

GENERAL LAWS
OF THE
STATE OF IDAHO



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THE SECOND REGULAR SESSION OF THE
SIXTY-FIFTH IDAHO LEGISLATURE

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Volume 2

Idaho Official Directory and Roster of State Officials and
Members of State Legislature follows the Index.

Chairman Lakey
Senate Judiciary & Rules
Chairman Chaney
House Judiciary, Rules & Administration

CHAPTER 193
(H.B. No. 610)

AN ACT

RELATING TO THE APPROPRIATION TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | TOTAL |
|--|---------------------------|----------------------------------|-------------|
| I. ADMINISTRATION - GOVERNOR'S OFFICE: | | | |
| FROM: | | | |
| General | | | |
| Fund | \$2,018,900 | \$226,500 | \$2,245,400 |
| II. ACTING GOVERNOR PAY: | | | |
| FROM: | | | |
| General | | | |
| Fund | \$17,800 | | \$17,800 |
| III. EXPENSE ALLOWANCE: | | | |
| FROM: | | | |
| General | | | |
| Fund | | \$4,900 | \$4,900 |
| GRAND TOTAL | \$2,036,700 | \$231,400 | \$2,268,100 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Executive Office of the Governor is authorized no more than twenty-one (21.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, 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. 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, 2020, through June 30, 2021. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 18, 2020

CHAPTER 194
(H.B. No. 612)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2021; 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 Division of Financial Management the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | TOTAL |
|-----------------------|---------------------------|----------------------------------|----------------|
| FROM: | | | |
| General | | | |
| Fund | \$1,741,500 | \$238,600 | \$1,980,100 |
| Miscellaneous Revenue | | | |
| Fund | 40,700 | 32,100 | 72,800 |
| Administrative Code | | | |
| Fund | <u>381,300</u> | <u>179,900</u> | <u>561,200</u> |
| TOTAL | \$2,163,500 | \$450,600 | \$2,614,100 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Financial Management is authorized no more than nineteen (19.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 18, 2020

CHAPTER 195
(H.B. No. 618)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION; PROVIDING REAPPROPRIATION AUTHORITY FOR THE CAPITAL FACILITIES PROGRAM; PROVIDING REAPPROPRIATION AUTHORITY FOR THE STATE HIGHWAY FUND, STRATEGIC INITIATIVES PROGRAM FUND, AND TRANSPORTATION EXPANSION AND CONGESTION MITIGATION FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS; AND AUTHORIZING A TRANSFER OF FUNDS FOR BOND PAYMENTS.

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, 2020, through June 30, 2021:

| | 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 | \$17,471,600 | \$9,865,600 | \$1,116,200 | | \$28,453,400 |
| State Highway (Federal) | | | | | |
| Fund | <u>425,700</u> | <u>319,100</u> | <u>0</u> | <u>\$340,000</u> | <u>1,084,800</u> |
| TOTAL | \$17,897,300 | \$10,184,700 | \$1,116,200 | \$340,000 | \$29,538,200 |
| B. CAPITAL FACILITIES: | | | | | |
| FROM: | | | | | |
| State Aeronautics (Dedicated) | | | | | |
| Fund | | | \$50,000 | | \$50,000 |
| State Highway (Dedicated) | | | | | |
| Fund | | <u>\$300,000</u> | <u>3,265,000</u> | | <u>3,565,000</u> |
| TOTAL | | \$300,000 | \$3,315,000 | | \$3,615,000 |
| C. AERONAUTICS: | | | | | |
| FROM: | | | | | |
| State Aeronautics (Dedicated) | | | | | |
| Fund | \$1,084,900 | \$487,100 | \$61,500 | \$2,750,000 | \$4,383,500 |
| State Aeronautics (Billing) | | | | | |
| Fund | 114,100 | 138,400 | | | 252,500 |
| State Highway (Dedicated) | | | | | |
| Fund | | | 14,100 | | 14,100 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|---|---------------------------|----------------------------------|--------------------------|---|--------------------|
| State Aeronautics (Federal) | | | | | |
| Fund | <u>95,300</u> | <u>573,200</u> | <u>0</u> | <u>0</u> | <u>668,500</u> |
| TOTAL | \$1,294,300 | \$1,198,700 | \$75,600 | \$2,750,000 | \$5,318,600 |
| DIVISION | | | | | |
| TOTAL | \$19,191,600 | \$11,683,400 | \$4,506,800 | \$3,090,000 | \$38,471,800 |
| II. MOTOR VEHICLES: | | | | | |
| FROM: | | | | | |
| State Highway (Dedicated) | | | | | |
| Fund | \$16,141,400 | \$18,244,800 | \$293,700 | | \$34,679,900 |
| State Highway (Federal) | | | | | |
| Fund | <u>0</u> | <u>3,600,000</u> | <u>0</u> | | <u>3,600,000</u> |
| TOTAL | \$16,141,400 | \$21,844,800 | \$293,700 | | \$38,279,900 |
| III. HIGHWAY OPERATIONS: | | | | | |
| FROM: | | | | | |
| State Highway (Dedicated) | | | | | |
| Fund | \$83,036,300 | \$62,775,400 | \$28,170,100 | \$462,000 | \$174,443,800 |
| State Highway (Local) | | | | | |
| Fund | 238,700 | 73,900 | | | 312,600 |
| State Highway (Federal) | | | | | |
| Fund | <u>14,311,700</u> | <u>4,094,900</u> | <u>0</u> | <u>20,519,900</u> | <u>38,926,500</u> |
| TOTAL | \$97,586,700 | \$66,944,200 | \$28,170,100 | \$20,981,900 | \$213,682,900 |
| IV. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION: | | | | | |
| FROM: | | | | | |
| State Highway (Dedicated) | | | | | |
| Fund | | \$2,500,000 | \$157,425,600 | \$500,000 | \$160,425,600 |
| State Highway (Local) | | | | | |
| Fund | | 100,000 | 18,725,500 | 100,000 | 18,925,500 |
| Transportation Expansion and Congestion Mitigation | | | | | |
| Fund | | | 27,143,600 | | 27,143,600 |
| Strategic Initiatives Program - Dedicated | | | | | |
| Fund | | | 1,005,200 | | 1,005,200 |
| Strategic Initiatives Program - Local | | | | | |
| Fund | | | | 24,000 | 24,000 |
| State Highway (Federal) | | | | | |
| Fund | | <u>8,000,000</u> | <u>275,144,000</u> | <u>1,500,000</u> | <u>284,644,000</u> |
| TOTAL | | \$10,600,000 | \$479,443,900 | \$2,124,000 | \$492,167,900 |
| GRAND TOTAL | \$132,919,700 | \$111,072,400 | \$512,414,500 | \$26,195,900 | \$782,602,500 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Transportation Department is authorized no more than one thousand six hundred forty-eight (1,648.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, 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. 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 purpose of those funds.

SECTION 4. REAPPROPRIATION AUTHORITY FOR THE CAPITAL FACILITIES PROGRAM. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated to the Idaho Transportation Department from the State Highway Fund and the State Aeronautics (Dedicated) Fund in the Capital Facilities Program for fiscal year 2020 to be used for nonrecurring expenditures for the Capital Facilities Program for the period July 1, 2020, through June 30, 2021. The State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 5. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated to the Idaho Transportation Department from the State Highway Fund, Strategic Initiatives Program Fund, and Transportation Expansion and Congestion Mitigation Fund for the Contract Construction and Right-of-Way Acquisition Division for fiscal year 2020, in a total amount not to exceed \$250,000,000 from the State Highway Fund, Strategic Initiatives Program Fund, and/or Transportation Expansion and Congestion Mitigation Fund, to be used for nonrecurring expenditures for the Contract Construction and Right-of-Way Acquisition Division for the period July 1, 2020, through June 30, 2021. The State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 6. REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated or reappropriated to the Idaho Transportation Department from the State Aeronautics Fund as trustee and benefit payments for Airport Development Grants for fiscal year 2020 to be used for nonrecurring expenditures related to Airport Development Grants for the period July 1, 2020, through June 30, 2021. The State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 7. BOND PAYMENT AUTHORIZATION. The federal GARVEE bond payment for fiscal year 2021 is approximately \$63,100,000. It is hereby appropriated and the Idaho Transportation Board is hereby authorized to transfer up to \$4,800,000 from within the State Highway (Dedicated) Fund 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 2021.

CHAPTER 196
(H.B. No. 619)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING CONTINUOUS APPROPRIATION AUTHORITY.

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, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | TOTAL |
|-------------------------------|---------------------------|----------------------------------|--------------------------|---------------|
| I. RETIREMENT ADMINISTRATION: | | | | |
| FROM: | | | | |
| PERSI Administrative | | | | |
| Fund | \$4,993,300 | \$2,620,400 | \$433,700 | \$8,047,400 |
| Judges' Retirement | | | | |
| Fund | <u>64,100</u> | <u>1,000</u> | <u>0</u> | <u>65,100</u> |
| TOTAL | \$5,057,400 | \$2,621,400 | \$433,700 | \$8,112,500 |
| II. PORTFOLIO INVESTMENT: | | | | |
| FROM: | | | | |
| PERSI Special | | | | |
| Fund | \$828,300 | \$224,300 | \$18,000 | \$1,070,600 |
| GRAND TOTAL | \$5,885,700 | \$2,845,700 | \$451,700 | \$9,183,100 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Employee Retirement System of Idaho is authorized no more than seventy-three (73.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, 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. Notwithstanding the provisions of Section 59-1311(4)(d), Idaho Code, moneys appropriated in Section 1 of this act for the Portfolio Investment Program are for administrative costs of the Portfolio Investment Program as provided in Section 59-1311(3), Idaho Code. Amounts necessary to pay all other investment expenses related to the Portfolio Investment Program are perpetually appropriated to the Public Employee Retirement System Board as provided in Section 59-1311(4)(a), (b), and (c), Idaho Code.

Approved March 18, 2020

CHAPTER 197
(H.B. No. 620)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2021; 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 Commission on the Arts the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|-----------------------|---------------------------|----------------------------------|---|------------------|
| FROM: | | | | |
| General | | | | |
| Fund | \$365,200 | \$184,900 | \$324,700 | \$874,800 |
| Miscellaneous Revenue | | | | |
| Fund | | 89,800 | 16,500 | 106,300 |
| Federal Grant | | | | |
| Fund | <u>419,900</u> | <u>220,500</u> | <u>450,200</u> | <u>1,090,600</u> |
| TOTAL | \$785,100 | \$495,200 | \$791,400 | \$2,071,700 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on the Arts is authorized no more than ten (10.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 18, 2020

CHAPTER 198
(S.B. No. 1406)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2021; 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 State Liquor Division the following amounts to be expended according to the designated expense classes from the Liquor Control Fund for the period July 1, 2020, through June 30, 2021:

FOR:

| | |
|------------------------|----------------|
| Personnel Costs | \$14,775,800 |
| Operating Expenditures | 7,086,700 |
| Capital Outlay | <u>870,400</u> |
| TOTAL | \$22,732,900 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Liquor Division is authorized no more than two hundred forty (240.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 18, 2020

CHAPTER 199
(S.B. No. 1407)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2021; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Office of Drug Policy the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

| | FOR | FOR | FOR | TOTAL |
|---------|-----------|--------------|-------------|-----------|
| | PERSONNEL | OPERATING | TRUSTEE AND | |
| | COSTS | EXPENDITURES | BENEFIT | |
| | | | PAYMENTS | |
| FROM: | | | | |
| General | | | | |
| Fund | \$274,500 | \$57,500 | | \$332,000 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|-----------------------|---------------------------|----------------------------------|---|------------------|
| Miscellaneous Revenue | | | | |
| Fund | | 24,500 | | 24,500 |
| Federal Grant | | | | |
| Fund | <u>274,300</u> | <u>371,500</u> | <u>\$3,809,800</u> | <u>4,455,600</u> |
| TOTAL | \$548,800 | \$453,500 | \$3,809,800 | \$4,812,100 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Drug Policy is authorized no more than six (6.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 18, 2020

CHAPTER 200
(S.B. No. 1411)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2021; 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 Idaho State Historical Society the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|------------------------------|---------------------------|----------------------------------|--------------------------|---|-------------|
| FROM: | | | | | |
| General | | | | | |
| Fund | \$2,312,400 | \$1,520,300 | | \$31,600 | \$3,864,300 |
| Miscellaneous Revenue | | | | | |
| Fund | 766,100 | 1,856,900 | \$49,100 | | 2,672,100 |
| Records Management Service | | | | | |
| Fund | 161,400 | 156,100 | | | 317,500 |
| Capitol Commission Operating | | | | | |
| Fund | 71,600 | 53,500 | | | 125,100 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|---------------|---------------------------|----------------------------------|--------------------------|---|------------------|
| Federal Grant | | | | | |
| Fund | <u>1,011,000</u> | <u>295,000</u> | <u>0</u> | <u>130,000</u> | <u>1,436,000</u> |
| TOTAL | \$4,322,500 | \$3,881,800 | \$49,100 | \$161,600 | \$8,415,000 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Historical Society is authorized no more than fifty-seven (57.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 18, 2020

CHAPTER 201
(S.B. No. 1412)

AN ACT

RELATING TO THE APPROPRIATION TO THE SOIL AND WATER CONSERVATION COMMISSION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE SOIL AND WATER CONSERVATION COMMISSION FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING REQUIREMENTS REGARDING TRUSTEE AND BENEFIT PAYMENTS DISTRIBUTION.

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 according to the designated expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|---|---------------------------|----------------------------------|---|---------------|
| FROM: | | | | |
| General | | | | |
| Fund | \$1,244,800 | \$222,900 | \$1,228,100 | \$2,695,800 |
| Administration and Accounting Services | | | | |
| Fund | | 30,000 | | 30,000 |
| Resource Conservation and Rangeland Development | | | | |
| Fund | 175,400 | 153,100 | | 328,500 |
| Clean Water Revolving Loan (SCC) | | | | |
| Fund | <u>0</u> | <u>30,000</u> | <u>0</u> | <u>30,000</u> |
| TOTAL | \$1,420,200 | \$436,000 | \$1,228,100 | \$3,084,300 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Soil and Water Conservation Commission is authorized no more than seventeen and seventy-five hundredths (17.75) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. TRUSTEE AND BENEFIT PAYMENTS DISTRIBUTION. Of the amount appropriated in Section 1 of this act for trustee and benefit payments, \$100,000 shall be distributed equally between the fifty (50) soil and water conservation districts in addition to the amounts authorized under Section 22-2727, Idaho Code.

Approved March 18, 2020

CHAPTER 202
(S.B. No. 1421)

AN ACT

RELATING TO THE APPROPRIATION TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2021; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Board of Tax Appeals the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2020, through June 30, 2021:

FOR:

| | |
|------------------------|---------------|
| Personnel Costs | \$541,100 |
| Operating Expenditures | <u>93,400</u> |
| TOTAL | \$634,500 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Board of Tax Appeals is authorized no more than five (5.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 18, 2020

CHAPTER 203
(S.B. No. 1429)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2020; PROVIDING REAPPROPRIATION AUTHORITY; 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 210, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Office of Information Technology Services \$800,000 from the General Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020, for the purpose of telework support.

SECTION 2. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Office of Information Technology Services any unexpended and unencumbered balances appropriated to the Office of Information Technology Services from the General Fund for the purpose of telework support for fiscal year 2020, in an amount not to exceed \$800,000 from the General Fund, to be used for nonrecurring expenditures related to telework support for the period July 1, 2020, through June 30, 2021. The State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 3. 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 18, 2020

CHAPTER 204
(S.B. No. 1428)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2020; PROVIDING REAPPROPRIATION AUTHORITY; 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 172, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Division of Human Resources \$500,000 from the General Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020, for the purpose of advanced sick leave and paid administrative leave.

SECTION 2. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Division of Human Resources any unexpended and unencumbered balances appropriated to the Division of Human Resources from the General Fund for the purpose of advanced sick leave and paid administrative leave for fiscal year 2020, in an amount not to exceed \$500,000 from the General Fund, to be used for nonrecurring expenditures related to advanced sick leave and paid administrative leave for the period July 1, 2020, through June 30, 2021. The State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 3. 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 18, 2020

CHAPTER 205
(H.B. No. 502)

AN ACT

RELATING TO WINE AND BEER; AMENDING SECTION 23-501, IDAHO CODE, TO REMOVE REFERENCE TO NATIVE GROWN PRODUCTS AND TO PROVIDE CERTAIN LIMITATIONS ON THE PRODUCTION OF BEER FOR PERSONAL USE.

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

SECTION 1. That Section 23-501, Idaho Code, be, and the same is hereby amended to read as follows:

23-501. NATIVE WINE OR BEER FOR PERSONAL USE. (1) Any person shall have the privilege of manufacturing wine or brewing beer ~~from native grown products~~ for the personal use of himself, family, and guests.

(2) The production of beer per household for family or personal use pursuant to this section may not exceed:

(a) Two hundred (200) gallons per calendar year if there are two (2) or more adults residing in the household; or

(b) One hundred (100) gallons per calendar year if there is one (1) adult residing in the household.

Approved March 18, 2020

CHAPTER 206
(H.B. No. 598)

AN ACT

RELATING TO THE APPROPRIATION TO THE MILITARY DIVISION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE MILITARY DIVISION FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING A CONTINUOUS APPROPRIATION.

