i) For vessels acquired or brought into the state January 1 through March 31, the full amount of the regular fees;~~
- ~~(ii) For vessels acquired or brought into the state April 1 through June 30, seventy-five percent (75%) of the regular fees;~~
- ~~(iii) For vessels acquired or brought into the state July 1 through September 30, fifty percent (50%) of the regular fees;~~

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

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

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

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

SECTION 3. 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" or "ATV" means any recreation vehicle with three (3) or more tires and fifty (50) inches or less in width, having a wheelbase of sixty-one (61) inches 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, utility type vehicles 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) "Off-highway vehicle" means an all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle as defined in this section.

(11) "Operator" means any person who is in physical control of a motorbike, all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or snowmobile.

(12) "Owner" means every person holding record title to a motorbike, all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or snowmobile and entitled to the use or possession thereof, other than a lienholder or other person having a security interest only.

(13) "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.

(14) "Public roadway" means all portions of any highway which are controlled by an authority other than the Idaho transportation department.

(15) "Snowmobile" means any self-propelled vehicle under one thousand (1,000) pounds unladen gross weight, designed primarily for travel on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners.

(16) "Specialty off-highway vehicle" means any vehicle manufactured, designed or constructed exclusively for off-highway operation that does not fit the definition of an all-terrain vehicle, utility type vehicle or motor-bike as defined in this section. The vehicle classification provided for in this subsection shall become effective on January 1, 2010.

(17) "Utility type vehicle" or "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 roads, traveling on four (4) or more tires, maximum width less than seventy-four (74) inches, maximum weight less than two thousand (2,000) pounds, and having a wheelbase of one hundred ten (110) inches or less. A utility type vehicle must have a minimum width of fifty (50) inches, a minimum weight of at least nine hundred (900) pounds or a wheelbase of over sixty-one (61) inches. 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. A "utility type vehicle" or "UTV" also means a recreational off-highway vehicle or ROV.

(18) "Vendor" means any entity authorized by the department to sell recreational registrations certificates of number.

(19) "Winter recreational parking locations" means designated parking areas established and maintained with funds acquired from the cross-country skiing account.

SECTION 4. That Section 67-7103, Idaho Code, be, and the same is hereby amended to read as follows:

67-7103. APPLICATION FOR NUMBER -- ATTACHMENT OF NUMBER VALIDATION STICKERS -- CERTIFICATE -- APPLICATION FOR TRANSFER OF CERTIFICATE -- TRANSFER OF CERTIFICATE FEE -- TEMPORARY NUMBER -- FEES. (1) On or before November 1 of each year the owner of each snowmobile requiring numbering by the state of Idaho shall file an application for number with the department on forms approved by it. The application shall be signed by the owner and shall, except as provided in subsection (7) of this section, be accompanied by a fee of thirty-one dollars (\$31.00). Upon receipt of the application the department shall issue to the applicant a certificate of number stating the number assigned to the snowmobile and the name and address of the owner. The owner shall attach to the snowmobile the identification number validation sticker in a manner as may be prescribed by rules of the department. The number validation sticker shall be located on the right and left side of the cowl of the snowmobile and shall be completely visible and shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the snowmobile for which issued, wherever the snowmobile is in operation.

(2) The department may issue any certificate of number directly or may authorize any persons to act as vendor for the issuance. In the event a person accepts the authorization, he may be assigned a block of numbers validation stickers and certificates of number which upon issue, in conformity with this chapter and with any rules of the department, shall be valid as if issued directly by the department.

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

(4) Each snowmobile must be registered numbered before it leaves the premises at the time of sale from any retail snowmobile dealer.

(5) The purchaser of a snowmobile shall, within fifteen (15) days immediately after acquisition, make application to the department for transfer to him of the certificate of number issued to the snowmobile, giving his name, address and the number of the snowmobile and shall at the same time pay to the department a fee of three dollars (\$3.00). Upon receipt of the application and fee, the department shall transfer the certificate of number issued for the snowmobile to the new owner or owners. Unless the application is made and fee paid within fifteen (15) days, the snowmobile shall be considered to be without a certificate of number and it shall be unlawful for any person to operate that snowmobile until the certificate is issued.

(6) No number other than the number validation stickers issued to a snowmobile pursuant to this chapter shall be painted, attached, or otherwise displayed on the snowmobile, except a temporary number may be attached to identify a snowmobile for the purpose of racing or other sporting events.

(7) Resident and nonresident owners of snowmobiles used for rental purposes shall purchase ~~certificates of number~~ validation stickers for sixty-one dollars (\$61.00) and the ~~certificates of number~~ validation stickers shall be displayed on the machine at all times.

SECTION 5. That Section 67-7104, Idaho Code, be, and the same is hereby amended to read as follows:

67-7104. NONRESIDENT SNOWMOBILE USER CERTIFICATE REQUIRED. The owner of a nonresident, noncommercial snowmobile shall not be required to comply with the registration certificate of numbering requirements of the state of Idaho, but shall be required to obtain a nonresident snowmobile user certificate. A fee of thirty-one dollars (\$31.00) shall be imposed for the issuance of a nonresident snowmobile user certificate. The ~~certificate of number~~ validation stickers shall be displayed in the same manner as provided in section 67-7103, Idaho Code. ~~Such~~ Nonresident snowmobile user certificates shall be valid beginning November 1 through October 31 of the following year. Issuance and administration of nonresident snowmobile user certificates shall be conducted in the same manner as provided in section 67-7103, Idaho Code, for numbering of snowmobiles.

(1) For purposes of this section, "nonresident" shall be as defined in section 36-202, Idaho Code.

(2) In the absence of a bona fide program in the area or upon the request of the bona fide county snowmobile advisory committee of the nearest affected county in Idaho, the requirements for the nonresident snowmobile user certificate may be waived by the parks and recreation board on specific trails where the snowmobile trail grooming is solely supported by a state other than Idaho.

SECTION 6. That Section 67-7106, Idaho Code, be, and the same is hereby amended to read as follows:

67-7106. DISTRIBUTION OF MONEYS COLLECTED -- COUNTY SNOWMOBILE FUND -- STATE SNOWMOBILE FUND -- STATE SNOWMOBILE SEARCH AND RESCUE FUND. (1) Each vendor shall not later than the fifteenth day of each month remit all moneys collected under the provisions of sections 67-7103 and 67-7104, Idaho Code, to the state treasurer for credit to the state snowmobile fund, established in the dedicated fund, to be administered by the director, except that one dollar (\$1.00) from each snowmobile certificate of number fee, one dollar (\$1.00) from each rental certificate of number fee, and one dollar (\$1.00) from each nonresident snowmobile user certificate issued by the vendor shall be credited by the state treasurer to the state snowmobile search and rescue fund created in section 67-2913A, Idaho Code.

(2) Each county with a bona fide snowmobile program shall be entitled to receive from the department eighty-five percent (85%) of the moneys gener-

ated for that county during that registration certificate of number period. Counties with a bona fide snowmobile program may use up to fifteen percent (15%) of their county snowmobile moneys upon recommendation by their county snowmobile advisory committee for snowmobile law enforcement purposes.

(3) Up to fifteen percent (15%) of the revenue generated from snowmobile registrations certificates of number each year may be used by the department to defray administrative costs. Any moneys unused at the end of the fiscal year shall be returned to the state treasurer for deposit in the state snowmobile fund.

(4) Vendors shall be entitled to charge an additional one dollar and fifty cents (\$1.50) handling fee per registration certificate of number for the distribution of certificates of number. Handling fees collected by the department shall be deposited to the state snowmobile fund.

(5) For those registrations certificates of number not designated to a bona fide county snowmobile program, the moneys generated shall be deposited to the state snowmobile fund, and such fund shall be available to the department for snowmobile-related expenses.

SECTION 7. That Section 67-7108, Idaho Code, be, and the same is hereby amended to read as follows:

67-7108. PROHIBITION AGAINST NUMBERING BY POLITICAL SUBDIVISIONS. The provisions of this chapter shall govern the numbering and registration of snowmobiles, all-terrain vehicles, motorbikes, specialty off-highway vehicles and utility type vehicles operated in this state. All political subdivisions of the state are expressly prohibited from numbering or registering snowmobiles, all-terrain vehicles, motorbikes, specialty off-highway vehicles and utility type vehicles in any respect.

SECTION 8. That Section 67-7112, Idaho Code, be, and the same is hereby amended to read as follows:

67-7112. GROOMED SNOWMOBILE TRAILS. Any all-terrain vehicle operating on groomed snowmobile trails during the winter snowmobiling season when the trails are groomed shall be registered numbered as a snowmobile under the provisions of section 67-7103, Idaho Code. Counties shall have the option to allow all-terrain vehicles, if registered numbered, to use snowmobile trails in the county. No other vehicles shall operate on groomed snowmobile trails unless specifically allowed by the county. Violation of the provisions of this section shall be an infraction.

SECTION 9. That Section 67-7113, Idaho Code, be, and the same is hereby amended to read as follows:

67-7113. VIOLATIONS -- ACCOUNTABLE FOR PROPERTY DAMAGE. ~~(1)~~ Any person who violates any provision of sections 67-7102 through section 67-7112, Idaho Code, shall be guilty of an infraction, and shall be punished by a fine of not less than ~~ten~~ fifty dollars (\$~~150.00~~ 50.00) nor more than one hundred dollars (\$100). In addition thereto, the operator and/or owner of the snowmobile shall be responsible and held accountable to the owner of any lands where trees, shrubs or other property have been damaged as the result of travel over their premises.

SECTION 10. That Section 67-7122, Idaho Code, be, and the same is hereby amended to read as follows:

67-7122. REQUIREMENTS -- REGISTRATION -- PROCEDURE APPLICATION FOR CERTIFICATE OF NUMBER -- ATTACHMENT OF VALIDATION STICKERS -- CERTIFICATE -- FEES. (1) On or before January 1 of each year, the owner of any all-terrain vehicle, motorbike, specialty off-highway vehicle 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 highways located on state lands or federal lands which are not part of the highway system of the state of Idaho or on highways 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~~ obtain a number certificate for that vehicle at any vendor authorized by the department. Effective January 1, 2010, a fee of twelve dollars (\$12.00) shall be charged for each ~~registration number certificate~~, which fee includes a one dollar and fifty cent (\$1.50) fee to be retained by the vendor and the remainder of which shall be remitted to the department together with a ~~duplicate copy of the application form~~, information noting the number of the registration sticker certificate issued, the identity of the owner that purchased the number certificate, the owner's designated county use area and the type of machine to which the owner will affix the certificate of number, e.g., motorbike, all-terrain vehicle, utility type vehicle or specialty off-highway vehicle. The foregoing shall not prohibit the department from collecting such further information as it may deem necessary or helpful to its administrative duties under this chapter.

(2) At the time of sale from any dealer, 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~~ obtain a number certificate.

(a) Application blanks and ~~registration validation stickers~~ shall be supplied by the department and the ~~registration validation sticker~~ shall be issued to the person making application for ~~registration number certificate~~.

(b) ~~All registration stickers which number certificates that are issued shall be in force through December 31 of the issued year. All registration stickers number certificates shall be renewed by the owner of the all-terrain vehicle, motorbike, specialty off-highway vehicle 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 number certificate shall retain a one dollar and fifty cent (\$1.50) vendor fee and remit the remainder of the twelve dollar (\$12.00) renewal registration sticker number certificate fee to the department together with a duplicate copy of the application form, noting the number of the registration sticker issued information noting the number of the certificate issued, the identity of the owner that purchased the number certificate, the owner's designated county use area, and the type of machine to which the owner will affix the validation stickers, e.g., motorbike, all-terrain vehicle, utility type vehicle or specialty off-highway vehicle. The foregoing shall not prohibit the department from collecting such additional information as it may deem necessary or helpful to its administrative duties under this chapter.~~

(c) The issued ~~registration validation sticker~~ shall be placed upon the restricted vehicle license plate of the all-terrain vehicle, motorbike or utility type vehicle, or upon the right fork of a vehicle registered pursuant to section 49-402(3), Idaho Code, or of a motorbike if used exclusively off-highway, or upon the rear fender of an all-terrain vehicle, specialty off-highway vehicle or utility type vehicle if used exclusively off-highway. The placement shall be made in such a manner that it is completely visible, does not cover the license plate numbers or letters, if licensed, and shall be kept in a legible condition at all times.

(3) For operation of 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. 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. A motorbike, all-terrain vehicle, specialty off-highway vehicle or utility type vehicle operated exclusively off-highway or on highways located on state lands or federal lands which are not part of the highway system of the state of Idaho and that meet the registration requirements specified in this section shall not be required to obtain a restricted vehicle license plate pursuant to section 49-402(4), Idaho Code.

(4) Nonresidents shall be allowed to purchase a restricted vehicle license plate pursuant to section 49-402(4), Idaho Code, and/or a sticker number certificate for an all-terrain vehicle, motorbike or utility type vehicle.

SECTION 11. That Section 67-7123, Idaho Code, be, and the same is hereby amended to read as follows:

67-7123. TRANSFER OF REGISTRATION STICKER NUMBER CERTIFICATES AND RESTRICTED VEHICLE LICENSE PLATE. The purchaser of an all-terrain vehicle, utility type vehicle or motorbike, which has been previously registered issued a number certificate 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 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 number certificate and restricted vehicle license plate issued to the vehicle, giving the same information as on the original application and the number of the registration sticker number certificate and restricted vehicle license plate, and shall at the same time pay a transfer fee of one dollar and fifty cents (\$1.50).

SECTION 12. That Section 67-7124, Idaho Code, be, and the same is hereby amended to read as follows:

67-7124. NONRESIDENT -- EXEMPTION. (1) The provisions of section 67-7122, Idaho Code, regarding registration number certificates shall not apply to any nonresident owner; provided the all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike is currently and properly registered or numbered in the state of the owner's residence. Owners of an all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike from states that do not have a registration or numbering requirement shall be registered numbered in Idaho under the provisions of section 67-7122, Idaho Code, prior to operation in this state.

(2) Nonresidents with an all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike registered or numbered in another state shall have the same use privileges and responsibilities as a resident of this state with a properly registered or numbered vehicle.

SECTION 13. That Section 67-7125, Idaho Code, be, and the same is hereby amended to read as follows:

67-7125. NOISE ABATEMENT. (1) Except as hereinafter provided, every vehicle subject to registration numbering under section 67-7122, Idaho Code, shall comply with the provisions of this section. Every vehicle subject to the provisions of this section shall at all times be equipped with

an exhaust system in good working order and in constant operation. If the vehicle was originally equipped with a noise suppressing system or if the vehicle is required by law or regulation of this state or the federal government to have a noise suppressing system, that system shall be maintained in good working order. No person shall disconnect, modify or alter any part of that system in any manner which will amplify or increase the vehicle's noise emission above the noise limits established in subsection (3) of this section, except temporarily in order to make repairs, replacements or adjustments. No person shall operate and no owner shall cause or permit to be operated any vehicle while the vehicle's noise emission exceeds the noise limits established in subsection (3) of this section or while the vehicle's noise suppressing system is disconnected, modified or altered in violation of the provisions of this section.

(2) No person shall operate a vehicle subject to the provisions of this section unless that vehicle is equipped with a spark arrester device, affixed to the exhaust system, of a type qualified and rated by the United States forest service. The provisions of this subsection shall not apply to vehicles being operated off the highway in an organized racing or competitive event which is conducted on private land with the consent of the landowner.

(3) Any vehicle subject to the provisions of this section shall at all times be equipped with a noise suppressing system or other device which limits noise emission to a base level of not more than ninety-six (96) decibels when measured on the "A" scale using standards and procedures established by the society of automotive engineers (SAE), specifically SAE standard J1287, June, 1988, describing a test of a stationary vehicle with sound measured twenty (20) inches and forty-five (45) degrees from the exhaust outlet, or as otherwise described. The provisions of this subsection shall not apply to vehicles being operated off the highway in an organized racing or competitive event which is conducted on private land with the consent of the landowner or on public land under permit.

(a) The department shall adopt regulations in accordance with chapter 52, title 67, Idaho Code, establishing the test procedures and instrumentation to be utilized. These procedures shall incorporate requirements for the test site environment and sound measuring equipment as set forth in SAE standard J1287, June, 1988.

(b) Instrumentation shall include but not be limited to a sound level meter meeting the type 1, type S1A, type 2, or type S2A requirements of the American national standards institute (ANSI) specification for sound level meters, S1.4-1983; a sound level calibrator, microphone wind screen, external engine speed tachometer.

(4) A showing that the noise emission level of any vehicle subject to and not otherwise exempt from the provisions of this section exceeds ninety-six (96) decibels, as described and tested in subsection (3) of this section, shall be prima facie evidence of a violation of subsection (1) of this section.

SECTION 14. That Section 67-7126, Idaho Code, be, and the same is hereby amended to read as follows:

67-7126. ESTABLISHMENT OF ACCOUNT -- DISTRIBUTION OF FEES. There is established in the state treasurer's office an account to be known and designated as the "motorbike recreation account." The twelve dollar (\$12.00) fee collected for off-highway vehicle registration stickers number certificates shall be allocated as follows:

(1) Vendors shall charge and retain one dollar and fifty cents (\$1.50) for a handling fee;

(2) Up to fifteen percent (15%) shall be allotted to the department for administration and for the production of registration number certificates

and validation stickers, which moneys shall be placed in the motorbike recreation account. The department shall annually publish a report specifically identifying the uses of account moneys;

(3) One dollar (\$1.00) shall be deposited into the off-highway vehicle law enforcement fund. Moneys in said fund shall be paid and used as follows:

(a) Sheriffs of counties with a current or an actively developing off-highway vehicle law enforcement program recognized by the department shall receive moneys from the fund based upon a formula as provided in rule promulgated by the board; and

(b) Moneys from the fund shall be used only for off-highway related law enforcement activities; and

(4) One dollar (\$1.00) shall be allocated to the Idaho department of lands to provide off-highway vehicle opportunities and to repair damage directly related to off-highway vehicle use. The department of lands shall annually publish a report specifically identifying the uses of moneys allocated pursuant to this subsection; and

(5) The remaining funds shall be transmitted to the state treasurer's office for deposit to the credit of the motorbike recreation account, all such moneys to be transmitted to the state treasurer on or before the tenth day of each month.

Collection of fees for off-highway vehicle registration number certificates shall not impose any additional liability on the state of Idaho or any of its political subdivisions or upon the employees of the state and of its political subdivisions, and those entities and persons shall retain the limitations of liability provided by section 36-1604, Idaho Code, regardless of the use of such fees.

SECTION 15. The department and the board are hereby authorized and directed to adopt and/or amend rules necessary to implement the provisions of this act.

SECTION 16. That Section 67-7003, Idaho Code, be, and the same is hereby amended to read as follows:

67-7003. DEFINITIONS. In this chapter:

(1) "Actual physical control" means being in the operator's position of the vessel with the motor running or with the vessel moving.

(2) "Aids to navigation" means such buoys, batons, markers or other fixed objects in the water which are established and used to mark obstructions or to direct navigation through separate channels.

(3) "Authorized vendor" means a retail/commercial enterprise or government office authorized by the department to sell certificates of registration number as provided in section 67-7008, Idaho Code.

(4) "Boating law administrator" means the staff person of the Idaho department of parks and recreation appointed by the director and who supervises the boating program.

(5) "Commercial vessel" means any vessel used in the carriage of any person, persons or property for a valuable consideration, whether directly or indirectly flowing to the owner, partner, agent or any other person interested in the vessel.

(6) "Department" means the Idaho department of parks and recreation.

(7) "Director" means the director of the Idaho department of parks and recreation.

(8) "Float house" means a floating structure which 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.

(9) "Float tube" means any vessel constructed of canvas, nylon or other material encasing an inflatable inner tube which allows the operator to sit inside with his legs dangling below the vessel.

(10) "Length of vessel" means the distance measured at the centerline at the highest point above the waterline from the fore-part of the outer hull at the bow to the aft-part of the outer hull at the stern, excepting any bowsprits, railings or extraneous or additional equipment.

(11) "Manufacturer" means any person who is engaged in the business of manufacturing or importing new and unused vessels for the purpose of sale or trade.

(12) "Operate" means to navigate or otherwise use a vessel on the water of this state.

(13) "Operator" means any person who controls the direction or propulsion of any vessel on the water of this state.

(14) "Owner" means any person having a property interest in or entitled to the use or possession of a vessel, including a person entitled to use or possession subject to the interest in another person reserved or created by agreement and securing payment of performance of an obligation, but not including a lessee under lease not intended as security.

(15) "Passenger" means every person carried aboard a vessel other than:

(a) The owner or his representative;

(b) The operator;

(c) A bona fide member of the crew engaged in the business of the vessel who has contributed no consideration for carriage and who is paid for his services; or

(d) Any guest on board a vessel which is used exclusively for pleasure purposes who has not contributed any consideration directly or indirectly for his carriage.

(16) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, except the United States and the state of Idaho, and includes any agent, trustee, executor, reserve assignee or similar representative of any of the above.

(17) "Personal watercraft" means a small vessel which uses an outboard motor or an inboard motor powering a water jet pump as its primary source of power and is designed to be operated by a person sitting, standing or kneeling on, rather than in the conventional manner of sitting or standing inside the vessel.

(18) "Private label merchandiser" means any person engaged in the business of selling or distributing, under his own trade name, vessels manufactured by another.

(19) "Regatta," "Race," "Marine Event," "Tournament," or "Exhibition" means an organized water event of limited duration which is conducted according to a prearranged schedule.

(20) "Regulatory markers" means any fixed or anchored aid to navigation which is established and used, but is not limited to, the bathing beach markers, speed zone markers, information markers, swimming or diving markers, floating mooring buoys, fishing buoys or markers for ski courses or jumps.

(21) "Rules of the road" means the statutory and regulatory rules governing the navigation of vessels as published by the United States Coast Guard in Navigational Rules International -- Inland.

(22) "Vessel" means every description of watercraft, including a sea-plane on the water, used or capable of being used as a means of transportation on water, but does not include float houses, diver's aids operated and designed primarily to propel a diver below the surface of the water, and nonmotorized devices not designed or modified to be used as a means of transportation on the water, such as inflatable air mattresses, single inner tubes, and beach and water toys.

(23) "Water of this state" means any waters in the state of Idaho over which the state has jurisdiction.

SECTION 17. That Section 67-7008A, Idaho Code, be, and the same is hereby amended to read as follows:

67-7008A. ADDITIONAL FEES -- DEPOSIT INTO INVASIVE SPECIES FUND. (1) In addition to any other moneys or fees collected pursuant to the provisions of section 67-7008, Idaho Code, or any other provision of chapter 70, title 67, Idaho Code, all vessels shall pay an additional fee each calendar year as follows:

(a) Motorized vessels and sailboats:

(i) Ten dollars (\$10.00) per vessel registered numbered in the state of Idaho prior to launch into the public waters of the state;

(ii) Twenty-two dollars (\$22.00) per vessel documented through the United States coast guard or registered or numbered outside the state of Idaho prior to launch into the public waters of the state.

(b) Nonmotorized vessels: Seven dollars (\$7.00) per vessel prior to launch into the public waters of the state.

(c) Licensed outfitters, as defined in section 36-2102(b), Idaho Code, with nonmotorized fleets exceeding five (5) vessels shall be afforded a prorated group rate of thirty-two dollars (\$32.00) for six (6) to ten (10) vessels; fifty-seven dollars (\$57.00) for eleven (11) to twenty (20) vessels; and one hundred two dollars (\$102) for twenty-one (21) or more vessels up to a maximum of one hundred (100) vessels. The fee for any additional vessels shall be one dollar (\$1.00) per vessel. The licensed outfitter group rates shall also be available for groups exempt from licensing pursuant to section 36-2103, Idaho Code.

(2) Upon payment of the fee as provided in this section, the payor shall be issued a protection against invasive species sticker that shall be displayed on the vessel in a manner as prescribed by the rules of the department. Stickers shall be considered in full force and effect through December 31 of the year of issue.

(3) Fees shall be collected by the department or authorized vendor.

(a) Vendors may retain one dollar and fifty cents (\$1.50) of fees collected pursuant to this section except those collected pursuant to subsection (1) (a) (i) of this section.

(b) The department shall retain up to twenty percent (20%) of the fees for the actual costs of administering the sticker program.

(c) All remaining fees collected pursuant to this section shall be deposited in the invasive species fund established in section 22-1911, Idaho Code.

(d) For the purpose of this section, "vessel" is defined in section 67-7003(22), Idaho Code. All vessels are subject to the provisions of this section, with the exception of small rafts and other inflatable vessels less than ten (10) feet in length.

(4) If the protection against invasive species sticker is lost, stolen or destroyed, any sticker remnants shall be returned to the department along with a three dollar (\$3.00) fee for a duplicate sticker.

(5) A person engaged in the manufacture or sale of vessels may obtain a sticker to be used in the testing or demonstration only of vessels by temporary placement of the protection against invasive species sticker on the vessel tested or demonstrated.

SECTION 18. That Section 67-7010, Idaho Code, be, and the same is hereby amended to read as follows:

67-7010. UNNUMBERED VESSELS. (1) It shall be unlawful for an owner of a vessel to have such vessel on the waters of the state of Idaho, or for any person to operate or permit the operation of any vessel on the waters of the state of Idaho unless it shall have a current certificate of registration

number and display a registration vessel number and current validation stickers as provided by law.

SECTION 19. That Section 67-7013, Idaho Code, be, and the same is hereby amended to read as follows:

67-7013. REMITTANCE OF FEES. (1) There is established in the state treasury an account known as the "State Vessel Account," to which shall be credited:

(a) Moneys or fees collected by assessors and authorized vendors, under the provisions of this section and section 67-7008, Idaho Code; and

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

(2) All fees collected by an assessor or authorized vendor under the provisions of section 67-7008, Idaho Code, shall be forwarded to the state treasurer not later than the fifteenth day of the month following the calendar month in which the fees were collected, and the state treasurer shall then pay the moneys collected into the state vessel account and the park and recreation account, as provided in subsection (3) of this section, unless otherwise provided by law.

(3) Moneys collected shall be deposited eighty-five percent (85%) to the state vessel account, and fifteen percent (15%) to the park and recreation account established in section 67-4225, Idaho Code. The department shall remit the moneys apportioned to county units of government from the state vessel account not later than January 25, April 25, July 25 and October 25 of each year.

(4) All moneys deposited to the park and recreation account are to be appropriated for the purpose of defraying the expenses, debts and costs incurred in carrying out the powers and duties of the department as provided in this chapter, and for defraying administrative expenses of the department, including salaries and wages of employees of the department, expenses for traveling, supplies, equipment and other necessary expenses of the department as they relate to administration of this chapter. All claims against moneys apportioned to the park and recreation account shall be expended by the department and certified to the state controller, who shall, upon approval of the board of examiners, draw his warrant against the park and recreation account for all bills and claims allowed by the board. Should the related administrative costs of the department amount to less than the moneys apportioned to the park and recreation account for such purposes, the difference shall be remitted to the state vessel account and then apportioned to all counties with a boating improvement program so that the amount apportioned to each eligible county will be in the same ratio as the county's amount of funds received from the state vessel account during the prior fiscal year by a county bears to the total amounts received during that prior fiscal year by all eligible counties.