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, 2020, through June 30, 2021:

| | FOR | FOR | FOR | FOR | TOTAL |
|-------------------------|-------------|--------------|---------|-------------|-------------|
| | PERSONNEL | OPERATING | CAPITAL | TRUSTEE AND | |
| | COSTS | EXPENDITURES | OUTLAY | BENEFIT | |
| | | | | PAYMENTS | |
| I. MILITARY MANAGEMENT: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$2,443,800 | \$309,400 | | \$300,000 | \$3,053,200 |
| Indirect Cost Recovery | | | | | |
| Fund | 403,100 | 34,200 | | | 437,300 |
| Miscellaneous Revenue | | | | | |
| Fund | | 765,900 | | | 765,900 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|---|---------------------------|----------------------------------|--------------------------|---|-------------------|
| Administration and Accounting Services | | | | | |
| Fund | <u>2,539,500</u> | <u>946,900</u> | <u>\$469,700</u> | <u>0</u> | <u>3,956,100</u> |
| TOTAL | \$5,386,400 | \$2,056,400 | \$469,700 | \$300,000 | \$8,212,500 |
| II. FEDERAL/STATE AGREEMENTS: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$993,200 | \$1,046,800 | | | \$2,040,000 |
| Miscellaneous Revenue | | | | | |
| Fund | 1,644,300 | 435,200 | | | 2,079,500 |
| Federal Grant | | | | | |
| Fund | <u>27,431,400</u> | <u>20,423,300</u> | | | <u>47,854,700</u> |
| TOTAL | \$30,068,900 | \$21,905,300 | | | \$51,974,200 |
| III. OFFICE OF EMERGENCY MANAGEMENT: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$1,892,300 | \$163,200 | | | \$2,055,500 |
| Federal Grant | | | | | |
| Fund | <u>2,773,100</u> | <u>3,856,000</u> | | <u>\$11,225,600</u> | <u>17,854,700</u> |
| TOTAL | \$4,665,400 | \$4,019,200 | | \$11,225,600 | \$19,910,200 |
| GRAND TOTAL | \$40,120,700 | \$27,980,900 | \$469,700 | \$11,525,600 | \$80,096,900 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Military Division is authorized no more than four hundred thirty-five and eight-tenths (435.80) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, 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 Idaho Office of Emergency Management's Miscellaneous Revenue Fund for the period July 1, 2020, through June 30, 2021, for the purpose of covering incurred costs arising out of hazardous substance incidents.

Approved March 18, 2020

CHAPTER 207
(H.B. No. 606)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING CONTINUOUS APPROPRIATION AUTHORITY.

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

SECTION 1. There is hereby appropriated to the Idaho State Lottery the following amounts to be expended according to the designated expense classes from the State Lottery Fund for the period July 1, 2020, through June 30, 2021:

FOR:

| | |
|------------------------|----------------|
| Personnel Costs | \$3,517,100 |
| Operating Expenditures | 2,654,100 |
| Capital Outlay | <u>128,600</u> |
| TOTAL | \$6,299,800 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Lottery is authorized no more than forty-five (45.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, 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. Amounts necessary to pay prizes, retailer commissions, advertising and promotional costs, and gaming supplier vendor fees based on sales shall be continuously appropriated to the Idaho State Lottery in accordance with the provisions of Section 67-7428, Idaho Code.

Approved March 18, 2020

CHAPTER 208
(S.B. No. 1321, As Amended)

AN ACT

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-209, IDAHO CODE, TO PROVIDE FOR A CLEAR AND CONVINCING EVIDENTIARY STANDARD WITH RESPECT TO INTENT TO HARM IN A CASE INVOLVING PHYSICAL AGGRESSION AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 72-209, Idaho Code, be, and the same is hereby amended to read as follows:

72-209. EXCLUSIVENESS OF LIABILITY OF EMPLOYER. (1) Subject to the provisions of section 72-223, Idaho Code, the liability of the employer under this law shall be exclusive and in place of all other liability of the employer to the employee, his spouse, dependents, heirs, legal representatives or assigns.

(2) The liability of an employer to another person who may be liable for or who has paid damages on account of an injury or occupational disease or death arising out of and in the course of employment of an employee of the employer and caused by the breach of any duty or obligation owed by the employer to such other person, shall be limited to the amount of compensation for which the employer is liable under this law on account of such injury, disease, or death, unless such other person and the employer agree to share liability in a different manner.

(3) The exemption from liability given an employer by this section shall also extend to the employer's surety and to all officers, agents, servants and employees of the employer or surety, provided that such exemptions from liability shall not apply in any case where the injury or death is proximately caused by the wilful willful or unprovoked physical aggression of the employer, its officers, agents, servants or employees, which physical aggression must include clear and convincing evidence the employer, its officers, agents, servants, or employees either specifically intended to harm the employee or engaged in conduct knowing that injury or death to the employee was substantially likely to occur. Tthe loss of such exemption applying applies only to the aggressor and shall not be imputable to the employer unless provoked or authorized by the employer, or the employer was a party thereto.

Approved March 19, 2020

CHAPTER 209
(S.B. No. 1332)

AN ACT

RELATING TO AMBULANCE SERVICE DISTRICTS; AMENDING SECTION 31-3901, IDAHO CODE, TO REVISE PROVISIONS REGARDING COUNTY AMBULANCE SERVICE; AMENDING SECTION 31-3902, IDAHO CODE, TO REVISE PROVISIONS REGARDING A COUNTY AMBULANCE SERVICE FUND; AMENDING SECTION 31-3903, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWERS AND DUTIES OF A BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 31-3904, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN AMBULANCE SERVICE FEES; AMENDING SECTION 31-3905, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN AMBULANCE SERVICE TAX; AMENDING SECTION 31-3906, IDAHO CODE, TO REVISE PROVISIONS REGARDING COOPERATIVE AGREEMENTS FOR AMBULANCE SERVICE; AMENDING SECTION 31-3907, IDAHO CODE, TO REVISE PROVISIONS REGARDING A TERMINATED AMBULANCE SERVICE; AMENDING SECTION 31-3908, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN AMBULANCE SERVICE DISTRICTS; AMENDING CHAPTER 39, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3911, IDAHO CODE, TO PROVIDE FOR THE FORMATION OF CERTAIN AMBULANCE SERVICE DISTRICTS; AMENDING CHAPTER 39, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3912, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING AMBULANCE SERVICE DISTRICT COMMISSIONERS; AMENDING CHAPTER 39, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3913, IDAHO CODE, TO PROVIDE FOR THE ORGANIZATION OF A BOARD OF AMBULANCE SERVICE DISTRICT COMMISSIONERS; AMENDING CHAPTER 39, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3914, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE CORPORATE POWERS AND DUTIES OF A BOARD OF AMBULANCE SERVICE COMMISSIONERS; AMENDING CHAPTER 39, TITLE 31, IDAHO

CODE, BY THE ADDITION OF A NEW SECTION 31-3915, IDAHO CODE, TO PROVIDE FOR A PROPERTY TAX LEVY AND FOR A LEVY ELECTION; AMENDING CHAPTER 39, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3916, IDAHO CODE, TO PROVIDE FOR THE DUTIES OF COUNTY COMMISSIONERS REGARDING AN AMBULANCE SERVICE DISTRICT LEVY; AMENDING CHAPTER 39, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3917, IDAHO CODE, TO PROVIDE FOR THE HANDLING OF AMBULANCE SERVICE DISTRICT FUNDS; AMENDING CHAPTER 39, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3918, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING INDEBTEDNESS OF AN AMBULANCE SERVICE DISTRICT AND TO PROVIDE EXCEPTIONS; AMENDING CHAPTER 39, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3919, IDAHO CODE, TO PROVIDE FOR THE CARRYOVER OF AN AMBULANCE SERVICE DISTRICT FUND BALANCE; AMENDING CHAPTER 39, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3920, IDAHO CODE, TO PROVIDE FOR THE INCLUSION, ANNEXATION, OR WITHDRAWAL OF AN AREA IN CITIES WITHIN AN AMBULANCE SERVICE DISTRICT; AMENDING CHAPTER 39, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3921, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING INTRA-AGENCY AND MUTUAL AID AGREEMENTS; AND AMENDING CHAPTER 39, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3922, IDAHO CODE, TO ESTABLISH PROVISIONS FOR THE DISSOLUTION OF AN AMBULANCE SERVICE DISTRICT.

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

SECTION 1. That Section 31-3901, Idaho Code, be, and the same is hereby amended to read as follows:

31-3901. AUTHORIZATION TO ESTABLISH AMBULANCE SERVICE -- SPECIAL LEVY. (1) Except as provided in subsection (2) of this section, the boards of county commissioners in the several counties are hereby authorized, whenever existing ambulance service is not reasonably available to the inhabitants of the county or any portion thereof, to procure an ambulance and pay for the same out of any funds available and to establish an ambulance service to serve the areas, which that do not have an existing ambulance service reasonably available, both within and outside the cities and villages in their respective counties, and to levy a special tax not to exceed two-hundredths percent (.02%) of the market value for assessment purposes on all taxable property within the county to support the same. Providing ambulance service is a governmental function.

(2) A county that provides ambulance service pursuant to subsection (1) of this section prior to July 1, 2020, may continue to operate under the authority of this section. However, no board of county commissioners may exercise the powers granted under this section for the first time on and after July 1, 2020.

SECTION 2. That Section 31-3902, Idaho Code, be, and the same is hereby amended to read as follows:

31-3902. COUNTY TREASURERS TO ESTABLISH AMBULANCE SERVICE FUND. The county treasurer of each county in which an ambulance service has been established pursuant to this act section 31-3901, Idaho Code, prior to July 1, 2020, shall establish a fund to be designated as the ambulance service fund, and used exclusively for the purposes of this act section 31-3901, Idaho Code.

SECTION 3. That Section 31-3903, Idaho Code, be, and the same is hereby amended to read as follows:

31-3903. AMBULANCE SERVICE -- POWERS AND DUTIES OF BOARD OF COUNTY COMMISSIONERS. (1) The board of county commissioners shall determine the manner in which said ambulance service shall be operated, and is empowered to make expenditures from the ambulance service fund for the purchase or lease of real property and the construction of buildings necessary in connection with said service, to acquire necessary equipment for the operation and maintenance of said service, and to pay necessary salaries.

(2) A county that provides ambulance service pursuant to section 31-3901, Idaho Code, prior to July 1, 2020, may continue to operate under the authority of this section. However, no board of county commissioners may exercise the powers granted under this section for the first time on and after July 1, 2020.

SECTION 4. That Section 31-3904, Idaho Code, be, and the same is hereby amended to read as follows:

31-3904. AMBULANCE SERVICE -- FEES. (1) The board of county commissioners shall adopt a schedule of fees to be charged for the use of said ambulance service provided under the authority of section 31-3901, Idaho Code. All such fees shall be collected, accounted for and paid to the county treasurer for deposit in the ambulance service fund, and shall be used to pay expenses as incurred in the maintenance and operation of said ambulance service.

(2) A county that provides ambulance service pursuant to section 31-3901, Idaho Code, prior to July 1, 2020, may continue to operate under the authority of this section. However, no board of county commissioners may exercise the powers granted under this section for the first time on and after July 1, 2020.

SECTION 5. That Section 31-3905, Idaho Code, be, and the same is hereby amended to read as follows:

31-3905. AMBULANCE SERVICE -- OPERATION DEPENDENT UPON RESOLUTION OF EACH CITY -- RIGHT TO TAX UNAFFECTED BY NONSERVICE. All cities and villages within the county, upon resolution duly passed and approved and presented to the board of county commissioners, may authorize said ambulance service to operate within the boundaries of said city or village, but the failure of any such governing body to authorize said ambulance service to operate within the limits of said village or city, shall not affect the right of the board of county commissioners to levy the tax as ~~hereinbefore provided~~ authorized under section 31-3901, Idaho Code.

SECTION 6. That Section 31-3906, Idaho Code, be, and the same is hereby amended to read as follows:

31-3906. AMBULANCE SERVICE -- ADJACENT COUNTIES AND/OR PRIVATE INDIVIDUALS AND CORPORATIONS MAY HAVE COOPERATIVE AGREEMENT. The board of county commissioners of any county wherein such ambulance service has been established pursuant to section 31-3901, Idaho Code, prior to July 1, 2020, is authorized, in its discretion and under such terms and conditions as it deems appropriate, to enter into a cooperative agreement with adjacent counties and for private individuals and corporations to provide ambulance service for such county or counties or a portion thereof. All cost of said service shall be apportioned equitably among the participating counties as determined by their respective boards of county commissioners.

SECTION 7. That Section 31-3907, Idaho Code, be, and the same is hereby amended to read as follows:

31-3907. AMBULANCE SERVICE -- TERMINATION OF. Any county having adopted and established an ambulance service ~~as provided in this act, pursuant to section 31-3901, Idaho Code, prior to July 1, 2020,~~ may terminate the same for good cause by the adoption of a resolution by the board of county commissioners. Upon the termination of said ambulance service, all vehicles and property not necessary for other county purposes shall be sold and the proceeds therefrom paid to the county treasurer to be deposited in the general fund of the county. All moneys on deposit in the ambulance service fund shall be transferred to the general fund of the county. Provided, however, in the event that an ambulance service district formed pursuant to section 31-3911, Idaho Code, is succeeding the terminated ambulance service by the county, then the board of county commissioners may adopt a resolution providing that the vehicles and property shall instead be transferred to the new ambulance service district.

SECTION 8. That Section 31-3908, Idaho Code, be, and the same is hereby amended to read as follows:

31-3908. AMBULANCE DISTRICT AUTHORIZED -- DISTRICTS FORMED BEFORE JULY 1, 2020. The provisions set forth in this section shall govern an ambulance district formed prior to July 1, 2020:

(1) The county commissioners of any county shall, upon petition signed by not less than fifty (50) qualified electors of said county, or any portion thereof, which may exclude incorporated cities, undertake the following procedure to determine the advisability of resolving to establish and maintain an ambulance service district within the county as may be designated in the petition.

(a) A petition to form an ambulance service district shall be presented to the county clerk and recorder. The petition shall be signed by not less than fifty (50) of the resident real property holders within the proposed district. The petition shall designate the boundaries of the district.

(b) The petition shall be filed with the county clerk and recorder of the county in which the signers of the petition are located. Upon the filing of the petition, the county clerk shall examine the petition and certify whether the required number of petitioners have signed the petition. If the number of petition signers is sufficient, the clerk shall transmit the petition to the board of county commissioners.

(c) Upon receipt of a duly certified petition, the board of county commissioners shall cause the text of the petition to be published once a week for at least three (3) consecutive weeks in a newspaper of general circulation within the county. With the publication of the petition there shall be published a notice of the time of the meeting of the board of county commissioners when the petition will be considered stating that all persons interested may appear and be heard. No more than five (5) names attached to the petition shall appear in the publication and notice, but the number of signatures shall be stated.

At the time of filing the petition, the sponsors thereof shall cause to be deposited with the county clerk a sufficient sum of money to cover the cost of publication of the petition and all necessary notices. If the petition and notices are not published, the deposit shall be returned to whomever deposited the funds, and if there is any surplus remaining after paying for the publication as herein provided, it shall be returned to the original depositors, and if a district is created, the fees so expended are an obligation of the district and shall be repaid by the district to the depositors.

(d) At the time set for hearing the petition, the board of county commissioners shall hear all persons who desire to be heard relative to the creation of an ambulance service district. The board of county commissioners may, if they so desire and it appears desirable, adjourn the meeting for not to exceed thirty (30) days ~~in time~~ to further hear the petitioners and protestants, if any. After the hearing or hearings, the board of county commissioners shall adopt a resolution either creating the proposed ambulance service district or denying the petition. When the board of county commissioners creates an ambulance service district, the board shall adopt a resolution describing the boundaries of the district.

(e) When the board of county commissioners adopts the resolution creating the ambulance service district, the board shall include in the resolution the name of the district, and file a copy of the order creating the district with the county clerk and recorder, for which the clerk shall receive a fee of three dollars (\$3.00).

(f) Procedures for annexation, deannexation, or dissolution of a district created pursuant to this section shall be in substantial compliance with the provisions for public notice and hearing provided herein, and shall be by resolution adopted by the board of county commissioners.

(2) When the board of county commissioners has ordered the creation of an ambulance service district, pursuant to the provisions of this section, such district is hereby recognized as a legal taxing district, and providing ambulance service is a governmental function.

(3) The board of county commissioners shall be the governing board of an ambulance service district created pursuant to this section, and shall exercise the duties and responsibilities provided in chapter 39, title 31, Idaho Code.

(4) In any county where an ambulance service district is created as provided herein, the board of county commissioners is authorized to levy a special tax, not to exceed four-hundredths percent (.04%) of market value for assessment purposes, except as authorized by paragraph (a) of this subsection, upon all taxable property within the district for the purposes of the district, but the levy otherwise authorized in section 31-3901, Idaho Code, shall not be made on taxable property within the district.

(a) In any county where an ambulance service district:

(i) Was created as of January 1, 1976;

(ii) Had at the time of its creation a market value for assessment purposes of the district of less than three hundred million dollars (\$300,000,000); and

(iii) The service provided by the district is an advanced life support paramedic unit;

the board of county commissioners may submit to the electors within the district the question of whether the levy authorized in this subsection ~~(4) of this section~~ may be increased to a levy not to exceed six-hundredths percent (.06%) of market value for assessment purposes upon all taxable property within the district for the purposes of the district, if approved by a minimum of two-thirds (2/3) of the qualified electors of the district voting at an election called for that purpose and held on the May or November dates provided in section 34-106, Idaho Code, but the levy otherwise authorized in section 31-3901, Idaho Code, shall not be made on taxable property within the district.

(5) The board of county commissioners is authorized by resolution to create an ambulance district capital improvement account. The board may dedicate all or a portion of the fees and taxes collected pursuant to this chapter to the capital improvement account for the purpose of purchasing necessary buildings, land or equipment for the operation of the district. The board is further authorized to carry over and add to the funds in the

account from year to year in order to make the purchases authorized by this subsection.

(6) As used in this chapter, "ambulance district" or "ambulance service district" means a political subdivision formed to provide ambulance transport, emergency medical services as defined in section 56-1012, Idaho Code, community health emergency medical services as defined in section 56-1012, Idaho Code, and/or other activities necessary to meet the community health needs of the district.

SECTION 9. That Chapter 39, 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 31-3911, Idaho Code, and to read as follows:

31-3911. AMBULANCE SERVICE DISTRICT -- DISTRICTS FORMED ON AND AFTER JULY 1, 2020. The provisions of sections 31-3911 through 31-3922, Idaho Code, shall govern any ambulance service district formed on and after July 1, 2020:

(1) A petition to form an ambulance service district must be signed by no fewer than fifty (50) qualified electors within the proposed district. The petition shall designate the boundaries of the proposed district, shall state the name of the proposed district, and shall be accompanied by a map of the proposed district. The petition shall be filed with the county clerk and recorder of the county or counties in which the proposed district lies. Upon the filing of the petition, each county clerk shall examine the petition and certify whether the required number of petitioners have signed the petition.

(2) Any incorporated city that lies within the boundaries of a proposed ambulance service district must pass a resolution consenting to participation in the ambulance service district before the district may be formed. Copies of the city resolutions must be filed with the county clerk or clerks by the petitioners at the time of filing the petition.

(3) At the time of filing the petition, the petitioners shall deposit with the county clerk a sufficient sum of money to cover the cost of publication of the petition and all necessary notices. If the petition and notices are not published, the deposit shall be returned to the petitioners, and if there is any surplus remaining after paying for the publication as provided in this section, it shall be returned to the petitioners. If a district is created, the petitioners shall be reimbursed the amount of their deposit from the first tax moneys collected by the district.

(4) If the provisions of subsections (1), (2), and (3) of this section have been met, the clerk or clerks shall transmit the petition and city resolutions to the board or boards of county commissioners. Upon receipt of a duly certified petition, the board or boards of county commissioners shall cause the text of the petition to be published once a week for at least three (3) consecutive weeks in a newspaper of general circulation within the county or counties. With the publication of the petition, there shall be published a notice of the time of the meeting of the board of county commissioners when the petition will be heard and a statement that all persons interested may appear and be heard. No more than five (5) names attached to the petition shall appear in the publication and notice, but the number of signatures shall be stated. If the district is to be situated in two (2) or more counties, each board of county commissioners shall coordinate the hearing date and the publications of notice so that only one (1) hearing need be held.

(5) After hearing and considering any and all testimony, the county commissioners shall make an order denying or granting the petition, with or without modifications. Any order granting the petition shall state the name and fix the boundaries of the proposed district. The boundaries so fixed shall be the boundaries of the district after its organization is completed according to law. A map showing the boundaries of the proposed district as

finally fixed and determined by the board or boards of county commissioners shall be prepared and filed in the office of the clerk of the county or counties.

(6) Following the issuance of an order by the county commissioners fixing the name and boundaries of the proposed district, the county clerk shall publish notice of an election to be held on the May or November election date set forth in section 34-106, Idaho Code, for the purpose of determining whether or not the proposed district shall be organized. The notice shall state the name and boundaries of the proposed district and shall state that a map showing the boundaries of the proposed district is on file in the clerk's office. The notice shall require the electors to cast ballots that contain the words "... ambulance service district, yes" or "... ambulance service district, no" or words equivalent thereto. The notice shall be published first no less than fifteen (15) days before the election and a second publication no less than five (5) days prior to the election in a newspaper of general circulation within the county. No person shall be entitled to vote at any election held under this section unless he possesses all the qualifications required of electors under the general laws of the state, and he is a resident of the proposed district.

(7) If the district is to be situated in two (2) or more counties, the boards of county commissioners shall provide that the election will be held on the same day in each county. The boards of county commissioners shall coordinate the canvass of the votes cast and make one (1) joint announcement.

(8) (a) If a majority of the votes cast in any county are against the formation of the district, the rejection shall void the organization of the district in all counties.

(b) If more than one-half (1/2) of the votes cast are in favor of creating the ambulance service district, the board or boards of county commissioners shall order that such territory is duly organized as an ambulance service district under the name designated on the ballot. A certified copy of the order shall be filed for record in the office of the county recorder of each county in which the district is located and shall be transmitted to the governor. From and after the date of filing the order, the organization of the district is complete.

SECTION 10. That Chapter 39, 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 31-3912, Idaho Code, and to read as follows:

31-3912. AMBULANCE SERVICE DISTRICT COMMISSIONERS -- SUBDISTRICTS -- TERM OF OFFICE -- VACANCIES. (1) At the meeting of the board of county commissioners at which the ambulance service district is declared organized, as provided in section 31-3911, Idaho Code, the county commissioners shall divide the ambulance service district into three (3) subdivisions, as nearly equal in population, area, and mileage as practicable, to be known as ambulance service commissioner subdistricts 1, 2, and 3. No more than one (1) of the ambulance service district commissioners shall be a resident of the same ambulance service subdistrict. The first commissioners appointed by the board of county commissioners shall serve until the next ambulance service district election, at which time their successors shall be elected. On the first Tuesday following the first Monday of November, of the next odd-numbered year following the organization of an ambulance service district, three (3) ambulance service district commissioners shall be elected. The term of office for ambulance service commissioners shall commence on the second Monday of January succeeding each general election. Commissioners appointed or elected must be electors residing within the ambulance service district for at least one (1) year immediately preceding their appointment or election. At the first election following organization of an ambulance service district, the commissioner from ambulance service

subdistrict 1 shall be elected to a term of two (2) years and the commissioners from subdistricts 2 and 3 shall be elected to a term of four (4) years; thereafter, the term of office of all commissioners shall be four (4) years. For commissioners whose term in office expires in any even-numbered year, such commissioners shall remain in office until the next election in an odd-numbered year. Such elections and all other elections held under this chapter shall be held in conformity with the general laws of the state including chapter 14, title 34, Idaho Code.

(2) Any ambulance service commissioner vacancy occurring, other than by the expiration of the term of office, shall be filled by the board of ambulance service commissioners. If a duly elected or appointed ambulance service commissioner resigns, withdraws, becomes disqualified, refuses or, without first providing signed written notice of a temporary vacancy, becomes otherwise unable to perform the duties of office for longer than ninety (90) days, the board, on satisfactory proof of the vacancy, shall declare the office vacant. The board shall fill any vacancies within sixty (60) days of learning of the vacancy. When a vacancy occurs, the board shall direct the secretary to cause a notice of the vacancy to be published in at least one (1) issue of a newspaper of general circulation within the district. The notice shall include the date and time of the meeting when the board will vote to fill the vacancy and the deadline for qualified elector residents interested in being appointed to the position to submit a written request for appointment to the board. Should the remaining members of the board fail to agree on an individual to fill the vacancy, it shall select the individual by placing the names of all interested persons who received the highest and equal number of votes in a container. The ambulance service commissioner with the most continuous length of service shall draw one (1) name from the container. The person whose name is drawn shall then be appointed to fill the vacancy.

(3) If more than fifty percent (50%) of the elected official seats on an ambulance service district board of commissioners are vacant, any remaining member of the ambulance service district board of commissioners, or any elector of the ambulance service district, may petition the board of county commissioners of the county or counties in which the subdistrict vacancies are situated to make such appointments as are necessary to fill the vacancies on the ambulance service district board of commissioners. The vacancies shall be filled by the board or boards of county commissioners within sixty (60) days of receiving a written petition. Any ambulance service commissioner so appointed shall serve out the remainder of the term for the commissioner last serving in the vacant seat to be filled and shall be a resident of the same ambulance service commissioner's subdistrict.

(4) The board of ambulance service district commissioners may revise subdistricts when they deem it necessary due to significant shifts in population. The board of ambulance service district commissioners shall revise subdistricts upon any annexation of territory into the district and, in any case, within six (6) months following the end of each decennial United States census reporting year so as to equalize the population, area, and mileage between the subdistricts as nearly as practicable. Of the commissioners comprising the board, no more than one (1) commissioner shall be a resident of the same ambulance service commissioner's subdistrict. The revision of subdistricts shall not disqualify any elected commissioner from the completion of the term for which he has been duly elected. Notice of revised ambulance service commissioner subdistricts shall be provided to the county clerk of the county or counties in which the changes occur by means of a resolution that includes a map depicting the revised subdistrict boundaries.

(5) In any election for ambulance service district commissioner, if, after the deadline for filing a declaration of intent as a write-in candidate, it appears that only one (1) qualified candidate has been nominated for a subdistrict to be filled, it shall not be necessary for the candidate of that subdistrict to stand for election, and the board of the ambulance service district commissioners shall declare such candidate elected as commissioner, and the secretary of the district shall immediately make and deliver to such person a certificate of election.

(6) The results of any election for ambulance service district commissioner shall be certified by the county clerk of the county or counties of the district and the results reported to the ambulance service district.

SECTION 11. That Chapter 39, 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 31-3913, Idaho Code, and to read as follows:

31-3913. ORGANIZATION OF BOARD -- MEETINGS -- OFFICERS -- OFFICIAL BONDS. (1) Immediately after qualifying, the board of ambulance service commissioners shall meet and organize as a board and, at that time and whenever thereafter vacancies in the respective offices may occur, they shall elect a president from their number and shall appoint a secretary and treasurer, who may also be from their number, all of whom shall hold office at the pleasure of the board or for terms fixed by the board. The offices of secretary and treasurer may be filled by the same person. Certified copies of all such appointments, under the hand of each of the commissioners, shall be forthwith filed with the clerk of the board of county commissioners and with the tax collector of the county.

(2) As soon as practicable after the organization of the first board of ambulance service district commissioners, and thereafter when deemed expedient or necessary, the board shall designate a day and hour on which regular meetings shall be held and a place for the holding thereof, which shall be within the district. Regular meetings shall be held at least quarterly. The minutes of all meetings must show what bills are submitted, considered, allowed, or rejected. The secretary shall make a list of all bills presented, showing to whom payable, for what service or material, when and where used, the amount claimed, allowed or disallowed. Such list shall be acted on by the board. All meetings of the board must be public, and a majority shall constitute a quorum for the transaction of business. All ambulance service districts shall meet the financial audit filing requirements as provided in section 67-450B, Idaho Code. All meetings of ambulance service boards shall be noticed and run in accordance with the open meetings law provided for in chapter 2, title 74, Idaho Code. All records of ambulance service districts shall be available to the public in accordance with the provisions of public records law as provided for in chapter 1, title 74, Idaho Code.

(3) The officers of the district shall take and file with the secretary an oath for faithful performance of the duties of the respective offices. The treasurer shall, on his appointment, execute and file with the secretary an official bond in compliance with section 41-2604, Idaho Code, in such an amount as may be fixed by the ambulance service board but in no case less than ten thousand dollars (\$10,000).

SECTION 12. That Chapter 39, 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 31-3914, Idaho Code, and to read as follows:

31-3914. CORPORATE POWERS AND DUTIES OF BOARD OF AMBULANCE SERVICE COMMISSIONERS. A board of ambulance service commissioners shall have discretionary powers to manage and conduct the business and affairs of the district. The discretionary powers shall include but not be limited to the following:

- (1) To sue and be sued;
- (2) To purchase, hold, sell, and convey real property, make such contracts, and purchase, hold, sell, and dispose of such personal property as may be necessary or convenient for the purposes of this chapter;
- (3) To levy and apply such taxes for purposes under its exclusive jurisdiction as are authorized by law and to approve the annual district budget by resolution of the board;
- (4) To make and execute all necessary contracts;
- (5) To adopt such rules and resolutions as may be necessary to carry out its duties and responsibilities;
- (6) To hire, pay, promote, discipline, and terminate district employees, contractors, and agents, or to delegate such powers;
- (7) To set compensation and benefit levels for employees, commissioners, contractors, and agents; and
- (8) To charge and collect reasonable fees for services provided to residents of the ambulance service district or city, in accordance with the provisions of sections 63-1311 and 63-1311A, Idaho Code.

SECTION 13. That Chapter 39, 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 31-3915, Idaho Code, and to read as follows:

31-3915. LEVY -- ELECTION. (1) Each year, immediately prior to the annual county levy of taxes, the board of commissioners of each ambulance service district organized under section 31-3911, Idaho Code, may levy a tax upon all the taxable property within the boundaries of such district sufficient to defray the cost of equipping and maintaining the district in the amount of four-hundredths percent (.04%) of market value for assessment purposes, to be used for the purposes of this chapter and for no other purpose. The levy shall be made by resolution entered upon the minutes of the board of commissioners of the ambulance service district, and it shall be the duty of the secretary of the district, immediately after entry of the resolution in the minutes, to transmit to the county auditor and the county assessor certified copies of the resolution providing for such levy. Said taxes shall be collected as provided by section 63-812, Idaho Code.

(2) The board of commissioners of an ambulance service district organized under section 31-3911, Idaho Code, may submit to the electors within the district the question of whether the levy authorized in subsection (1) of this section may be increased to a levy not to exceed six-hundredths percent (.06%) of market value for assessment purposes upon all taxable property within the district for the purposes of the district, if approved by a minimum of two-thirds (2/3) of the qualified electors of the district voting at an election called for that purpose and held on the May or November dates provided in section 34-106, Idaho Code.

SECTION 14. That Chapter 39, 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 31-3916, Idaho Code, and to read as follows:

31-3916. DUTIES OF COUNTY COMMISSIONERS. The board of county commissioners, at the time of making the annual county levies, shall make a levy upon all the taxable property not exempt from taxation within each district within the county in the same amount as the levy made by the board of commissioners of each ambulance service district and shall certify such levy or levies to the county auditor, and said auditor shall extend such levy on the rolls of the county, as other county taxes are extended; such special taxes so levied shall constitute a lien upon the property so assessed and shall be due and payable at the same time and in all respects are to be collected in the same manner as the state and county taxes, except that the tax collector must keep a separate list thereof and must list said tax in his receipt to the taxpayers and must pay to the county treasurer as he pays other taxes, specify to the treasurer what taxes they are and take a separate receipt therefor, and keep separate accounts thereof.

SECTION 15. That Chapter 39, 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 31-3917, Idaho Code, and to read as follows:

31-3917. HANDLING OF DISTRICT FUNDS. (1) The tax receipts collected by the county as provided for in section 31-3916, Idaho Code, and other funds shall immediately be paid over by the county treasurer to the treasurer of the ambulance service district, who shall deposit the same in a bank and be handled in the manner prescribed by the state depository law, and all other funds received by or on behalf of the district shall be deposited by the treasurer to the credit of the district fund and shall be drawn upon voucher and by check bearing the signature of the treasurer and at least one (1) commissioner or, in the event that the treasurer is unavailable, checks may be signed by two (2) commissioners. Upon written resolution of the board, checks may be signed by designated representatives who have been bonded in amounts deemed appropriate by the board.

(2) It is hereby made the duty of the treasurer of the ambulance service district to keep account of the district's funds, to place to the credit of the district all moneys received by him from the collector of taxes or from any other officer charged with the collection of taxes as the proceeds of taxes levied by the ambulance service board of commissioners, or from any other sources, and of all other moneys belonging to the district, and to pay over all moneys belonging to the district on legally drawn warrants or orders of the district officers entitled to draw the same.

(3) No checks or warrants shall be signed until it is determined that the payment has been legally authorized, that the money has been duly appropriated by the board, and that such appropriation has not been exhausted. No checks or warrants shall be drawn in excess of the moneys actually in the district treasury. Warrants may be issued in anticipation of a levy except as otherwise provided in this chapter. The district shall pay warrants presented for payment provided there is money in the treasury for that purpose.

(4) All warrants for the payment of an indebtedness of an ambulance service district that are unpaid due to lack of funds shall bear interest at a rate to be fixed by the ambulance service board of commissioners from the date of the registering of such unpaid warrants with the treasurer. The dollar amount of the warrants shall not exceed the revenue provided for the year in which the indebtedness was incurred.

SECTION 16. That Chapter 39, 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 31-3918, Idaho Code, and to read as follows:

31-3918. INDEBTEDNESS PROHIBITED -- EXCEPTIONS. The board of commissioners of an ambulance service district organized pursuant to the provisions of this chapter shall have no power to incur any debt or liability, except as otherwise provided in this section:

(1) In the first year after organization, the board of a district may, for the purpose of organization, to finance general preliminary expenses of the district or for any other purpose of the ambulance service district law, and before making a tax levy, incur an indebtedness not exceeding in the aggregate a sum equal to one cent (1¢) on each one hundred dollars (\$100) of market value for assessment purposes of all real and personal property within the district.

(2) (a) Whenever the board of commissioners of an ambulance service district determines that the interest of said district and the public interest or necessity require incurring an indebtedness exceeding the income and revenue provided for the year for the purposes of acquiring, purchasing, constructing, improving and equipping lands, building sites, and buildings, together with the necessary appurtenant facilities and equipment, or acquiring and purchasing suitable equipment and apparatus necessary to provide ambulance service, or both, the board shall have the power and authority as provided in this section to issue general obligation coupon bonds not to exceed in the aggregate at any time two percent (2%) of market value for assessment purposes of the real and personal property in said district.

(b) Whenever the board of a district shall deem it advisable to issue general obligation coupon bonds, the board shall provide for the issuance of such bonds by ordinance that shall specify and set forth all the purposes, objects, and things required by section 57-203, Idaho Code, and make provision for the collection of an annual tax sufficient to:

(i) Constitute a sinking fund for the payment of the principal thereof within thirty (30) years from the time of contracting said bonded indebtedness; and

(ii) To pay the interest on such proposed bonds as it falls due.