(5) All moneys deposited to the state vessel account and appropriated to the department, shall be apportioned among the counties of the state based on the designations which the owners make on their application for a certificate of registration number.

(a) An owner, when purchasing a certificate of registration number, will be allowed to designate, on the appropriate form, a primary and secondary eligible county where his boating activity occurs. The portion of his fees which are appropriated from the state vessel account shall be apportioned to the designated counties, with seventy percent (70%) of those fees apportioned to the primary designated county and thirty percent (30%) apportioned to the secondary designated county.

(b) Should an owner designate on the appropriate form only one (1) eligible county where his boating activity occurs, the full portion of his fees which are appropriated from the state vessel account shall be apportioned to the designated county.

(c) Should an owner fail to designate on the appropriate form any eligible county where his boating activity occurs, the full portion of his fees which are appropriated from the state vessel account shall be apportioned to all counties with a boating improvement program so that the amount apportioned to each eligible county will be in the same ratio as the county's amount of funds received from the state vessel account during the prior three (3) month payment period bears to the total amounts received during that prior three (3) month payment period by all eligible counties.

(6) Only those counties in the state with a boating improvement program, as recognized by the department, shall be eligible to receive moneys from the state vessel account. A "boating improvement program" means that one or more recognized boating facilities are being developed and/or maintained within the county's jurisdiction and/or that the county has or is actively developing a recognized boating law enforcement program.

(7) Moneys apportioned to the eligible counties shall be placed in and credited to an account which shall be known and designated as the county vessel fund, which shall be used and expended by the board of county commissioners for the protection and promotion of safety, waterways improvement, creation and improvement of parking areas for boating purposes, making and improving boat ramps and moorings, marking of waterways, search and rescue, and all things incident to such purposes including the purchase of real and personal property. The board of county commissioners is also authorized to use and expend funds from the county vessel fund outside the county when the board deems it advisable and for the public good.

(8) Within sixty (60) calendar days of the end of each county fiscal year, the county clerk shall calculate the ending fund balance of the county vessel fund for that fiscal year. If the ending fund balance is higher than the amount of revenues deposited in the county vessel fund from the state vessel account during that fiscal year, then the difference shall be remitted to the state vessel account within thirty (30) calendar days of that calculation. Moneys remitted to the state vessel account, in accordance with the provisions of this section, shall be apportioned to all counties with a boating improvement program so that the amount apportioned to each eligible county will be in the same ratio as the county's amount of funds received from the state vessel account during the prior county fiscal year bears to the total amounts received during that prior county fiscal year by all eligible counties. The provisions of this subsection shall not apply to specific sums of money in county vessel accounts, for which the county commissioners have given written notice, to the department of parks and recreation of an intention to retain those funds for a specific purpose. The notice shall specify the amount of the funds to be held, indicate the purpose for which the funds shall be utilized and provide the date when the funds will be expended. If an amended notice is not submitted by the county commissioners, moneys not expended or contractually committed by the date stated in the original notice of the board of county commissioners shall revert to the state vessel account for distribution as provided in this subsection. All interest earned on moneys invested from a county vessel fund shall return to the county vessel fund.

SECTION 20. That Section 67-7014, Idaho Code, be, and the same is hereby amended to read as follows:

67-7014. ADMINISTRATIVE FEES FOR VESSELS. (1) An administrative fee of not more than one dollar and fifty cents (\$1.50) may be collected in addition to each vessel license tax collected under the provisions of section 67-7008, Idaho Code.

(2) When an assessor collects the fees, the administrative fee shall be paid to the county treasurer where the vessel is licensed and be placed in

the county current expense fund for the purpose of defraying related administrative costs. The amount of the administrative fee to be collected by an assessor for each vessel shall be set by the respective boards of county commissioners conditioned on the annual budget request of their county assessor for the administration of vessel registration fees.

(3) When an authorized vendor collects the fees, the administrative fee shall be set and retained by the authorized vendor where the vessel is registered numbered. The administrative fee shall be used to defray related administrative costs.

SECTION 21. That Section 67-7029, Idaho Code, be, and the same is hereby amended to read as follows:

67-7029. AGENTS OF THE DEPARTMENT. (1) The assessors of various counties of the state shall be agents of the department and shall perform such duties as are prescribed by law.

(2) The department may authorize any person to act as agent for the issuance of certificates of registration number. In the event a person accepts such authorization, he shall be assigned a block of vessel numbers, validation stickers and certificates of number, which upon issuance in conformity with law and with any rules of the department shall be valid as if issued directly by an assessor.

SECTION 22. That Section 67-7040, Idaho Code, be, and the same is hereby amended to read as follows:

67-7040. APPLICATION TO CERTAIN VESSELS. (1) The provisions of the vessel titling act shall apply to every 2000 and newer model year vessel upon transfer of ownership, and optionally to all other vessels of a model year prior to 2000, effective on and after January 1, 2000, even though vessels need not be registered under the provisions of chapter 4, title 49, Idaho Code. Vessels shall be issued a certificate of registration number as provided in section 67-7008, Idaho Code.

(2) The provisions of the vessel titling act shall apply exclusively to vessels with a permanently attached mode of propulsion, such as: an inboard motor, sail, personal watercraft, or other propelling machinery, and all vessels over twelve (12) feet regardless of mode of propulsion, except: rowboats, driftboats, canoes, kayaks, inflatable vessels, rafts, barges, non-motorized paddle vessels, sailboards, tenders, seaplanes, documented vessels, and vessels owned by the United States or a foreign state or political subdivision.

(3) Once titled, the vessel remains a titled vessel, and is subject to the requirements of chapter 5, title 49, Idaho Code.

SECTION 23. 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 4, 2014

CHAPTER 339

(H.B. No. 593, As Amended in the Senate)

AN ACT

RELATING TO FUNDS AND THE SALES TAX; AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-811, IDAHO CODE, TO CREATE THE TAX RELIEF FUND; AND AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR REMITTANCE OF CERTAIN SALES TAX MONEYS TO THE TAX RELIEF FUND BY THE STATE TAX COMMISSION.

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

SECTION 1. That Chapter 8, Title 57, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 57-811, Idaho Code, and to read as follows:

57-811. TAX RELIEF FUND. There is hereby created in the state treasury, the tax relief fund to which shall be credited all moneys remitted from section 63-3638, Idaho Code, from federal grants, donations or moneys from any other source. Moneys in the fund are intended to fund future tax relief statutes enacted by the legislature and may be expended pursuant to appropriation. All interest earned on the investment of idle moneys in the fund shall be returned to the fund.

SECTION 2. 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 state 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 state tax 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 39-3628, 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) For fiscal year 2011, and each fiscal year thereafter, four million one hundred thousand dollars (\$4,100,000), of which two million two hundred thousand dollars (\$2,200,000) shall be distributed to each of the forty-four (44) counties in equal amounts, and one million nine hundred thousand dollars (\$1,900,000) of which shall be distributed to the forty-four (44) counties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012, and for each fiscal year thereafter, the amount distributed pursuant to this subsection, shall be adjusted annually by the state tax commission in accordance with the consumer price index for all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics, but in no fiscal year shall the total amount allocated for counties under this subsection, be less than four million one hundred thousand dollars (\$4,100,000). Any increase resulting from the adjustment required in this section shall be distributed to each county in the proportion that the population of the county bears to the population of the state. Each county shall establish a special election fund to which shall be deposited all revenues received from the distribution pursuant to this subsection. All such revenues shall be used exclusively to defray the costs associated with conducting elections as required of county clerks by the provisions of section 34-1401, Idaho Code.

(9) 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.

(10) 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 state 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 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 (10) (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 (10) (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 (10) (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 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 (10) (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 (10) (d) in any quarter exceeds the amount distributed under paragraph (i) of this subsection (10) (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 state 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 discontinued, 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.

ration. 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 (10) (d).

(vii) For purposes of this subsection (10) (d), a special purpose taxing district is any taxing district which is not a city, a county or a school district.

(11) 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 state 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.

(12) Amounts necessary to pay refunds as provided in section 63-3641, Idaho Code, to a developer of a retail complex shall be remitted to the demonstration pilot project fund created in section 63-3641, Idaho Code.

(13) 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 (2) of section 63-602KK, Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year. 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 63-602KK, Idaho Code, shall be treated as property tax revenues.

(14) Amounts collected from purchasers and paid to the state of Idaho by retailers that are not engaged in business in this state and which retailer

would not have been required to collect the sales tax, less amounts otherwise distributed in subsections (1) and (10) of this section, shall be distributed to the tax relief fund created in section 57-811, Idaho Code. The state tax commission will determine the amounts to be distributed under this subsection.

(15) 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.

Approved April 4, 2014

CHAPTER 340
(H.B. No. 598)

AN ACT

RELATING TO THE SALES AND USE TAX; AMENDING SECTION 63-3616, IDAHO CODE, TO CLARIFY THE DEFINITION OF "REMOTELY ACCESSED COMPUTER SOFTWARE" THAT IS NOT SUBJECT TO TAXATION, TO CLARIFY CERTAIN OTHER PROVISIONS RELATED TO COMPUTER SOFTWARE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 63-3616, Idaho Code, be, and the same is hereby amended to read as follows:

63-3616. TANGIBLE PERSONAL PROPERTY. (a) The term "tangible personal property" means personal property which may be seen, weighed, measured, felt or touched, or which is in any other manner perceptible to the senses.

(b) The term "tangible personal property" includes any computer software ~~that is not a~~ except the following: custom computer programs; computer software that is delivered electronically; remotely accessed computer software; and computer software that is delivered by the load and leave method where the vendor or its agent loads the software at the user's location but does not transfer any tangible personal property containing the software to the user. and is not application software accessed over the internet or through wireless media As used in this subsection, the term "remotely accessed computer software" means computer software that a user accesses over the internet, over private or public networks, or through wireless media, where the user has only the right to use or access the software by means of a license, lease, subscription, service or other agreement. Notwithstanding the foregoing exclusions of certain types of computer software from the definition of tangible personal property, tangible personal property shall include computer software that constitutes digital music, digital books, digital videos and digital games, regardless of the method by which the title, possession or right to use such software is transferred to the user. As used in this subsection, the term "digital videos" means prerecorded video products and shall not include live broadcasts, television or cable broadcasts or video conferencing products.

(i) As used in this subsection, the term "computer software" means any computer program, part of a program or any sequence of instructions for automatic data processing equipment or information stored in an electronic medium. ~~Computer software is deemed to be tangible personal property for purposes of this chapter regardless of the method by which the title, possession or right to use the software is transferred to the user.~~

(ii) As used in this subsection, the term "custom computer program" means any computer software, ~~(as defined in this subsection),~~ which is written or prepared exclusively for a customer and includes those

services represented by separately stated charges for the modification of existing prewritten programs when the modifications are written or prepared exclusively for a customer. The term does not include a "canned" or prewritten program which is held or existing for general or repeated sale, lease or license, even if the program was initially developed on a custom basis or for in-house use. Modification to an existing prewritten program to meet the customer's needs is custom computer programming only to the extent of the modification, and only to the extent that the actual amount charged for the modification is separately stated on invoices, statements, and other billing documents supplied to the purchaser.

~~(iii) As used in this section, the term "application software accessed over the internet or through wireless media" means the right to use computer software where the software is accessed over the internet or through wireless media from a location owned or maintained by the seller or an agent of the seller and is not loaded and left at the user's location. The term does not include such remotely accessed computer software if the primary purpose of such computer software is for entertainment use, or if the vendor of that computer software offers for sale, in a storage media or by an electronic download, to the user's computer or server, and either directly or through wholesale or retail channels, that same computer software or comparable computer software that performs the same functions.~~

(c) The term "tangible personal property" does not include advertising space when sold to an advertiser or its agent by the publisher of the newspaper or the magazine in which the advertisement is displayed or circulated.

Approved April 4, 2014

CHAPTER 341
(H.B. No. 600)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-30220, IDAHO CODE, TO CLARIFY THAT A CERTAIN SECTION OF THE INTERNAL REVENUE CODE SHALL NOT APPLY TO ASSETS ACQUIRED AFTER A CERTAIN DATE AND TO REMOVE REFERENCES TO CERTAIN CONGRESSIONAL ENACTMENTS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-30220, Idaho Code, be, and the same is hereby amended to read as follows:

63-30220. ADJUSTMENT -- PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001 -- 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 the adjusted basis of depreciable property, depreciation and gains and losses from sale, exchange or other disposition of depreciable property acquired after December 31, 2009, shall be computed without regard to subsection (k) of section 168 of the Internal Revenue Code, ~~as amended by the "tax relief, unemployment insurance reauthorization and job creation act of 2010" and as amended by the "small business jobs act of 2010"; and~~

(2) 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

(3) 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

(4) 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

(5) 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 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, 2013.

Approved April 4, 2014

CHAPTER 342
(H.B. No. 633)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2015;
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND
PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION.

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 according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General					
Fund	\$621,800	\$423,100			\$1,044,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Administration and Accounting Services					
Fund	935,900	118,800	\$78,500		1,133,200
Facilities Maintenance					
Fund	<u>134,700</u>	<u>185,100</u>	<u>0</u>		<u>319,800</u>
TOTAL	\$1,692,400	\$727,000	\$78,500		\$2,497,900

II. ANIMAL INDUSTRIES:

FROM:

General

Fund	\$1,408,100	\$208,700			\$1,616,800
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Agricultural Inspection

Fund	38,000	9,700			47,700
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Agricultural Fees - Livestock Disease Control

Fund	471,000	263,300	\$72,500		806,800
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Agricultural Fees - Dairy Inspection

Fund	1,163,000	405,200	56,900		1,625,100
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Agricultural Fees - Egg Inspection

Fund	149,200	15,900			165,100
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Agricultural Fees - Commercial Fisheries

Fund	5,700	4,200			9,900
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Agricultural Fees - Poultry Inspection

Fund	72,200	17,500			89,700
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Seminars and Publications

Fund		98,300			98,300
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Federal Grant

Fund	<u>390,700</u>	<u>284,400</u>	<u>0</u>	<u>\$58,200</u>	<u>733,300</u>
TOTAL	\$3,697,900	\$1,307,200	\$129,400	\$58,200	\$5,192,700

III. AGRICULTURAL RESOURCES:

FROM:

General

Fund	\$187,300	\$130,700			\$318,000
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Agricultural Fees - Pesticides

Fund	1,776,200	784,300	\$137,100		2,697,600
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Federal Grant

Fund	<u>385,300</u>	<u>133,400</u>	<u>0</u>		<u>518,700</u>
TOTAL	\$2,348,800	\$1,048,400	\$137,100		\$3,534,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. PLANT INDUSTRIES:					
FROM:					
General					
Fund	\$1,111,100	\$683,000		\$1,288,000	\$3,082,100
Agricultural Inspection					
Fund	1,081,400	286,300		111,100	1,478,800
Invasive Species					
Fund	513,600	349,300	\$48,600	550,000	1,461,500
Agricultural Fees - Commercial Feed and Fertilizer					
Fund	1,042,600	293,000	350,500		1,686,100
Agricultural Fees - Honey Advertising					
Fund	400	16,300			16,700
Quality Assurance Laboratory Services					
Fund	316,400	70,200			386,600
Federal Grant					
Fund	<u>673,800</u>	<u>1,335,800</u>	<u>26,900</u>	<u>1,136,700</u>	<u>3,173,200</u>
TOTAL	\$4,739,300	\$3,033,900	\$426,000	\$3,085,800	\$11,285,000

V. AGRICULTURAL INSPECTIONS:

FROM:

General

Fund	\$637,700	\$140,100			\$777,800
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Weights and Measures Inspection

Fund	304,200	61,200	\$103,500		468,900
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Agricultural Fees - Organic Food Products

Fund	229,900	79,400	4,500		313,800
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Agricultural Fees - Fresh Fruit and Vegetable Inspection

Fund	6,408,700	1,832,300	357,700		8,598,700
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Federal Grant

Fund	<u>0</u>	<u>10,000</u>	<u>0</u>	<u>\$100,000</u>	<u>110,000</u>
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TOTAL	\$7,580,500	\$2,123,000	\$465,700	\$100,000	\$10,269,200
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VI. MARKET DEVELOPMENT:

FROM:

General

Fund	\$387,000	\$363,400			\$750,400
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Agricultural Inspection

Fund	44,900	70,100	\$2,800		117,800
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Seminars and Publications

Fund		245,600			245,600
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USDA Publications

Fund		64,900			64,900
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Rural Economic Development Integrated Freight Trans.					
Fund	9,300	20,000		\$140,000	169,300
Revolving Loans					
Fund	12,300	15,300			27,600
Federal Grant					
Fund	<u>117,100</u>	<u>275,100</u>	<u>0</u>	<u>767,500</u>	<u>1,159,700</u>
TOTAL	\$570,600	\$1,054,400	\$2,800	\$907,500	\$2,535,300

VII. ANIMAL DAMAGE CONTROL:

FROM:

General

Fund				\$138,800	\$138,800
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Animal Damage Control

Fund				215,700	215,700
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Agricultural Fees - Sheep and Goat Health

Fund		\$200		167,200	167,400
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Federal Grant

Fund		<u>0</u>		<u>75,000</u>	<u>75,000</u>
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TOTAL		\$200		\$596,700	\$596,900
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VIII. SHEEP AND GOAT HEALTH BOARD:

FROM:

General

Fund	\$62,400				\$62,400
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Agricultural Fees - Sheep and Goat Health

Fund	<u>64,800</u>	<u>\$37,700</u>			<u>102,500</u>
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TOTAL	\$127,200	\$37,700			\$164,900
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GRAND TOTAL	\$20,756,700	\$9,331,800	\$1,239,500	\$4,748,200	\$36,076,200
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SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Agriculture is authorized no more than one hundred ninety and five-hundredths (190.05) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

Approved April 4, 2014

CHAPTER 343
(H.B. No. 634)

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2015;
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 Public Defense Commission from the General Fund, the following amounts to be expended for the designated expense classes, for the period July 1, 2014, through June 30, 2015:

FOR:

Personnel Costs	\$119,800
Operating Expenditures	70,200
Trustee and Benefit Payments	<u>110,000</u>
TOTAL	\$300,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Defense Commission is authorized no more than one and five-tenths (1.5) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 4, 2014

CHAPTER 344
(S.B. No. 1302, As Amended)

AN ACT

RELATING TO CONVEYANCES OR TRANSFERS OF PROPERTY; AMENDING SECTION 67-2323, IDAHO CODE, TO PROVIDE THAT NOTICE NEED NOT BE GIVEN FOR CERTAIN CONVEYANCES OR TRANSFERS OF REAL OR PERSONAL PROPERTY AND TO PROVIDE THAT FOR CONVEYANCES OR TRANSFERS OF REAL OR PERSONAL PROPERTY WITH A CERTAIN VALUE, NOTICE SHALL BE GIVEN BY PUBLICATION.

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

SECTION 1. That Section 67-2323, Idaho Code, be, and the same is hereby amended to read as follows:

67-2323. WRITTEN AGREEMENT BEFORE TRANSFER -- PUBLICATION OF NOTICE. Prior to any such conveyance or transfer, a written agreement shall be made between units of government or districts for a conveyance or transfer of real or personal property from one to the other with or without consideration.

For conveyances or transfers of real or personal property with a value of ten thousand dollars (\$10,000) or less, the property may be conveyed or transferred without notice and a hearing as otherwise provided herein. For conveyances or transfers of real or personal property with a value in excess of ten thousand dollars (\$10,000), notice of the general terms of the agreement shall be given by publication in at least two (2) issues in a newspaper printed or of general circulation in the county or counties in which such respective units are located and having general circulation within such county or counties. Said notice shall give time and place of the next regular or special meeting of each respective unit at which time the governing board of such units propose to ratify such an agreement. The first publication shall be made not less than twelve (12) days prior to each meeting, and the last publication of notice shall be made not less than five (5) days prior to each meeting.

Approved April 4, 2014

CHAPTER 345
(S.B. No. 1353)

AN ACT

RELATING TO THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 20-511, IDAHO CODE, TO PROVIDE THAT THE COURT MAY DISMISS A CASE UPON AN APPLICATION BY THE JUVENILE OFFENDER IF CERTAIN CRITERIA ARE SATISFIED; AND AMENDING CHAPTER 5, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-520A, IDAHO CODE, TO PROVIDE FOR DISMISSAL AND DISCHARGE UPON COMPLETION OF AN AUTHORIZED DRUG, MENTAL HEALTH OR OTHER AUTHORIZED PROBLEM SOLVING COURT PROGRAM.

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

SECTION 1. That Section 20-511, Idaho Code, be, and the same is hereby amended to read as follows:

20-511. DIVERSION OR INFORMAL DISPOSITION OF THE PETITION. (1) Prior to the filing of any petition under this act, the prosecuting attorney may request a preliminary inquiry from the county probation officer to determine

whether the interest of the public or the juvenile requires a formal court proceeding. If court action is not required, the prosecuting attorney may utilize the diversion process and refer the case directly to the county probation officer or a community-based diversion program for informal probation and counseling. If the diversion process is utilized pursuant to this subsection, then statements made by a juvenile in a diversion proceeding shall be inadmissible at an adjudicative proceeding on the underlying charge as substantive evidence of guilt. If community service is going to be utilized pursuant to this subsection, the prosecuting attorney shall collect a fee of sixty cents (60¢) per hour for each hour of community service work the juvenile is going to perform and remit the fee to the state insurance fund for the purpose of securing worker's compensation insurance for the juvenile offender performing community service. However, if a county is self-insured and provides worker's compensation insurance for persons performing community service pursuant to the provisions of this chapter, then remittance to the state insurance fund is not required.

(2) After the petition has been filed and where, at the admission or denial hearing, the juvenile offender admits to the allegations contained in the petition, the court may decide to make an informal adjustment of the petition. Informal adjustment includes, but is not limited to:

- (a) Reprimand of the juvenile offender;
- (b) Informal supervision with the probation department;
- (c) Community service work;
- (d) Restitution to the victim;
- (e) Participation in a community-based diversion program.

(3) The court may dismiss the case upon an application by the juvenile offender if:

- (a) An informal adjustment has been granted and the juvenile offender has satisfied the terms or conditions of the informal adjustment;
- (b) The court is convinced by the showing made that there is no longer cause for continuing the period of informal adjustment; and
- (c) It be compatible with the public interest.

(4) Information uniquely identifying the juvenile offender, the offense, and the type of program utilized shall be forwarded to the department. This information shall be maintained by the department in a statewide juvenile offender information system. Access to the information shall be controlled by the department, subject to the provisions of section 9-342, Idaho Code.

(45) Such informal adjustment of the petition shall be conducted in the manner prescribed by the Idaho juvenile rules. When an informal adjustment is made pursuant to this section and the juvenile offender is to perform community service work, the court shall assess the juvenile offender a fee of sixty cents (60¢) per hour for each hour of community service work the juvenile offender is to perform. This fee shall be remitted by the court to the state insurance fund for the purpose of securing worker's compensation insurance for the juvenile offender performing community service. However, if a county is self-insured and provides worker's compensation insurance for persons performing community service pursuant to the provisions of this chapter, then remittance to the state insurance fund is not required.

SECTION 2. That Chapter 5, Title 20, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 20-520A, Idaho Code, and to read as follows:

20-520A. DISMISS AND DISCHARGE UPON COMPLETION OF AUTHORIZED DRUG, MENTAL HEALTH OR OTHER AUTHORIZED PROBLEM SOLVING COURT PROGRAM. If a juvenile offender has successfully completed and graduated from an authorized juvenile drug court program, juvenile mental health court program or other authorized problem solving court program and, during any period of probation

that may have been served following such graduation, has satisfied the terms or conditions of the probation, the court may, if convinced by the showing made that there is no longer cause for continuing the period of probation, and if it be compatible with the public interest, terminate the juvenile's sentence, set aside the adjudication of the juvenile offender finding the juvenile offender within the purview of the juvenile corrections act, and finally dismiss the case and discharge the juvenile offender from the jurisdiction of the court. This section shall apply to the cases in which juvenile offenders have been found within the purview of the juvenile corrections act before the effective date of this section, as well as to cases that arise on or after the effective date of this section.

Approved April 4, 2014

CHAPTER 346
(S.B. No. 1355, As Amended in the House)

AN ACT

RELATING TO STANDARD OF MEDICAL CARE; AMENDING CHAPTER 10, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-1014, IDAHO CODE, TO PROVIDE THAT METRICS ESTABLISHED BY THE FEDERAL GOVERNMENT UNDER THE AFFORDABLE CARE ACT AND BY INSURERS DO NOT ESTABLISH THE STANDARD OF MEDICAL CARE IN IDAHO AND TO DEFINE TERMS.

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

SECTION 1. That Chapter 10, Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6-1014, Idaho Code, and to read as follows:

6-1014. PATIENT PROTECTION AND AFFORDABLE CARE ACT AND OTHER METRICS NOT USED TO ESTABLISH COMMUNITY STANDARD. (1) In determining whether a health care practitioner has met a standard of care under this chapter or under any other Idaho statute, no criteria, guideline, standard or other metric established or imposed by the patient protection and affordable care act (PPACA), P.L. 111-148, established or imposed by or pursuant to any other law or regulation of the United States or any entity or agency thereof and used for the purpose of determining reimbursement or a rate of reimbursement for the care provided, or established or imposed by another state or by a third party payor, shall be used as a basis for establishing an applicable community standard of care. The fact that a health care practitioner has met or failed to meet any such criteria, guideline, standard or other metric shall not be admissible or considered by a finder of fact in any proceeding or other action concerning a determination of liability of a health care practitioner to a patient or other party seeking damages on account of an injury to a patient or in any proceeding or other action of a state licensing or regulatory authority imposing professional discipline for failure of a health care practitioner to meet the applicable standard of care.

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this section shall prevent the consideration of facts that establish compliance or lack of compliance with a community standard of care, so long as the facts considered do not include reference to any criteria, guideline, standard or other metric imposed by the PPACA, established or imposed by or pursuant to any other law or regulation of the United States or any entity or agency thereof and used for the purpose of determining reimbursement or a rate of reimbursement for the care provided, or established or imposed by another state or by a third party payor.

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

(a) "Health care practitioner" means a person licensed, registered or otherwise authorized under title 54, Idaho Code, to provide services relating to the prevention, cure or treatment of illness, injury or disease.

(b) "Third party payor" means any entity subject to the jurisdiction of the department of insurance under title 41, Idaho Code, and also includes any federal, state or local government entity and its contractors making payments or administering any plan or program paying for health care services.

Approved April 4, 2014

CHAPTER 347
(S.B. No. 1359)

AN ACT

RELATING TO EXEMPTIONS FROM COVERAGE FROM THE WORKER'S COMPENSATION LAW; AMENDING SECTION 72-212, IDAHO CODE, TO PROVIDE THAT IF THE EMPLOYER IS THE OWNER OF A SOLE PROPRIETORSHIP OR A SINGLE MEMBER LIMITED LIABILITY COMPANY THAT IS TAXED AS A SOLE PROPRIETORSHIP, THE EMPLOYMENT OF MEMBERS OF AN EMPLOYER'S FAMILY DWELLING IN HIS HOUSEHOLD SHALL BE EXEMPT UNLESS COVERAGE IS ELECTED AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 72-212, Idaho Code, be, and the same is hereby amended to read as follows:

72-212. EXEMPTIONS FROM COVERAGE. None of the provisions of this law shall apply to the following employments unless coverage thereof is elected as provided in section 72-213, Idaho Code:

- (1) Household domestic service.
- (2) Casual employment.
- (3) Employment of outworkers.
- (4) Employment of members of an employer's family dwelling in his household if the employer is the owner of a sole proprietorship or a single member limited liability company that is taxed as a sole proprietorship.
- (5) Employment of members of an employer's family not dwelling in his household if the employer is the owner of a sole proprietorship, provided the family member has filed with the commission a written declaration of his election for exemption from coverage. For the purposes of this subsection, "member of an employer's family" means a natural person or the spouse of a natural person who is related to the employer by blood, adoption or marriage within the first degree of consanguinity or a grandchild or the spouse of a grandchild.
- (6) Employment as the owner of a sole proprietorship; employment of a working member of a partnership or a limited liability company; employment of an officer of a corporation who at all times during the period involved owns not less than ten percent (10%) of all of the issued and outstanding voting stock of the corporation and, if the corporation has directors, is also a director thereof.
- (7) Employment for which a rule of liability for injury, occupational disease, or death is provided by the laws of the United States.
- (8) Employment as a pilot of an aircraft, while actually operating an aircraft for the purpose of applying fertilizers or pesticides to agricul-

tural crops, shall be exempt from the provisions of the worker's compensation law, provided that:

(a) The industrial commission has issued to the agent submitting the policy, written approval of a policy of insurance that will provide benefits in an amount of not less than: twenty-five thousand dollars (\$25,000) accidental death and dismemberment, ten thousand dollars (\$10,000) medical expense payments, and five hundred dollars (\$500) per month disability income for a minimum of forty-eight (48) months; and

(b) Once the policy has been approved by the industrial commission, proof of coverage for the specified pilot has been filed with the commission prior to the pilot actually operating an aircraft.

Provided however, the agent issuing the policy shall obtain approval of the policy of insurance, and proof of coverage for each pilot insured under the policy shall be filed with the commission, each calendar year. The exemption shall be effective on the date the commission receives proof of coverage for the specified pilot, but no earlier than the date written approval of the policy was issued by the commission.

(9) Associate real estate brokers and real estate salesmen. Service performed by an individual for a real estate broker as an associate real estate broker or as a real estate salesman, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.

(10) Volunteer ski patrollers.

(11) Officials of athletic contests involving secondary schools, as defined in section 33-119, Idaho Code.

Approved April 4, 2014

CHAPTER 348

(S.B. No. 1370, As Amended, As Amended, As Amended)

AN ACT

RELATING TO THE LEGISLATURE; AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-412, IDAHO CODE, TO PROVIDE REQUIREMENTS RELATING TO DESIGNATING A QUALIFIED SUBSTITUTE WHEN A LEGISLATOR IS TEMPORARILY UNABLE TO PERFORM THE DUTIES OF OFFICE.

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

SECTION 1. That Chapter 4, 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 67-412, Idaho Code, and to read as follows:

67-412. DESIGNATING QUALIFIED SUBSTITUTE WHEN LEGISLATOR TEMPORARILY UNABLE TO PERFORM DUTIES. (1) In the event that a legislator is temporarily unable to perform the duties of his office, the legislator may designate a qualified person to succeed to the powers and duties, but not the office, of the legislator until the incumbent legislator is able to resume performance of his duties or a vacancy occurs in the office. If a legislator appoints a temporary successor, that person shall be designated or serve as a temporary substitute only if the person is qualified, under the Idaho constitution and statutes, to hold the office of the legislator to whose powers and duties the person is designated to succeed, which shall be verified by the legislator.

(2) In the event of an attack, as defined in section 67-415, Idaho Code, the provisions of the emergency interim legislative succession act shall apply.

Approved April 4, 2014

CHAPTER 349
(S.B. No. 1379)

AN ACT

RELATING TO UNIFORM CONTROLLED SUBSTANCES; AMENDING SECTION 37-2705, IDAHO CODE, TO REVISE CERTAIN CONTROLLED SUBSTANCES LISTED IN SCHEDULE I.

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

SECTION 1. That Section 37-2705, Idaho Code, be, and the same is hereby amended to read as follows:

37-2705. SCHEDULE I. (a) The controlled substances listed in this section are included in schedule I.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- (2) Acetylmethadol;
- (3) Allylprodine;
- (4) Alphacetylmethadol (except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM);
- (5) Alphameprodine;
- (6) Alphamethadol;
- (7) Alpha-methylfentanyl;
- (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (9) Benzethidine;
- (10) Betacetylmethadol;
- (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
- (12) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide);
- (13) Betameprodine;
- (14) Betamethadol;
- (15) Betaprodine;
- (16) Clonitazene;
- (17) Dextromoramide;
- (18) Diampromide;
- (19) Diethylthiambutene;
- (20) Difenoxin;
- (21) Dimenoxadol;
- (22) Dimepheptanol;
- (23) Dimethylthiambutene;
- (24) Dioxaphetyl butyrate;
- (25) Dipipanone;
- (26) Ethylmethylthiambutene;
- (27) Etonitazene;
- (28) Etoxeridine;
- (29) Furethidine;
- (30) Hydroxypethidine;
- (31) Ketobemidone;
- (32) Levomoramide;
- (33) Levophenacymorphan;
- (34) 3-Methylfentanyl;

- (35) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (36) Morpheridine;
- (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (38) Noracymethadol;
- (39) Norlevorphanol;
- (40) Normethadone;
- (41) Norpipanone;
- (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);
- (43) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- (44) Phenadoxone;
- (45) Phenampromide;
- (46) Phenomorphan;
- (47) Phenoperidine;
- (48) Piritramide;
- (49) Proheptazine;
- (50) Properidine;
- (51) Propiram;
- (52) Racemoramide;
- (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
- (54) Tilidine;
- (55) Trimeperidine.

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine;
- (2) Acetyldihydrocodeine;
- (3) Benzylmorphine;
- (4) Codeine methylbromide;
- (5) Codeine-N-Oxide;
- (6) Cyprenorphine;
- (7) Desomorphine;
- (8) Dihydromorphine;
- (9) Drotebanol;
- (10) Etorphine (except hydrochloride salt);
- (11) Heroin;
- (12) Hydromorphanol;
- (13) Methyldesorphine;
- (14) Methyldihydromorphine;
- (15) Morphine methylbromide;
- (16) Morphine methylsulfonate;
- (17) Morphine-N-Oxide;
- (18) Myrophine;
- (19) Nicocodeine;
- (20) Nicomorphine;
- (21) Normorphine;
- (22) Pholcodine;
- (23) Thebacon.

(d) Hallucinogenic substances. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

- (1) ~~4-bromo-2,5-dimethoxy amphetamine;~~

- ~~(2) 2,5-dimethoxyamphetamine;~~
- ~~(3) 4-bromo-2,5-dimethoxyphenethylamine (some other names: alpha-desmethyl DOB, 2C-B), or any compound not specifically excepted or listed in another schedule that can be formed from dimethoxyphenethylamine by replacement of one (1) or more hydrogen atoms with another atom(s), functional group(s) or substructure(s) including, but not limited to, compounds such as DOB, DOC, 2C-B, 25B-NBOMe;~~
- ~~(4) 2,5-dimethoxy-4-ethylamphetamine (another name: DOET);~~
- ~~(5) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;~~
- (62) 4-methoxyamphetamine (PMA) or any compound not specifically excepted or listed in another schedule that can be formed from methoxyamphetamine by replacement of one (1) or more hydrogen atoms with another atom(s), functional group(s) or substructure(s) including, but not limited to, compounds such as PMA and DOM;
- (73) 5-methoxy-3,4-methylenedioxy-amphetamine;
- (84) 5-methoxy-N,N-diisopropyltryptamine;
- (95) 4-methyl-2,5-dimethoxy-amphetamine (DOM, STP) Amphetamine or methamphetamine with a halogen substitution on the benzyl ring, including compounds such as fluorinated amphetamine and fluorinated methamphetamine;
- (106) 3,4-methylenedioxy amphetamine;
- (117) 3,4-methylenedioxymethamphetamine (MDMA);
- (128) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-ethyl MDA, MDE, MDEA);
- (139) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-hydroxy MDA);
- (140) 3,4,5-trimethoxy amphetamine;
- (151) 5-methoxy-N,N-dimethyltryptamine (also known as 5-methoxy-3-2[2-(dimethylamino)ethyl]indole and 5-MeO-DMT);
- (162) Alpha-ethyltryptamine (some other names: etryptamine, 3-(2-aminobutyl) indole);
- (173) Alpha-methyltryptamine;
- (184) Bufotenine;
- (195) Diethyltryptamine (DET);
- (2016) Dimethyltryptamine (DMT);
- (217) Ibogaine;
- (2218) Lysergic acid diethylamide;
- (2319) Marihuana;
- (240) Mescaline;
- (251) Parahexyl;
- (262) Peyote;
- (273) N-ethyl-3-piperidyl benzilate;
- (284) N-methyl-3-piperidyl benzilate;
- (295) Psilocybin;
- (3026) Psilocyn;
- ~~(3127)~~ Tetrahydrocannabinols or synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure such as the following:
- i. Tetrahydrocannabinols:
 - a. Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers, excluding dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration.
 - b. Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers.

c. $\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)

d. [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyl-octan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol)], also known as 6aR-trans-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol (HU-210) and its geometric isomers (HU211 or dexanabinol).

ii. The following synthetic drugs:

a. Any compound structurally derived from (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methanone, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methane, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)carboxamide by substitution at the nitrogen atoms of the indole ring or carboxamide to any extent, whether or not further substituted in or on the indole ring to any extent, whether or not substituted to any extent in or on the cycloalkyl, cycloalkenyl, aryl ring(s) (substitution in the ring may include, but is not limited to, heteroatoms such as nitrogen, sulfur and oxygen).

b. Any compound structurally derived from 3-(1-naphthyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring to any extent, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent.

c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring to any extent, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.

d. Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring to any extent, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.

e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring to any extent, whether or not substituted in the cyclohexyl ring to any extent.

f. Any compound structurally derived from 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring to any extent, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

g. [2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrol-1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone (WIN-55,212-2).

h. 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (HU-243).

i. [(6S, 6aR, 9R, 10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate (CP 50,5561).

(328) Ethylamine analog of phencyclidine: N-ethyl-1-phenylcyclohexylamine (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

(3329) Pyrrolidine analog of phencyclidine: 1-(phenylcyclohexyl)-pyrrolidine, PCPy, PHP;

(340) Thiophene analog of phencyclidine 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP;

(351) 1-[1-(2-thienyl) cyclohexyl] pyrrolidine another name: TCPy;

(362) Spores or mycelium capable of producing mushrooms that contain psilocybin or psilocin.

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Gamma hydroxybutyric acid (some other names include GHB; gamma-hydroxybutyrate, 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

(2) Flunitrazepam (also known as "R2," "Rohypnol");

(3) Mecloqualone;

(4) Methaqualone.

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Aminorex (some other names: aminoxaphen, 2-amino-5-phenyl-2-oxazoline, or 4,5-dihydro-5-phenyl-2-oxazolamine);

(2) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone);

(3) Substituted cathinones. Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

i. By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl or halide substituents, whether or not further substituted in the ring system by one (1) or more other univalent substituents;

ii. By substitution at the 3-position with an acyclic alkyl substituent;

iii. By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(4) Fenethylamine;

(5) Methcathinone (some other names: 2-(methyl-amino)-propiophenone, alpha-(methylamino)-propiophenone, N-methylcathinone, AL-464, AL-422, AL-463 and UR1423);

(6) (+/-)cis-4-methylaminorex [(+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine];

(7) N-benzylpiperazine (also known as: BZP, 1-benzylpiperazine);

(8) N-ethylamphetamine;

(9) N,N-dimethylamphetamine (also known as: N,N-alpha-trimethyl-benzeethanamine).

CHAPTER 350
(S.B. No. 1396)

AN ACT

RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-133, IDAHO CODE, TO ESTABLISH A REVIEW COMMITTEE, TO PROVIDE THAT THE COMMITTEE WILL REVIEW CERTAIN TEST QUESTIONS AND MAKE RECOMMENDATIONS, TO PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL MAKE A DETERMINATION, TO PROVIDE FOR COMMITTEE MEMBERSHIP, TO PROVIDE FOR STAFF SUPPORT, TO PROVIDE FOR TERMS OF OFFICE, TO PROVIDE FOR ADJUSTMENT OF TERMS, TO PROVIDE THAT NO COMMITTEE MEMBER MAY RECEIVE COMPENSATION, TO PROVIDE THAT THE STATE BOARD MAY SEEK RECOMMENDATIONS FOR MEMBERSHIP, TO ESTABLISH PROVISIONS RELATING TO THE SUBMISSION OF RECOMMENDATIONS AND TO PROVIDE FOR RULES.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to ensure that parents of students, teachers and administrators in Idaho's public education system can participate in reviewing the type and kinds of questions that are posed in state assessments. This participation ensures that Idaho maintains its sovereignty with respect to the education of our children while ensuring that state assessments are appropriate and provide a reasonable tool to assess the academic growth of our students as well as assessing how well our education system is working.

SECTION 2. That Chapter 1, 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 33-133, Idaho Code, and to read as follows:

33-133. ASSESSMENT ITEM REVIEW COMMITTEE.

(1) (a) The state board of education shall establish a committee consisting of thirty (30) individuals, representing each of the six (6) education regions of the state established by the state board of education, to review all summative computer adaptive test questions. The committee's review shall include reviews for bias and sensitivity. The committee is authorized to make recommendations to the state board of education and the state department of education to revise or eliminate summative computer adaptive test questions from state assessments. The state board of education shall make the final determination regarding the adoption or rejection of the committee's recommendations. The committee established shall include the following members appointed by the state board of education:

(i) Two (2) parents of public school or public charter school students, selected from each of the six (6) education regions in this state;

(ii) One (1) public school or public charter school teacher, selected from each of the six (6) education regions in this state;

(iii) One (1) member who is an administrator of a school district or public charter school, selected from each of the six (6) education regions in this state; and

(iv) One (1) member from the district board of trustees or public charter school board of directors, selected from each of the six (6) education regions in this state.

(b) The state department of education shall provide staff support to the review committee.

(c) The term of office of each committee member appointed shall be four (4) years.

(d) The president of the state board of education shall adjust the length of terms to stagger the terms of committee members so that approximately one-half (1/2) of the committee members are appointed every two (2) years.

(e) No committee member may receive compensation or benefits for the member's service on the committee.

(f) The state board of education may solicit recommendations for committee members from districts, public charter schools and other public education stakeholders.

(2) The state board of education shall determine when committee recommendations must be submitted to the state board of education and the state department of education, provided that any such submission date must provide adequate time for the committee to review summative computer adaptive test questions before the assessment is administered to students. Adequate time means no fewer than thirty (30) days from the date the committee is notified of the summative computer adaptive test questions.

(3) The state board is hereby authorized to promulgate rules to implement the provisions of this section.

Approved April 4, 2014

CHAPTER 351
(S.B. No. 1409)

AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION; PROVIDING LEGISLATIVE INTENT FOR THE USE OF CONFERENCE-RELATED ACTIVITIES; PROVIDING LEGISLATIVE INTENT FOR THE PAYMENT OF BANK SERVICE FEES; AND PROVIDING LEGISLATIVE INTENT REGARDING INVESTMENT ACTIVITIES.

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 for the designated expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$874,200	\$508,600	\$1,382,800
State Treasurer LGIP			
Fund	391,000	113,600	504,600
Treasurer's Office - Professional Services			
Fund	391,100	341,100	732,200
Idaho Millennium Income			
Fund		80,000	80,000
Abandoned Property Trust - Unclaimed Property			
Fund	<u>586,500</u>	<u>280,500</u>	<u>867,000</u>
TOTAL	\$2,242,800	\$1,323,800	\$3,566,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Treasurer is authorized no more than twenty-six (26) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. STATE TREASURER LGIP FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Treasurer any unexpended and unencumbered balances of moneys in the State Treasurer Local Government Investment Pool Fund as appropriated for fiscal year 2014, to be used for nonrecurring expenditures, for the period July 1, 2014, through June 30, 2015.

SECTION 4. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

SECTION 5. CONFERENCE-RELATED ACTIVITIES. It is the intent of the Legislature that no more than \$10,000 from the General Fund, as appropriated in Section 1 of this act, shall be spent on various conference-related activities, including sponsorships, in-kind donations, and information booths. No moneys appropriated in Section 1 of this act from dedicated funds shall be used for conference-related activities unless otherwise provided for in Idaho Code; provided however, that in no event shall more than a total of \$10,000 from any fund source or combination thereof be used for said conference-related activities.

SECTION 6. PAYMENT OF BANK SERVICE FEES. Of the amount appropriated in Section 1 of this act, \$435,900 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, 2014, through June 30, 2015.

SECTION 7. INVESTMENT ACTIVITIES. Notwithstanding any other provision of state law, it is the intent of the Legislature that the State Treasurer's policies governing the investment and management of idle funds and other

funds accepted for investment pursuant to Sections 67-1210 and 67-1210A, Idaho Code, shall conform with the Idaho Uniform Prudent Investor Act, Chapter 5, Title 68, Idaho Code. Other than the security lending agreements in place upon the effective date of this act, the State Treasurer shall not invest state funds or any other funds in his hands by use of securities lending agreements and shall conduct an orderly program to terminate his use of securities lending. The State Treasurer shall strengthen internal processes to prevent the override of controls and to segregate investment activities and decision-making to ensure the preservation of his fiduciary duty of undivided loyalty to both the state idle pool and the local government investment pool. This section shall not supersede any legislation regarding the State Treasurer's investment activities that may subsequently become law.

Approved April 4, 2014

CHAPTER 352
(S.B. No. 1410)

AN ACT

RELATING TO SCHOOLS AND WIRELESS TECHNOLOGY STANDARDS; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1025, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO WIRELESS TECHNOLOGY STANDARDS, TO ESTABLISH PROVISIONS RELATING TO FUNCTIONALITY, VALIDATION TESTING, CONTENT FILTERING AND SECURITY, TO DEFINE A TERM AND TO PROVIDE FOR REQUIREMENTS.

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

SECTION 1. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1025, Idaho Code, and to read as follows:

33-1025. WIRELESS TECHNOLOGY STANDARDS FOR FUNDING PURPOSES. In order to be eligible to receive state funds for wireless technology infrastructure serving grades 9-12, school districts shall first demonstrate to the state department of education that said infrastructure meets or exceeds the following:

(1) Functionality. The wireless system shall ensure coverage such that there is sufficient capacity to connect all mobile computing devices to the wireless local area network (LAN) from any instructional and administrative area in the school. Students and educators will experience a transparent roaming connectivity to the wireless LAN while moving through all rooms and areas in the school building. The wireless system shall include access to all instructional areas as well as all administrative areas including, at a minimum, academic classrooms for all content areas, frequently used study areas, media centers, assembly spaces, libraries and administrative offices. The functionality shall meet requirements established pursuant to this section.

(2) Validation testing. System validation testing shall be conducted by school districts in conjunction with the state department of education to confirm the wireless installation meets or exceeds the functional requirements and performance and reliability specifications established pursuant to this section. This validation test will give the school district the opportunity to test its wireless system and will assure the state department of education that the solution meets or exceeds established performance and reliability standards. The testing shall include connectivity, usability

and reliability during the first year. The state department of education reserves the right to require additional testing as deemed appropriate to ensure the ongoing functionality and integrity of the wireless system. All installations shall include a site work completion and satisfaction verification signed by the responsible individuals designated by both the school district and the state department of education.

(3) Content filtering and wireless security. Internet content filtering shall be included as part of any wireless internet access made available to children, as required by section 33-132, Idaho Code. The filtering solution shall be configurable to school district policies on acceptable, age appropriate internet content. The content filtering shall include the ability:

- (a) For each school to manage its own filtering policies, including the decision to block specific categories of content and to maintain its own whitelist and blacklist overrides;
- (b) To provide individual district utilization and filtering reports, including the most frequently visited websites, the most frequently visited categories, the most frequently blocked websites, search terms most frequently used and the top authenticated users;
- (c) To audit all changes to content filtering;
- (d) For all reporting and management of content filtering to be available through any internet-connected browser and efficiently perform all content filtering functions; and
- (e) To protect against eavesdropping and unauthorized access, which shall include encryption or other techniques to provide assurances that the school district may turn on or off as school district policy indicates.

For the purposes of this section, the term "school district" also means public charter school. The state department of education shall develop wireless functionality, performance and reliability requirements. The department may consult with the Idaho education technology association in developing the requirements.

Approved April 4, 2014

CHAPTER 353
(S.B. No. 1418)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2015; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION; PROVIDING FEDERAL FUND REAPPROPRIATION; AND PROVIDING LEGISLATIVE INTENT FOR SUPPORT OF SPECIAL COMMITTEES.

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

SECTION 1. There is hereby appropriated to the Office of the State Board of Education, the following amounts to be expended according to the designated programs and expense classes, from the listed funds for the period July 1, 2014, through June 30, 2015:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. OSBE ADMINISTRATION:					
FROM:					
General					
Fund	\$1,719,100	\$513,100	\$11,500		\$2,243,700
Indirect Cost Recovery					
Fund	32,000	83,300			115,300
Miscellaneous Revenue					
Fund	108,200	60,000		\$50,000	218,200
Federal Grant					
Fund	<u>140,100</u>	<u>1,446,100</u>	<u>0</u>	<u>1,138,400</u>	<u>2,724,600</u>
TOTAL	\$1,999,400	\$2,102,500	\$11,500	\$1,188,400	\$5,301,800
II. CHARTER SCHOOL COMMISSION:					
FROM:					
General					
Fund			\$2,500		\$2,500
Public Charter School Authorizers					
Fund	<u>\$228,700</u>	<u>\$96,200</u>	<u>0</u>		<u>324,900</u>
TOTAL	\$228,700	\$96,200	\$2,500		\$327,400
GRAND TOTAL	\$2,228,100	\$2,198,700	\$14,000	\$1,188,400	\$5,629,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Board of Education is authorized no more than twenty-three and seventy-five hundredths (23.75) full-time equivalent positions at any point during the period July 1, 2014, through June 30, 2015, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EMPLOYEE COMPENSATION. It is the intent of the Legislature, working cooperatively with the Governor's Office, the Division of Human Resources, and the Division of Financial Management, to progress toward the goal of funding a competitive salary and benefit package that will attract qualified applicants, retain employees committed to public service excellence, motivate employees to maintain high standards of productivity, and reward employees for outstanding performance by:

- 1) Adjusting the compensation schedule upwards by 1% to move the salary structure toward market; and
- 2) Continuing the job classifications that are currently on payline exception to address specific recruitment or retention issues; and
- 3) Funding an ongoing 1% salary increase for state employees, and funding the equivalent of a one-time 1% bonus for state employees, based upon employee merit, with flexibility in distribution as determined by the agency directors.

The Legislature also finds that investing in state employee compensation should remain a high priority even in tough economic times, and therefore strongly encourages agency directors, institution executives and the Division of Financial Management to approve the use of salary savings to provide either one-time or ongoing merit increases for deserving employees and also to target employees who are below policy compensation. Such salary savings could result from turnover and attrition, or be the result of innovation and reorganization efforts that create savings. Such savings should be reinvested in employees. Agencies are cautioned to use one-time funding for one-time payments and ongoing funding for permanent pay increases.

SECTION 4. FEDERAL FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances of moneys categorized as federal funds as appropriated for fiscal year 2014, to be used for nonrecurring expenditures, for the period July 1, 2014, through June 30, 2015.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature that up to \$30,000 of General Fund moneys appropriated in this act may be expended during fiscal year 2015 in support of special committees, under the oversight of the State Board of Education, to study K-12 public school structure and funding. The committees could address career ladder compensation, tiered licensure, accountability, autonomy, mastery learning, average daily attendance or cooperative service agencies, but would not be limited to those topics. The State Board of Education shall report on the use of funds to the Idaho Legislature's Joint Finance-Appropriations Committee, Senate Education Committee and House Education Committee by no later than January 1, 2015.

Approved April 4, 2014

CHAPTER 354
(S.B. No. 1420)

AN ACT

APPROPRIATING AND DIRECTING A TRANSFER FROM THE GENERAL FUND TO THE TIME SENSITIVE EMERGENCIES REGISTRY FUND WITHIN THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2015; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE EMERGENCY MEDICAL SERVICES PROGRAM FOR FISCAL YEAR 2015; AND REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2015.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$225,800 from the General Fund to the Time Sensitive Emergencies Registry Fund in the Department of Health and Welfare, on July 1, 2014, or as soon thereafter as practicable, for the period July 1, 2014, through June 30, 2015.

SECTION 2. In addition to the appropriation made in Section 1 of Senate Bill No. 1383, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the Department of Health and Welfare for 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, 2014, through June 30, 2015:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
EMERGENCY MEDICAL SERVICES:			
FROM:			
Cooperative Welfare (General)			
Fund	\$96,400		\$96,400
Time Sensitive Emergencies Registry			
Fund	<u>0</u>	<u>\$225,800</u>	<u>225,800</u>
TOTAL	\$96,400	\$225,800	\$322,200

SECTION 3. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Physical Health Services Program in Section 1 of Senate Bill No. 1383, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, from the Cooperative Welfare (General) Fund is hereby reduced by the following amounts according to the designated expense classes for the period July 1, 2014, through June 30, 2015:

FOR:		
Personnel Costs		\$81,400
Operating Expenditures		<u>15,000</u>
TOTAL		\$96,400

Approved April 4, 2014

CHAPTER 355
(S.B. No. 1430)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2015; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2015; APPROPRIATING ADDITIONAL MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2015; APPROPRIATING ADDITIONAL MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2015; APPROPRIATING ADDITIONAL MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2015; APPROPRIATING ADDITIONAL MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2015; AND APPROPRIATING ADDITIONAL MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2015.

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

SECTION 1. In addition to the appropriation made in Section 1 of House Bill No. 626, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the Executive Office of ~~*the Governor \$1,800 from the General Fund to be expended for personnel costs*~~ for the period July 1, 2014, through June 30, 2015.