(c) The aforesaid ordinance shall also provide for holding an election with the notice in compliance with section 34-1406, Idaho Code. The election shall be conducted in the manner and form, the returns canvassed, and the qualifications of electors of the district voting or offering to vote shall be determined, as provided by the pertinent and applicable provisions of title 34, Idaho Code. The voting at such election must be by ballot and the ballot used shall be substantially as follows: "In favor of issuing bonds for the amount of . . . dollars for the purpose stated in Ordinance No. . . ." and "Against issuing bonds for the amount of . . . dollars for the purpose stated in Ordinance No. . . ." If at such election two-thirds (2/3) of the qualified electors voting at such election assent to the issuing of such bonds and the incurring of the indebtedness thereby created for the purposes, objects, and things provided in said Ordinance No. . . ., such bonds shall be issued in the manner provided by chapter 2, title 57, Idaho Code, the municipal bond law of the state of Idaho.

(d) Bonds issued pursuant to the provisions of this section and the income therefrom shall be exempt from taxation.

SECTION 17. That Chapter 39, 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 31-3919, Idaho Code, and to read as follows:

31-3919. CARRY OVER -- FUND BALANCE. The board of commissioners of an ambulance service district may accumulate fund balances at the end of a fiscal year and carry over those fund balances into the following fiscal year budget for equipping and maintaining the district. As used in this section, "fund balance" means the excess of the assets of a fund over its liabilities and reserves.

SECTION 18. That Chapter 39, 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 31-3920, Idaho Code, and to read as follows:

31-3920. INCLUSION, ANNEXATION, OR WITHDRAWAL OF AREA IN CITIES WITHIN AN AMBULANCE SERVICE DISTRICT. Except as otherwise provided in section 50-224, Idaho Code, any area embraced within the limits of any city may, with the consent of the governing boards of such city and the respective ambulance service district, expressed by ordinance or resolution, be included within the limits of an ambulance service district, when formed, or be subsequently annexed thereto. Any area in any city embraced within the limits of an ambulance service district shall, upon the consent of the governing boards of such city and ambulance service district, expressed by ordinance or resolution, be withdrawn from such ambulance service district.

SECTION 19. That Chapter 39, 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 31-3921, Idaho Code, and to read as follows:

31-3921. INTRA-AGENCY AND MUTUAL AID AGREEMENTS. Ambulance service districts shall have all of the powers given to political subdivisions of the state of Idaho as set forth in section 67-2339, Idaho Code, and sections 67-2326 through 67-2333, Idaho Code, inclusive, to enter into intra-agency and mutual aid agreements with other political subdivisions and municipalities in Idaho, and in other states, for the purposes of protecting life and for all other purposes of this chapter. Any ambulance service district or county ambulance service responding to a call for emergency assistance to persons or property not situated within the taxing authority of the ambulance service district or county is authorized to charge a reasonable fee for services provided to residents located within the ambulance service district or county in accordance with the requirements and procedures contained in sections 63-1311 and 63-1311A, Idaho Code.

SECTION 20. That Chapter 39, 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 31-3922, Idaho Code, and to read as follows:

31-3922. DISSOLUTION. Dissolution of any ambulance service district organized under the provisions of section 31-3911, Idaho Code, may be initiated by a petition signed by at least twenty-five percent (25%) of the qualified electors within the ambulance service district, requesting dissolution of the ambulance service district, in the following manner:

(1) The petition shall first be presented to the board of county commissioners of each county in which the ambulance service district is situated, signed by the requisite number of qualified electors, which petition shall clearly designate the boundaries of the ambulance service district and shall state the name of the district and shall be accompanied by a map thereof. The petition, together with all maps and other papers filed therewith, shall, at

proper hours, be open to public inspection in the office of the clerk of the board of county commissioners between the date of said filing and the date of the election on the question of districts as provided in this section. The petition may be in one (1) or in several papers. When such petition is presented to the board of county commissioners and filed in the office of the clerk of the board, the said board shall set a time for hearing of such petition, which time shall not be less than four (4) nor more than six (6) weeks from the date of the presenting and filing of said petition. A notice of the time of such hearing shall be published by said board, once a week for three (3) successive weeks previous to the time set for such hearing, in a newspaper published within the county in which said district is situated. Said notice shall give the boundaries of the ambulance service district and shall state that a petition has been filed to dissolve the same and that, on the date fixed for the hearing, any taxpayer within the district may appear at the hearing and testify and present exhibits upon any issue pertaining to the proposed dissolution of the ambulance service district or may object to or support the proposed dissolution.

(2) After hearing and considering any and all testimony and other evidence made either in favor of or in opposition to the dissolution of the ambulance service district, if the board of county commissioners makes a sufficient factual finding that the majority of the residents of the ambulance service district will receive no benefit by continuing the existence of the ambulance service district, the county commissioners shall make an order granting the petition, with or without modification. If the board of county commissioners, after hearing and considering all testimony and other evidence either in favor of or in opposition to the dissolution of the ambulance service district, cannot make a sufficient factual finding that the majority of the residents of the ambulance service district will receive no benefit by continuing the existence of the ambulance service district, the county commissioners shall make an order denying the petition. After the county commissioners have entered their order approving or denying such petition, the clerk of the board of county commissioners shall cause to be published a notice of election to be held in such proposed ambulance service district for the purpose of determining whether or not the same shall be dissolved. Such notice shall plainly and clearly designate the boundaries of the ambulance service district, its name, and that the election is to be held to decide the question of whether the ambulance service district shall be maintained or dissolved. Such notice shall be published once each week in a newspaper published within the county for three (3) successive publications prior to such election.

(3) Such notice shall require the electors to cast ballots that shall contain the words "... ambulance service district dissolved, yes" or "... ambulance service district dissolved, no" or words equivalent thereto. No person shall be entitled to vote at any election held under the provisions of this chapter unless he shall possess all the qualifications required of electors under the general laws of the state and be a resident of the district.

(4) If a majority of the electors voting at such election shall vote to dissolve the ambulance service district, the board of county commissioners shall, after certifying the results of such election, enter an order upon the minutes of its official proceedings dissolving said ambulance service district, and such district shall thereupon be dissolved.

(5) The property of such district shall remain the property of the county in which such district is located and any money remaining in the fund of such district shall be expended in the maintenance and repair of the highways of such district, whether such highways at the time of the dissolution are in the incorporated territory or in unincorporated territory.

(6) If the district is situated in two (2) or more counties, each board of county commissioners shall coordinate the hearing date and the publications of notice so that only one (1) hearing need be held. Unless otherwise agreed to by each board of county commissioners involved, the hearing shall be held at the administrative offices of the district, and the boards of county commissioners are hereby specifically authorized to act in a joint manner for such purposes. If an election is called, the boards of county commissioners shall provide that the election be held on the same day in each county, and the boards of county commissioners shall coordinate the canvass of the votes cast and make one (1) joint announcement. If a majority of votes in any county are against the dissolution of the district, such rejection shall void the dissolution of the district in all counties.

Approved March 19, 2020

CHAPTER 210
(S.B. No. 1340)

AN ACT

RELATING TO SENTENCING; AMENDING SECTION 19-2521, IDAHO CODE, TO PROVIDE FOR A POLICY OF SENTENCING FOR PERSONS CONVICTED OF A CRIME, TO PROVIDE FOR CERTAIN FACTORS THAT SHALL BE ACCORDED WEIGHT IN FAVOR OF AVOIDING A SENTENCE OF IMPRISONMENT, TO PROVIDE FOR CERTAIN FACTORS THAT SHALL BE ACCORDED WEIGHT IN FAVOR OF A SENTENCE OF IMPRISONMENT, AND TO DEFINE A TERM.

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

SECTION 1. That Section 19-2521, Idaho Code, be, and the same is hereby amended to read as follows:

19-2521. SENTENCING CRITERIA FOR PLACING DEFENDANT ON PROBATION OR IMPOSING IMPRISONMENT. (1) The court shall deal with a policy of the state of Idaho regarding sentencing of persons who has been convicted of a crime without imposing sentence of imprisonment unless, having regard to the nature and circumstances of the crime and the history, character and condition of the defendant, it is of the opinion that imprisonment is appropriate for protection of the public because is as follows, unless otherwise provided by law:

- (a) There is undue risk that during the period of a suspended sentence or probation the defendant will commit another crime; or The sentencing court should first consider placement in the community. The goals of sentencing include the primary consideration of the protection of society, followed by the possibility of risk reduction through rehabilitation, deterrence of the individual and the public generally, and punishment or retribution for wrongdoing and the impact on the victim; and
- (b) The defendant is in need of correctional treatment that can be provided most effectively by his commitment to an institution; or Each discretionary sentence should be specifically tailored to the individual defendant and take into account the totality of all relevant facts and circumstances.
- (c) A lesser sentence will depreciate the seriousness of the defendant's crime; or
- (d) Imprisonment will provide appropriate punishment and deterrent to the defendant; or

~~(e) Imprisonment will provide an appropriate deterrent for other persons in the community; or~~

~~(f) The defendant is a multiple offender or professional criminal.~~

(2) The following grounds factors, while not controlling the discretion of the court, shall be accorded weight in favor of avoiding a sentence of imprisonment:

(a) The defendant's criminal conduct neither caused nor threatened harm;

(b) The defendant did not contemplate that his criminal conduct would cause or threaten harm;

(c) The defendant's criminogenic needs indicate that the defendant acted under a strong provocation will benefit from supervision and treatment in the community;

(d) There were substantial grounds tending to excuse or justify the defendant's criminal conduct, though failing to establish a defense;

(e) The victim of the defendant's criminal conduct induced or facilitated the commission of the crime;

(f) The defendant has compensated or will compensate the victim of his criminal conduct for the damage or injury that was sustained; provided, however, nothing in this section shall prevent the appropriate use of imprisonment and restitution in combination;

(g) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present crime;

(h) The defendant's criminal conduct was the result of circumstances unlikely to recur;

(i) The character and attitudes of the defendant indicate that the commission of another crime is unlikely; and

(j) The defendant demonstrates amenability to treatment.

(3) The following factors, while not controlling the discretion of the court, shall be accorded weight in favor of a sentence of imprisonment:

(a) There is undue risk that during the period of a suspended sentence or probation the defendant will commit another crime harmful to another person;

(b) A lesser sentence will depreciate the seriousness of the defendant's crime;

(c) Imprisonment will provide appropriate punishment and deterrent to the defendant;

(d) Imprisonment will provide an appropriate deterrent for other persons in the community; and

(e) The defendant is a multiple offender or professional criminal.

(4) As used in this section, "criminogenic needs" means those dynamic factors associated with the likelihood of reoffending but that may be changed through effective intervention.

Approved March 19, 2020

CHAPTER 211
(S.B. No. 1427)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE CONSUMER PROTECTION FUND FOR FISCAL YEAR 2020; APPROPRIATING AND TRANSFERRING MONEYS FROM THE DRIVER'S TRAINING FUND FOR FISCAL YEAR 2020; APPROPRIATING AND TRANSFERRING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2020; APPROPRIATING AND TRANSFERRING MONEYS TO THE PUBLIC EDUCATION STABILIZATION FUND FOR FISCAL YEAR 2021; APPROPRIATING AND TRANSFERRING MONEYS TO THE BUDGET STABILIZATION FUND FOR FISCAL YEAR 2021; APPROPRIATING AND TRANSFERRING MONEYS FROM THE STATE REGULATORY FUND FOR FISCAL YEAR 2021; APPROPRIATING AND TRANSFERRING MONEYS FROM THE STATE HIGHWAY FUND FOR FISCAL YEAR 2021; APPROPRIATING AND TRANSFERRING MONEYS FROM THE UNEMPLOYMENT PENALTY AND INTEREST FUND FOR FISCAL YEAR 2021; APPROPRIATING AND TRANSFERRING MONEYS FROM THE CORRECTIONAL INDUSTRIES BETTERMENT FUND FOR FISCAL YEAR 2021; APPROPRIATING AND TRANSFERRING MONEYS FROM THE PERMANENT BUILDING FUND FOR FISCAL YEAR 2020; AND DECLARING AN EMERGENCY.

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

SECTION 1. CASH TRANSFER FROM THE CONSUMER PROTECTION FUND. Notwithstanding the provisions of Section 48-606, Idaho Code, and any other provision of law to the contrary, there is hereby appropriated and the State Controller shall transfer \$2,500,000 from the Consumer Protection Fund to the General Fund as soon as practicable for the period July 1, 2019, through June 30, 2020.

SECTION 2. CASH TRANSFER FROM THE DRIVER'S TRAINING FUND. Notwithstanding the provisions of Section 49-308, Idaho Code, and any other provision of law to the contrary, there is hereby appropriated and the State Controller shall transfer \$3,660,700 from the Driver's Training Fund to the Public Education Stabilization Fund as soon as practicable for the period July 1, 2019, through June 30, 2020.

SECTION 3. CASH TRANSFER FROM THE PUBLIC SCHOOL INCOME FUND. There is hereby appropriated and the State Controller shall transfer \$6,259,800 from the Public School Income Fund to the Public Education Stabilization Fund as soon as practicable for the period July 1, 2019, through June 30, 2020.

SECTION 4. CASH TRANSFER TO THE PUBLIC EDUCATION STABILIZATION FUND. There is hereby appropriated and the State Controller shall transfer \$21,079,500 from the General Fund to the Public Education Stabilization Fund on July 1, 2020, or as soon thereafter as practicable for the period July 1, 2020, through June 30, 2021.

SECTION 5. CASH TRANSFER TO THE BUDGET STABILIZATION FUND. Notwithstanding the provisions of Section 57-814(2)(b), Idaho Code, which limits the allowable balance in the Budget Stabilization Fund to ten percent (10%) of total General Fund receipts for the fiscal year just ending, and Section 57-814(2)(c), Idaho Code, which requires the State Controller to transfer excess moneys in the Budget Stabilization Fund back to the General Fund, and any other provision of law to the contrary, on July 1, 2020, or as soon thereafter as practicable, there is hereby appropriated and the State Controller shall transfer \$30,000,000 from the General Fund to the Budget Stabilization Fund established in Section 57-814, Idaho Code, for the period July 1, 2020, through June 30, 2021.

SECTION 6. CASH TRANSFER FROM THE STATE REGULATORY FUND. Notwithstanding the provisions of Section 54-1720, Idaho Code, and any other provision of law to the contrary, there is hereby appropriated and the State Controller shall transfer \$117,500 from the State Regulatory Fund to the General Fund on July 1, 2020, or as soon thereafter as practicable for the period July 1, 2020, through June 30, 2021.

SECTION 7. CASH TRANSFER FROM THE STATE HIGHWAY FUND. Notwithstanding the provisions of Section 40-705, Idaho Code, and any other provision of law to the contrary, there is hereby appropriated and the State Controller shall transfer \$108,900 from the State Highway Fund to the General Fund on July 1, 2020, or as soon thereafter as practicable for the period July 1, 2020, through June 30, 2021.

SECTION 8. CASH TRANSFER FROM THE UNEMPLOYMENT PENALTY AND INTEREST FUND. Notwithstanding the provisions of Section 72-1348, Idaho Code, and any other provision of law to the contrary, there is hereby appropriated and the State Controller shall transfer \$108,900 from the Unemployment Penalty and Interest Fund to the General Fund on July 1, 2020, or as soon thereafter as practicable for the period July 1, 2020, through June 30, 2021.

SECTION 9. CASH TRANSFER FROM THE CORRECTIONAL INDUSTRIES BETTERMENT FUND. Notwithstanding the provisions of Sections 20-416 and 20-419, Idaho Code, and any other provision of law to the contrary, there is hereby appropriated and the State Controller shall transfer \$250,000 from the Correctional Industries Betterment Fund to the General Fund on July 1, 2020, or as soon thereafter as practicable for the period July 1, 2020, through June 30, 2021.

SECTION 10. CASH TRANSFER FROM THE PERMANENT BUILDING FUND. Notwithstanding the provisions of Section 57-1108, Idaho Code, and any other provision of law to the contrary, there is hereby appropriated and the State Controller shall transfer \$8,800,000 from the Permanent Building Fund to the General Fund as soon as practicable for the period July 1, 2019, through June 30, 2020.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, 3, and 10 of this act shall be in full force and effect on and after passage and approval.

Approved March 19, 2020

CHAPTER 212

(H.B. No. 405, As Amended in the Senate)

AN ACT

RELATING TO CRIMES AND PUNISHMENTS; AMENDING SECTION 19-3508, IDAHO CODE, TO PROVIDE AN ELIGIBILITY REQUIREMENT FOR A DUI DIVERSION PROGRAM.

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

SECTION 1. That Section 19-3508, Idaho Code, be, and the same is hereby amended to read as follows:

19-3508. ELIGIBILITY FOR DIVERSION PROGRAM. A person is eligible to participate in a diversion program if:

(1) The person has been charged with driving under the influence pursuant to section 18-8004 or 18-8004A, Idaho Code;

(2) At the time of the conduct underlying such charge, the person:

(a) Did not hold a commercial driver's license or commercial learner's permit; or

(b) Was not operating a commercial vehicle;

(3) No other person is alleged to have been physically injured as a result of the conduct underlying such charge; and

(34) The person charged has not been convicted of driving under the influence or a substantially conforming foreign criminal violation within the past ten (10) years and has not previously participated in a diversion program pursuant to section 19-3509, Idaho Code.

Approved March 19, 2020

CHAPTER 213

(H.B. No. 422)

AN ACT

RELATING TO DRIVING BUSINESSES; AMENDING SECTION 54-5401, IDAHO CODE, TO REMOVE A PROVISION REGARDING A DECLARATION OF POLICY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-5402, IDAHO CODE, TO REVISE A DEFINITION, TO REMOVE A DEFINITION, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-5403, IDAHO CODE, TO REVISE A PROVISION REGARDING BOARD COMPOSITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-5404, IDAHO CODE, TO REMOVE PROVISIONS REGARDING CERTAIN FEES; AMENDING SECTION 54-5405, IDAHO CODE, TO REVISE A PROVISION REGARDING AN AUTOMOBILE INSURANCE REQUIREMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-5406, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS FOR DRIVING INSTRUCTORS; AND AMENDING SECTION 54-5408, IDAHO CODE, TO REVISE A PROVISION REGARDING DISCIPLINE, TO REMOVE CERTAIN PROVISIONS REGARDING DISCIPLINE, AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 54-5401, Idaho Code, be, and the same is hereby amended to read as follows:

54-5401. ~~SHORT TITLE -- DECLARATION OF POLICY.~~ (1) This chapter shall be known and may be cited as the "Idaho Driving Businesses Act."

~~(2) In order to safeguard life, health and property, and to promote the public welfare, the business of driver education in this state is hereby declared to be subject to regulation in the public interest. It shall be unlawful for any person to offer private driver education for others in this state, as defined in the provisions of this chapter, unless such person has been licensed or is otherwise exempt under the provisions of this chapter. The right to engage in the business of driver education shall be deemed a personal right, based on the qualifications of the individual as evidenced by the license, and shall not be transferable.~~

SECTION 2. That Section 54-5402, Idaho Code, be, and the same is hereby amended to read as follows:

54-5402. DEFINITIONS. As used in this chapter:

(1) "Board" means the Idaho driving businesses licensure board, which will act as the state regulatory body for driving businesses hereinafter provided in this chapter.

(2) "Driver education" means classroom instruction and behind-the-wheel driving time.

(3) "Driving business" means any driver education business, established for the education of students in a classroom or motor vehicle, or both, which education shall not qualify a student for a commercial driver's license or which education is. A driving business shall not include an education program run by a church, or synagogue, or by a refugee program or those teaching an accident prevention courses taught, by or regulated, or licensed by the transportation department.

(4) "Driving instructor" means a person who is licensed by the board to teach the classroom instruction phase and behind-the-wheel training phase of automobile driver training. This term does not apply to any independent certified driving instructor who participates in a state or federal program directed at training or retraining persons in occupational skills, or to instructors who operate or work for public driving businesses that are overseen by the state department of education.

(5) "License" means a document issued by the bureau of occupational licenses on behalf of the board officially documenting the individual's right to practice as a driving instructor or to operate a driving business within the state of Idaho.

~~(6) "Student" means a person aged fourteen and one-half (14 1/2) up to seventeen (17) years.~~

SECTION 3. That Section 54-5403, Idaho Code, be, and the same is hereby amended to read as follows:

54-5403. BOARD -- TERMS OF MEMBERS -- QUALIFICATIONS -- POWERS AND DUTIES -- MEETINGS -- COMPENSATION. (1) A driving businesses licensure board is hereby established in the department of self-governing agencies whose duty it shall be to administer the provisions of this chapter.

(2) The board shall consist of five (5) members appointed by the governor. The governor may consider recommendations for appointment to the board from the Idaho association of professional driving businesses, any association of driving businesses or from any individual residing in this state. The board shall consist of four (4) members who are licensed under this chapter and one (1) member of the public who has been a customer of private driver education. At least one (1) member shall be a driving business owner.

(3) Members shall serve at the pleasure of the governor. Board members shall be appointed for a term of three (3) years. No member of the board may be appointed to more than two (2) consecutive terms. Members of the board

shall hold office until the expiration of the term for which they were appointed and until their successors have been appointed and qualified. In the event of a vacancy other than expiration of a term, the governor shall appoint a replacement to fill the vacancy for the remainder of the unexpired term.

(4) Members of the board shall be citizens of the United States and residents of this state and shall never have been the subject of a disciplinary action under the provisions of section 54-5409, Idaho Code.

(5) The board shall:

(a) Enforce the minimum standards and requirements as provided in this chapter and by rule adopted by the board. The board may promulgate such rules, in compliance with chapter 52, title 67, Idaho Code, as may be necessary to carry out the provisions of this chapter in order to effectuate the purposes herein and for the orderly and efficient administration thereof, except as may be limited or prohibited by law and the provisions of this chapter;

(b) Accept or reject applications for licensing, business, and instruction, and establish the fees to be charged for original application and renewal, subject to the provisions of this chapter;

(c) Hold and attend public meetings and furnish copies of information to those engaged in the business and to the public upon request;

(d) Review and approve instructor training curriculum and programs;

(e) Contract with the bureau of occupational licenses to provide administrative services;

(f) Include a link on the bureau of occupational licenses' website to current curriculum components offered by private driver education businesses; and

(g) Adopt rules providing for continuing education, if necessary.

(6) The board shall have the authority to conduct inspections and audits of any licensed driving business or any licensed instructor to ensure compliance with the laws and rules of the board. Failure to cooperate with an inspection or audit may constitute grounds for disciplinary action.

(7) The board shall meet at such times as may be expedient and necessary for the proper performance of its duties, but it shall not meet less than once per year.

(8) The members shall elect annually one (1) of their number to be chairman. The chairman may serve in such capacity for a one (1) year term and may not serve in such capacity for more than two (2) consecutive terms.

(9) A majority of the board shall constitute a quorum for the transaction of business.

(10) Each member of the board shall be compensated as provided by section 59-509(k), Idaho Code.

SECTION 4. That Section 54-5404, Idaho Code, be, and the same is hereby amended to read as follows:

54-5404. FEES. (1) All fees received under the provisions of this chapter shall be paid to the bureau of occupational licenses and deposited in the state treasury to the credit of the occupational licenses fund. All costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund. Actual fees shall be set by administrative rule.

~~(2) An original application fee shall be no more than one hundred dollars (\$100).~~

~~(3) The fee for the original license, and the annual renewal, of any instructor license or apprentice permit shall be no more than one hundred dollars (\$100).~~

~~(4) A fee for the original license, and the annual renewal, of any driving business license shall be no more than nine hundred dollars (\$900).~~

(5) All licenses issued under the provisions of this chapter shall be subject to annual renewal. License renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code.

(63) All fees are nonrefundable.

SECTION 5. That Section 54-5405, Idaho Code, be, and the same is hereby amended to read as follows:

54-5405. DRIVING BUSINESSES -- LICENSE REQUIREMENTS. (1) No private driver training business shall be established nor shall any existing business continue to operate unless the business applies for and obtains from the board a license that expires on the license issue date and must be renewed annually. The application for license shall include the name of the owner, a satisfactory fingerprint-based criminal history check of the Idaho central criminal database and the federal bureau of investigation criminal history database, the location of the business, a certificate of occupancy for a business that offers classroom instruction in a physical classroom location, a certificate of commercial automobile insurance, a list of licensed instructors, proof of an annual vehicle check, board-approved curriculum components and a course of instruction for students, ~~which that~~ shall include the following:

(a) Not less than thirty (30) hours of classroom instruction;

(b) Not less than six (6) hours of behind-the-wheel practice driving; and

(c) Not less than six (6) hours of observation.

(2) Any private driver training business or driving instructor licensed pursuant to this chapter shall be exempt from the provisions of title 33, Idaho Code, that regulate driver education as long as such license is current and valid and the private driver training business or driving instructor is acting pursuant to activities that the license permits.

(3) Any driving business licensed pursuant to this chapter may contract with a public school to provide driver education. Any driving business that contracts with a public school to provide driver education may be allowed to use the services of any or all of the driving instructors of that driving business. Once a person has been licensed as a driving instructor, that person is authorized to teach in any approved driver education program.

(4) A driving business shall ensure that each of its employees and persons under its control who provides driver education to its students is at all times licensed under this chapter as a driving instructor or permitted as a driving instructor apprentice.

SECTION 6. That Section 54-5406, Idaho Code, be, and the same is hereby amended to read as follows:

54-5406. DRIVING INSTRUCTORS -- REQUIREMENTS. (1) Each person applying for a driving instructor license must complete an application provided by the bureau of occupational licenses that requires the applicant to be at least twenty-one (21) years of age, have ~~written evidence of graduation from a high school, an accredited college or university or a GED~~ a high school diploma or equivalent, a valid driver's license and a satisfactory driving record from the jurisdiction from which the license was issued, a satisfactory fingerprint-based criminal history check of the Idaho central criminal database and the federal bureau of investigation criminal history database, a medical certificate and any required completed coursework. Licensees shall certify that they hold a current medical certificate at the time of license renewal.

(2) Every new applicant for a license pursuant to this chapter shall have completed a board-approved apprenticeship training program of not less than sixty thirty (630) hours of classroom instruction and one hundred eight fifty (10850) hours of behind-the-wheel training. The board may waive, as a whole or either part, the apprenticeship for an applicant who holds a current, active and unrestricted equivalent instructor license from another state or who has the requisite training and experience as demonstrated in a manner established by board rule. Such applicant shall submit supporting documentation with the completed application and shall meet all other requirements in this chapter and in board rule.

~~(3) If the board granted any instructor a license without the satisfactory fingerprint-based criminal history check as provided in subsection (1) of this section, such licensee shall obtain and submit the required fingerprint-based criminal history check to the board on or before the date of the licensee's first renewal.~~

SECTION 7. That Section 54-5408, Idaho Code, be, and the same is hereby amended to read as follows:

54-5408. DISCIPLINE. (1) Grounds for discipline. The board shall have the power to deny any application for or renewal of a license or to revoke, suspend or otherwise sanction any such license issued pursuant to this chapter and to limit or restrict the practice of any driving instructor or driving business upon a determination by the board that the person or business:

(a) Was convicted, found guilty, received a withheld judgment or suspended sentence in this or any other state, of any action constituting a felony or of a crime involving moral turpitude that reflects upon the qualifications, functions, or duties of a driving business or driving business instructor;

(b) Violated the provisions of this chapter or rules, standards of conduct and practice, or any ethical codes as may be adopted by the board;

(c) Is or has been negligent or reckless in the practice of driver education; or

(d) Has had any license, certificate or registration to work as a driving instructor or operate as a driving business suspended or revoked in any jurisdiction. A certified copy of the order of suspension or revocation shall be prima facie evidence of such suspension or revocation.

(2) Every person or business subject to disciplinary proceedings shall be afforded an opportunity for hearing.

~~(a) All proceedings hereunder shall be in accordance with chapter 52, title 67, Idaho Code.~~

~~(b) Hearings shall be conducted by the board or by persons appointed by the board to conduct hearings and receive evidence.~~

~~(3) The board may, pursuant to an order of discipline, require the person or business to pay all or part of the costs and fees incurred by the board in proceedings upon which the order was entered.~~

(43) The board may, pursuant to an order of discipline, require the person or business to pay an administrative fine not to exceed one thousand dollars (\$1,000) for each violation identified in the order.

Approved March 19, 2020

CHAPTER 214
(H.B. No. 473, As Amended)

AN ACT

RELATING TO THE IDAHO CREDIT UNION ACT; AMENDING SECTION 26-2136, IDAHO CODE, TO REMOVE PROVISIONS REGARDING EXAMINATIONS; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2136A, IDAHO CODE, TO AUTHORIZE THE DIRECTOR TO CONDUCT CERTAIN EXAMINATIONS AND INVESTIGATIONS, TO PROVIDE FOR REPORTING REQUIREMENTS, AND TO PROVIDE CERTAIN CRITERIA FOR AN EXAMINATION OR INVESTIGATION; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2136B, IDAHO CODE, TO PROVIDE THAT CERTAIN INFORMATION SHALL BE CONFIDENTIAL, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR REPORTS AND INFORMATION IN CIVIL ACTIONS, AND TO PROVIDE A PENALTY; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2136C, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF FINANCE AND ITS EMPLOYEES SHALL NOT DISCLOSE CERTAIN INFORMATION AND TO PROVIDE A PENALTY; AMENDING SECTION 26-2140, IDAHO CODE, TO REVISE PROVISIONS REGARDING A CEASE AND DESIST ORDER, TO PROVIDE FOR A CIVIL MONEY PENALTY IN CERTAIN INSTANCES, TO PROVIDE FOR CERTAIN CRITERIA IN DETERMINING THE AMOUNT OF A CIVIL MONEY PENALTY, TO PROVIDE THAT A HEARING MAY BE CLOSED IN CERTAIN INSTANCES, TO PROVIDE FOR A VIOLATION, AND TO PROVIDE THAT THE DIRECTOR MAY MODIFY AN ORDER; AMENDING SECTION 26-2140A, IDAHO CODE, TO PROVIDE FOR A CREDIT UNION PLACED IN RECEIVERSHIP AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 26-2140B, IDAHO CODE, RELATING TO THE REMOVAL OF DIRECTORS, OFFICERS, OR EMPLOYEES; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2140B, IDAHO CODE, TO PROVIDE FOR THE SUSPENSION OR REMOVAL OF A DIRECTOR, SUPERVISORY COMMITTEE MEMBER, OFFICER, OR EMPLOYEE IN CERTAIN INSTANCES, TO PROHIBIT EMPLOYMENT IN CERTAIN INSTANCES, TO PROVIDE FOR A PETITION TO DISTRICT COURT IN CERTAIN INSTANCES, TO PROVIDE CERTAIN REQUIREMENTS FOR AN ORDER ISSUED, AND TO PROVIDE FOR ATTORNEY'S FEES AND COSTS IN CERTAIN INSTANCES; REPEALING SECTION 26-2141, IDAHO CODE, RELATING TO SUSPENSION OF A CREDIT UNION; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2141, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF A RECEIVER IN CERTAIN INSTANCES, TO PROVIDE CERTAIN REQUIREMENTS FOR A RECEIVER, AND TO DEFINE A TERM; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2141A, IDAHO CODE, TO PROVIDE FOR CERTAIN POWERS AND DUTIES FOR A RECEIVER; AMENDING SECTION 26-2142, IDAHO CODE, TO REMOVE A PROVISION REGARDING LIQUIDATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-2151, IDAHO CODE, TO PROVIDE FOR CUSTODIAL ACCOUNTS IN CERTAIN INSTANCES; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2157, IDAHO CODE, TO AUTHORIZE THE DIRECTOR TO CALL AND ATTEND A SPECIAL MEETING OF THE BOARD IN CERTAIN INSTANCES; AND AMENDING SECTION 26-2185, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 26-2136, Idaho Code, be, and the same is hereby amended to read as follows:

26-2136. ~~EXAMINATIONS AND FEES. The department of finance shall examine each credit union no less often than once in eighteen (18) months, and more frequently whenever the director shall deem it necessary. Each credit union and all of its officers and agents shall be required to give to representatives of said department full access to all books, papers, securities, records and other sources of information under their control; and for the~~

~~purpose of such examination, said representatives shall have power to subpoena witnesses, administer oaths, compel the giving of testimony, and require the submission of documents.~~

~~A report of such examination shall be forwarded to the president of each credit union within thirty (30) days after the completion of the examination. Within thirty (30) days after the receipt of such report, a general meeting of the directors and committeemen shall be called to consider matters contained in the report. A reply to the director shall be forwarded by the board within fifteen (15) days.~~

(1) On or before February 15 of each calendar year, the director shall fix and collect from each credit union an assessment fee based upon the total assets of the credit union as of December 31 of the previous calendar year, which fees shall not exceed the amounts set forth in the following schedule:

| TOTAL ASSETS | FEE |
|--|---|
| \$50,000 or less | \$50.00 + \$1.00 per thousand dollars of assets |
| Over \$50,000 and not over \$100,000 | \$100.00 + \$.99 per thousand dollars of assets in excess of \$50,000 |
| Over \$100,000 and not over \$250,000 | \$149.00 + \$.94 per thousand dollars of assets in excess of \$100,000 |
| Over \$250,000 and not over \$1 million | \$291.00 + \$.89 per thousand dollars of assets in excess of \$250,000 |
| Over \$1 million and not over \$2 million | \$958.00 + \$.80 per thousand dollars of assets in excess of \$1 million |
| Over \$2 million and not over \$5 million | \$1,758.00 + \$.61 per thousand dollars of assets in excess of \$2 million |
| Over \$5 million and not over \$8 million | \$3,588.00 + \$.48 per thousand dollars of assets in excess of \$5 million |
| Over \$8 million | \$5,028.00 + \$.35 per thousand dollars of assets in excess of \$8 million |

~~The director may in his discretion at any time accept in lieu of any portion of his examinations the findings or result of an audit by a firm of independent certified public accountants or other qualified person or firm approved by the director. The cost of the audit shall be borne by the credit union.~~

(2) All fees, fines, examination and miscellaneous charges collected by the director pursuant to the Idaho credit union act shall be deposited into the finance administrative account pursuant to section 67-2702, Idaho Code.

SECTION 2. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2136A, Idaho Code, and to read as follows:

26-2136A. EXAMINATIONS AND INVESTIGATIONS REPORTS -- ACCESS TO RECORDS -- OATHS -- SUBPOENAS. (1) The director shall examine each credit union at least once every eighteen (18) months, unless the director determines with respect to a credit union that a less frequent examination schedule will satisfactorily protect the financial stability of the credit union and will satisfactorily assure compliance with the provisions of this chapter. The director shall examine a credit union more frequently whenever the director shall deem it necessary.

(2) A report of examination conducted pursuant to subsection (1) of this section shall be forwarded to the chairman of the board of directors and the president or chief executive officer after the completion of the examination. The report shall be considered at the first meeting of the board of directors following its receipt. A reply to the director of finance shall be forwarded by the board of directors within fifteen (15) days of the meeting.

(3) Each credit union, including out-of-state and foreign credit unions permitted to operate in Idaho, and all of its officers and agents shall be required to give to representatives of the department of finance full access to review all books, papers, files, records, and other sources of information under their control, and retain copies of the same, and full access to personnel.