SECTION 2. In addition to the appropriation made in Section 1 of Senate Bill No. 1386, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the Office of the Lieutenant Governor \$4,200 from the General Fund to be expended for personnel costs for the period July 1, 2014, through June 30, 2015.

SECTION 3. In addition to the appropriation made in Section 1 of Senate Bill No. 1388, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the Secretary of State \$1,500 from the General Fund to be expended for personnel costs for the period July 1, 2014, through June 30, 2015.

SECTION 4. In addition to the appropriation made in Section 1 of House Bill No. 609, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the State Controller \$1,500 from the General Fund to be expended for personnel costs for the period July 1, 2014, through June 30, 2015.

SECTION 5. In addition to the appropriation made in Section 1 of Senate Bill No. 1391, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the Attorney General \$10,200 from the General Fund to be expended for personnel costs for the period July 1, 2014, through June 30, 2015.

SECTION 6. In addition to the appropriation made in Section 1 of Senate Bill No. 1409, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the State Treasurer \$1,500 from the General Fund to be expended for personnel costs for the period July 1, 2014, through June 30, 2015.

SECTION 7. In addition to the appropriation made in Section 1 of Senate Bill No. 1419, as enacted by the Second Regular Session of the Sixty-second Idaho Legislature, there is hereby appropriated to the Superintendent of Public Instruction \$1,500 from the General Fund to be expended for personnel costs for the period July 1, 2014, through June 30, 2015.

Approved April 4, 2014

* The item in Section 1 was line item vetoed as indicated.

CHAPTER 356

(S.B. No. 1395, As Amended in the House)

AN ACT

RELATING TO SALARIES OF STATE ELECTIVE OFFICERS; AMENDING SECTION 59-501, IDAHO CODE, TO REVISE THE SALARIES OF STATE ELECTIVE OFFICERS EXCEPT FOR THE ATTORNEY GENERAL FOR THE PERIOD FROM THE FIRST MONDAY IN JANUARY 2015 UNTIL THE FIRST MONDAY IN JANUARY 2019, TO PROVIDE FOR THE SALARY OF THE ATTORNEY GENERAL DURING HIS TERM OF OFFICE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 59-501, Idaho Code, be, and the same is hereby amended to read as follows:

59-501. SALARIES OF STATE ELECTIVE OFFICERS -- REGULAR PAYMENT -- TRAVELING EXPENSES -- FEES PROPERTY OF STATE. (1) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general and superintendent of public instruction shall, during their continuance in office, receive for their services compensation as follows:

Commencing on the first Monday in January 201~~1~~⁵, until the first Monday in January 201~~2~~⁶:

Governor, \$~~110,734~~^{120,785} per annum;

Lieutenant governor, ~~\$29,18442,275~~ per annum;
 Secretary of state, ~~\$90,006102,667~~ per annum;
 State controller, ~~\$90,006102,667~~ per annum; said compensation to be au-
 dited by the legislative council;

~~Attorney general, \$99,825 per annum;~~

State treasurer, ~~\$90,006102,667~~ per annum; and

State superintendent of public instruction, ~~\$90,006102,667~~ per annum.

(2) The governor, lieutenant governor, secretary of state, state controller, state treasurer, ~~attorney general~~ and superintendent of public instruction shall, during their continuance in office, receive for their services compensation as follows:

Commencing on the first Monday in January 2012~~6~~, until the first Monday in January 2013~~7~~:

Governor, ~~\$115,348122,597~~ per annum;

Lieutenant governor, ~~\$30,40042,909~~ per annum;

Secretary of state, ~~\$93,756104,207~~ per annum;

State controller, ~~\$93,756104,207~~ per annum; said compensation to be au-

dited by the legislative council;

~~Attorney general, \$103,984 per annum;~~

State treasurer, ~~\$93,756104,207~~ per annum; and

State superintendent of public instruction, ~~\$93,756104,207~~ per annum.

(3) Commencing on the first Monday in January 2013~~7~~, until the first Monday in January 2014~~8~~, the governor shall receive for his services compensation of ~~\$117,000124,436~~ per annum; and each officer named in subsection (2) of this section, except for the governor and attorney general, shall receive the following compensation for their services:

Lieutenant governor, thirty-five percent (305%) of the governor's compensation as provided for in this subsection, per annum;

Secretary of state, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum;

State controller, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum; said compensation to be audited by the legislative council;

~~Attorney general, ninety percent (90%) of the governor's compensation as provided for in this subsection, per annum;~~

State treasurer, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum; and

State superintendent of public instruction, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum.

(4) Commencing on the first Monday in January 2014~~8~~, until the first Monday in January 2015~~9~~, the governor shall receive for his services compensation of ~~\$119,000126,302~~ per annum; and each officer named in subsection (3) of this section, except for the governor and attorney general, shall receive the following compensation for their services:

Lieutenant governor, thirty-five percent (305%) of the governor's compensation as provided for in this subsection, per annum;

Secretary of state, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum;

State controller, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum; said compensation to be audited by the legislative council;

~~Attorney general, ninety percent (90%) of the governor's compensation as provided for in this subsection, per annum;~~

State treasurer, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum; and

State superintendent of public instruction, eighty-five percent (85%) of the governor's compensation as provided for in this subsection, per annum.

(5) Prior to the start of the next term of office for the attorney general, the attorney general's salary shall be increased to match that of a district judge as provided in section 59-502, Idaho Code, on December 31 of the last year of the attorney general's term of office. Such increase shall take effect on the first Monday in January of the attorney general's term of office.

(6) Such compensation shall be paid on regular pay periods as due out of the state treasury, and shall be in full for all services by said officers respectively rendered in any official capacity or employment whatever during their respective terms of office; but no increase in the rate of compensation shall be made during the terms of such officers; provided, however, that the actual and necessary expenses of the governor, lieutenant governor, secretary of state, attorney general, state controller, state treasurer, and superintendent of public instruction while traveling within the state, or between points within the state, in the performance of official duties, shall be allowed and paid by the state; not however, exceeding such sum as shall be appropriated for such purpose.

(67) Actual and necessary subsistence expenses of the governor while traveling in connection with the performance of official duties are hereby expressly exempted from the provisions of sections 67-2007 and 67-2008, Idaho Code. (Standard Travel Pay and Allowance Act of 1949).

(78) No officer named in this section shall receive, for the performance of any official duty any fee for his own use, but all fees fixed by law for the performance by either of them, of any official duty, shall be collected in advance and deposited with the state treasurer to the credit of the state.

Law without signature

CHAPTER 357

(H.B. No. 441, As Amended in the Senate)

AN ACT

RELATING TO THE TAXATION OF PERSONAL PROPERTY; AMENDING SECTION 33-1103, IDAHO CODE, TO REVISE THE DEFINITION OF "MARKET VALUE FOR ASSESSMENT PURPOSES"; AMENDING SECTION 63-201, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 63-309, IDAHO CODE, TO PROVIDE THAT CERTAIN PROPERTY IS NOT ELIGIBLE FOR THE PERSONAL PROPERTY TAX EXEMPTION; AMENDING SECTION 63-602KK, IDAHO CODE, TO REVISE CERTAIN ADMINISTRATIVE PROVISIONS REGARDING ADMINISTRATION OF THE PERSONAL PROPERTY TAX EXEMPTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-803, IDAHO CODE, TO REVISE THE DEFINITION OF "TAXABLE VALUE"; AMENDING SECTION 63-803, IDAHO CODE, AS ADDED BY SECTION 13, CHAPTER 339, LAWS OF 2012, TO REVISE THE DEFINITION OF "TAXABLE VALUE"; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION OF SALES TAX MONEYS IF TAXING DISTRICTS ARE CONSOLIDATED, TO PROVIDE FOR THE EFFECT OF TAXING DISTRICTS OR REVENUE ALLOCATION AREAS ANNEXING TERRITORY AND TO PROVIDE FOR TAXING DISTRICT AND REVENUE ALLOCATION AREA INELIGIBILITY TO RECEIVE MONEYS; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 33-1103, Idaho Code, be, and the same is hereby amended to read as follows:

33-1103. DEFINITIONS -- BONDS -- LIMITATION ON AMOUNT -- ELECTIONS TO AUTHORIZE ISSUANCE. (1) For the purposes of this chapter the following definitions shall have the meanings specified: "Market value for assessment purposes" means the amount of the last preceding equalized assessment of all taxable property and all property exempt from taxation pursuant to section 63-602G, Idaho Code, 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 title 34, Idaho Code.

(5) The question shall be approved only if the percentage of votes cast at such election were cast in favor thereof is that which now, or may hereafter be, set by the constitution of the state of Idaho. Upon such approval of the issuance of bonds, the same may be issued at any time after the date of such election.

SECTION 2. 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 chapters 1 through 23, title 63, 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) "Credit card" means a card or device, whether known as a credit card or by any other name, issued under an arrangement pursuant to which a card issuer gives to a cardholder the privilege of obtaining credit from the card issuer or other person in purchasing or leasing property or services, obtaining loans, or otherwise.

(6) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(7) "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.

(8) "Electronic funds transfer" means any transfer of funds that is initiated by electronic means, such as an electronic terminal, telephone, computer, ATM or magnetic tape.

(9) "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.~~

(10) "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.

(11) "Improvements" means all buildings, structures, 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 land, 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.

(12) "Late charge" means a charge of two percent (2%) of the delinquency.

(13) "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.

(14) "Legal tender" means lawful money as defined in subsection (13) of this section.

(15) "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.

(16) "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 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. 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.

(17) "Party in interest" means a person who holds a properly recorded mortgage, deed of trust or security interest.

(18) "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.

(19) "Personal property" means everything that is the subject of ownership and that is not included within the term "real property."

(20) "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.

(21) "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.

(22) "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.

(23) "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. Timber, forest, forest land, and forest products shall be defined as provided in chapter 17, title 63, Idaho Code.

(24) "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.

(25) "Special assessment" means a charge imposed upon property for a specific purpose, collected and enforced in the same manner as property taxes.

(26) "System value" means the market value for assessment purposes of the operating property when considered as a unit.

(27) "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.

(28) "Taxing district" means any entity or unit with the statutory authority to levy a property tax.

(29) "Taxable value" means market value for assessment purposes, less applicable exemptions or other statutory provisions.

(30) "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.

(31) "Warrant of distraint" means a warrant ordering the seizure of personal property to enforce payment of property tax, special assessment, expense, fee, collection cost or charge collected in the same manner as personal property tax.

SECTION 3. That Section 63-309, Idaho Code, be, and the same is hereby amended to read as follows:

63-309. IMPROVEMENTS ON EXEMPT AND RAILROAD RIGHTS-OF-WAY LANDS -- EQUITY IN STATE PROPERTY. (1) All taxable improvements on government, Indian, state, county, municipal or other lands exempt from taxation, and all improvements on all railroad rights-of-way owned separately from the ownership of the rights-of-way upon which the same stands, or in which nonexempt persons have possessory interests, shall be assessed and taxed as personal property, provided that such improvements shall not be eligible for the exemption provided in section 63-602KK, Idaho Code.

(2) Property of the state of Idaho or any department, agency or subdivision thereof, or any other property not subject to property taxation to the owner thereof by reason of the legal status of the owner, held under contract of sale or lease with option to purchase, with lease moneys applicable to the purchase price, by any person, corporation or other association for his or its exclusive use, shall be subject to the purchaser or lessee for property taxation. When such property is held under a contract of sale or other agreement whereby on certain payment or payments the legal title is or may be acquired by such person, firm, corporation or association, such property shall be assessed to such person, firm, corporation or association and taxed without deduction on account of the whole or any part of the purchase price or other sum due on such property remaining unpaid. The lien for any such property tax shall neither attach to, impair or be enforced against any interest of the state of Idaho or any department, agency or subdivision thereof.

(3) Refusal to pay the property tax levied upon any equity in state property by the owner upon demand by the tax collector shall operate as forfeiture of such equity.

SECTION 4. That Section 63-602KK, Idaho Code, be, and the same is hereby amended to read as follows:

63-602KK. PROPERTY EXEMPT FROM TAXATION -- CERTAIN PERSONAL PROPERTY.

(1) (a) An item of taxable personal property purchased on or after January 1, 2013, shall be exempt from property taxation if the item of taxable personal property has an acquisition price of three thousand dollars (\$3,000) or less.

(b) For purposes of this section, the term "acquisition cost" means all costs required to put an item of taxable personal property into service and includes:

- (i) The purchase price of a new or used item;
- (ii) The cost of freight and shipping;
- (iii) The cost of installation, engineering, erection or assembly; and
- (iv) Sales and use taxes.

(c) For purposes of this subsection, an "item of taxable personal property" means equipment, machinery, furniture or other personal property that is functioning at its highest and best use for the purpose it was designed and constructed and is generally capable of performing that function without being combined with other items of personal property. An item of taxable personal property is not an individual component part of a piece of equipment, machinery, furniture or other personal property as a whole. An item of taxable personal property does not include an improvement to real property, a part that will become an improvement, or anything defined as a fixture.

(2) On and after January 1, 2013, each taxpayer's personal property, located in the county, which is not otherwise exempt, 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.

(3) (a) No later than the third Monday of November 2013, the county clerk of each county shall certify to the state tax commission the amount of exemption from property taxes under subsection (2) 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 (2) 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.

(b) For the year beginning January 1, 2014, and every year thereafter, the amount of annual replacement of property tax on personal property exempted pursuant to subsection (2) of this section shall be the amount approved by the state tax commission pursuant to paragraph (a) of this subsection.

(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 personal property exempted by this section within an existing revenue allocation area as defined in section 50-2903(15), Idaho Code, shall be paid directly by the county treasurer to such public body or agency entitled thereto, equal to the amounts that would have been distributed in accordance with the formula for such distribution set forth in section 50-2908, Idaho Code. Taxing districts created on or after January 1, 2013, shall not be eligible for the reimbursement provided for in this paragraph.

(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) (a) 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.

(b) The exemption from personal property tax provided for in subsection (2) of this section shall not apply to motor vehicles, recreational vehicles, aircraft and boats, which that are not registered with the state of Idaho and for which required registration fees have not been paid.

(6) (a) The application for the exemption provided for in subsection (2) of this section shall be in the form prescribed by the state tax commission and shall include such information as the state tax commission may require by rule as needed to implement the purpose of this section including, but not limited to, a list of each item of personal property, the purchase date of each item of personal property, the unit cost of each item of personal property, if more than the exemption allowed in subsection (1) of this section, and the total cost of the items of personal property.

(b) The application for this exemption, if the county is capable of so providing, may be transmitted by the county assessor electronically, as that term is defined in section 63-115, Idaho Code, when requested by the taxpayer, or mailed by the county assessor to the taxpayer, or his agent or representative at the taxpayer's last known post office address, no later than March 1 of each year. The transmission or mailing of the application shall also include the taxpayer's application for the exemption allowed by this section for the last year in which the taxpayer filed an application.

(c) A taxpayer need only make application for the exemption in this section once every five (5) years, as long as all of the following conditions are met:

(i) The taxpayer has received the exemption during the previous year as a result of him making a valid application as defined in this section.

(ii) The amount of the exemption allowed by this section is more than the taxable value of personal property owned by the taxpayer.

(iii) The taxpayer has not made purchases of personal property, excluding items of taxable personal property exempted pursuant to

subsection (1) of this section, that would cause the taxable value of the personal property owned by the taxpayer to exceed the maximum amount allowed as an exemption by this section.

(ivd) Knowingly failing to report changes in the taxable value of personal property that exceed the amount of the exemption allowed pursuant to ~~subsection (2) of~~ this section shall subject the taxpayer to a fine not in excess of ten thousand dollars (\$10,000) in addition to other penalties set forth in this chapter.

(7) Recovery of property tax exemptions allowed by this section but improperly claimed ~~per affidavit~~:

(a) Upon discovery of evidence, facts or circumstances indicating any exemption allowed by this section was improperly claimed, the county assessor shall decide whether the exemption claimed should have been allowed, and if not, notify the board of county commissioners, at which time the board may waive a recovery of the property tax and notify such taxpayer in writing.

(b) The assessment and collection of the recovery of property tax must begin within the seven (7) year period beginning on the date the assessment notice reflecting the improperly claimed exemption was required to be mailed to the taxpayer.

(c) The taxpayer may appeal to the board of tax appeals the decision by the board of county commissioners to assess the recovery of property tax within thirty (30) days of the date the county assessor sent the notice to the taxpayer pursuant to this section.

(d) For purposes of calculating the tax, the amount of the recovered property tax shall be for each year the exemption allowed by this section was improperly claimed or approved, up to a maximum of seven (7) years. The amount of the recovery of property tax shall be calculated using the product of the amount of exempted value for each year multiplied by the levy for that year plus costs, late charges and interest for each year at the rates equal to those provided for delinquent property taxes during that year. In cases of fraud, the fine set forth in subsection (6) ~~(ed) (iv)~~ of this section shall be assessed for each ~~annual affidavit filed tax year~~.

(e) Any recovery of property tax shall be due and payable no later than the date provided for property taxes in section 63-903, Idaho Code, and if not timely paid, late charges and interest, beginning the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section, shall be calculated at the current rate provided for property taxes.

(f) Recovered property taxes shall be billed, collected and distributed in the same manner as property taxes, except each taxing district or unit shall be notified of the amount of any recovered property taxes included in any distribution.

(g) Thirty (30) days after the taxpayer is notified, as provided in subsection (7) (a) of this section, the assessor shall record a notice of intent to attach a lien. Upon the payment in full of such recovered property taxes prior to the attachment of the lien as provided in subsection (7) (h) of this section, or upon the successful appeal by the taxpayer, the county assessor shall record a rescission of the intent to attach a lien within seven (7) business days of receiving such payment or within seven (7) business days of the county commissioners' decision granting the appeal.

(h) Any unpaid recovered property taxes shall become a lien upon the taxpayer's personal property in the same manner as provided for property taxes in section 63-206, Idaho Code, except such lien shall attach as of the first day of January in the year following the year the county treasurer sent the notice to the taxpayer pursuant to this section.

(i) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this subsection as recovery of property tax shall be treated as property tax revenue.

SECTION 5. 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 formula. 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 (f) of section 50-2908, Idaho Code, for the purpose of this section, "taxable value" shall mean the portion of the equalized assessed value, less any exemptions, ~~except the exemption for personal property in section 63-602KK(2), Idaho Code,~~ 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 6. That Section 63-803, Idaho Code, as added by Section 13, Chapter 339, Laws of 2012, 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 formula. 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, for the purpose of this section, "taxable value" shall mean the portion of the equalized assessed value, less any exemptions, ~~except the exemption for personal property in section 63-602KK(2), Idaho Code,~~ 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 7. 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 state 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 state tax 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 39-3628, 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) For fiscal year 2011, and each fiscal year thereafter, four million one hundred thousand dollars (\$4,100,000), of which two million two hundred thousand dollars (\$2,200,000) shall be distributed to each of the forty-four (44) counties in equal amounts, and one million nine hundred thousand dollars (\$1,900,000) of which shall be distributed to the forty-four (44) counties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012, and for each fiscal year thereafter, the amount distributed pursuant to this subsection, shall be adjusted annually by the state tax commission in accordance with the consumer price index for all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics, but in no fiscal year shall the total amount allocated for counties under this subsection, be less than four million one hundred thousand dollars (\$4,100,000). Any increase resulting from the adjustment required in this section shall be distributed to each county in the proportion that the population of the county bears to the population of the state. Each county shall establish a special election fund to which shall be deposited all revenues received from the distribution pursuant to this subsection. All such revenues shall be used exclusively to defray the costs as-

sociated with conducting elections as required of county clerks by the provisions of section 34-1401, Idaho Code.

(9) 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.

(10) 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 state 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 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 (10)(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 (10)(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 (10)(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 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 (10) (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 (10) (d) in any quarter exceeds the amount distributed under paragraph (i) of this subsection (10) (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 state 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 discontinued, 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 discontinuation. 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 (10) (d).

(vii) For purposes of this subsection (10) (d), a special purpose taxing district is any taxing district which is not a city, a county or a school district.

(11) 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 state 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.

(12) Amounts necessary to pay refunds as provided in section 63-3641, Idaho Code, to a developer of a retail complex shall be remitted to the demonstration pilot project fund created in section 63-3641, Idaho Code.

(13) 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 (2) of section 63-602KK, Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year. 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 63-602KK, Idaho Code, shall be treated as property tax revenues. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts that were received in the last calendar year by each district pursuant to this subsection prior to the consolidation. If a taxing district or revenue allocation area annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts and revenue allocation areas formed after January 1, 2013, are not entitled to a payment under the provisions of this subsection.

(14) 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 8. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, 3, 4, 5 and 7 of this act shall be in full force and effect on and after passage and approval, and retroactively to January 1, 2014. Section 6 of this act shall be in full force and effect on and after July 1, 2017.

Law without signature

HOUSE JOINT RESOLUTION

(H.J.R. No. 2)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 29, ARTICLE III, RELATING TO LEGISLATIVE DELEGATION OF RULEMAKING AUTHORITY; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Article III, of the Constitution of the State of Idaho, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 29, Article III, of the Constitution of the State of Idaho and to read as follows:

SECTION 29. LEGISLATIVE DELEGATION OF RULEMAKING AUTHORITY. The legislature may delegate rulemaking authority to executive agencies as provided by law. No rule shall supersede the legislature's authority under this constitution. The legislature may approve or reject, in whole or in part, administrative rules as provided by law without compliance with section 10, article IV, of the constitution of the state of Idaho.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Article III, of the Constitution of the State of Idaho be amended by the addition of a new section 29, to confirm that the legislature may authorize executive rulemaking; however, the legislature shall not relinquish oversight, which such oversight is done by approval or rejection, in whole or in part, of an executive rule; and to provide that the legislature's approval or rejection of such a rule shall not require the approval of the governor?"

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Adopted by the House February 13, 2014

Adopted by the Senate March 19, 2014

SENATE JOINT MEMORIALS

(S.J.M. No. 103)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-second Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the economic expansion that is stimulated by the new and increased demand for our seafood products vastly influences our United States economic base; and

WHEREAS, the United States seafood industry is fruitfully productive and a key employer in the marketplace; and

WHEREAS, the continuing market effort is the dynamic behind industry improvement, investment, prosperity and job creation; and

WHEREAS, Idaho is key to the salmon industry in the United States as we are the spawning beds for millions of salmon each year that migrate to the Pacific Ocean; and

WHEREAS, Idaho's rivers constitute the pathway that returning salmon use to complete their life cycles from smolt to spawning salmon; and

WHEREAS, the Idaho Department of Fish and Game and Idaho Power have participated in ensuring a healthy pathway for fish to travel to and return from the Pacific Ocean.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully recommend that the Idaho delegation in Congress work together with representatives of other seafood and fish-producing states to acquire sufficient funding for effectual and maintained domestic marketing of American seafood.

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 27, 2014

Adopted by the House February 25, 2014

(S.J.M. No. 104)

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 Sixty-second Idaho Legislature, do hereby respectfully represent that:

WHEREAS, under Article V of the Constitution of the United States, Congress has a duty to call a convention for proposing amendments to the Constitution "on the application of the legislatures of two-thirds of the several states"; and

WHEREAS, the duty to call an Article V convention on application of the states implies that Congress shall keep an accurate record of such applications of the legislatures of the states; and

WHEREAS, the records of Congress should be open and accessible to the people of the United States; and

WHEREAS, Congress does not currently keep a record of the Article V applications of the states.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that Congress shall maintain a record of the Article V applications of the states in a form that is open and accessible to the people of the United States.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the 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 4, 2014

Adopted by the House March 17, 2014

(S.J.M. No. 105)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-second Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Supplemental Nutritional Assistance Program (SNAP) is administered by the states on behalf of the United States Department of Agriculture, and the states are subject to the rules promulgated by the United States Department of Agriculture and Congress; and

WHEREAS, the health and welfare of the citizens of Idaho can be affected by their consumption of food items purchased with SNAP benefits; and

WHEREAS, a comprehensive healthy Supplemental Nutritional Assistance Program (SNAP) for Idaho citizens would include, and should emphasize, consumption of healthy Idaho grown and produced products; and

WHEREAS, individuals who participate in healthy eating choices have less chance of developing chronic diseases and therefore, are able to be more productive employees, citizens and more involved in their families' lives; and

WHEREAS, our children's futures and consequently the future of our nation are directly impacted by the food choices that are made for our children; and

WHEREAS, a healthy diet can consist of all food items, provided there is appropriate education and emphasis given to healthier food options to include proteins, grains, dairy and fruits and vegetables; and

WHEREAS, taxpayers have a right to expect that, whenever possible, decisions regarding the use of their tax dollars will be made at the state and local level; and

WHEREAS, if there is more state and local authority over foods authorized to be purchased with SNAP funds, Idaho can potentially improve the health of SNAP recipients, promote Idaho grown agricultural products and reduce the states' expenses for health care costs; and

WHEREAS, citizens may benefit from education to enable them to make healthier and more cost-effective decisions about purchasing food and having local control over foods authorized to be purchased with SNAP funds would give state-based producers an opportunity to educate citizens about the benefits of consuming their products.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature calls upon the President of the United States, the Secretary of Agriculture and Congress to give Idaho the flexibility to have control over foods authorized for purchase with Supplemental Nutritional Assistance Program (SNAP) benefits and to encourage healthy eating and lifestyle choices.

BE IT FURTHER RESOLVED that Idaho should be given the flexibility to determine the best methods of helping our citizens create a comprehensive state-based approach to promote physical activity, nutritional food selections, including a focus on Idaho grown agricultural products, and healthy lifestyle choices.

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, to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States, to the Secretary of the United States Department of Agriculture and the Secretary of the United States Department of Health and Human Services.

Adopted by the Senate February 6, 2014

Adopted by the House February 24, 2014

(S.J.M. No. 106)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF THE UNITED STATES DEPARTMENT OF STATE, 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 Sixty-second Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Saeed Abedini, is a resident of the State of Idaho and a Christian with dual Iranian-United States citizenship; and

WHEREAS, Saeed Abedini is a husband and father of two young children; and

WHEREAS, in September 2012, Saeed Abedini was arbitrarily detained in the Islamic Republic of Iran, held in solitary confinement, physically beaten, denied access to necessary medical treatment as a result of that abuse and denied access to his lawyer until just before his trial; and

WHEREAS, the International Covenant on Civil and Political Rights guarantees that every individual shall be free from arbitrary arrest and detention and further guarantees every individual the right to a fair and public hearing by a competent, independent and impartial tribunal; and

WHEREAS, in recent years, there has been an increase in the number of incidents of Iranian authorities raiding religious services, detaining worshipers and religious leaders and harassing and threatening minority religious members; and

WHEREAS, in January 2013, an Iranian court accused Saeed Abedini of attempting to undermine the national security of Iran by gathering with fellow Christians in private homes; and

WHEREAS, Saeed Abedini was tried in a nonpublic trial before a judge who had been sanctioned by the European Union for repeated violations of human rights; and

WHEREAS, during the trial, Saeed Abedini and his Iranian attorney were barred from attending portions of the trial in which the prosecution provided and the judge received evidence through witness testimony; and

WHEREAS, the Iranian court sentenced Saeed Abedini to eight years in prison, and this sentence was later upheld on appeal; and

WHEREAS, the government of Iran continues to indefinitely imprison Saeed Abedini for peacefully exercising his Christian faith; and

WHEREAS, President Barack Obama recently called for the release of Saeed Abedini at the National Prayer Breakfast in Washington.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge President Obama and Secretary of State John Kerry to use every opportunity and resource at their disposal to end the unjust imprisonment of Saeed Abedini and secure his immediate release.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the United States Department of State, 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 10, 2014

Adopted by the House March 18, 2014

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 Sixty-second Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Patient Protection and Affordable Care Act (PPACA), passed by congress in 2010, imposes a variety of taxes on the healthcare industry including a medical device excise tax, a net investment income tax, an annual fee for certain insurance providers and a tax on charitable hospitals that do not meet certain requirements; and

WHEREAS, these taxes are a financial burden on the healthcare industry and will increase costs for healthcare providers, hospitals and the medical device industry; and

WHEREAS, the medical device excise tax is a 2.3% tax of the devices' sale price for a manufacturer, producer or importer; and

WHEREAS, this tax is expected to result in a tax burden of approximately \$29 billion to medical device manufacturers, producers and importers over the next 10 years, potentially discouraging innovation; and

WHEREAS, medical devices can contain many different and complex parts and components; and

WHEREAS, the complicated nature of medical devices and their various parts will make this tax difficult to ascertain and implement; and

WHEREAS, the Internal Revenue Service has not provided any instructions or clarification on how this tax will be assessed.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Secretary of the United States Department of Health and Human Services to suspend the imposition of the PPACA taxes on the healthcare industry and to conduct a national review of the impact of these taxes until such time as a clear understanding of their impact can be determined.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States, the President of the

United States and the Secretary of the United States Department of Health and Human Services.

Adopted by the House February 24, 2014

Adopted by the Senate March 17, 2014

(H.J.M. No. 7)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES AND TO THE COMMISSIONER OF THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-second Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Food Safety Modernization Act (FSMA) was approved by Congress in 2010 and signed into law in 2011; and

WHEREAS, the Food and Drug Administration (FDA) has issued proposed rules to implement FSMA; and

WHEREAS, compliance with these proposed FDA rules will be a financial burden and impossible or impractical throughout much of Idaho; and

WHEREAS, the FDA's proposed Produce Rule would require that irrigation water used to grow over 200 varieties of fresh produce must meet numeric water quality standards for primary contact recreation; and

WHEREAS, the Produce Rule from the FDA would further require water users to test their irrigation water and immediately cease the use of irrigation water that does not meet the numeric water quality standards for primary contact recreation; and

WHEREAS, the proposed FDA Produce Rule would further require water users to treat irrigation water so that it meets the required recreation standard, or to obtain an alternative irrigation water supply that meets the standard; and

WHEREAS, application of the proposed FDA Produce Rule would eliminate many existing surface irrigation water supplies from continued use for the growing of fresh produce in Idaho; and

WHEREAS, the total first-year cost of the FDA Produce Rule is estimated by the FDA to average \$30,566 per farm; and

WHEREAS, the FDA's proposed Transportation Rule would require certain shippers, receivers and carriers who transport food by motor or rail vehicles to take steps to prevent the contamination of human and animal food during transportation; and

WHEREAS, the proposed Transportation Rule would establish requirements for vehicle and transportation equipment, transportation operations, information exchange, training, records and waivers; and

WHEREAS, the total first-year cost of the Transportation Rule is estimated by the FDA to average \$1,784 per business.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we oppose the FDA's proposed Produce Rule and the adoption of any numeric water quality standard for irrigation water and urge the Commissioner of the Food and Drug Administration to suspend the imposition of rules to implement the Food Safety Modernization Act and to conduct a national review of the impact of the Produce and Transportation Rules and all future FSMA rules until such time as a clear understanding of their impact can be determined.

BE IT FURTHER RESOLVED that we support the enactment of legislation by Congress to prohibit the FDA from adopting the proposed Produce Rule or any numeric water quality standard for irrigation water.

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, the congressional delegation representing the State of Idaho in the Congress of the United States and the Commissioner of the United States Food and Drug Administration.

Adopted by the House February 27, 2014

Adopted by the Senate March 6, 2014

(H.J.M. No. 8)

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 Sixty-second Idaho Legislature, do hereby respectfully represent that:

WHEREAS, on May 22, 2013, member of the United States House of Representatives Michele Bachmann introduced House Resolution 231 to the First Session of the 113th United States Congress, which seeks to establish the Select Committee on POW and MIA Affairs that is charged with conducting a full investigation of all unresolved matters relating to any United States personnel unaccounted for from the Vietnam era, the Korean conflict, World War II, Cold War Missions, Persian Gulf War, Operation Iraqi Freedom or Operation Enduring Freedom, including MIAs and POWs missing and captured; and

WHEREAS, also on May 22, 2013, House Resolution 231 was referred to the United States House of Representatives Committee on Rules, which may consider it before possibly sending it on to the United States House of Representatives as a whole; and

WHEREAS, there are 94 cosponsors of House Resolution 231, including 52 Republican and 42 Democrat members of the United States House of Representatives; and

WHEREAS, currently, more than 83,000 American service members are either unaccounted for or missing from World War II, the Korean War, the Cold War, the Vietnam War and the 1991 Gulf War; and

WHEREAS, Idaho is the home of the nation's only known Operation Enduring Freedom soldier listed as missing/captured, Sgt. Bowe Bergdahl, still held in Afghanistan; and

WHEREAS, "keeping the promise," "fulfill their trust" and "no one left behind" are a few of many mottoes that refer to the efforts of the United States Department of Defense to recover those who became missing while serving our nation.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Chairman of the House of Representatives Committee on Rules to consider House Resolution 231, we urge the members of the House of Representatives Committee on Rules to send House Resolution 231 to the United States House of Representatives as a whole, and we urge Congress representing the State of Idaho to support and vote for House Resolution 231.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 6, 2014

Adopted by the Senate March 18, 2014

(H.J.M. No. 10)

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, THE U.S. DEPARTMENT OF STATE, THE U.S. ENTITY COORDINATOR, BONNEVILLE POWER ADMINISTRATION AND U.S. ARMY CORPS OF ENGINEERS.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-second Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Columbia River Treaty was signed by the United States and Canada in 1961 and implemented in 1964; and

WHEREAS, the purpose of the treaty was to reduce impacts from flooding and to increase power generation; and

WHEREAS, U.S. and Canadian entities are reviewing the treaty to determine whether portions of it should be modified or terminated in 2014; and

WHEREAS, there is a significant effort to fundamentally change the Columbia River Treaty from a pact dealing with the impacts of flood control and power generation to a document that will or potentially could be used as a mechanism to govern all water use in the Pacific Northwest, or at least in the Columbia River drainage; and

WHEREAS, the Canadian entity has taken the position that, beginning in 2024, all U.S. storage projects in the Columbia River Basin must be utilized for system-wide flood control before Canadian reservoirs are called upon to provide any flood control space; and

WHEREAS, such a change in flood control operations could have a devastating impact on irrigation project reservoir supplies in Idaho; and

WHEREAS, the U.S. entity has proposed "modernizing" the treaty to include ecosystem-based function as a third primary purpose of the treaty, along with the original purposes of flood control and power generation; and

WHEREAS, elevating ecosystem-based function above other purposes, including irrigation, recreation, electrical power generation and navigation, could have adverse impacts on existing beneficial uses of the river and create greater uncertainty in a river system that is already heavily regulated; and

WHEREAS, certain comments concerning modification of the treaty had suggested that elevating ecosystem restoration to a primary purpose of the treaty is a mechanism to facilitate reintroduction of anadromous fish into the Snake River above Hells Canyon, which is beyond the proper scope of the treaty and in contravention of Idaho's sovereignty over its water resources; and

WHEREAS, the draft treaty recommendation fails to recognize the substantial investment in ecosystem-based function made by northwest region hydropower producers and their customers, including billions of dollars invested in fish protection efforts, and the development and implementation of robust environmental mitigation plans; and

WHEREAS, certain recommendations from the U.S. Entity regarding treaty modification have suggested that modernizing the treaty should include increasing flow augmentation, which has already been resolved in the State of Idaho between the United States, the Nez Perce Tribe, the State of Idaho and water users; and

WHEREAS, certain entities have advocated using the treaty to create a "natural hydrograph" or a reduction in flood control functions in order to create greater spring flooding, which is a complete contradiction to one of the two primary purposes of the treaty; and

WHEREAS, it has been recommended that Pacific Northwest states, federal agencies and tribes will create a process to allocate and manage additional flows that may arise as a result of post-2024 operations, which is in conflict with Idaho's sovereignty over the process of allocating and adjudicating water rights in the State of Idaho; and

WHEREAS, navigation concerns should be protected and adverse flows should not impact the transportation channel or lock system operations.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the U.S. Department of State to support the following positions in negotiations with Canada regarding any modification or future implementation of the Columbia River Treaty:

(1) Recognize and protect the value of irrigated agriculture in the United States and promote additional development; (2) Advocate that only U.S. projects specifically authorized by Congress for system-wide flood control may be required to provide such benefits under the treaty; (3) Recognize the ecosystem benefits that have already been provided by U.S. storage projects pursuant to the other federal laws and refrain from advocating for additional ecosystem contributions from U.S. projects based on a treaty intended to manage flood control in the Columbia River; (4) Recognize that ecosystem restoration as that term has been used by some proponents of modernization is intentionally vague and if incorporated into an international treaty could be used as a vehicle to override and infringe upon existing federal environmental laws and usurp state sovereignty over water and, therefore, require any treaty modification to preserve federal environmental protection laws and state water laws and reject any additional mitigation requirements; (5) Require any treaty modification to recognize the primary authority and state sovereignty of Idaho and its sister states over their respective water resources; (6) Reject any provision that would authorize tribes and federal agencies to design a process for allocation of water resources, or to require flow augmentation beyond that already adopted by the State of Idaho through the Nez Perce Agreement; (7) Reject any attempts through the treaty modification process to incorporate the reintroduction of anadromous species above Hells Canyon or Dworshak, as such efforts are outside the scope of the treaty purposes; and (8) Protect navigation concerns so that adverse flows do not impact the transportation channel or lock system operations.

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, the congressional delegation representing the State of Idaho in the Congress of the United States, the U.S. Department of State, the U.S. Entity Coordinator, Bonneville Power Administration and U.S. Army Corps of Engineers.

Adopted by the House March 10, 2014

Adopted by the Senate March 18, 2014

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 132)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND RECOGNIZING JUDGE EDWARD J. LODGE FOR HIS FIFTY YEARS OF SERVICE ON THE BENCH OF STATE AND FEDERAL COURTS.

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

WHEREAS, on July 1, 2013, the Honorable Edward J. Lodge celebrated his fiftieth year on the state and federal judicial bench in and for the state and people of Idaho; and

WHEREAS, Judge Lodge had humble beginnings growing up and working on his family's ranch. He graduated from Caldwell High School, studied at the University of Notre Dame and Boise Junior College, graduated from the College of Idaho and received his law degree from the University of Idaho; and

WHEREAS, in addition to his studies, he was a three-time all-American in football, a former Golden Gloves champion boxer and is in the Boise State University Athletic Hall of Fame and the College of Idaho Hall of Fame; and

WHEREAS, in 1963, he was selected as probate judge in Canyon County and was then appointed by Lieutenant Governor Drevlow in 1965 to the Idaho District Court and was the youngest person to be appointed as a district judge; and

WHEREAS, in January of 1988, Judge Lodge was appointed as a United States bankruptcy judge for the District of Idaho; and

WHEREAS, in 1989, Judge Lodge's name was put forth by U.S. Senator James McClure for a seat on the United States District Court for the District of Idaho and President George H.W. Bush appointed him in 1989 and shortly thereafter his nomination was confirmed in the United States Senate by unanimous consent; and

WHEREAS, Judge Lodge served as chief judge for the United States District Court from 1992 to 1999 and continues today as a federal district judge in the District of Idaho; and

WHEREAS, Judge Lodge has earned the respect of his colleagues as a jurist who, no matter the pressure or how big the case, works to ensure a trial is fair; and

WHEREAS, Judge Lodge has consistently received high rankings from the Idaho State Bar Association; and

WHEREAS, Judge Lodge is believed to have presided over more murder cases than any other judge in Idaho and has presided over cases involving the Ruby Ridge standoff, tribal ownership of Lake Coeur d'Alene, Claude Dallas, Sami Al-Hussayen, mining damage in the Coeur d'Alene Basin and the death penalty trial of child killer Joseph Duncan; and

WHEREAS, Judge Lodge may be the only judge who presided over two murder cases simultaneously, which shows that Judge Lodge is a lifelong student of the law and is someone wholly dedicated to serving the people in judicial matters; and

WHEREAS, his fifty years of public service on behalf of the State of Idaho and United States Courts of the District of Idaho make Judge Lodge the longest-serving judge in Idaho's history and the longest-serving active federal district judge in the District of Idaho; and

WHEREAS, Judge Lodge's commitment to serve and uphold the Constitution and the rule of law have sustained our republic and benefited the state and people of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize and honor the life and achievements of Judge Edward J. Lodge upon his fifty years of service on the state and federal bench and we extend to him the appreciation and gratitude of this Legislature for his service to the State of Idaho and, in particular, his service to the citizens of Idaho.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed to forward a copy of this resolution to Judge Edward J. Lodge and to Senator Patti Anne Lodge.

Adopted by the Senate January 15, 2014

Adopted by the House January 30, 2014

(S.C.R. No. 133)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE OUTFITTERS AND GUIDES LICENSING BOARD RELATING TO RULES OF THE OUTFITTERS AND GUIDES LICENSING 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 a certain rule docket of the Outfitters and Guides Licensing Board relating to Rules of the Outfitters and Guides Licensing Board 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 Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 25.01.01, Outfitters and Guides Licensing Board, Rules of the Outfitters and Guides Licensing Board, adopted as a pending rule under Docket Number 25-0101-1201, 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 January 30, 2014

Adopted by the House February 25, 2014

(S.C.R. No. 136)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE DEPARTMENT OF AGRICULTURE RELATING TO RULES GOVERNING NOXIOUS WEED FREE GRAVEL AND ROCK PRODUCTS.

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 docket of the Department of Agriculture relating to Rules Governing Noxious Weed Free Gravel and Rock Products 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 Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 02.06.23, Department of Agriculture, Rules Governing Noxious Weed Free Gravel and Rock Products, adopted as a pending rule under Docket Number 02-0623-1301, 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 21, 2014

Adopted by the House March 12, 2014

(S.C.R. No. 138)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS RELATING TO RULES OF PROCEDURE.

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 docket of the Idaho Board of Professional Engineers and Professional Land Surveyors relating to Rules of Procedure 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 Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 10.01.01, Idaho Board of Professional Engineers and Professional Land Surveyors, Rules of Procedure, adopted as a pending rule under Docket Number 10-0101-1301, 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 26, 2014

Adopted by the House March 14, 2014

(S.C.R. No. 141)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND HONORING THE WINNING ESSAY FROM THE IDAHO PATRIOT ACADEMY IN 2013.

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

WHEREAS, the Idaho Patriot Academy had its inaugural event at the Idaho State Capitol on August 13-16, 2013; and

WHEREAS, private citizens and members of the Executive, Legislative and Judicial Branches of State Government volunteered their time and talent to teach students about the proper role of good governance and the liberty inherent in a free and moral society; and

WHEREAS, students from across the state encouraged by their families, friends, teachers, business people, clergy and elected officials joined together to write an essay on "What Liberty Means to Me"; and

WHEREAS, the winning essay, authored by Elizabeth Harris of Payette, Idaho, was read on the floor of the House of Representatives during the opening session of the first Idaho Patriot Academy; and

WHEREAS, the Governor of the State of Idaho proclaimed August 13-16, 2013, Idaho Patriot Academy Week.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that we honor and commend the winning essay from the Idaho Patriot Academy authored by Miss Harris in honor of those patriots both past and present whose commitment, courage and sacrifice make possible the liberty we cherish as one Nation under God.

BE IT FURTHER RESOLVED that the Secretary of the Senate send a copy of this resolution to Elizabeth Harris.

Adopted by the Senate March 4, 2014

Adopted by the House March 17, 2014

(S.C.R. No. 142)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND RECOGNIZING AND HONORING KAITLYN FARRINGTON FOR HER PERFORMANCE IN THE 2014 WINTER OLYMPICS.

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

WHEREAS, Kaitlyn Farrington was born and raised in the heart of Idaho; and

WHEREAS, Kaitlyn Farrington learned to ski and snowboard on the slopes of Mt. Baldy in Ketchum; and

WHEREAS, Kaitlyn Farrington is a Bellevue native who began snowboarding with the Sun Valley Ski Education Foundation (SVSEF) and is a SVSEF Gold Team rider; and

WHEREAS, Kaitlyn Farrington won the Silver Medal in the 2008 Junior World Championships; and

WHEREAS, Kaitlyn Farrington won gold and silver at the X Games in 2010 and 2011; and

WHEREAS, Kaitlyn Farrington was the overall Dew Tour champion in 2010 and earned the Silver and Gold Medals at the Dew Tours in 2011 and 2012; and

WHEREAS, Kaitlyn Farrington was the overall U.S. Grand Prix champion in 2012; and

WHEREAS, Kaitlyn Farrington won the Bronze Medal at the 2013 World Cup; and

WHEREAS, Kaitlyn Farrington won the Gold Medal in women's snowboard halfpipe at the XXII Olympic Winter Games in Sochi, Russia; and

WHEREAS, Kaitlyn Farrington has devoted her life to being a world-class snowboarder; and

WHEREAS, Kaitlyn Farrington has achieved her goals with inspiring success; and

WHEREAS, Kaitlyn Farrington has been an ambassador for Idaho and shown the world how to "Cowgirl Up."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize and honor Kaitlyn Farrington for her superior sportsmanship and conduct, her Gold Medal winning performance at the 2014 Winter Olympics in Sochi, Russia, and for the pride she brings to Idaho and America.

BE IT FURTHER RESOLVED that the Secretary of the Senate forward a copy of this resolution to Kaitlyn Farrington.

Adopted by the Senate March 3, 2014

Adopted by the House March 12, 2014

(S.C.R. No. 143)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND HONORING FOUR IDAHO SERVICEMEN WHO FOUGHT AND LOST THEIR LIVES IN AFGHANISTAN WITHIN THE PAST YEAR.

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

WHEREAS, American service members, many of them Idahoans, or their family members have served their country honorably and at great personal sacrifice in the wars in Iraq and Afghanistan; and

WHEREAS, four persons with Idaho ties paid the ultimate sacrifice within the past year; and

WHEREAS, U.S. Army Specialist Thomas P. Murach, age 22 years and 11 months, of Meridian was killed in action on May 4, 2013, in Maiwand, Afghanistan. Thomas graduated with honors from Cole Valley Christian School in May 2008. In September 2010, Thomas entered the U.S. Army as an infantryman. After completing the Infantry Training Course at Fort Benning, Georgia, he was assigned to the 1st Battalion, 36th Infantry Regiment, 1st Brigade Combat Team, 1st Armored Division at Fort Bliss, Texas. Shortly thereafter, Thomas was selected to be a member of Reconnaissance Platoon. In December 2012 he deployed to Afghanistan in support of Operation Enduring Freedom. Thomas's awards include the Bronze Star Medal, the Purple Heart Medal, the Army Good Conduct Medal, the NATO Medal, the Combat Infantry Badge, the Global War on Terrorism Service Medal, the National Defense Service Medal, and the Afghan Campaign Medal with a Campaign Star. Thomas is survived by his mother, Mary; brothers Nick, Will, and Mike; father, Chet; and many uncles, aunts, cousins, and friends; and

WHEREAS, U.S. Army Staff Sergeant Octavio "Tavo/Tavis/Bean" Herrera, age 26, of Caldwell was killed in action on August 11, 2013, in Dzadran, Afghanistan. Octavio graduated from Caldwell High School in 2005 and attended college in Phoenix, Arizona, and at Boise State University. Octavio joined the U.S. Army in July 2007 and was stationed at Fort Bragg, North Carolina, where he deployed twice to Afghanistan. He arrived at Fort Campbell, Kentucky, in September 2012 and reenlisted for five more years during his third deployment to Afghanistan in 2013. He also went on an aid mission to Haiti through the U.S. Army to assist the country after the devastating hurricane. He was selected as one of an honorable few who participated in the D-Day reenactment of the parachute jump into Normandy,

which he always noted as one of the highlights and honors of his career. His awards include two Army Commendation Medals, an Army Achievement Medal, a Meritorious Unit Commendation, an Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal (Third Campaign Phase), a Noncommissioned Officers Professional Development Ribbon, the Global War on Terrorism Service Medal, an Army Service Ribbon, an Overseas Service Ribbon with numeral 2 Device, two NATO Medals, a Combat Action Badge, a Parachute Badge and an Air Assault Badge. Octavio will be receiving the Bronze Star and the Purple Heart Medals posthumously. Octavio is survived by his wife, Courtney R. Herrera, of Clarksville, Tennessee, and his parents, Gerardo and Angelica Herrera, both of Caldwell, Idaho, by way of Zacatecas, Mexico. He is also survived by his brother Sergio and his family Pricilla, Gabriel, and Caitlynn; by his brother Miguel and his family Dulce, Evany, Daliah and Miguelito; by his sister and pride and joy, Claudia, and her fiancée David, all from Caldwell, Idaho. He will be forever missed by his nieces and nephews, whom he loved dearly; and

WHEREAS, U.S. Air Force Captain David I. Lyon, age 28, was killed in action in Kabul, Afghanistan, on December 27, 2013. David was from Sandpoint and attended the United States Air Force Academy Preparatory School and graduated from the Air Force Academy in 2008. David was a standout track and field athlete, he was a Mountain West Conference champion, team captain, and Strength and Conditioning All-American. David set athletic records at the Air Force Academy and in Sandpoint, where his athletic success positioned him to become the first football player from Idaho to play for the Air Force Academy. David was known as a tender warrior, was lighthearted and a gentle giant. Kind and compassionate to everyone he met, David's smile would light up a room. He was a silent leader who earned the respect of his authority and peers. He and his wife, Dana, had an inspiring marriage, where together they coached and mentored young athletes, sponsored Air Force Academy cadets, and volunteered with the Air Force Wounded Warrior program. David has been awarded the Bronze Star, the Purple Heart, and the Combat Action Medals. David is survived by his wife, Captain Dana (Pounds) Lyon of Lexington, Kentucky, a 2006 Air Force Academy graduate; parents Bob and Jeannie Lyon and brother Sean Lyon, all of Sandpoint; parents-in-law Rick and Nancy Pounds of Lexington, Kentucky; grandparents Ray and Imogene Davis; step-grandmother Beth Davis; brothers-in-law Eric and Darren Pounds; and his canine "Colt .45"; and

WHEREAS, U.S. Army Specialist Mitchell K. Daehling, age 24 years and 10 months, with ties to Lewiston and Pocatello, was killed in action on May 14, 2013, in Zharay, Afghanistan. Mitchell was born in Kemmerer, Wyoming, and was educated in Pocatello schools and attended Daniel Webster College in Nashua, New Hampshire, from 2006 to 2010, majoring in homeland security. Mitchell attended Infantry Combat School at Fort Benning, Georgia, where he received his blue cord at "Turning Blue" ceremonies, which signifies entry as an infantryman. He graduated from Combat School on December 16, 2010, with ceremonies at the National Infantry Museum. After graduation, Mitchell was stationed at Fort Bliss in El Paso, Texas, with A Company, Third Battalion, 41st Infantry Regiment, First Brigade Combat Team, First Armored Division. He was promoted to specialist in June 2012 and deployed to Afghanistan in December 2012. Mitchell was a team leader and squad designated marksman-expert level shooter while deployed in Afghanistan. He was the recipient of the National Defense Service Medal, Afghanistan Campaign Medal with Bronze Service Star, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, Combat and Special Skills Badge and the Basic Marksmanship Qual Badge-Expert. Mitchell was posthumously awarded the Bronze Star Medal, Purple Heart Medal, Army Good Conduct Medal, Combat Infantryman Badge and the NATO Medal. Mitchell enjoyed all sports, motorcycles, hunting, fishing, paintball and playing his guitar. He was a licensed pilot and loved to fly. While in high school, he was a member

of the varsity soccer team and in college was a member of the lacrosse team. Mitchell is survived by his wife, Samantha J. Daehling, of Westford, Massachusetts; mother and father, Kirk and Brenda Daehling of Dalton, Massachusetts; parents-in-law, John and Sharon McNamara; and brother and sister, Adam and Kayla Daehling of Dalton, Massachusetts. Mitchell was predeceased by his maternal grandfather, Kenneth J. Sander, a Purple Heart Medal recipient who served his country in the U.S. Army during the Korean War and who died in 2009. Mitchell was buried next to his grandfather in Lewiston.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that we honor, memorialize and commemorate U.S. Army Specialist Thomas P. Murach, U.S. Army Staff Sergeant Octavio Herrera, U.S. Air Force Captain David I. Lyon and U.S. Army Specialist Mitchell K. Daehling for their unselfish service to our country, fighting for our freedoms, and we recognize, honor and memorialize their ultimate sacrifice.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized to send a copy of this Concurrent Resolution to the immediate families of the servicemen mentioned above.

Adopted by the Senate March 7, 2014

Adopted by the House March 20, 2014

(S.C.R. No. 144)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND COMMEMORATING AND RECOGNIZING THE YEAR OF 2014 AS THE FIFTIETH ANNIVERSARY OF THE PASSAGE OF THE CIVIL RIGHTS ACT OF 1964.