(4) Upon examination or investigation of a credit union, the director:

- (a) May appraise and revalue the credit union's investments; and
- (b) May require the credit union to charge off or set up a special reserve for loans and investments and other assets.

(5) The director may make an examination and investigation into the affairs of:

- (a) An out-of-state or foreign credit union permitted to operate in Idaho;
- (b) A nonpublicly held organization, or its subsidiary, in which a credit union has a material investment;
- (c) A publicly held organization in which the capital stock or equity is controlled by a credit union;
- (d) A credit union service organization, or any subsidiary of a credit union service organization, in which a credit union has an interest;
- (e) An organization that is not a credit union, out-of-state credit union, federal credit union, or foreign credit union and that has a majority interest in a credit union service organization in which a credit union has an interest;
- (f) A sole proprietorship or organization primarily in the business of managing one (1) or more credit unions;
- (g) A person or business providing any of the following services to a credit union or to a credit union service organization:
 - (i) Data processing services;
 - (ii) Activities that support financial services, including but not limited to lending funds transfer, fiduciary activities, trading activities, and deposit-taking; and
 - (iii) Internet-related services, including but not limited to web services and electronic bill payments, mobile applications, system and software development and maintenance, and security monitoring; or
- (h) A corporation or other business entity that provides alternative share insurance in accordance with section 26-2153, Idaho Code.

The director shall have full access to all books, papers, files, records, personnel, and other sources of information under the control of persons described in this subsection.

(6) In connection with examinations and investigations, the director may:

(a) Administer oaths and examine under oath any person concerning the affairs of any credit union or of any person described in subsection (5) of this section; and

(b) Issue subpoenas to and require the attendance and testimony of any person at any place within this state and require witnesses to produce books, papers, files, records, and other sources of information.

(7) The director may accept in lieu of an examination under this section:

(a) The report of an examiner authorized to examine a credit union or an out-of-state, federal, or foreign credit union or other financial institution; or

(b) The report of an accountant, satisfactory to the director, who has made and submitted a report of the condition of the affairs of a credit union or an out-of-state, federal, or foreign credit union or other financial institution. The director may accept all or part of such a report in lieu of all or part of an examination. The accepted report or accepted part of the report has the same force and effect as an examination under this section.

SECTION 3. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2136B, Idaho Code, and to read as follows:

26-2136B. EXAMINATION REPORTS AND SPECIFIED OTHER INFORMATION CONFIDENTIAL -- EXCEPTIONS -- PENALTY. (1) The following shall be confidential and privileged and not subject to public disclosure under chapter 1, title 74, Idaho Code, and shall be subject to the provisions of section 26-1111, Idaho Code:

(a) Examination reports and information obtained by the department of finance in conducting examinations and investigations under this chapter;

(b) All written communications between the department of finance and any credit union that relate in any manner to the examination or condition of the credit union;

(c) Examination reports and related information from other financial institution regulators obtained by the department of finance;

(d) Reports or parts of reports accepted in lieu of an examination under section 26-2136A, Idaho Code; and

(e) Business plans and other proprietary information obtained by the department of finance in connection with a credit union's application or notice to the department.

(2) (a) The director, any federal or other financial institution regulatory or supervisory agency, a private insurer authorized pursuant to section 26-2153, Idaho Code, and any credit union incorporated or chartered under title 26, Idaho Code, or under federal law or the law of any state and doing business in the state of Idaho shall each have a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications, and the contents of any documents relating to any confidential communications, between the credit union and the department of finance or federal financial institution regulatory or supervisory agency or private insurer made during the regulatory relationship.

(b) A communication is confidential if it is made during the regulatory relationship between the department of finance or the federal financial institution regulatory or supervisory agency or private insurer and any such credit union, and if the communication is not designed or intended for disclosure to any other parties.

(c) The privilege may be claimed by the credit union or by the department of finance or the federal financial institution regulatory or supervisory agency, or by the lawyer for either. The privilege may be waived only in accordance with this section and section 26-1111, Idaho Code.

(d) The director or the appropriate officer or employee of the federal financial institution regulatory or supervisory agency or private insurer may disclose confidential communications between the department of finance or agency or private insurer and credit union to the court, in camera, in a civil action. Such disclosure shall also be a privileged communication and the privilege may be claimed by the director, officer, or employee, or his lawyer.

(e) No sanction may be imposed upon any credit union as a result of the claim of a privilege by the credit union or the director or the officer or employee of the federal supervisory agency under this section.

(3) Notwithstanding subsection (1) of this section, the director may furnish examination reports, work papers, final orders, or other information obtained in the conduct of an examination or investigation prepared by the director to:

(a) Federal agencies empowered to examine credit unions or other financial institutions;

(b) Officials empowered to investigate criminal charges. The director may furnish only that part of the report that is necessary and pertinent to the investigation, and only after notifying the affected credit union and members of the credit union who are named in that part of the examination report, or other person examined, that the report is being furnished to the officials, unless the officials requesting the report obtain a waiver of the notice requirement for good cause from a court of competent jurisdiction;

(c) The examined credit union or other person examined, solely for its confidential use or for the confidential use of the credit union's attorney, auditor, accountant, independent attorney, independent auditor, or independent accountant;

(d) The attorney general in his role as legal advisor to the director;

(e) Prospective merger partners or conservators, receivers, or liquidating agents of a troubled credit union;

(f) Credit union regulators in other states or foreign jurisdictions regarding an out-of-state or foreign credit union conducting business in this state under this chapter, or regarding a credit union conducting business in the other state or jurisdiction;

(g) A person officially connected with the credit union or other person examined, as officer, director, supervisory committee member, attorney, auditor, accountant, independent attorney, independent auditor, or independent accountant;

(h) Organizations that have bonded the credit union to the extent that information is relevant to the renewal of the bond coverage or to a claim under the bond coverage;

(i) Organizations insuring or guaranteeing the shares of, or deposits in, the credit union;

(j) The federal home loan bank of which the credit union is a member or to which the credit union has applied for membership; or

(k) Other persons as the director may determine necessary to protect the public interest and confidence.

(4) Examination reports, work papers, temporary and final orders, consent orders, other information obtained in the conduct of an examination or investigation furnished under subsection (3) of this section, and all written communication between the department of finance and any credit union that relate in any manner to the condition of the credit union remain the property of the director and, if acquired by any person, shall be returned

to the department of finance upon written demand. No person to whom reports are furnished or any officer, director, or employee thereof may disclose or make public the reports or information contained in the reports except in published statistical information that does not disclose the affairs of a person, except that nothing prevents the use in a criminal prosecution of reports furnished under subsection (3) (b) of this section.

(5) In a civil action in which the reports or information are sought to be discovered or used as evidence, they may be disclosed only in accordance with subsection (2) of this section and section 26-1111, Idaho Code. After in-camera review of the reports or information in accordance with subsection (2) of this section and section 26-1111 (3) (d), Idaho Code, the court may permit discovery and introduction of only those portions of the report or information that are relevant and otherwise unobtainable by the requesting party. To the extent the court permits discovery and introduction of relevant portions of the report or information, the court shall attach any limitations and restrictions necessary to ensure that the portions of the report or information discovered and introduced shall not be disclosed to the public. This subsection does not apply to an action brought or defended by the director.

(6) Any person who knowingly violates a provision of this section shall be guilty of a misdemeanor.

SECTION 4. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2136C, Idaho Code, and to read as follows:

26-2136C. DISCLOSURE OF CONFIDENTIAL INFORMATION BY THE DEPARTMENT -- PENALTY. (1) The department of finance, its director, employees, and former employees shall not disclose to any person or agency any fact or information obtained in the course of business of the department under this chapter, except in the course of their official duties for the department and in the following cases:

(a) When, by the provisions of this chapter or chapter 1, title 74, Idaho Code, it is made the duty of the department to make public records and publish the same;

(b) When the department is required by law to take special action regarding the affairs of any credit union;

(c) When called as a witness in any criminal proceeding in a court of competent jurisdiction, provided that the court must review such information in chambers to determine the necessity of disclosing such information, and subject to the privilege provided by sections 26-1111 (3) and 26-2136B, Idaho Code;

(d) When, in the case of a problem credit union, it is necessary or advisable, in the discretion of the director, for the good of the public or of the depositors; or

(e) When, in the discretion of the department, it is advisable to disclose any such information to a state or federal credit union supervisory agency.

(2) Any person who violates the provisions of this section shall be guilty of a felony, and conviction shall subject the offender to a forfeiture of his office or employment.

SECTION 5. That Section 26-2140, Idaho Code, be, and the same is hereby amended to read as follows:

26-2140. CEASE AND DESIST ORDER -- PENALTY. (1) Whenever it appears to If the director that it is in the public interest, he may order a certificate holder under finds that any credit union has engaged in an unsafe or unsound practice in conducting the business of such credit union, or any person has violated any provision of this chapter, any rule or order issued under this chapter, any condition imposed in writing by the director, or any written agreement entered into with the director, the director may order the credit union or other person to cease and desist from acts, practices and omissions which constitute a any such violation of this chapter, or would, in the opinion of the director, constitute an unsafe or unsound practice. Such order shall be issued pursuant to chapter 52, title 67, Idaho Code.

(2) After providing a notice and an opportunity for a public hearing pursuant to chapter 52, title 67, Idaho Code, the director may assess against and collect a civil money penalty from any credit union or from any director, officer, supervisory committee member, employee, agent, or other person participating in the conduct of the affairs of such credit union who:

(a) Engages or participates in any unsafe or unsound practice in connection with a credit union; or

(b) Violates or knowingly permits any person to violate any of the provisions of this chapter, any rule promulgated pursuant to this chapter, or any lawful order of the director issued pursuant to this chapter.

(3) A civil money penalty assessed pursuant to subsection (2) of this section shall not exceed one thousand dollars (\$1,000) per day for each day such violation continues. No civil money penalty shall be assessed for the same act or practice if another government agency has taken similar action against the credit union or person to be assessed such civil money penalty. In determining the amount of the civil money penalty to be assessed, the director of the department of finance shall consider:

(a) The good faith of the credit union or person to be assessed with such civil money penalty;

(b) The gravity of the violation;

(c) Any previous violations by the credit union or person to be assessed with such civil money penalty;

(d) The nature and extent of any previous violations; and

(e) Such other matters as the director may deem appropriate.

(4) Upon waiver by the respondent of the right to a public hearing concerning an assessment of a civil money penalty, the hearing or portions thereof may be closed to the public when concerns arise about prompt withdrawal of moneys from or the safety and soundness of the credit union.

(5) For the purposes of this section, a violation shall include but is not limited to any action by any person alone or with another person that causes, brings about, or results in the participation in, counseling of, or aiding or abetting of a violation.

(6) The director may modify or set aside any order assessing a civil money penalty.

SECTION 6. That Section 26-2140A, Idaho Code, be, and the same is hereby amended to read as follows:

26-2140A. CONSERVATORSHIP. (a1) The director may, in his discretion and without notice, appoint himself or an agent as conservator and immediately take possession and control of the business and assets of any credit union in any case in which:

(1a) The director determines that such action is necessary to conserve the assets of any credit union or to protect the interests of the members of such credit union;

(2b) The credit union, by a resolution of its board of directors, consents to such an action by the director;

(3c) There is a violation of a cease and desist order, or any law, rule, regulation or any written agreement entered into with the director; or

(4d) There is concealment of books, papers, records, or assets of the credit union or refusal to submit books, papers, records, or affairs of the credit union for inspection to any examiner or to any lawful agent of the director.

(b2) Not later than thirty (30) calendar days after the date on which the director takes possession and control of the business and assets of a credit union, such credit union may apply to the district court for the judicial district in which the credit union is located for an order requiring the director to show cause why he should not be enjoined from continuing such possession and control. Except as provided in this subsection, no court may take any action, except at the request of the director, to restrain or affect the exercise of powers or functions of the director as conservator.

(e3) The director may maintain possession and control of the business and assets of such credit union and may operate such credit union until such time as:

(1a) The director shall permit such credit union to continue business subject to such terms and conditions as may be imposed by the director;

(2b) Such credit union is ~~liquidated~~ placed in receivership in accordance with the provisions of section 26-2141, Idaho Code; or

(3c) Otherwise ordered by the district court of the judicial district in which the credit union is located.

(d4) The director may appoint such agents as he considers necessary in order to carry out his duties as conservator.

(e5) All expenses of the credit union during the period of the conservatorship shall be paid by the credit union.

(f6) The conservator shall have all the powers of the members, the directors, the officers, and the committees of the credit union and shall be authorized to operate the credit union in its own name or to conserve its assets in the manner and to the extent authorized by the director.

(g7) The authority granted in this section is in addition to all other authority granted to the director under this chapter.

SECTION 7. That Section 26-2140B, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2140B, Idaho Code, and to read as follows:

26-2140B. SUSPENSION OR REMOVAL OF DIRECTORS, SUPERVISORY COMMITTEE MEMBERS, OFFICERS, OR EMPLOYEES -- PROHIBITION OF FUTURE EMPLOYMENT. (1) The director may issue a written order, pursuant to chapter 52, title 67, Idaho Code, suspending or removing a credit union director, supervisory committee member, officer, or employee upon finding that the director, supervisory committee member, officer, or employee has:

(a) Been dishonest or reckless in the performance of his official duties;

(b) Breached his fiduciary duties to the credit union in a manner that is likely to cause substantial loss or seriously weaken the credit union;

(c) Violated any provision of this chapter, any state or federal law or regulation pertaining to the business of the credit union, or any order of the director;

(d) Been convicted of a felony or any misdemeanor involving theft or dishonesty; or

(e) Engaged or participated in any unsafe or unsound practice in the conduct of the affairs of the credit union.

(2) In the event a director, supervisory committee member, officer, or employee has been removed from office as set forth in this section, and the order has not been modified, rescinded, or set aside, or if a person has been removed as a director, supervisory committee member, officer, or employee of a credit union by a federal financial institution regulator or a financial institution regulator in another state, the person is prohibited from becoming employed by a credit union supervised by the director in this state, except as specifically permitted by the director.

(3) The director, officer, employee, or credit union affected by order of the director may immediately petition the district court in the judicial district of the county in which the credit union has its principal place of business or in Ada county to set aside the order of the director. Upon the filing of such petition, the court shall have the jurisdiction to affirm or set aside in whole or in part and remand to the director.

(4) An order issued under this section must contain a statement of the facts that constitute grounds for removal or prohibition and cite relevant state or federal law or regulation.

(5) A prevailing party in any proceeding under this section may be awarded attorney's fees and costs pursuant to section 12-117, Idaho Code.

SECTION 9. That Section 26-2141, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2141, Idaho Code, and to read as follows:

26-2141. APPOINTMENT OF RECEIVER -- CONDITIONS -- PROCEEDING -- BOND -- REPORTING SCHEDULE -- SUBROGATION OF FEDERAL AGENCY TO RIGHTS OF DEPOSIT OWNERS. (1) If a credit union refuses to pay its shares, deposits, or obligations in accordance with the terms under which the shares were received or the deposits or obligations were incurred, becomes insolvent, or refuses to submit its books, papers, and records for inspection by the director, or if it appears to the director that the credit union is in an unsafe and unsound condition, the director may apply to the district court for Ada county or for the county in which the principal place of business of the credit union is located for appointment of a receiver for the credit union.

(2) In a proceeding for the appointment of a receiver, the court may act upon the application immediately and without notice to any person. If at any time it appears to the court that the asserted reasons for receivership may not exist, the court shall order the director to show cause as to why the court should not dissolve the receivership.

(3) An insuring federal agency or private share insurer may act as receiver without bond. All other receivers, with the exception of an employee of the Idaho department of finance appointed as receiver in his official capacity, shall post a bond in an amount determined by the court.

(4) A receiver shall report to the director regarding all matters involving the receivership on a schedule established by the director.

(5) If a credit union is closed and placed in receivership, and the insuring federal agency or private share insurer pays or makes available for payment the insured shares and deposit liabilities of the closed credit union, the federal agency or private share insurer, whether or not it has become receiver of the credit union, is subrogated to all of the rights of the owners of the deposits against the closed credit union in the same manner and to the same extent as subrogation of the federal agency or private share insurer under the laws governing the federal agency or private share insurer.

(6) For purposes of this section, "insolvent" means a credit union that meets either of the following:

- (a) It is not able to pay its debts and other obligations, including those related to member shares, as they become due; or
- (b) Its liabilities exceed its assets.

(7) If a federal agency is appointed as receiver of a credit union, the receivership procedures of the federal agency shall govern the receivership.

SECTION 11. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2141A, Idaho Code, and to read as follows:

26-2141A. RECEIVER -- DUTIES -- POWERS. (1) A receiver appointed pursuant to section 26-2141, Idaho Code, shall do all of the following:

- (a) Take possession of the books, records, and assets of the credit union and collect all debts, dues, and claims belonging to the credit union;
- (b) Sue and defend, compromise, and settle all claims involving the credit union;
- (c) Sell all real and personal property of the credit union;
- (d) Exercise all fiduciary functions of the credit union as of the date of the commencement of the receivership;
- (e) Pay all administrative expenses of the receivership. The administrative expenses are a first charge on the assets of the credit union and the receiver shall pay those expenses before any final distribution or payment of dividends to creditors or members;
- (f) Except as provided in this subsection, pay ratably the debts of the credit union. The receiver may not pay any debt that does not exceed one thousand dollars (\$1,000) in full, but the holder of that debt is not entitled to payment of interest on the debt;
- (g) After paying or providing for payment of all the administrative expenses and debts under subsections (e) and (f) of this section, pay ratably to the members of the credit union the balance of the net assets of the credit union in proportion to the number of shares held and owned by each;
- (h) Have all the powers of the directors, officers, and members of the credit union necessary to support an action taken on behalf of the credit union; and
- (i) Hold title to the credit union's property, contracts, and rights of action, beginning on the date the credit union is ordered into receivership.