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

WHEREAS, on June 11, 1963, President John F. Kennedy called for legislation "...giving all Americans the right to be served in facilities which are open to the public -- hotels, restaurants, theaters, retail stores, and similar establishments," as well as "...greater protection for the right to vote."; and

WHEREAS, following President Kennedy's assassination, newly sworn-in President Lyndon B. Johnson first addressed the joint session of Congress on November 27, 1963, telling legislators, "No memorial oration or eulogy could more eloquently honor President Kennedy's memory than the earliest possible passage of the civil rights bill for which he fought so long."; and

WHEREAS, upon the ending of a fifty-seven day filibuster in the Senate, then Democratic Whip Hubert Humphrey of Minnesota, the bill's manager, declared he had the appropriate number of votes to pass the legislation out of the Senate and subsequently the bill was passed by the House of Representatives; and

WHEREAS, the Civil Rights Act of 1964 was signed into law by President Johnson on July 2, 1964; and

WHEREAS, upon the signing of the Civil Rights Act, President Johnson addressed the American public on July 2, 1964 stating that the newly passed act "...does not restrict the freedom of any American, so long as he respects the rights of others. It does not give special treatment to any citizen.... It does say that there are those who are equal before God shall now also be equal in the polling booths, in the classrooms, in the factories, and in hotels, restaurants, movie theaters, and other places that provide service to the public.... This Civil Rights Act is a challenge to all of us to go to work in

our communities and our States, in our homes and in our hearts, to eliminate the last vestiges of injustice in our beloved country." ; and

WHEREAS, the Civil Rights Act of 1964 sets a benchmark standard for civil rights protection across each of the fifty United States. The Act prohibits discrimination on the basis of race, color, religion, sex or national origin and brought an end to the tumultuous era of racial segregation. Its passage set the precedent that discrimination would no longer be codified and was further expanded in 1965 to encompass equal voting rights for all citizens; and

WHEREAS, under the leadership of then Senator Phil Batt, the Civil Rights Act of 1964 was enshrined in Idaho statute as the Idaho Human Rights Act in 1969. The Idaho Human Rights Act originally prohibited discrimination in employment, education, real estate transactions and public accommodations on the basis of race, sex, color, national origin and religion.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that we do hereby commemorate and recognize the year of 2014 as the fiftieth anniversary of the passage of the Civil Rights Act of 1964 and that Idaho citizens be encouraged to honor and celebrate this momentous piece of landmark legislation.

Adopted by the Senate March 10, 2014

Adopted by the House March 17, 2014

(S.C.R. No. 145)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND URGING ALL IDAHO RESIDENTS TO PROTECT THEIR HOMES AND FAMILIES BY EDUCATING THEMSELVES ABOUT THE RISKS AND SYMPTOMS OF CARBON MONOXIDE POISONING AND BY INSTALLING CARBON MONOXIDE DETECTORS IN THEIR HOMES.

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

WHEREAS, the Idaho Legislature recognizes that all human life is sacred; and

WHEREAS, carbon monoxide is an odorless, colorless but dangerous gas produced when a fuel such as natural gas, oil, kerosene, wood or charcoal is burned; and

WHEREAS, fuel-burning appliances used indoors must be maintained, used properly and fully vented to the outdoors to prevent dangerous levels of carbon monoxide; and

WHEREAS, carbon monoxide poisoning is a serious public safety concern both locally and nationally, and the home is where carbon monoxide poses the greatest risk to people; and

WHEREAS, carbon monoxide poisoning is one of the leading causes of unintentional and accidental poisoning deaths in the United States and accounts for more than 50,000 emergency room visits each year across the nation; and

WHEREAS, Idaho has recently experienced a tragic loss of lives as a result of carbon monoxide poisoning; and

WHEREAS, people can take personal steps to increase their safety from carbon monoxide poisoning, especially in their homes; and

WHEREAS, those who have inspected their home fuel-burning appliances, have installed a carbon monoxide detector and are aware of carbon monoxide poisoning symptoms are more prepared for and more likely to survive exposure to carbon monoxide.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Rep-

representatives concurring therein, that we urge all Idaho residents to protect their homes and families by educating themselves about the risks and symptoms of carbon monoxide poisoning and by installing carbon monoxide detectors in their homes to provide a safer environment for their families.

Adopted by the Senate March 11, 2014

Adopted by the House March 20, 2014

(S.C.R. No. 146)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND RECOGNIZING AND HONORING HILARY KNIGHT FOR
HER PERFORMANCE IN THE 2014 WINTER OLYMPICS.

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

WHEREAS, Hilary Knight is a resident of Sun Valley, Idaho; and

WHEREAS, Hilary Knight was named the Western Collegiate Hockey Association (WCHA) Player of the Year in 2008; and

WHEREAS, Hilary Knight was a NCAA National Championship winner with the University of Wisconsin Badgers and led the NCAA for goals in her sophomore year; and

WHEREAS, Hilary Knight's team won the NCAA National Championship and she was named co-MVP in her junior year; and

WHEREAS, Hilary Knight, in 2011, scored her 90th goal for the Badgers to become the all-time leading goal scorer in University of Wisconsin women's hockey history; and

WHEREAS, Hilary Knight, in her senior season, captained the Badgers to the National Championship Game, the WCHA title and set multiple new records in women's hockey; and

WHEREAS, Hilary Knight graduated from the University of Wisconsin with 262 career points and is the Badgers' all-time leader in goals, game-winning goals, power-play goals, and short-handed goals; and

WHEREAS, Hilary Knight is a four-time World Champion and a three-time All-American; and

WHEREAS, Hilary Knight made her Olympic debut in 2010 at the XXI Olympic Winter Games in Vancouver, B.C., where she won a Silver Medal as part of the U.S. Women's Hockey Team; and

WHEREAS, Hilary Knight in her rookie season led the Boston Blades in goals and became the first American-born player to be named MVP of the Canadian Women's Hockey League; and

WHEREAS, Hilary Knight won her second Silver Medal at the XXII Olympic Winter Games in Sochi, Russia, as the star forward for the U.S. Women's Hockey Team.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize and honor Hilary Knight for her superior sportsmanship and conduct, her Silver Medal winning performance at the 2014 Winter Olympics in Sochi, Russia, and for the pride she brings to Idaho and America.

BE IT FURTHER RESOLVED that the Secretary of the Senate forward a copy of this resolution to Hilary Knight.

Adopted by the Senate March 11, 2014

Adopted by the House March 20, 2014

(S.C.R. No. 147)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE
A FEE OR CHARGE.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, 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 Sixty-second 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 the Administrative Rules Coordinator to the Legislature for review during the 2014 legislative session, which impose a fee or charge, be, and the same are approved and shall be in full force and effect upon the adoption of this concurrent resolution or upon the date specified in the administrative rule.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of the Administrative 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 12, 2014

Adopted by the House March 20, 2014

(S.C.R. No. 148)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES
REVIEWED BY THE LEGISLATURE.

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 Sixty-second 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 the Administrative Rules Coordinator for review during the 2014 legislative session, be, and the same are approved.

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 Sixty-third 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 were not submitted to the Legislature for review during the 2014 legislative session shall expire by operation of statute upon adjournment of the Second Regular Session of the Sixty-second Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

Adopted by the Senate March 12, 2014

Adopted by the House March 20, 2014

HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 37)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE SECOND REGULAR SESSION OF THE SIXTY-SECOND 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 Sixty-second Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 6, 2014.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second 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 6, 2014, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 6, 2014

Adopted by the Senate January 6, 2014

(H.C.R. No. 38)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND COMMEMORATING 2014 AS THE SIXTIETH ANNIVERSARY OF THE ADDITION OF THE PHRASE "UNDER GOD" TO THE PLEDGE OF ALLEGIANCE AND TO HIGHLIGHT ITS LEGACY TO AMERICAN CITIZENS.

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

WHEREAS, on February 7, 1954, President Dwight D. Eisenhower became convinced that adding the words "under God" to the United States Pledge of Allegiance would be the right thing to do after hearing Reverend George Docherty preach that the phrase "nation under God" was first used in the Gettysburg Address and was appropriate to be added to the United States Pledge of Allegiance because freedom "is defined by a fundamental belief in God"; and

WHEREAS, on February 10, 1954, a bill to "amend the Pledge of Allegiance to the Flag of the United States of America" by inserting the words "under God" was introduced in the United States Congress in a Joint Resolution by Senator Homer Ferguson; and

WHEREAS, upon introduction of the bill, Senator Ferguson commented, "I believe this modification of the pledge is important because it highlights

one of the real fundamental differences between the free world and the Communist world, namely, belief in God," furthering that with, "Our nation is founded on a fundamental belief in God, and the first and most important reason for the existence of our Government is to protect the God-given rights of our citizens,"; and

WHEREAS, the vote to add "under God" to the Pledge of Allegiance was a unanimous vote; and

WHEREAS, the Pledge of Allegiance is an integral part of this nation's identity, introduced to American children in their primary years and recited at major national events, and the inclusion of "under God" to its bold and moving language demonstrates our commitment to the spiritual values on which the United States was founded.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we do hereby commemorate and recognize the year of 2014 as the sixtieth anniversary of "under God" in the Pledge of Allegiance and that Idaho citizens be encouraged to learn more about this chapter in their history.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives shall furnish copies of this resolution to the Idaho Capitol Correspondents.

Adopted by the House February 24, 2014

Adopted by the Senate March 18, 2014

(H.C.R. No. 40)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF POTENTIAL APPROACHES TO PUBLIC DEFENSE REFORM.

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

WHEREAS, the Public Defense Reform Interim Committee was authorized by the Legislative Council at the recommendation of the members of the First Regular Session of the Sixty-second Idaho Legislature for the purpose of undertaking and completing a study of potential approaches to the public defense system; and

WHEREAS, the Public Defense Reform Interim Committee committed itself to the task of identifying potential deficiencies in Idaho's public defense system and developing recommendations for public defense reform; and

WHEREAS, the Public Defense Reform Interim Committee identified deficiencies in Idaho's public defense system. Such deficiencies include, but are not limited to: a lack of uniformity in financial contribution and recoupment practices, public defense contracting practices and data reporting; excessive caseloads and workloads; a lack of independence of the public defense function; a lack of training and resources for public defense attorneys; a lack of qualifications and experience standards for public defense attorneys; and the existence of flat fee contracts for public defense services; and

WHEREAS, the Public Defense Reform Interim Committee has sought to address such deficiencies through legislation that includes a public defense model where, although public defense delivery at the trial level would remain primarily funded and administered at the county level, certain oversight and administration authority would be statutorily delegated to an independent commission authorized to promulgate certain rules with which counties are required to comply, including statewide training and continuing legal education requirements for public defense attorneys and uniform

data reporting requirements. In addition, the independent commission would be statutorily required to make recommendations to the First Regular Session of the Sixty-third Idaho Legislature, and may make recommendations during the regular sessions of the Legislature thereafter as deemed necessary, for legislation relating to core requirements for public defense contracts; standards for the qualification and experience of public defense attorneys; enforcement mechanisms; and funding issues; and

WHEREAS, the legislation recommended by the Public Defense Reform Interim Committee also provides for a public defense model where the counties' statutory duty to provide for counsel at public expense would be accomplished by one of the following: (1) establish an office of public defender; (2) establish a joint office of public defender with one or more other counties; (3) contract with an existing office of public defender; or (4) contract with a defending attorney provided that no such contract shall include a flat fee pricing structure; and

WHEREAS, during the course of its study, the Public Defense Reform Interim Committee identified additional issues in need of further study. Such issues include funding issues; the municipalities' participation in and potential financial contribution to the public defense system; and effective enforcement mechanisms to ensure compliance with public defense system standards and requirements.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of potential approaches to public defense reform including, but not limited to: funding issues; municipalities' participation in and potential financial contribution to the public defense system; and effective enforcement mechanisms to ensure compliance with public defense system standards and requirements. The committee shall consist of ten legislators, with five from the Senate and five from the House of Representatives. The Legislative Council shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the cochairmen of the committee are authorized to appoint advisors with technical expertise in the area of public defense and are expected to receive input from stakeholders in the criminal justice system of Idaho.

BE IT FURTHER RESOLVED that any advisors to the committee who are not legislative members shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges.

BE IT FURTHER RESOLVED that the commission shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-third Idaho Legislature.

Adopted by the House February 26, 2014

Adopted by the Senate March 13, 2014

(H.C.R. No. 42)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE BOARD OF PHARMACY RELATING TO RULES OF THE IDAHO STATE BOARD OF PHARMACY.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Board of Pharmacy relating to Rules of the Idaho State Board of Pharmacy 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 Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 27.01.01, Board of Pharmacy, Rules of the Idaho State Board of Pharmacy, adopted as a pending rule under Docket Number 27-0101-1301, 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 24, 2014

Adopted by the Senate March 3, 2014

(H.C.R. No. 43)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE IMPORTANCE OF ORAL HEALTH AS A PART OF OVERALL HEALTH AND SUPPORTING EFFORTS TO IMPROVE THE ORAL HEALTH OF ALL IN IDAHO.

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

WHEREAS, oral health is a critical component of overall health affecting speech, nutrition, growth and function, social development, employability and productivity and quality of life; and

WHEREAS, dental decay is the most common chronic disease among children and is four times more common than asthma, four times more common than early-childhood obesity and twenty times more common than diabetes; and

WHEREAS, untreated dental disease is linked to adverse health outcomes associated with diabetes, stroke, heart disease, bacterial pneumonia, preterm and low birth weight deliveries, and in some instances, death; and

WHEREAS, students miss more than 51 million hours of school and employed adults lose more than 164 million hours of work each year due to dental disease or dental visits; and

WHEREAS, dental decay affects 18% of the nation's children aged 2 to 4, 52% of children aged 6 to 8, and 61% of teenagers age 15; and

WHEREAS, dental decay is one of the most prevalent health problems in Idaho with 67.1% of third grade children having experienced dental decay; and

WHEREAS, access to dental care is associated with higher utilization of preventive and restorative dental services; and

WHEREAS, the state has improved access for children enrolled in Idaho Smiles, Idaho's dental program for children enrolled in Medicaid, from 38% in 2008 to 61% in 2013, and more can be done for these low-income children who suffer more tooth decay than their higher-income peers; and

WHEREAS, Idaho residents deserve access to high-quality oral health care.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize that good oral health is critical to good overall health, and we support health policies at the state and local levels that are consistent with each other and we promote optimal oral health and believe that the impact of oral health on overall health should be a consideration in the development of state health policy.

BE IT FURTHER RESOLVED that we support the use of available resources to monitor oral health status and support community oral health initiatives aimed at improving oral health literacy and better health outcomes.

BE IT FURTHER RESOLVED that we designate the month of February as Oral Health Awareness Month to draw attention to ongoing efforts at the local, state and federal levels to improve the oral health of all.

Adopted by the House March 3, 2014

Adopted by the Senate March 10, 2014

(H.C.R. No. 44)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE IDAHO TRANSPORTATION DEPARTMENT RELATING TO RULES GOVERNING SAFETY REST AREAS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Transportation Department relating to Rules Governing Safety Rest Areas 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 Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 39.03.50, Idaho Transportation Department, Rules Governing Safety Rest Areas, final rule Section 200, Subsection 05., only, and Section 200, Subsections 04., 05. and 06., only, adopted as pending rules under Docket Number 39-0350-1301, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 26, 2014

Adopted by the Senate March 6, 2014

(H.C.R. No. 46)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE DEPARTMENT OF HEALTH AND WELFARE TO CONVENE A COUNCIL TO COORDINATE AND DEVELOP A COMPREHENSIVE SET OF STANDARDS, POLICIES, RULES AND PROCEDURES FOR THE USE OF TELEHEALTH AND TELEMEDICINE IN IDAHO.

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

WHEREAS, telehealth is a mode of delivering health care services that uses information and communication technologies to enable the diagnosis, consultation, treatment, education, care management and self-management of patients at a distance from health providers; and

WHEREAS, telemedicine is the use of medical information exchanged from one site to another via electronic communications to improve a patient's health status; and

WHEREAS, 35 of Idaho's 44 counties are rural or frontier, and many areas have limited access to specialty care; and

WHEREAS, telehealth and telemedicine can provide a wide variety of in-patient, outpatient and emergency services throughout the state while rural hospitals remain financially viable because patient revenues remain in the community; and

WHEREAS, with telemedicine and telehealth, patients receive appropriate and timely access to specialty services, thereby reducing costs as focus switches to prevention and improved management; and

WHEREAS, telehealth and telemedicine can result in significant savings to patients and payors by avoiding travel costs, duplication of tests and loss of work time; and

WHEREAS, rural Idaho continues to face challenges recruiting and retaining physicians, telehealth and telemedicine will play an increasingly important role; and

WHEREAS, Idaho needs consistent standards, policies and procedures to ensure proper use and security for telehealth and telemedicine.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Department of Health and Welfare should convene a council to coordinate and develop a comprehensive set of standards, policies, rules and procedures for the use of telehealth and telemedicine in Idaho.

BE IT FURTHER RESOLVED the Department shall include a broad stakeholder base in the membership of the council including, but not limited to, physicians in rural and urban areas familiar with the use of telehealth or telemedicine, hospital administrators in rural and urban areas, a representative of health insurance carriers in this state, a representative from the Bureau of Occupational Licenses, a representative from the Idaho Hospital Association, a member of the State of Idaho Board of Medicine, a representative from Idaho's State Hospitals and a representative from the Department of Health and Welfare.

Adopted by the House March 4, 2014

Adopted by the Senate March 12, 2014

(H.C.R. No. 47)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN FINAL RULES AND
CERTAIN PENDING RULES OF THE DEPARTMENT OF ADMINISTRATION RELATING TO
RULES GOVERNING USE OF THE STATE CAPITOL EXTERIOR.

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 Administration relating to Rules Governing Use of the State Capitol Exterior 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 Sixty-second Idaho Legislature, the House of Representatives and

the Senate concurring therein, that IDAPA 38.04.08, Department of Administration, Rules Governing Use of the State Capitol Exterior, final rules Section 200, Subsection 03., Section 400, Subsection 07. and Section 500, Subsections 01. and 03., only; and Section 201 and Section 500, Subsections 01. and 03., adopted as pending rules under Docket Number 38-0408-1301, only, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 3, 2014

Adopted by the Senate March 18, 2014

(H.C.R. No. 48)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN FINAL AND CERTAIN PENDING RULES OF THE DEPARTMENT OF ADMINISTRATION RELATING TO RULES GOVERNING USE OF THE EXTERIOR OF STATE PROPERTY IN THE CAPITOL MALL AND OTHER STATE FACILITIES.

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 Administration relating to Rules Governing Use of the Exterior of State Property in the Capitol Mall and Other State Facilities 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 Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 38.04.06, Department of Administration, Rules Governing Use of the Exterior of State Property in the Capitol Mall and Other State Facilities, final rules Section 200, Subsection 03. and Section 400, Subsections 01. and 03., only; and Section 201 and Section 400, Subsections 01. and 03., adopted as pending rules under Docket Number 38-0406-1301, only, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 3, 2014

Adopted by the Senate March 18, 2014

(H.C.R. No. 49)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND INSTRUCTING THE DEPARTMENT OF HEALTH AND WELFARE TO INVESTIGATE THE CREATION OF A HOSPITAL DISCHARGE DATABASE AND A COMPREHENSIVE SYSTEM OF HEALTHCARE DATA AND TO ESTABLISH AN ADVISORY COMMITTEE TO CREATE AN IMPLEMENTATION PLAN FOR SUCH DATA.

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

WHEREAS, the Health Quality Planning Commission (HQPC) was established by the Idaho Legislature in 2006 to promote improved quality of care, health outcomes, quality initiatives and patient safety in Idaho through investment in health information technology and other means; and

WHEREAS, over the past several years, the HQPC has examined a range of health issues that affect Idahoans, but efforts have been hampered because

the data that is necessary to understand the scope and cost of these health issues in Idaho is not available; and

WHEREAS, in order to establish a complete picture of Idahoans' experiences with the health care system, Idaho and the HQPC need a statewide healthcare database system for collecting and reporting healthcare data; and

WHEREAS, according to the HQPC, a statewide healthcare database system can be done without putting any additional reporting burden on providers as the information is currently collected by providers and reported to payers, and payers would assume primary responsibility for the data reporting; and

WHEREAS, the HQPC states that a statewide healthcare database system would be developed in two simultaneous phases. Phase one would establish a hospital discharge database, and phase two would create a system of healthcare data including inpatient, outpatient and other care services, including information on care quality and cost; and

WHEREAS, the HQPC believes that collecting and distributing such complete, uniform information would give policymakers the information they need to make informed decisions and target investments for state dollars; provide transparency of data in order to identify and make needed improvements; provide the information necessary to assess quality improvement initiatives at the community level; help the public understand provider performance, clinical quality and patient safety standards; support provider efforts to design targeted quality improvement initiatives at the community level; and enable providers to compare their own performance with those of their peers.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Department of Health and Welfare is instructed to investigate creating both a hospital discharge database and a multifaceted system of healthcare data, including a distributed model of healthcare data collection.

BE IT FURTHER RESOLVED that the Idaho Department of Health and Welfare shall establish an advisory committee that would create a phased development and implementation plan and present the proposed plan for funding to the Idaho Legislature within one year of the commission date. Such a plan would include a recommendation about the framework needed for the data system, describe how it would be governed, estimate costs and propose options for funding.

Adopted by the House March 3, 2014

Adopted by the Senate March 13, 2014

(H.C.R. No. 51)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND COMMEMORATING AND HONORING THE CONTRIBUTIONS OF IDAHO VETERANS OF THE ARMED FORCES WHO SERVED IN VIETNAM, AND ENCOURAGING THE PEOPLE OF THE STATE OF IDAHO TO OBSERVE "WELCOME HOME VIETNAM VETERANS DAY" WITH CEREMONIES AND ACTIVITIES THAT PROMOTE AWARENESS OF THE CONTRIBUTIONS OF OUR VIETNAM WAR VETERANS AND THE IMPORTANCE OF HELPING IDAHO VIETNAM VETERANS READJUST TO CIVILIAN LIFE.

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

WHEREAS, the Vietnam War was fought in Vietnam from 1961 to 1975, and involved North Vietnam and the Viet Cong in conflict with United States Armed Forces and South Vietnam; and

WHEREAS, members of the United States Armed Forces began serving in an advisory role to the South Vietnamese in 1961; and

WHEREAS, Congress overwhelmingly passed the Gulf of Tonkin Resolution on August 7, 1964, which handed over war making powers to President Johnson until peace and security returned to Vietnam; and

WHEREAS, in 1965, United States Armed Forces ground combat units arrived in Vietnam; and

WHEREAS, by the end of 1965, there were 80,000 United States troops in Vietnam and by 1969 a peak of approximately 543,000 troops was reached; and

WHEREAS, on January 27, 1973, the Treaty of Paris was signed, requiring the release of all United States prisoners of war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam; and

WHEREAS, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat troops from Vietnam; and

WHEREAS, the Vietnam War was an extremely divisive issue among the people of the United States; and

WHEREAS, members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were, upon their return home, caught in the crossfire of public debate about the involvement of the United States in the Vietnam War; and

WHEREAS, 216 members of the United States Armed Forces from Idaho were killed and 8 were declared missing in action in Vietnam; and

WHEREAS, approximately 42,810 Vietnam veterans currently reside in Idaho; and

WHEREAS, numerous memorials have been dedicated throughout the state of Idaho to commemorate the members of the United States Armed Forces from Idaho who died or were declared missing in action in Vietnam; and

WHEREAS, The establishment of an Idaho "Welcome Home Vietnam Veterans Day" would be a fitting way to honor our state's brave and loyal veterans who served in Vietnam during the war; and

WHEREAS, March 30, 2014, is an appropriate day to establish as "Welcome Home Vietnam Veterans Day."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we commemorate and honor the contributions of Idaho veterans of the Armed Forces who served in Vietnam, and encourage the people of the state of Idaho to observe "Welcome Home Vietnam Veterans Day" with ceremonies and activities that promote awareness of the contributions of our Vietnam War veterans and the importance of helping Idaho Vietnam veterans readjust to civilian life.

Adopted by the House March 5, 2014

Adopted by the Senate March 18, 2014

(H.C.R. No. 52)

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND HONORING JON MEADE HUNTSMAN, A NATIVE IDAHOAN, FOR HIS LIFELONG ACCOMPLISHMENTS AND FOR THE EMPATHY, LOVE AND CHARITY HE HAS EXHIBITED TOWARD HIS FELLOW MANKIND.

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

WHEREAS, Jon Meade Huntsman was born in Blackfoot, Idaho, raised in Thomas and Pocatello, and maintains a home and significant real estate holdings in Idaho, including the world recognized Huntsman Springs Resort and Golf Course in Teton County; and

WHEREAS, Jon Huntsman was the 1953 Freshman Class President at Pocatello High School, student body president at Palo Alto High School, graduated at the top of his class in 1959 from the Wharton School of Business

at the University of Pennsylvania, earned an MBA from the University of Southern California Marshall School of Business and has been the recipient of thirteen honorary doctorate degrees at various universities, one of those being an honorary degree of Doctor of Science and Humane Letters from Idaho State University; and

WHEREAS, Jon Huntsman has been inducted into the Idaho Hall of Fame; and

WHEREAS, Jon Huntsman has given over \$50 million in aid to the country of Armenia, earning the country's Medal of Honor, its highest award, Armenian citizenship, and the accolades of some who doubted their country could have survived the 1988 earthquake without Jon Huntsman's assistance; and

WHEREAS, Jon Huntsman currently sponsors college educations for twenty-six top scholars from Armenia at Utah State University each year; and

WHEREAS, Jon Huntsman is one of the approximately nineteen people in the world to have charitably given away more than \$1 billion in their lifetime to assist the homeless, the poor and to provide college scholarships for the underserved; and

WHEREAS, Jon Huntsman is the founder and principal benefactor of the Huntsman Cancer Institute, one of the leading cancer research facilities in the United States; and

WHEREAS, Jon Huntsman served two years as gunnery officer in the U.S. Navy, during which time he gave generously to charity from a modest income; and

WHEREAS, Jon Huntsman served his church in many impactful and demanding callings; and

WHEREAS, Jon Huntsman and his wife, Karen, have been married for over fifty years, have nine children and have fifty-six grandchildren, two of whom were adopted from the countries of China and India, and ten great-grandchildren; and

WHEREAS, Jon Huntsman founded Huntsman Corporation, a global diversified chemical company that employs more than 12,000 people worldwide and earned 2013 revenues of \$11 billion.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and honor Jon Meade Huntsman, a native Idahoan, for his dedication to his family, his religion, his exceptional success as a businessman in creating one of the largest industrial companies in the world and for his unmatched philanthropic impact in improving the lives of untold thousands of people here in Idaho and throughout the world.

Adopted by the House March 5, 2014

Adopted by the Senate March 18, 2014

(H.C.R. No. 53)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE STATE BOARD OF EDUCATION, THE IDAHO DEPARTMENT OF COMMERCE AND THE IDAHO DEPARTMENT OF LABOR TO CONVENE A WORKING GROUP CHARGED WITH DEVELOPING A PROPOSAL, INCLUDING PROPOSED LEGISLATION, TO STRENGTHEN THE LINKAGE BETWEEN IDAHO'S PUBLIC EDUCATIONAL SYSTEMS AND IDAHO'S WORKFORCE NEEDS.

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

WHEREAS, Idaho has a significant opportunity to help improve the wage levels of its workforce; and

WHEREAS, Idaho employers experience significant difficulty in filling critical positions due to a shortage of workers having appropriate job skills, experience and education; and

WHEREAS, significant employment opportunities exist in expanding fields such as aerospace technology, health care, information technology, advanced manufacturing, accounting, computer controlled tool and die production and other professional careers; and

WHEREAS, well paid jobs are also immediately available for skilled workers in diesel mechanics, auto body repair and mechanics, carpentry, industrial electricians, construction management, advanced welding skills for stainless steel and aluminum, production of carbon fiber products and other mechanical trades; and

WHEREAS, appropriate basic education to enhance job skills is available in Idaho high schools, technical postsecondary schools and Idaho community colleges; and

WHEREAS, many employers offer advanced skill training through specially designed apprentice and intern programs; and

WHEREAS, Idaho colleges and universities offer enhanced education in all professional, engineering, medical, business, computer science and related technologies; and

WHEREAS, there is a challenge establishing effective communication between industry and our educational institutions; and

WHEREAS, the 2013 K-12 Educational System Interim Committee determined that the Legislature, as policymakers should ask experts in the fields of education, commerce and labor to collaborate in development of an action plan to fully serve the economic needs of Idaho citizens and the economic opportunities of Idaho business and industry.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that members of the Idaho State Board of Education, representatives from the Idaho Department of Commerce and the Idaho Department of Labor, should convene a working group to develop a robust plan including proposed measures and benchmarks to strengthen the ties between our public education systems and Idaho's business and industry. Such a plan should be submitted to the First Regular Session of the Sixty-third Legislature.

BE IT FURTHER RESOLVED that in their collaboration and development of the plan, the representatives from the Department of Commerce, the Department of Labor and the Board of Education should invite representatives from Idaho businesses and industry as well as educators in our K-12 and postsecondary systems to participate and share their expertise and insight into proposals that will strengthen the link between Idaho's public educational systems and our workforce needs.

BE IT FURTHER RESOLVED that such a plan should include policy recommendations, including proposed legislation, to implement the provisions of the plan.

Adopted by the House March 10, 2014

Adopted by the Senate March 12, 2014

(H.C.R. No. 54)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING THOROUGHNESS.

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 State Board of and State Department of Education relating to Rules Governing Thoroughness 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 Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 08.02.03, State Board of and State Department of Education, Rules Governing Thoroughness, Section 104, Subsections 01.a. and 02.c., only, adopted as pending rules under Docket Number 08-0203-1306, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 7, 2014

Adopted by the Senate March 12, 2014

(H.C.R. No. 55)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION RELATING TO RULES GOVERNING UNIFORMITY.

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 State Board of and State Department of Education relating to Rules Governing Uniformity 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 Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 08.02.02, State Board of and State Department of Education, Rules Governing Uniformity, Section 023., Subsection 03., only, adopted as a pending rule under Docket Number 08-0202-1308, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 7, 2014

Adopted by the Senate March 12, 2014

(H.C.R. No. 58)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF ENDOWMENT ASSET ISSUES OF IMPORTANCE TO THE STATE OF IDAHO.

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

WHEREAS, issues related to action by the Idaho Board of Land Commissioners, the Idaho Department of Lands and the Endowment Fund Investment Board affecting the State of Idaho and issues related to endowment assets continue to arise, be unresolved and pose concerns for the future of Idaho and its citizens' quality of life; and

WHEREAS, issues of continued concern include, but are not limited to, the structure and makeup of the Idaho Board of Land Commissioners, the endowment land exchange process, endowment land conflict auctions and other auctions, lakeside cottage sites, the management, operation, exchange, lease and other disposal of endowment assets, the preservation and performance of endowment assets, increasing returns to the endowment beneficiaries, improving transparency with respect to endowment assets and actions taken with respect to the assets.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of endowment asset issues of importance to the State of Idaho. The committee will consist of ten legislators, with five from the Senate and five from the House of Representatives, with no less than one legislator from each of the Senate and House minority caucuses. The Legislative Council shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the Legislative Council is authorized to also appoint ad hoc legislative members to serve on the committee.

BE IT FURTHER RESOLVED that the cochairmen of the committee are authorized to appoint advisors with technical expertise in the governance, management, operation, disposal, preservation and financial performance of endowment assets.

BE IT FURTHER RESOLVED that any advisors to the committee who are not legislative members shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-third Idaho Legislature.

Adopted by the House March 10, 2014

Adopted by the Senate March 18, 2014

(H.C.R. No. 60)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROCLAIMING THE MONTH OF MARCH 2014 AS SOCIAL WORK RECOGNITION MONTH AND CALLING UPON ALL CITIZENS TO JOIN WITH THE NATIONAL ASSOCIATION OF SOCIAL WORKERS IN CELEBRATION AND SUPPORT OF THE SOCIAL WORK PROFESSION.

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

WHEREAS, the primary mission of the social work profession is to enhance human well-being and help meet the basic needs of all people, especially the most vulnerable in society; and

WHEREAS, social work pioneers helped lead America's struggle for a better life for all citizens; and

WHEREAS, social workers attempt to reduce poverty and trauma that can create lifelong social and economic disadvantages; and

WHEREAS, social workers support all families in every community; and

WHEREAS, social workers help people in every stage of life function better in their environments, improve their relationships with others and solve personal and family problems; and

WHEREAS, social workers strive for a safe environment and a full education for all children; and

WHEREAS, dignity and caregiving for older adults help define a nation's character; and

WHEREAS, veterans and their families need community support to ensure successful transitions after service; and

WHEREAS, access to mental health treatment and health care services saves millions of lives; and

WHEREAS, social workers believe in prosperity and opportunity for everyone; and

WHEREAS, social work research and advocacy identify community needs; and

WHEREAS, social workers celebrate the courage, hope and strength of the human spirit throughout their careers.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that in recognition of the numerous contributions made by America's 600,000 social workers and the almost 4,000 licensed social workers in Idaho, we proclaim the month of March 2014 as Social Work Recognition Month in Idaho and call upon all citizens of Idaho to join with the National Association of Social Workers in celebration and support of the social work profession and National Social Work Month.

Adopted by the House March 12, 2014

Adopted by the Senate March 19, 2014

(H.C.R. No. 61)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE TAX COMMISSION RELATING TO PROPERTY TAX ADMINISTRATIVE 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 a certain rule of the State Tax Commission relating to Property Tax Administrative Rules 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 Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 35.01.03, State Tax Commission, Property Tax Administrative Rules, Section 205, adopted as a pending rule under Docket Number 35-0103-1302, only, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 19, 2014

Adopted by the Senate March 20, 2014

(H.C.R. No. 62)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE GOVERNOR AND THE ATTORNEY GENERAL ENTER INTO NEGOTIATIONS WITH THE COEUR D'ALENE TRIBE AND THE UNITED STATES TO RESOLVE ITS FEDERAL RESERVED WATER RIGHT CLAIMS, IF POSSIBLE.

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

WHEREAS, the Second Regular Session of the Fifty-ninth Idaho Legislature directed the director of the Idaho Department of Water Resources to file

a petition for the commencement of an adjudication "within the terms of the McCarran amendment, 43 U.S.C. section 666, of the water rights from surface water and ground water sources" in the Coeur d'Alene-Spokane River Basin; and

WHEREAS, the State of Idaho filed a petition for the commencement of a general adjudication of all rights "arising under state or federal law to the use of surface and ground waters from the Coeur d'Alene-Spokane basin water system and the administration of such rights," in the District Court for the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls on July 8, 2008; and

WHEREAS, the District Court for the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls issued its Commencement Order for the Coeur d'Alene-Spokane River Basin Adjudication (CSRBA), Case No. 49576, on November 12, 2008; and

WHEREAS, the United States has filed federal reserved water right claims on behalf of the Coeur d'Alene Tribe of the Coeur d'Alene Indian Reservation in the CSRBA; and

WHEREAS, the State of Idaho may oppose certain federal reserved water right claims as filed by the United States on behalf of the Coeur d'Alene Tribe, which may affect private water rights or state sovereignty; and

WHEREAS, it has been the policy of the Idaho Legislature to seek to resolve tribal federal reserved water right claims through negotiated agreements, if possible; and

WHEREAS, the CSRBA will involve consideration of numerous water rights and legal issues that may be capable of resolution without extensive and expensive litigation; and

WHEREAS, negotiation of federal reserved water right claims in the CSRBA provides an opportunity for local participation in developing solutions tailored to the unique characteristics of the Coeur d'Alene-Spokane River Basin and its Idaho stakeholders; and

WHEREAS, representatives of the United States and the Coeur d'Alene Tribe of the Coeur d'Alene Indian Reservation have expressed their willingness to enter into full, frank and honest negotiations between the Coeur d'Alene Tribe and the State of Idaho, with an opportunity for participation by affected water users, to resolve the nature and extent of the tribe's reserved water rights within the CSRBA; and

WHEREAS, members of the Idaho Legislature from districts affected by the CSRBA have expressed support for negotiations.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we request the State of Idaho, by and through the Governor and the Attorney General, to attempt to negotiate with the United States and the Coeur d'Alene Tribe of the Coeur d'Alene Indian Reservation a resolution of the nature and extent of the reserved water right claims of the Coeur d'Alene Tribe.

BE IT FURTHER RESOLVED that the Governor and the Attorney General shall defend Idaho's sovereignty over its water resources and protect from injury existing private water rights in such negotiations.

BE IT FURTHER RESOLVED that any proposed settlement must be ratified by the Legislature of the State of Idaho; and

BE IT FURTHER RESOLVED that the Governor and the Attorney General, following consultation with legislators from Legislative Districts 2, 3, 4, 5 and 7 shall develop a process, including notice, for equal and open participation in the negotiations by claimants with valid Idaho water rights in the CSRBA, or representatives thereof; and

BE IT FURTHER RESOLVED that the Governor and the Attorney General should report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate regarding the status of negotiations and that the Speaker of the House of Representatives and the President Pro Tempore

of the Senate shall keep members of the Legislature informed about the negotiations.

Adopted by the House March 19, 2014

Adopted by the Senate March 20, 2014

(H.C.R. No. 63)

A CONCURRENT RESOLUTION

PROVIDING LEGISLATIVE FINDINGS AND RECOGNIZING, HONORING AND COMMENDING JEFF YOUTZ FOR HIS YEARS OF SERVICE TO THE LEGISLATURE OF THE STATE OF IDAHO UPON HIS RETIREMENT.

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

WHEREAS, in 1994 Jeff Youtz was appointed as the first Manager of the Budget and Policy Analysis Division of the newly created Legislative Services Office and subsequently came to be nationally recognized by his peers in the National Conference of State Legislatures for his commitment and excellent work in the field of state budgeting practices; and

WHEREAS, Jeff is a lifelong resident of Idaho, having been born and educated in Twin Falls and is a graduate of the College of Idaho in Caldwell; and

WHEREAS, Jeff served on the Council of State Governments (CSG) West Committee of the Legislative Services Agency/Research Directors Committee and helped run the CSG West Annual Meeting in Sun Valley in 2010; and

WHEREAS, as the Director of the Legislative Services Office, beginning in 2006, Jeff served on the Capitol Commission and played a key role in securing the funding for and the ultimate success of the restoration of the "People's House." Furthermore, his passion included honoring the historical significance of the building while recognizing the value that expansion gave to increasing public dialogue and access; and

WHEREAS, Jeff has been the consummate professional, always treating legislators, his staff and members of the public with warmth, friendliness, professionalism and a sense of humor; and

WHEREAS, Jeff's love and respect of the Legislature and the value he places on the institution is something he embodies every day. By his example, he has inspired legislators and colleagues alike to uphold and protect the laws, rules and traditions governing the institution; and

WHEREAS, Jeff will be retiring in September 2014 as Director of the Legislative Services Office.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize, honor and commend Jeff Youtz for his years of service to the Idaho Legislature, for his positive contributions to the Legislature, its employees and the legislative process, and we wish him well in retirement.

Adopted by the House March 20, 2014

Adopted by the Senate March 20, 2014

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2013-05DEFERRED COMPENSATION PROGRAM FOR EMPLOYEES OF THE STATE OF IDAHO
REPEALING AND REPLACING EXECUTIVE ORDER NO. 2009-13

WHEREAS, the Idaho Legislature, by and through the implementation of section 59-513, Idaho Code, has provided for the establishment of a Deferred Compensation Program;

WHEREAS, a Deferred Compensation Program has been presented to and approved by the Board of Examiners of the State of Idaho by the Deferred Compensation Committee; and

WHEREAS, administrative entities on the state level are necessary for proper implementation and maintenance of the plan;

NOW, THEREFORE, I, 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 Deferred Compensation Committee comprised of a representative appointed by the Governor, a representative from the Office of the Attorney General, a representative from the Office of the State Controller, and a representative from the Office of the Secretary of State is hereby named as the policymaking board for a Deferred Compensation Program subject to the authority vested in the Board of Examiners of the State of Idaho by law.
2. The Deferred Compensation Committee shall make the following decisions concerning the implementation and maintenance of a Deferred Compensation Program subject to the approval of the Board of Examiners:
 - a. Selection of a third-party administrator to administer the state's 457 plan, including a Roth option;
 - b. Selection of product companies that sell or offer securities or other assets to the State of Idaho in accordance with a Deferred Compensation Program;
 - c. Approval and monitoring of the marketing program to introduce and explain the Deferred Compensation Program to state employees;
 - d. Review all summary reports produced by the office of the State Controller and the third-party administrator to ensure proper accounting for all funds; and
 - e. Review on a yearly basis the viability of all product companies associated with the Deferred Compensation Program and to determine if re-bidding is necessary.
3. The Deferred Compensation Committee through the third-party administrator shall:
 - a. Ensure that remittance to the product companies of deferred moneys are made from the periodic payroll;
 - b. Review and sign all enrollments, change and claim requests;
 - c. Keep or arrange to keep any necessary files concerning the Deferred Compensation Program; and
 - d. Communicate with the state employees concerning routine matters.

This Executive Order shall cease to be in effect four years after its entry into force.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 21st day of June in the year of our Lord 2013, and of the Independence of the United States of America the two hundred thirty-seventh and of the Statehood of Idaho the one hundred twenty-third.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2013-06

APPOINTMENT OF MEMBERS OF THE BOARD OF ENVIRONMENTAL QUALITY

WHEREAS, the State of Idaho administers the Clean Air Act, 42 U.S.C. 7401 et seq., through provisions of State law identified and described in a State Implementation Plan (SIP);

WHEREAS, the Idaho Board of Environmental Quality is authorized to make final administrative appeal determinations regarding air quality permits and enforcement orders;

WHEREAS, section 128 of the Clean Air Act requires Idaho's SIP to include the following provisions:

- (1) Any board or body which approves permits or enforcement orders under this chapter shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under this chapter; and
- (2) Any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers shall be adequately disclosed.

WHEREAS, Idaho Code section 39-107(1) (a) provides:

The board of environmental quality shall consist of seven (7) members who shall be appointed by the governor, with the advice and consent of the senate. The members shall serve at the pleasure of the governor. Each member of the board shall be a citizen of the United States, a resident of the state of Idaho, and a qualified elector, and shall be appointed to assure appropriate geographic representation of the state of Idaho. Not more than four (4) members of the board shall be from any one (1) political party. Two (2) members of the board shall be chosen with due regard to either knowledge and interest in solid waste; two (2) members shall be chosen for their knowledge of and interest in air quality; two (2) members shall be chosen for their knowledge and interest in water quality; and one (1) member shall be chosen with due regard for their knowledge of and interest in air, water and solid waste issues.

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 appointment of members to the Idaho board of environmental quality shall be made in conformance with the requirements

of Idaho Code section 39-107(1) (a) , and section 128 of the Clean Air Act (2 U.S.C. 7428) .



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 26th day of June in the year of our Lord 2013, and of the Independence of the United States of America the two hundred thirty-seventh and of the Statehood of Idaho the one hundred twenty-third.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA

SECRETARY OF STATE

EXECUTIVE ORDER NO. 2013-07

ESTABLISHING THE IDAHO VETERANS, SERVICEMEMBERS AND FAMILIES
COORDINATION COUNCIL

WHEREAS, the State of Idaho has a moral duty to support those citizens who have served or are serving in the United States Armed Forces, whether on Active Duty, in the Reserves, or in the National Guard, as well as their families; and

WHEREAS, this duty owed is shared among agencies and branches of state, federal, and local government; and

WHEREAS, the resources of government should be coordinated to provide veterans, service members and their families with the support they need; and

WHEREAS, communication among the various officials, stakeholders and providers is necessary to ensure that government remains responsive to the needs of veterans, service members and their families; and

WHEREAS, a formal organizational structure can help foster such communication and coordinate government and community 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 create the Idaho Veterans, Servicemembers and Families Coordination Council.

1. The Idaho Veterans, Servicemembers and Families Coordination Council is to:
 - a. Advise the Governor on issues and challenges concerning veterans, servicemembers and their families;
 - b. Help ensure veterans and members of the United States Armed Forces and their families are provided support and services;
 - c. Meet at least three (3) times annually at the call of the chairman, at such times and places as determined by the chairman. The Council will, by December 15th each year, submit a report of activities and recommendations to the Governor;

- d. Monitor the State's progress in the implementation of the Idaho Action Plan developed by Idaho representatives at the federal Department of Health and Human Services (SAMHSA) Returning Service Members, Veterans, and their Families Policy Academy in May 2013, and to review future revisions and additions to said plan;
 - e. Encourage and support collaboration, and attempt to mitigate duplication of effort, among agencies and groups providing services for and supporting veterans, servicemembers and their families.
 - f. Form subcommittees to research and take action on specific issues related to veterans, servicemembers and their families.
2. The duties of the Council are solely advisory in nature.
3. The members of the Council shall be appointed by and serve at the pleasure of the Governor. Members will include but are not limited to representatives from:
- a. Idaho Division of Veterans Services (Chairman);
 - b. Adjutant General, Idaho National Guard (Vice Chairman);
 - c. Idaho Department of Health and Welfare (Recorder);
 - d. Idaho Department of Labor;
 - e. Idaho Department of Education;
 - f. Idaho Association of Counties;
 - g. U.S. Department of Veterans Affairs, one member from the Boise VA Regional Office and one member from the Boise VA Medical Center;
 - h. 366th Fighter Wing, Mountain Home Air Force Base.
 - i. Idaho Legislature:
 - 1.) A member of the Idaho Senate, nominated by the President Pro Tempore of the Senate.
 - 2.) A member of the Idaho House of Representatives, nominated by the Speaker of the House of Representatives.
 - j. Veterans, Service Members, and family members:
 - 1.) An active, reserve or retired representative from each of the five services: U.S. Army, Marine Corps, Navy, Air Force and Coast Guard.
 - 2.) A current member of the Idaho National Guard.
 - 3.) A representative from one of the major, nationwide, Veterans Service organizations.
 - 4.) The spouse of an active duty or Idaho National Guard servicemember.
6. Members of the Council shall receive no compensation for their services on the Council. Members may request and receive full or partial reimbursement for travel expenses from the Idaho Veterans Support Fund if they live outside the Treasure Valley commuting area.

7. The Council may request consultation, information and technical expertise from directors or their designees of State of Idaho agencies, from federal agencies, and from members of the public.
8. All Executive Branch departments, agencies, boards and commissions shall fully cooperate with the Council in carrying out the mandates of the Executive Order and shall provide staff support and other assistance as requested.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 5th day of December in the year of our Lord 2013, and of the Independence of the United States of America the two hundred thirty-eighth and of the Statehood of Idaho the one hundred twenty-fourth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2014-01

GOVERNOR'S TASK FORCE ON ZERO-TOLERANCE OF SEXUAL ASSAULT AGAINST
INCARCERATED PERSONS

WHEREAS, the State of Idaho recognizes that, historically, incarcerated persons have been subject to sexual assault; and

WHEREAS, the federal Prison Rape Elimination Act of 2003 establishes a zero-tolerance standard for the incidence of sexual assault in prisons; and

WHEREAS, the State of Idaho has zero-tolerance for sexual assault against any incarcerated person, adult or juvenile, whether in State or local correctional or detention facilities, or facilities contracted with the State; and

WHEREAS, the prevention of sexual assault against incarcerated persons is a top priority in Idaho's prisons, jails, and juvenile correctional and detention facilities; and

WHEREAS, it is the responsibility of Idaho's prisons, jails, and juvenile correctional and detention facilities to protect incarcerated individuals from sexual assault; and

WHEREAS, it is the responsibility of Idaho's prisons, jails, and juvenile correctional and detention facilities to respond immediately and appropriately to an incident of sexual assault and to protect the victim and hold those responsible accountable; and

WHEREAS, the National Standards to Detect, Prevent and Respond to Prison Rape requires federal prisons, detention facilities and juvenile corrections facilities to take certain actions to detect, prevent, respond to, and punish for incidents of sexual assault of incarcerated persons; and

WHEREAS, the State of Idaho believes it can best address sexual assault in Idaho's prisons, jails, and juvenile correctional and detention facilities through appropriate and necessary standards developed for the State;

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 establish the Governor's Task Force on Zero-Tolerance of Sexual Assault Against Incarcerated Persons:

1. The Task Force is responsible for investigating evidence-based best practices to ensure that incarcerated persons in the State of Idaho, or in facilities in another state contracted to house Idaho offenders, are protected from sexual assault.
2. The Task Force is responsible for developing the Idaho Standards for Zero-Tolerance of Sexual Assault Against Incarcerated Persons (Idaho Standards) to address the detection, prevention, response to and punishment for sexual assault in State and local correctional and detention facilities. Further, the Idaho Standards will recognize and address the different needs of adults and juveniles incarcerated in the State of Idaho, as well as the different needs and resources of State and local facilities.
3. The Task Force will consist of the directors of the Idaho Department of Correction and the Idaho Department of Juvenile Corrections, the Idaho State Appellate Public Defender, a member of the Idaho Sheriffs' Association and an administrator of a juvenile detention facility in Idaho for the development of the Idaho Standards.
4. The Task Force shall receive administrative support from the State agencies represented on the Task Force.
5. The Task Force will report its findings and recommendations to the Idaho Criminal Justice Commission, which then will submit its recommendations for the Idaho Standards for Zero-Tolerance of Sexual Assault Against Incarcerated Persons to the Office of the Governor before December 1, 2014.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 13th day of January in the year of our Lord 2014, and of the Independence of the United States of America the two hundred thirty-eighth and of the Statehood of Idaho the one hundred twenty-fourth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2014-02

ESTABLISHING THE IDAHO HEALTHCARE COALITION

WHEREAS, Executive Order 2010-15 established the Governor's Idaho Health Care Council to effectuate the implementation of State health care initiatives; and

WHEREAS, Executive Order 2010-15 acknowledged the need for the State of Idaho to prepare and develop a plan to effectively address health care delivery; and

WHEREAS, the Idaho Health Care Council was directed to identify short- and long-range opportunities and issues created by the enactment of health care reform; and

WHEREAS, Executive Order 2010-10 established the Idaho Medical Home Collaborative (Collaborative) to implement a patient-centered medical home (PCMH) model of care to address the transformation of Idaho's health care system to a PCMH model; and

WHEREAS, the Collaborative launched a PCMH Pilot in January 2013 that implements guidelines for a PCMH model, a common definition of PCMH, PCMH qualifications, standards, and eligibility criteria, and common payment formulas for PCMH providers; and

WHEREAS, the work of the Collaborative provided the foundation for development of a State Healthcare Innovation Plan (SHIP) which outlines a blueprint for redesigning Idaho's healthcare system; and

WHEREAS, the executive order establishing the Collaborative sunsets in 2014, the important work of the Collaborative in guiding the transformation of primary care to the medical home model will continue to advise the SHIP within the auspices of the to-be-established Idaho Healthcare Coalition; and

WHEREAS, the SHIP identifies the need to redesign Idaho's healthcare system to integrate and coordinate care across all healthcare services in the State, yielding cost efficiencies and improved population health; and

WHEREAS, the SHIP details how Idaho's healthcare system today is defined by severe workforce shortages across healthcare professions, limiting access to services; and

WHEREAS, the SHIP finds that many primary care practices are without the resources and supports needed to implement quality initiatives, adopt advanced health information technology, at times resulting in inefficient care; and

WHEREAS, the SHIP describes a current payment system that pays for volume of services and does not incentivize or reward quality care, resulting in ever-rising healthcare costs; and

WHEREAS, the SHIP prioritizes building a robust primary care system statewide through the delivery of services in a patient-centered medical home (PCMH) model of patient-centered, team-based care, coordinated with the extended medical neighborhood-that includes secondary and tertiary care consultants, hospitals, behavioral health, and other community support services; and

WHEREAS, the SHIP identifies the differing needs of primary care providers in both rural and urban areas of the state and recommends development of specific resources to address those varying needs; and

WHEREAS, the SHIP acknowledges the flaws of the current competitive market fee-for-service model of reimbursement and the need to shift to a reimbursement system that promotes and rewards quality; and

WHEREAS, in the transformation of the healthcare system to a well-integrated model that focuses on patient health outcomes, a high degree of coordination and collaboration between providers, payers and consumers of healthcare services is necessary to achieve the goal of developing an integrated, coordinated, efficient and economical healthcare system; and

WHEREAS, the state of Idaho has an interest in health care costs and finds that collaboration will promote quality and slow the rise of health care costs, and is in the best interest of the public; and

WHEREAS, the SHIP recommends creating a voluntary system that promotes primary care practice advancement under the PCMH model while respecting the long-standing culture in Idaho of provider and payer autonomy.