(2) A receiver appointed pursuant to section 26-2141, Idaho Code, may do all of the following:

- (a) Borrow money as necessary or expedient to aid in the liquidation of the credit union and secure the borrowing by the pledge of a lien, security interest, or mortgage on the assets of the credit union;
- (b) Employ agents, legal counsel, accountants, appraisers, consultants, and other personnel the receiver considers necessary to assist in the performance of the receiver's duties. With the prior approval of the district court, the receiver may employ personnel of the department of finance if the receiver considers the employment to be advantageous or desirable. The expense of employing personnel of the department of finance is an administrative expense of the liquidation that is payable to the department of finance;

(c) If approved by the district court, dispose of records of a credit union that are obsolete and unnecessary to administer the receivership or retain records, as necessary, through the termination of the receivership or for any period following the receivership as the receiver may find necessary or appropriate. In such case, a receiver may preserve assets of a liquidated credit union and deposit them in an account to be used to maintain the records of a liquidated credit union after the closing of the receivership; and

(d) Exercise other powers and duties ordered by the district court under the laws of this state applicable to the appointment of a receiver.

SECTION 12. That Section 26-2142, Idaho Code, be, and the same is hereby amended to read as follows:

26-2142. VOLUNTARY AND/OR INVOLUNTARY LIQUIDATION. (a₁) A credit union may elect to dissolve voluntarily and wind up its affairs in the following manner: The board shall adopt a resolution recommending that the credit union be dissolved voluntarily and directing that the question of dissolution be submitted to a regular or special meeting of the members. After the adoption of the resolution to voluntarily dissolve, no receipts shall be accepted nor withdrawals permitted from its share or deposit accounts, nor shall any loans be made nor any dividends declared nor paid pending final determination by its membership on the voluntary dissolution. At a meeting especially specially called to consider the matter, a majority of the entire membership may vote to dissolve the credit union, provided a copy was mailed to the members of the credit union at least ten (10) days prior thereto. Any member not present at such meeting may, within the next twenty (20) days, vote in favor of or may oppose dissolution by signing a statement in form approved by the department of finance and such vote shall have the force and effect as if cast at such meeting. The credit union shall thereupon immediately cease to do business except for the purposes of liquidation, and the president and secretary shall within five (5) days following such meeting notify the department of finance of intention to liquidate and shall include a list of the names of the directors and officers of the credit union together with their addresses.

(b₂) If the department of finance, after issuing notice of suspension and providing opportunity for a hearing, rejects the credit union's plan to continue operations, the department of finance may issue a notice of involuntary liquidation and appoint a liquidating agent. The credit union may request a stay of execution of such action by appealing to the appropriate court of the jurisdiction in which the credit union is located. Involuntary liquidation may not be ordered prior to following the suspension procedures outlined in this chapter.

(e₃) The credit union shall continue in existence for the purpose of discharging its debts, collecting and distributing its assets, and doing all acts required in order to wind up its business, and may sue and be sued for the purpose of enforcing such debts and obligations until its affairs are fully adjusted. The board or, in the case of involuntary dissolution, the liquidating agent, shall apply and distribute the assets of the credit union or the proceeds from any disposition of the assets of the credit union in the following sequence:

(1a) sSecured creditors, up to the value of their collateral;

(2b) eCosts and expenses of liquidation, including a surety bond that shall be required;

(3c) wWages due the employees of the credit union;

(4d) eCosts and expenses incurred by creditors in successfully opposing the release of the credit union from certain debts as allowed by the department of finance;

(5e) tTaxes owed to the United States or any other governmental unit;

(6f) ~~d~~Debts owed to the United States;

(7g) ~~g~~General creditors, secured creditors, to the extent their claims exceed the value of their collateral; and owners of deposit accounts, to the extent such accounts are uninsured; and

(8h) ~~m~~Members, to the extent of uninsured share accounts and the organization that insured the accounts of the credit union.

As soon as the board or the liquidating agent determines that all assets from which there is a reasonable expectancy of realization have been liquidated and distributed as set forth in this section, the director shall execute a certificate of dissolution. The credit union shall be subject to examination by and reporting to the department of finance to determine that all procedures have been observed as required by this chapter, and shall pay such examination fees as are determined by the department of finance in accordance with its schedules.

(d4) If the credit union shall not be completely liquidated and its assets discharged within three (3) years after the special meeting of the members, the director may take possession of the books, records, and assets and proceed to complete liquidation. If the director determines after one (1) year from the commencement of liquidation proceedings that the liquidation is not proceeding in a reasonable and expeditious manner under all of the circumstances, he may take possession of the books, records, and assets and appoint a liquidating agent who shall give a bond to complete the liquidation.

~~(e) Liquidation through the stabilization fund may be utilized after meeting the requirements of this section. The procedure of liquidation shall be as outlined in the practice and procedure policies as adopted by the Idaho credit union league stabilization fund and approved by the director of finance.~~

SECTION 13. That Section 26-2151, Idaho Code, be, and the same is hereby amended to read as follows:

26-2151. ~~CREDIT UNION AS TRUSTEE CUSTODIAL ACCOUNTS.~~ A credit union may is authorized to act as trustee, custodian or fiduciary for members of the credit union and may receive reasonable compensation for so acting, of any trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan which qualifies or qualified for specific tax treatment under section 401(d), section 403(b), or section 408(a) of under any written trust instrument or custodial agreement in connection with a tax-advantaged savings plan authorized under the Internal Revenue Code of 1954, as amended or chapter 30, title 63, Idaho Code, if the funds of such trust or funds subject to the custodial agreement are invested only in savings accounts or deposits in such credit union or in obligations or securities issued by such credit union. All funds held in such fiduciary capacity by any such ~~association~~ credit union may be commingled for appropriate purposes of investment, but individual records shall be kept by the fiduciary for each participant and shall show in proper detail all transactions engaged in under the authority of this section.

SECTION 14. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2157, Idaho Code, and to read as follows:

26-2157. AUTHORITY OF DIRECTOR TO CALL AND ATTEND SPECIAL MEETING OF THE BOARD. The director may require and attend a special meeting of the board of a credit union if an examination of the credit union results in a composite capital adequacy, asset quality, management, earnings, liquidity, and sensitivity to market risk (CAMELS) rating of "3," "4," or "5." The director's request for a special board meeting must be made in writing to the chairman and the secretary of the board. On receipt of such a request, the secretary shall designate a time and place for the special board meeting, which shall be held within thirty (30) days after receipt of the request. The director may require the attendance of all of the directors at the special board meeting, and an absence unexcused by the director constitutes a violation of this chapter.

SECTION 15. That Section 26-2185, Idaho Code, be, and the same is hereby amended to read as follows:

26-2185. APPLICABLE PROVISIONS OF THE IDAHO CREDIT UNION ACT. The following provisions of the Idaho credit union act shall apply to the Idaho corporate credit union:

- (a) Share reduction, section 26-2131, Idaho Code.
- (b) Reports, section 26-2133, Idaho Code.
- (c) Books and records, section 26-2135, Idaho Code.
- (d) Examinations, section 26-2136A, Idaho Code.
- (e) False reports, section 26-2137, Idaho Code.
- (f) Cease and desist orders, suspension, and liquidation, section 26-2140, Idaho Code.
- (g) Administration, rules and regulations, section 26-2144, Idaho Code.
- (h) Fiscal year, section 26-2112, Idaho Code.
- (i) Penalties for official misconduct, section 26-2117, Idaho Code.

Approved March 19, 2020

CHAPTER 215

(H.B. No. 518, As Amended in the Senate)

AN ACT

RELATING TO PROPERTY TAX NOTICES; AMENDING SECTION 63-902, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CONTENT OF PROPERTY TAX NOTICES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 63-902, Idaho Code, be, and the same is hereby amended to read as follows:

63-902. PROPERTY TAX NOTICE AND RECEIPTS -- DUTY OF TAX COLLECTOR. (1) For property on the property roll or operating property roll, the county tax collector must, prior to the fourth Monday of November in each year, mail or transmit electronically, as that term is defined in section 63-115, Idaho Code, if electronic transmission is requested by the taxpayer, to every taxpayer, or to his agent or representative, at his last known ~~post-office~~ post office address, a tax notice prepared upon forms prescribed in section 63-219, Idaho Code, which shall contain at least the following:

- (a) The year in which the property tax was levied;
- (b) The name and address of the property owner;
- (c) An accurate description of the property, or in lieu thereof, the tax number of record;

- (d) The parcel number;
 - (e) Full market value for assessment purposes;
 - (f) The total amount of property taxes due:
 - (i) State;
 - (ii) County;
 - (iii) City;
 - (iv) School district separately shown as:
 - (A) Maintenance and operation;
 - (B) Bond;
 - (C) Supplemental;
 - (D) Other;
 - (v) And every other tax being separately shown.
 - (g) All property tax levies in the tax code area;
 - (h) The expiration date of any bond and voter-approved levy;
 - (i) The date when such property taxes become delinquent;
 - (ij) Notation of delinquencies against said property;
 - (jk) Whether an interim payment account exists;
 - (kl) The different payment options available to the taxpayer, his agent or representative shall be printed in boldface type in a contrasting color or highlighted on the face of the tax notice;
 - (m) The total amount of property taxes for the previous tax year; and
 - (n) The information required by paragraph (i) of this subsection may be satisfied if the county treasurer provides an annual insert with the tax notice or a link on the tax notice to the county website where the information required by paragraph (i) of this subsection can be accessed. In addition to including the link to the county website, the county treasurer may also include on the tax notice a quick response code to access the information required by paragraph (i) of this subsection.
- (2) The tax notices shall be numbered consecutively and the numbers must be entered upon all property rolls.
- (3) Tax notices prepared in tax code area format shall state that levy sheets are available to the public.
- (4) Levy sheets shall list the total property tax levy for each taxing district or taxing jurisdiction and the total in each tax code area.
- (5) If the taxpayer is one other than the equitable titleholder, such as an escrowee, trustee of trust deed or other third party, the taxpayer shall deliver to the equitable titleholder a statement of the total amount of property taxes billed, on or before the second Monday of December.
- (6) The tax collector in each county of the state is authorized to destroy all duplicate property tax receipts and microfilm of tax receipts on file in his office as they reach ten (10) years old. Property tax receipts may be destroyed if information has been replicated in other storage media.
- (7) Computer and data processing routines for completion of all phases of the property tax roll procedures may be utilized with the responsibility for completion of each office's statutory duties to remain under the supervision of that office. Wherever the designation "property roll" appears within title 63, Idaho Code, data processing or computer procedures and forms may be substituted as permanent records.
- (8) The county tax collector must, as soon as possible after the subsequent or missed property roll is delivered to him from the county auditor, mail or transmit electronically, if electronic transmission is requested by the taxpayer, a notice to every taxpayer listed on the subsequent or missed property roll, or to his agent or representative. The notice shall conform as nearly as possible to the notice required for property listed on the property roll.
- (9) Failure to mail or transmit electronically, if electronic transmission is requested by the taxpayer, such property tax notice, or receipt of said notice by the taxpayer, shall not invalidate the property taxes, or any

proceedings in the collection of property taxes, or any proceedings in the foreclosure of property tax liens.

(10) No charge, other than property taxes, shall be included on a tax notice unless the entity placing such charge has received approval from the board of county commissioners to place such charge on the tax notice and such entity:

- (a) Has the authority by law to place a lien on property; and
- (b) Has the authority to certify such charge to the auditor; and
- (c) Is required to collect such charge in the same manner provided by law for the collection of real and personal property taxes.

(11) If a taxpayer requests to receive a tax notice electronically, the request must be made on a form provided by the county tax collector.

Approved March 19, 2020

CHAPTER 216
(H.B. No. 528)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1401, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE UNLAWFUL KILLING, POSSESSION, OR WASTING OF WILDLIFE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-1401, Idaho Code, be, and the same is hereby amended to read as follows:

36-1401. VIOLATIONS. (a) Infractions. Any person who pleads guilty to or is found guilty of a violation of the following provisions of the fish and game code or the following rules or proclamations promulgated pursuant thereto is guilty of an infraction:

1. Statutes.

- (A) Take, transport, use or have in possession bait fish as set forth in section 36-902(d), Idaho Code.
- (B) Chumming as set forth in section 36-902(e), Idaho Code.
- (C) Nonresident child under the age of fourteen (14) years fishing without a valid license and not accompanied by a valid license holder as set forth in section 36-401(a)2., Idaho Code.
- (D) Use or cut a hole larger than ten (10) inches in the ice for ice fishing as set forth in section 36-1509(a), Idaho Code.
- (E) Store fish without required tags/permits/statements as set forth in section 36-503, Idaho Code.
- (F) Own, possess or harbor any dog found running loose and which is tracking, pursuing, harassing or attacking a big game animal as set forth in section 36-1101(b)7.(B), Idaho Code.
- (G) Hunt migratory waterfowl without having in possession a signed federal migratory bird hunting stamp as set forth in section 36-1102(b)2., Idaho Code.
- (H) Hunt migratory game birds without having in possession a license validated for the federal migratory bird harvest information program permit as set forth in section 36-409(k), Idaho Code.
- (I) Trap in or on, destroy or damage any muskrat house as provided in section 36-1103(c), Idaho Code.

(J) Hunt migratory game birds with a shotgun capable of holding more than three (3) shells as provided and incorporated in section 36-1102(b), Idaho Code.

(K) Fail to purchase a muzzleloader permit as set forth in section 36-409(f), Idaho Code.

(L) Fail to purchase an archery permit as set forth in section 36-409(e), Idaho Code.

2. Rules or Proclamations.

(A) Fish from a raft or boat with motor attached in waters where motors are prohibited.

(B) Fish with hooks larger than allowed in that water.

(C) Fish with barbed hooks in waters where prohibited.

(D) Exceed any established bag limit for fish by one (1) fish, except bag limits for anadromous fish, landlocked chinook salmon, kamloops rainbow trout, lake trout, or bull trout.

(E) Fish with more than the approved number of lines or hooks.

(F) Fail to leave head and/or tail on fish while fish are in possession or being transported.

(G) Snag or hook fish other than in the head and fail to release, excluding anadromous fish.

(H) Fail to attend fishing line and keep it under surveillance at all times.

(I) Fail to comply with mandatory check and report requirements.

(J) Fail to leave evidence of sex or species attached as required on game birds.

(K) Hunt or take migratory game birds or upland game birds with shot exceeding the allowable size.

(L) Fail to release, report or turn in nontarget trapped animals.

(M) Fail to complete required report on trapped furbearer.

(N) Fail to present required furbearer animal parts for inspection.

(O) Fail to attach identification tags to traps.

(P) Possess not more than one (1) undersized bass.

(Q) Park or camp in a restricted area, except length of stay violations.

(R) Fail to leave evidence of sex attached as required on game animals.

(S) Fail to purchase sage grouse or sharp-tailed grouse hunting permit when hunting for sage grouse or sharp-tailed grouse anywhere within the state, except licensed shooting preserves.

(T) Fail to wear at least thirty-six (36) square inches of visible hunter orange above the waist when hunting on wildlife management areas where pheasants are stocked.

(U) Fail to comply with upland game bird shooting hours restrictions established by commission rule or proclamation.

(V) Public use restrictions. Activities prohibited unless specifically authorized by the commission or under lease, permit, contract or agreement issued by the director, regional supervisor or other authorized agent:

(i) Use watercraft on any waters that are posted against such use;

(ii) Conduct dog field trials of any type during the period of October 1 through July 31. All dog field trials and dog training with the use of artificially propagated game birds between August 1 and September 30 will be under department permit as authorized by the director;

(iii) Construct blinds, pits, platforms or tree stands where the soil is disturbed, trees are cut or altered, and artificial fasteners such as wire, rope or nails are used.

All blinds shall be available to the public on a first-come, first-served basis. Portable manufactured blinds and tree stands are allowed but may not be left overnight;

(iv) Shoot within, across or into posted safety zones;

(v) Leave decoys unattended. Decoys cannot be put in place any earlier than two (2) hours prior to official shooting hours for waterfowl, and all decoys must be picked up and removed from the hunting site no later than two (2) hours after official shooting hours for waterfowl that particular day;

(vi) Discharge any paintball guns;

(vii) Place a geocache;

(viii) Use for group events of more than fifteen (15) people;

(ix) Use or transport any hay, straw or mulch that is not weed seed free certified.

(W) Evidence of species. In seasons restricted to mule deer only or white-tailed deer only, if the head is removed, the fully-haired tail must be left naturally attached to the carcass.

(X) Continue to fish on Henry's lake after reaching limit.

(b) Misdemeanors. Any person who pleads guilty to, is found guilty or is convicted of a violation of the provisions of this title or rules or proclamations promulgated pursuant thereto, or orders of the commission, except where an offense is expressly declared to be an infraction or felony, shall be guilty of a misdemeanor.

(c) Felonies. Any person who pleads guilty to, is found guilty or is convicted of a violation of the following offenses shall be guilty of a felony:

1. Knowingly and intentionally selling or offering for sale or exchange, or purchasing or offering to purchase or exchange, any wildlife, or parts thereof, which has been unlawfully killed, taken or possessed.

2. Releasing into the wild, without a permit from the director, any of the following wildlife, whether native or exotic: ungulates, bears, wolves, large felines, swine, or peccaries.

3. Unlawfully killing, possessing, or wasting of any combination of ~~numbers or species of~~ wildlife within a twelve (12) month period which has having a single or combined reimbursable damage assessment of more than one thousand dollars (\$1,000), as provided in section 36-1404, Idaho Code.

4. Conviction within ten (10) years of three (3) or more violations of the provisions of this title, penalties for which include either or both a mandatory license revocation or a reimbursable damage assessment.