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 this state do hereby:

1. The IHC is charged with expanding on the work of the Idaho Health Care Council by leading development of an integrated, coordinated healthcare system in Idaho that focuses on improved population health, improved individual health outcomes and cost efficiencies.
2. The Department of Health and Welfare, an agency of the State of Idaho, will actively supervise and oversee the activities of the IHC.
3. Members of the IHC shall be appointed by and serve at the pleasure of the Governor and include representatives from the Idaho Health Care Council, the Idaho Medical Home Collaborative, and others from the healthcare provider community, private and public payers, policy makers, and consumers.
4. The Chair of the IHC shall be appointed by the Governor from its members.
5. The IHC shall:
 - a. facilitate and support the transformation of primary care practices to the PCMH model;
 - b. develop regional collaboratives to support local practices in transformation and integration of PCMHs with the medical neighborhood that includes secondary and tertiary care consultants, hospitals, behavioral health, and other community support services;
 - c. recognize the critical issues related to Idaho's healthcare provider workforce shortage and work closely with the Idaho Health Professions Education Council, established by executive order in 2009, to ensure that SHIP activities align with the Council's workforce development strategies;
 - d. establish quality outcome measures and methods to collect and analyze individual patient and population health outcomes;
 - e. advance primary care payment methods that align with the PCMH model, encouraging public and private payers to reimburse for improved health outcomes rather than volume of visits;
 - f. provide guidance to expand health information technology (HIT) at the practice level, enhancing PCMHs' use of electronic health records (EHRs), enabling the coordination of care for patients between providers using interoperable technology connections, reducing the cost and redundancies found in the current healthcare delivery system and, at the state level, compiling population health data for quality measurement and improvement;
 - g. develop a long-range plan for sustainability and growth of Idaho's transformed healthcare system; and
6. The IHC shall provide quarterly progress reports, through the Department of Health and Welfare to the Governor.
7. This EO will be effective for 2 years.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 25th day of February in the year of our Lord 2014, and of the Independence of the United States of America the two hundred thirty-eighth and of the Statehood of Idaho the one hundred twenty-fourth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2014-03

ESTABLISHING ANNUAL REPORTING REQUIREMENTS FOR STATE AGENCIES RECEIVING FEDERAL FUNDS

WHEREAS, an open and transparent government is fundamental to the perpetual success of a republic; and

WHEREAS, federal funds awarded to state agencies themselves or as pass-through funds to local units of government now constitute a significant portion of state expenditures; and

WHEREAS, to ignore these funds would greatly undermine the authority of the Legislature to appropriate monies; and

WHEREAS, it is the responsibility of state government to be prepared for a possible disruption or reduction in funding; and

WHEREAS, it is imperative that elected officials review and understand details of grants being awarded, measure the effectiveness and necessity of federally funded programs and act in the best interest of constituents; and

WHEREAS, there is no existing mechanism to receive this data from state agencies annually.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the laws of the State of Idaho, do hereby order as follows:

1. State agencies of the executive branch shall, each year, along with their annual performance reports as required by Idaho Code section 67-1904, prepare and submit to the Division of Financial Management a report that:

a. Delineates the federal funds the state agency received for the preceding fiscal year;

b. Delineates the federal funds to be utilized by the state agency for the current and upcoming fiscal year. The report shall include federal funds appropriated by the Legislature, federal funds continuously appropriated and any programs supported by federal funds, the loss of which may impact the continuity or delivery of services;

c. Identifies any obligations, agreements, joint exercise of powers agreements or memoranda of understanding that may be impacted by federal or state decisions regarding federal receipts;

d. Calculates the percentage that constitutes federal funds to the total appropriation for the state agency for the fiscal year; and

e. Includes appropriate documentation, provided by the Division of Financial Management, describing the agency's plan for operat-

ing if there is a reduction of ten percent (10%) or more in the federal funds that the state agency receives.

f. The Division of Financial Management shall include in the annual executive budget recommendation a report that:

i. Compiles and summarizes the reports the Division of Financial Management receives in accordance with this Executive Order.

ii. Compares the aggregate value of federal receipts each designated agency received for the previous fiscal year to the aggregate amount of federal funds to the total budget of the state agency for the fiscal year.

2. As used in this executive order:

a. "State agency" shall mean all departments, boards and commissions of the executive branch, including the Office of the Governor, which shall be the only elected constitutional office subject to this order.

b. "Federal funds" shall mean any financial assistance made to a state agency by the United States government, or any agency thereof, whether a contract, grant subsidy, augmentation, reimbursement or in any other form.

c. "Federal project" shall mean an undertaking, program or activity by a state agency supported in whole or in part by federal funds.



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 March in the year of our Lord 2014, and of the Independence of the United States of America the two hundred thirty-eighth and of the Statehood of Idaho the one hundred twenty-fourth.

/s/ C.L. "BUTCH" OTTER

GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

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Bd = Board	Com = Commission
Comm = Committee	Dept = Department
DEQ = Department of Environmental Quality	
Dist = District	Div = Division
F&G = Fish and Game	Govt = Government
H&W = Health and Welfare	PUC = Public Utilities Commission
PERSI = Public Employee Retirement System of Idaho	
UCC = Uniform Commercial Code	Univ = University

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37-1003b	Repealed	Ch. 284	-	723
37-1004	Repealed	Ch. 284	-	723
37-1005	Repealed	Ch. 284	-	723
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37-2705	Amended	Ch. 349	-	870
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APPENDIX

IDAHO STATE OFFICIAL DIRECTORY

ELECTED OFFICIALS

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Senator James E. Risch (R)
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Mike Simpson (R), Second District
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GOVERNOR C.L. "Butch" Otter (R)

LIEUTENANT GOVERNOR Brad Little (R)

SECRETARY OF STATE Ben T. Ysursa (R)

STATE CONTROLLER Brandon D Woolf (R)

STATE TREASURER Ron G. Crane (R)

ATTORNEY GENERAL Lawrence Wasden (R)

SUPERINTENDENT OF PUBLIC INSTRUCTION Tom Luna (R)

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3 - KOOTENAI COUNTY

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5 - BENEWAH & LATAH COUNTIES

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6 - LEWIS & NEZ PERCE COUNTIES

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10 - CANYON COUNTY

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 CHAIR-Education
 Environment, Energy, & Technology

15 - ADA COUNTY

Fred S. Martin (R) Senate 1st Term
 3672 Tumbleweed Pl., Boise 83713
 Home 447-9000
 Email: fmartin@senate.idaho.gov
 Retired; Teacher, Businessman and CEO Spouse - Darla
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Health & Welfare; Joint Millennium Fund
 Committee

Lynn M. Luker (R) House Seat A 4th Term
 514 S. El Blanco Dr., Boise 83709
 Home 375-8254 Bus 343-0022 FAX 375-0501
 Email: lluker@house.idaho.gov
 Attorney Spouse - Helen
 VICE CHAIR-Judiciary, Rules, & Administration
 Local Government; State Affairs

Patrick McDonald (R) House Seat B 1st Term
 13359 West Annabrook Dr., Boise 83713
 Home 938-1329
 Email: pmdonald@house.idaho.gov
 Retired U.S. Marshal Spouse - Sarah Jane
 Education; Judiciary, Rules, & Administration; Transportation &
 Defense

16 - ADA COUNTY

Les Bock (D) Senate 3rd Term
 Served 1 term, House 2006-2008
 5960 Willowdale Lane, Garden City 83714
 Home 319-6874
 Email: lbock@senate.idaho.gov
 Artisan Furniture Construction/Artist Spouse - Dunnia Aplicano
 Health & Welfare; Joint Legislative Oversight/JLOC; Judiciary &
 Rules; Transportation

Grant Burgoyne (D) House Seat A 3rd Term
 ASSISTANT MINORITY LEADER
 2203 Mountain View Dr., Boise 83706
 Home 377-5729 Bus 345-2654 FAX 345-3319
 Email: gburgoyne@house.idaho.gov
 Attorney Spouse - Christy
 Economic Outlook and Revenue Assessment Committee; Judiciary,
 Rules, & Administration; Revenue & Taxation; Ways & Means

Hy Kloc (D) House Seat B 1st Term
 3932 Oak Park Pl., Boise 83703
 Home 343-8465
 Email: hkloc@house.idaho.gov
 Retired, Boise State Public Radio Spouse - Joan L. Wallace
 Education; Local Government

LEGISLATORS BY DISTRICT (Continued)

17 - ADA COUNTY

Elliot Werk (D) Senate 6th Term
 ASSISTANT MINORITY LEADER
 6810 Randolph Dr., Boise 83709
 Bus 658-0388
 Email: ewerk@senate.idaho.gov
 Spouse - Nancy Greenwald
 Joint Legislative Oversight/JLOC; Joint Millennium Fund
 Committee; Judiciary & Rules; Local Government & Taxation;
 State Affairs

John Gannon (D) House Seat A 1st Term
 Served 1 term, House 1990-1992
 2104 S. Pond Street, Boise 83705
 Home 343-1608 Bus 433-0629
 Email: jgannon@house.idaho.gov
 Attorney Fiancée - Bev
 Business; State Affairs; Transportation & Defense

Susan B. "Sue" Chew (D) House Seat B 4th Term
 1304 Lincoln Ave., Boise 83706
 Home 344-0098
 Email: schew@house.idaho.gov
 Adjunct Professor/Licensed Pharmacist
 Health & Welfare; Local Government

18 - ADA COUNTY

Janie Ward-Engelking (D) Senate 1st Term
 Served 1 term, House 2012-2013
 3578 S. Crosspoint Ave., Boise 83706
 Home 385-9564
 Email: jwardengelking@senate.idaho.gov
 Retired teacher Spouse - Kay
 Agricultural Affairs; Change in Employee Compensation
 Committee; Commerce & Human Resources; Education

Iana Rubel (D) House Seat A 1st Term
 2750 Migratory Dr., Boise 83706
 Home 866-4776
 Email: irubel@house.idaho.gov
 Attorney Spouse - John Paschke
 Education; Resources & Conservation

Phyllis K. King (D) House Seat B 4th Term
 2107 Palouse, Boise 83705
 Home 344-0202 Bus 344-0202
 Email: pking@house.idaho.gov
 Commercial Photographer
 Appropriations/JFAC; Change in Employee Compensation
 Committee; Commerce & Human Resources; Joint Millennium
 Fund Committee; Transportation & Defense

19 - ADA COUNTY

Cherie Buckner-Webb (D) Senate 1st Term
 Served 1 term, House 2010-2012
 MINORITY CAUCUS CHAIR
 2304 W. Bella St., Boise 83702
 Home 343-2650 Bus 861-5482
 Email: cbucknerwebb@senate.idaho.gov
 Owner/Principal, Sojourner Coaching Spouse - Henry Webb
 Agricultural Affairs; Education; Transportation

Mat Erpelding (D) House Seat A 1st Term
 2519 W. Idaho St., Boise 83702
 Home 856-0291
 Email: merpelding@house.idaho.gov
 Owner, Leadership Development
 Firm/Outfitter and Guide
 Agricultural Affairs; Resources & Conservation; Revenue &
 Taxation

Holli Woodings (D) House Seat B 1st Term
 1302 Rose Park Circle, Boise 83702
 Home 724-0939
 Email: hwoodings@house.idaho.gov
 Renewable Energy Consultant Spouse - Ryan
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Environment, Energy, & Technology; State
 Affairs

20 - ADA COUNTY

Chuck Winder (R) Senate 3rd Term
 ASSISTANT MAJORITY LEADER
 5528 N. Ebbetts Ave., Boise 83713
 Home 853-9090
 Email: cwinder@senate.idaho.gov
 Businessman Spouse - Dianne
 State Affairs; Transportation

Joe Palmer (R) House Seat A 3rd Term
 1524 N. Meridian Rd., Meridian 83642
 Bus 887-9488
 Email: jpalmer@house.idaho.gov
 Self-Employed Spouse - Leslie
 CHAIR-Transportation & Defense
 Business; Economic Outlook and Revenue Assessment Committee;
 State Affairs

James Holtzclaw (R) House Seat B 1st Term
 3720 N. Heritage View Ave., Meridian 83646
 Home 284-9542
 Email: jholtzclaw@house.idaho.gov
 Real Estate Broker Spouse - Michelle
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Local Government; State Affairs

LEGISLATORS BY DISTRICT (Continued)

21 - ADA COUNTY

Clifford R. Bayer (R) Senate 1st Term
 Served 5 terms, House 2002-2012
 592 E. St. Kitts Dr., Meridian 83642
 Home 362-5058 FAX 362-5058
 Email: cbayer@senate.idaho.gov
 Medical Research Scientist Spouse - Nicole
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC; Joint Legislative Oversight/JLOC; Local
 Government & Taxation

Steven Harris (R) House Seat A 1st Term
 851 E. Martinique Dr., Meridian 83642
 Home 861-8638 Bus 376-6500 FAX 376-0505
 Email: sharris@house.idaho.gov
 Business Owner Spouse - Wendy
 Commerce & Human Resources; Education; Local Government

Thomas Dayley (R) House Seat B 1st Term
 4892 S. Willandra Way, Boise 83709
 Home 562-0276
 Email: tdayley@house.idaho.gov
 Retired Spouse - Catherine
 Agricultural Affairs; Judiciary, Rules, & Administration; Revenue
 & Taxation

22 - ADA COUNTY

Russell M. Fulcher (R) Senate 5th Term
 MAJORITY CAUCUS CHAIR
 P.O. Box 1166, Meridian 83680-1166
 Bus 332-1340 FAX 332-1422
 Email: rfulcher@senate.idaho.gov
 Commercial Real Estate Spouse - Kara
 Education; State Affairs

John Vander Woude (R) House Seat A 2nd Term
 Served 1 term, House 2006-2008
 MAJORITY CAUCUS CHAIR
 5311 Ridgewood Rd., Nampa 83687
 Home 888-4210 Bus 888-3003 FAX 888-9268
 Email: jvanderwoude@house.idaho.gov
 Retail Store Operator Spouse - Judy
 Environment, Energy, & Technology; Health & Welfare; Resources
 & Conservation; Ways & Means

Jason A. Monks (R) House Seat B 1st Term
 1002 W. Washington Dr., Meridian 83642
 Home 871-7127 Bus 884-8684 FAX 895-8013
 Email: jmonks@house.idaho.gov
 Small Business Owner Spouse - Shelley
 Business; Environment, Energy, & Technology; State Affairs

23 - ELMORE, OWYHEE & TWIN FALLS COUNTIES

Bert Brackett (R) Senate 3rd Term
 Served 1 term, House 2006-2008
 48331 Three Creek Highway, Rogerson 83302
 Home 857-2217
 Email: bbrackett@senate.idaho.gov
 Rancher Spouse - Paula
 CHAIR-Transportation
 Agricultural Affairs; Resources & Environment

Richard "Rich" Wills (R) House Seat A 6th Term
 P.O. Box 602, Glens Ferry 83623
 Home 366-7408 Bus 484-0403 FAX 366-2457
 Email: rwills@house.idaho.gov
 Business Owner, Opera Theatre/ Spouse - Connie
 Communications Consulting Business
 CHAIR-Judiciary, Rules, & Administration
 Education; Transportation & Defense

Pete Nielsen (R) House Seat B 6th Term
 4303 S.W. Easy St., Mountain Home 83647
 Home 832-4382 Bus 832-4382 FAX 832-4382
 Email: pnielsen@house.idaho.gov
 Life & Health Insurance Agent Spouse - Connie
 VICE CHAIR-Education
 Environment, Energy, & Technology; Judiciary, Rules, &
 Administration

24 - TWIN FALLS COUNTY

Lee Heider (R) Senate 3rd Term
 1631 Richmond Dr., Twin Falls 83301
 Home 734-8864 Bus 731-1631
 Email: lheider@senate.idaho.gov
 Retired, Contractor/Broker Spouse - Jan
 CHAIR-Health & Welfare
 Resources & Environment

Lance Clow (R) House Seat A 1st Term
 2170 Bitterroot Dr., Twin Falls 83301
 Home 733-5767
 Email: lclow@house.idaho.gov
 Retired, Personal Financial Advisor Spouse - DeeDee
 Business; Education; Local Government

Stephen Hartgen (R) House Seat B 3rd Term
 1681 Wildflower Lane, Twin Falls 83301
 Home 733-5790 Bus 733-5790 FAX 733-5790
 Email: shartgen@house.idaho.gov
 Business Consultant/Economic Spouse - Linda
 Development
 CHAIR-Commerce & Human Resources
 CO-CHAIR-Joint Millennium Fund Committee
 Change in Employee Compensation Committee; Environment,
 Energy, & Technology; Revenue & Taxation

LEGISLATORS BY DISTRICT (Continued)

25 - JEROME & TWIN FALLS COUNTIES

Jim Patrick (R) Senate 1st Term
 Served 3 terms, House 2006-2012
 2231 E. 3200 N., Twin Falls 83301
 Home 733-6897 Bus 733-6897 FAX 733-6897
 Email: jpatrick@senate.idaho.gov
 Farmer Spouse - Afton
 VICE CHAIR-Commerce & Human Resources
 Agricultural Affairs; Change in Employee Compensation
 Committee; Education

Maxine T. Bell (R) House Seat A 13th Term
 194 S. 300 E., Jerome 83338
 Home 324-4296
 Email: mbell@house.idaho.gov
 Retired Farmer/Retired School Librarian Spouse - H. Jack
 CHAIR-Appropriations
 CO-CHAIR-JFAC
 Agricultural Affairs; Joint Legislative Oversight/JLOC

Clark Kauffman (R) House Seat B 1st Term
 3791 N. 2100 E., Filer 83328
 Home 326-4131 FAX 326-4132
 Email: ckauffman@house.idaho.gov
 Farmer Spouse - Debbie
 Business; Revenue & Taxation; Transportation & Defense

26 - BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

Michelle Stennett (D) Senate 2nd Term
 MINORITY LEADER
 P.O. Box 475, Ketchum 83340
 Home 726-8106
 Email: mstennett@senate.idaho.gov
 Self-employed
 Resources & Environment; State Affairs

Steven Miller (R) House Seat A 1st Term
 1208 E. 200 N., Fairfield 83327
 Home 764-2560 FAX 764-2431
 Email: smiller@house.idaho.gov
 Farmer/Rancher
 Agricultural Affairs; Appropriations/JFAC; Resources &
 Conservation

Donna Pence (D) House Seat B 5th Term
 MINORITY CAUCUS CHAIR
 1960 U.S. Highway 26, Gooding 83330
 Home 934-5302
 Email: dpence@house.idaho.gov
 Retired Teacher/Tree Farmer Spouse - Lew
 Agricultural Affairs; Education; Resources & Conservation; Ways
 & Means

27 - CASSIA & MINIDOKA COUNTIES

Dean L. Cameron (R) Senate 12th Term
 1101 Ruby Dr., Rupert 83350
 Home 436-4424 Bus 436-4424 FAX 436-3776
 Email: dcameron@senate.idaho.gov
 Owner, Insurance & Investment Agency Spouse - Linda
 CHAIR-Finance
 CO-CHAIR-JFAC
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Resources & Environment

Scott Bedke (R) House Seat A 7th Term
 SPEAKER OF THE HOUSE
 P.O. Box 89, Oakley 83346
 Home 862-3619
 Email: sbedke@house.idaho.gov
 Rancher Spouse - Sarah
 Economic Outlook and Revenue Assessment Committee

Fred Wood (R) House Seat B 4th Term
 P.O. Box 1207, Burley 83318-0828
 Home 312-1056 FAX 677-3136
 Email: fwood@house.idaho.gov
 Physician - Retired Spouse - Amy
 CHAIR-Health & Welfare
 CO-CHAIR-Joint Millennium Fund Committee
 Resources & Conservation

28 - BANNOCK & POWER COUNTIES

Jim Guthrie (R) Senate 1st Term
 Served 1 term, House 2010-2012
 425 W. Goodenough Rd., McCammon 83250
 Home 254-3605 Bus 254-9205
 Email: jguthrie@senate.idaho.gov
 Rancher/Business Owner Spouse - Barbara
 VICE CHAIR-Agricultural Affairs
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Health & Welfare

Ken Andrus (R) House Seat A 5th Term
 6948 E. Old Oregon Trail Rd., Lava Hot Springs 83246
 Home 776-5380 Bus 244-2057
 Email: kandrus@house.idaho.gov
 Cattle & Sheep Rancher Spouse - Colleen
 CHAIR-Agricultural Affairs
 Resources & Conservation; State Affairs

Kelley Packer (R) House Seat B 1st Term
 P.O. Box 147, McCammon 83250
 Home 241-3350 Bus 478-4522 FAX 478-2935
 Email: kpacker@house.idaho.gov
 Office Manager Spouse - Duane
 Judiciary, Rules, & Administration; State Affairs; Transportation &
 Defense

LEGISLATORS BY DISTRICT (Continued)

29 - BANNOCK COUNTY

Roy Lacey (D) Senate 1st Term
 Served 1 term, House 2010-2012
 13774 W. Trail Creek Rd., Pocatello 83204
 Home 232-7053
 Email: rlacey@senate.idaho.gov
 Retired Spouse - Renée
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC; Local Government & Taxation; Resources &
 Environment

Carolyn Meline (D) House Seat A 1st Term
 655 S. 10th, Pocatello 83201
 Home 233-3211
 Email: cmeline@house.idaho.gov
 Retired Spouse - Bob
 Judiciary, Rules, & Administration; Local Government; Revenue &
 Taxation

Elaine Smith (D) House Seat B 7th Term
 3759 Heron Ave., Pocatello 83201
 Home 237-1462
 Email: esmith@house.idaho.gov
 Retired Spouse - Rich
 Business; Economic Outlook and Revenue Assessment Committee;
 Environment, Energy, & Technology; Joint Legislative
 Oversight/JLOC; State Affairs

30 - BONNEVILLE COUNTY

Dean M. Mortimer (R) Senate 3rd Term
 Served 1 term, House 2007-2008
 7403 S. 1st E., Idaho Falls 83404
 Home 528-6377 Bus 524-9000 FAX 524-9999
 Email: dmortimer@senate.idaho.gov
 Builder/Developer Spouse - Judy
 CO-CHAIR-Joint Legislative Oversight/JLOC
 VICE CHAIR-Education
 Finance/JFAC; Judiciary & Rules

Jeff Thompson (R) House Seat A 3rd Term
 1739 Peggy's Lane, Idaho Falls 83402
 Home 524-7367 FAX 524-7367
 Email: jthompson@house.idaho.gov
 Businessman/Educator Spouse - Chanin
 VICE CHAIR-Business
 Appropriations/JFAC; Economic Outlook and Revenue Assessment
 Committee; Environment, Energy, & Technology;

Wendy Horman (R) House Seat B 1st Term
 1860 Heather Circle, Idaho Falls 83406
 Home 522-4387
 Email: WendyHorman@house.idaho.gov
 Mother, Small Business Owner Spouse - Briggs
 Education; Judiciary, Rules, & Administration; Local Government

31 - BINGHAM COUNTY

Steve Bair (R) Senate 4th Term
 947 W. 200 S., Blackfoot 83221
 Home 684-5209 FAX 684-5209
 Email: sbair@senate.idaho.gov
 Farmer/Investor Spouse - Lori Kae
 CHAIR-Agricultural Affairs
 VICE CHAIR-Resources & Environment
 Economic Outlook and Revenue Assessment Committee

Neil A. Anderson (R) House Seat A 1st Term
 71 S. 700 W., Blackfoot 83221
 Home 684-3723
 Email: nanderson@house.idaho.gov
 Retired Financial Advisor, Rancher Spouse - Sue
 CO-CHAIR-Change in Employee Compensation Committee
 VICE CHAIR-Commerce & Human Resources
 Environment, Energy, & Technology; Revenue & Taxation

Julie VanOrden (R) House Seat B 1st Term
 425 S. 1100 W., Pingree 83262
 Home 684-4052
 Email: jvanorden@house.idaho.gov
 Agribusiness co-owner/homemaker Spouse - Garth
 Agricultural Affairs; Commerce & Human Resources; Education

32 - BEAR LAKE, BONNEVILLE, CARIBOU, FRANKLIN, ONEIDA & TETON COUNTIES

John H. Tippets (R) Senate 2nd Term
 Served 7 terms, House 1988-2000
 610 Red Canyon Road, Montpelier 83254
 Home 847-2876 Bus 547-1823
 Email: jtippets@senate.idaho.gov
 Public Affairs Manager Spouse - Nancy
 CHAIR-Commerce & Human Resources
 CO-CHAIR-Change in Employee Compensation Committee
 Agricultural Affairs; Resources & Environment

Marc Gibbs (R) House Seat A 3rd Term
 632 Highway 34, Grace 83241
 Home 425-3385 Bus 425-3385 FAX 425-3329
 Email: mgibbs@house.idaho.gov
 Farmer Spouse - Bonne
 CO-CHAIR-Economic Outlook and Revenue Assessment
 Committee
 VICE CHAIR-Resources & Conservation
 Appropriations/JFAC; Transportation & Defense

Thomas F. Loertscher (R) House Seat B 5th Term
 Served 8 terms, House 1987-2002
 1357 Bone Rd., Iona 83427
 Home 522-3072 FAX 522-1141
 Email: tloertscher@house.idaho.gov
 Farmer/Rancher Spouse - Linda
 CHAIR-State Affairs
 Change in Employee Compensation Committee; Commerce &
 Human Resources

LEGISLATORS BY DISTRICT (Continued)

33 - BONNEVILLE COUNTY

Bart M. Davis (R) Senate 8th Term
 MAJORITY LEADER
 2638 Bellin Circle, Idaho Falls 83402
 Home 529-4993 Bus 522-8100 FAX 522-1334
 Email: bmdavis@senate.idaho.gov
 Attorney Spouse - Marion
 Judiciary & Rules; State Affairs

Janet Trujillo (R) House Seat A 1st Term
 3144 Disney Dr., Idaho Falls 83404
 Home 419-8266
 Email: jtrujillo@house.idaho.gov
 Certified Property Tax Appraiser Spouse - Lowell
 Environment, Energy, & Technology; Judiciary, Rules, &
 Administration; Revenue & Taxation

Linden B. Bateman (R) House Seat B 2nd Term
 Served 5 terms, House 1977-1986
 170 E. 23rd St., Idaho Falls 83404
 Home 524-0927
 Email: lbateman@house.idaho.gov
 Semi-retired Educator Spouse - Deann
 Education; Judiciary, Rules, & Administration; Transportation &
 Defense

34 - BONNEVILLE & MADISON COUNTIES

Brent Hill (R) Senate 7th Term
 PRESIDENT PRO TEMPORE
 1010 S. 2nd E., Rexburg 83440
 Home 356-7495
 Statehouse: Ph 332-1300
 Email: bhill@senate.idaho.gov
 Certified Public Accountant (Retired) Spouse - Julie
 Economic Outlook and Revenue Assessment Committee; Local
 Government & Taxation; State Affairs

Douglas A. Hancey (R) House Seat A 1st Term
 378 Yale Ave., Rexburg 83440
 Home 351-4183
 Email: dhancey@house.idaho.gov
 Retired Ford Dealer Spouse - Eileen N. Whitaker
 Commerce & Human Resources; Health & Welfare; Local
 Government

Dell Raybould (R) House Seat B 7th Term
 3215 N. 2000 W., Rexburg 83440
 Home 356-6837 Bus 356-6837
 Email: draybould@house.idaho.gov
 Farmer/Businessman Spouse - Vera
 CHAIR-Environment, Energy, & Technology
 Resources & Conservation; Revenue & Taxation

35 - BUTTE, CLARK, FREMONT & JEFFERSON COUNTIES

Jeff C. Siddoway (R) Senate 4th Term
 1764 E. 1200 N., Terreton 83450
 Home 663-4585 FAX 663-4428
 Email: jsiddoway@senate.idaho.gov
 Rancher Spouse - Cindy
 CHAIR-Local Government & Taxation
 Resources & Environment; State Affairs

JoAn E. Wood (R) House Seat A 16th Term
 3778 E. 500 N., Rigby 83442
 Home 745-7846 FAX 745-8420
 Email: jawood@house.idaho.gov
 Partner, Ranch/Farm Spouse - Tom
 VICE CHAIR-Revenue & Taxation
 Resources & Conservation; Transportation & Defense

Paul Romrell (R) House Seat B 1st Term
 512 Park St., St. Anthony 83445
 Home 313-0864
 Email: promrell@house.idaho.gov
 Retired Coroner and County Spouse - Ellen
 Commissioner
 Agricultural Affairs; Change in Employee Compensation
 Committee; Commerce & Human Resources; Health & Welfare