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 19, 2020

CHAPTER 217
(H.B. No. 529)

AN ACT

RELATING TO PARTIES TO ACTIONS; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-345, IDAHO CODE, TO PROVIDE CIVIL IMMUNITY FOR ARCHITECTS, ENGINEERS, AND CONTRACTORS IN CERTAIN INSTANCES AND TO PROVIDE APPLICABILITY.

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

SECTION 1. That Chapter 3, Title 5, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5-345, Idaho Code, and to read as follows:

5-345. IMMUNITY FOR AID DURING AN EMERGENCY. (1) No architect, engineer, or contractor may be held liable for personal injury, wrongful death, property damage, or other loss related to any architectural, structural, electrical, mechanical, construction, design, or other professional service provided by the architect or engineer, voluntarily or without compensation, or the contractor at the request or approval of a national, state, or local public official in response to a declared national, state, or local emergency, a disaster, or a catastrophic event. The provisions of this subsection shall apply to services rendered within ninety (90) days following the end of the declared emergency, disaster, or catastrophic event unless extended by executive order of the governor.

(2) Limited liability under this section shall not apply if the injury, death, or damage is the result of unreasonable acts, gross negligence, or willful or wanton misconduct or if the architect, engineer, or contractor did not act as a reasonable architect, engineer, or contractor would have under the same or similar circumstances.

Approved March 19, 2020

CHAPTER 218
(H.B. No. 544)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-409, IDAHO CODE, TO REMOVE REFERENCE TO WILDLIFE MANAGEMENT AREAS, TO PROVIDE FOR HUNTING UPLAND GAME BIRDS ON DEPARTMENT-OWNED LANDS, LANDS MANAGED UNDER AGREEMENT WITH THE DEPARTMENT OF FISH AND GAME, AND CERTAIN PRIVATE LAND, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 36-416, IDAHO CODE, TO REVISE THE NAME OF A SPORT PERMIT; AND AMENDING SECTION 36-1401, IDAHO CODE, TO REMOVE REFERENCE TO A WILDLIFE MANAGEMENT AREA AND TO PROVIDE FOR HUNTING LOCATIONS WHERE PHEASANTS ARE STOCKED AND THE FISH AND GAME COMMISSION REQUIRES AN UPLAND GAME BIRD PERMIT.

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

SECTION 1. That Section 36-409, Idaho Code, be, and the same is hereby amended to read as follows:

36-409. GAME TAGS -- PERMITS -- FEES -- PENALTY. (a) Resident Game Tags. A resident who has obtained authorization to hunt, as provided in section 36-401, Idaho Code, or has purchased or obtained a license to hunt, as provided in section 36-406, Idaho Code, upon payment of the fees provided herein in this chapter shall be eligible to receive a resident game tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, black bear, grizzly bear, wolf, sandhill crane or turkey in accordance with the laws of this state and rules promulgated by the commission; provided further, that any person who holds a senior resident combination license or any person who holds a junior combination or hunting license or any disabled American veteran who holds a disabled combination license, may be issued a black bear, deer, elk, or turkey tag for a fee as specified in section 36-416, Idaho Code; provided further, that resident game tags may be issued only to those persons who meet residency requirements of section 36-202(s), Idaho Code. In the event an emergency is declared to open a season to protect private property as provided in section 36-106(e)6.(B), Idaho Code, the affected landowner or his designee shall be eligible to receive a resident deer, elk or antelope tag without charge; provided further, that resident game tags may be issued only to persons who qualify as residents pursuant to section 36-202, Idaho Code.

(b) Nonresident Game Tags. A nonresident who has purchased a license to hunt, as provided in section 36-407(a) or (k), Idaho Code, or has obtained a license to hunt, as provided in section 36-406(e), Idaho Code, or a resident who has purchased or obtained a license or authorization to hunt, as provided in section 36-401 or 36-406, Idaho Code, upon payment of the fees provided herein in this chapter, shall be eligible to receive a nonresident tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, black bear, grizzly bear, wolf, sandhill crane or turkey in accordance with the laws of this state and rules promulgated by the commission; provided further, that a nonresident who has purchased a license to hunt, as provided in section 36-407(k) and (l), Idaho Code, shall be eligible to receive a junior mentored or disabled American veteran deer, elk, black bear, or turkey tag for a fee as specified in section 36-416, Idaho Code.

(c) Game Tags Required. The appropriate tag must be had for the hunting or taking of each and every one of the aforementioned wildlife. The commission shall promulgate rules to allow exception from tag possession to take wildlife for a disabled hunter companion who is assisting a hunter possessing the appropriate tag and a valid disabled combination license or a disabled archery permit or a disabled hunt motor vehicle permit or who is a disabled veteran participating in a hunt as provided in section 36-408(7), Idaho Code. Provided, that the commission may promulgate rules to allow a nonresident deer or elk tag to be used to hunt and kill ~~either~~ a black bear, a wolf, or a mountain lion during the open season for deer or elk in that area, unit or zone as may be specified by the commission. All of said tags are to bear and have serial numbers.

(d) Game Tag to Be Validated and Attached to Carcass. As soon as any person kills any wildlife for which a tag is required, said tag, belonging to him, must be validated and attached to said wildlife in a manner provided by commission rule.

(e) Archery Permits. In addition to meeting the license and tag requirements provided in this chapter, any person participating in any controlled or general game season that has been specifically designated as an archery hunt must have in his possession an archery hunt permit, which may be purchased for a fee as specified in section 36-416, Idaho Code.

(f) Muzzleloader Permit. In addition to meeting the license and tag requirements provided in this chapter, any person participating in any controlled or general game season that has been specifically designated as a muzzleloader hunt must have in his possession a muzzleloader permit, which may be purchased for a fee as specified in section 36-416, Idaho Code.

(g) Hound Hunter Permit -- Resident -- Nonresident. Any person using a dog for the purpose of hunting or for taking, as defined in section 36-202, Idaho Code, big game or furbearing animals must have in his possession a valid hound hunter permit, which may be purchased by resident and nonresident license holders for a fee as specified in section 36-416, Idaho Code.

(h) Nonresident Bird of Prey Capture Permit. The commission may, under rules as it may prescribe, issue a nonresident bird of prey capture permit. This capture permit may be purchased by any licensed nonresident falconer for capturing birds of prey in Idaho. The fee for the permit shall be as specified in section 36-416, Idaho Code, and the permit shall be issued under the condition that the nonresident's home state allows reciprocal raptor capturing privileges for Idaho falconers.

(i) ~~Wildlife Management Area (WMA)~~ Upland Game Bird Permit. The commission may, under rules as it may prescribe, issue a ~~wildlife management area~~ an upland game bird permit that must be purchased by all persons over seventeen (17) years of age prior to hunting stocked upland game birds on state wildlife management areas designated by the commission department-owned lands, lands managed under agreement with the department, and private lands enrolled in a department-sponsored public access program with written permission of the land owner. The fee for the permit shall be as specified in section 36-416, Idaho Code.

(j) Black Bear Baiting Permit. The commission may, under rules as it may prescribe, issue a black bear baiting permit. Any person placing or using bait as may be allowed by rule for the purpose of attracting black bear must have in his possession a valid black bear baiting permit, which may be purchased by a license holder for a fee as specified in section 36-416, Idaho Code.

(k) Migratory Bird Harvest Information Program Permit. The commission may, as provided by federal laws or regulations and under rules as it may prescribe, issue a migratory bird harvest information program permit that must be purchased by all persons prior to hunting migratory game birds as required by federal law or regulations. The fee for the permit shall be as specified in section 36-416, Idaho Code.

(l) Dog Field Trial Permit. The commission may, under rules as it may prescribe, issue a dog field trial permit to any person using birds for dog field trials or training as may be allowed by rule. The permit may be purchased for a fee as specified in section 36-416, Idaho Code.

(m) Idaho Nursing Home Facility Resident Fishing Permit. The commission may, under rules as it may prescribe, issue an Idaho nursing home facility resident fishing permit that must be purchased by an Idaho nursing home facility to allow residents of its facility to fish during the open season. Facilities eligible to purchase this permit are: intermediate care facilities providing twenty-four (24) hour skilled nursing care, assisted living facilities providing twenty-four (24) hour extensive assistance, and skilled nursing facilities providing twenty-four (24) hour skilled nursing. By purchasing this permit, the facility assumes full responsibility for and control over the facility residents while using the permit. All laws, rules and proclamations apply to the use of this permit and it is the responsibility of the facility to assure compliance with all laws, rules and proclamations. In case of a violation, the facility shall be held accountable and any citations shall be issued to the facility. The permit may be purchased for a fee as specified in section 36-416, Idaho Code.

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 | \$ 37.00 | \$ 238.25 |
| Hunting License | 14.00 | N/A |
| Hunting License with 3 Day Fishing License | N/A | 153.00 |
| Fishing License | 28.75 | 96.50 |
| Sr. Combination License (65 and Older) | 12.00 | N/A |
| Sportsman's Pak License | 135.00 | N/A |
| Jr. Combination License | 18.00 | N/A |
| Jr. Hunting License | 6.50 | N/A |
| Jr. Mentored Hunting License or Disabled American Veteran Hunting License with 3 Day Fishing License | N/A | 30.00 |
| Jr. Fishing License | 14.25 | 20.00 |
| Disabled Combination License | 4.00 | N/A |
| Disabled Fishing License | 4.00 | N/A |
| Military Furlough Combination License | 18.75 | N/A |
| Military Furlough Fishing License | 18.75 | 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 | 11.75 | 13.25 |
| Consecutive Day Fishing License | 6.00 | 7.00 |
| 3 Day Fishing with Salmon/Steelhead Permit | N/A | 35.75 |
| Nongame Hunting License | N/A | 33.75 |
| Jr. Trapping License | 6.50 | N/A |
| Trapping License | 28.00 | 300.00 |

(b) Sport Tags

| | | |
|--|----------|-----------|
| Deer Tag | \$ 23.00 | \$ 300.00 |
| Controlled Hunt Deer Tag | 23.00 | 300.00 |
| Jr. or Sr. or Disabled American Veteran Deer Tag | 10.75 | N/A |
| Jr. Mentored or Disabled American Veteran Deer Tag | N/A | 22.00 |
| Elk A Tag | 35.00 | 415.00 |
| Elk B Tag | 35.00 | 415.00 |
| Controlled Hunt Elk Tag | 35.00 | 415.00 |
| Jr. or Sr. or Disabled American Veteran Elk Tag | 17.00 | N/A |
| Jr. Mentored or Disabled American Veteran Elk Tag | N/A | 38.00 |
| Black Bear Tag | 12.00 | 184.25 |
| Jr. or Sr. or Disabled American Veteran Black Bear Tag | 6.00 | N/A |
| Jr. Mentored or Disabled American Veteran Black Bear Tag | N/A | 22.00 |
| Turkey Tag | 21.00 | 78.25 |
| Jr. or Sr. or Disabled American Veteran Turkey Tag | 10.75 | N/A |
| Jr. Mentored or Disabled American Veteran Turkey Tag | N/A | 18.00 |
| Mountain Lion Tag | 12.00 | 184.25 |
| Gray Wolf Tag | 12.00 | 184.25 |
| Pronghorn Antelope Tag | 34.75 | 310.00 |
| Moose Tag | 198.00 | 2,100.00 |
| Bighorn Sheep Tag | 198.00 | 2,100.00 |
| Mountain Goat Tag | 198.00 | 2,100.00 |
| Grizzly Bear Tag | 198.00 | 2,100.00 |
| Sandhill Crane Tag | 21.00 | 65.75 |

For purposes of this subsection, disabled American veteran tags provided to nonresidents shall be limited to holders of a nonresident disabled American veterans hunting license.

(c) Sport Permits

| | | |
|--|----------|----------|
| Bear Baiting Permit | \$ 13.25 | \$ 30.00 |
| Hound Hunter Permit | 13.25 | 168.00 |
| WMA Upland Game Bird Permit | 27.00 | 50.00 |
| Archery Permit | 17.75 | 18.25 |
| Muzzleloader Permit | 17.75 | 18.25 |
| Salmon Permit | 13.50 | 24.00 |
| Steelhead Permit | 13.50 | 24.00 |
| Federal Migratory Bird Harvest Info. Permit | 1.00 | 3.00 |

| | | |
|--|---------|----------|
| Disabled Archery Permit | 0.00 | 0.00 |
| 2-Pole Fishing Permit | 13.25 | 13.75 |
| Turkey Controlled Hunt Permit | 6.00 | 6.00 |
| Sage/Sharptail Grouse Permit | 4.00 | 4.00 |
| Disabled Hunt Motor Vehicle Permit | 0.00 | 0.00 |
| (d) Commercial Licenses and Permits | | |
| Raptor Captive Breeding Permit | \$78.75 | \$ 94.50 |
| Falconry Permit | 78.75 | N/A |
| Falconry Capture Permit | 18.50 | 168.00 |
| Peregrine Capture Permit | 30.00 | 200.00 |
| 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 | 32.00 | 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 | | |
| Moose, Sheep, Goat, Grizzly Bear | 15.00 | 40.00 |
| 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. That Section 36-1401, Idaho Code, be, and the same is hereby amended to read as follows:

36-1401. VIOLATIONS. (a) Infractions. Any person who pleads guilty to or is found guilty of a violation of the following provisions of the fish and game code or the following rules or proclamations promulgated pursuant thereto is guilty of an infraction:

1. Statutes.

(A) Take, transport, use or have in possession bait fish as set forth in section 36-902 (d) , Idaho Code.

(B) Chumming as set forth in section 36-902 (e) , Idaho Code.

(C) Nonresident child under the age of fourteen (14) years fishing without a valid license and not accompanied by a valid license holder as set forth in section 36-401 (a) 2. , Idaho Code.

(D) Use or cut a hole larger than ten (10) inches in the ice for ice fishing as set forth in section 36-1509 (a) , Idaho Code.

(E) Store fish without required tags/permits/statements as set forth in section 36-503, Idaho Code.

(F) Own, possess or harbor any dog found running loose and which is tracking, pursuing, harassing or attacking a big game animal as set forth in section 36-1101 (b) 7. (B) , Idaho Code.

(G) Hunt migratory waterfowl without having in possession a signed federal migratory bird hunting stamp as set forth in section 36-1102 (b) 2. , Idaho Code.

(H) Hunt migratory game birds without having in possession a license validated for the federal migratory bird harvest information program permit as set forth in section 36-409 (k) , Idaho Code.

(I) Trap in or on, destroy or damage any muskrat house as provided in section 36-1103 (c) , Idaho Code.

(J) Hunt migratory game birds with a shotgun capable of holding more than three (3) shells as provided and incorporated in section 36-1102 (b) , Idaho Code.

(K) Fail to purchase a muzzleloader permit as set forth in section 36-409(f), Idaho Code.

(L) Fail to purchase an archery permit as set forth in section 36-409(e), Idaho Code.

2. Rules or Proclamations.

(A) Fish from a raft or boat with motor attached in waters where motors are prohibited.

(B) Fish with hooks larger than allowed in that water.

(C) Fish with barbed hooks in waters where prohibited.

(D) Exceed any established bag limit for fish by one (1) fish, except bag limits for anadromous fish, landlocked chinook salmon, kamloops rainbow trout, lake trout, or bull trout.

(E) Fish with more than the approved number of lines or hooks.

(F) Fail to leave head and/or tail on fish while fish are in possession or being transported.

(G) Snag or hook fish other than in the head and fail to release, excluding anadromous fish.

(H) Fail to attend fishing line and keep it under surveillance at all times.

(I) Fail to comply with mandatory check and report requirements.

(J) Fail to leave evidence of sex or species attached as required on game birds.

(K) Hunt or take migratory game birds or upland game birds with shot exceeding the allowable size.

(L) Fail to release, report or turn in nontarget trapped animals.

(M) Fail to complete required report on trapped furbearer.

(N) Fail to present required furbearer animal parts for inspection.

(O) Fail to attach identification tags to traps.

(P) Possess not more than one (1) undersized bass.

(Q) Park or camp in a restricted area, except length of stay violations.

(R) Fail to leave evidence of sex attached as required on game animals.

(S) Fail to purchase sage grouse or sharp-tailed grouse hunting permit when hunting for sage grouse or sharp-tailed grouse anywhere within the state, except licensed shooting preserves.

(T) Fail to wear at least thirty-six (36) square inches of visible hunter orange above the waist when hunting on wildlife management areas locations where pheasants are stocked and the commission requires an upland game bird permit.

(U) Fail to comply with upland game bird shooting hours restrictions established by commission rule or proclamation.

(V) Public use restrictions. Activities prohibited unless specifically authorized by the commission or under lease, permit, contract or agreement issued by the director, regional supervisor or other authorized agent:

(i) Use watercraft on any waters that are posted against such use;

(ii) Conduct dog field trials of any type during the period of October 1 through July 31. All dog field trials and dog training with the use of artificially propagated game birds between August 1 and September 30 will be under department permit as authorized by the director;

(iii) Construct blinds, pits, platforms or tree stands where the soil is disturbed, trees are cut or altered, and artificial fasteners such as wire, rope or nails are used. All blinds shall be available to the public on a first-come, first-served basis. Portable manufactured blinds and tree stands are allowed but may not be left overnight;

(iv) Shoot within, across or into posted safety zones;

(v) Leave decoys unattended. Decoys cannot be put in place any earlier than two (2) hours prior to official shooting hours for waterfowl, and all decoys must be picked up and removed from the hunting site no later than two (2) hours after official shooting hours for waterfowl that particular day;

(vi) Discharge any paintball guns;

(vii) Place a geocache;

(viii) Use for group events of more than fifteen (15) people;

(ix) Use or transport any hay, straw or mulch that is not weed seed free certified.

(W) Evidence of species. In seasons restricted to mule deer only or white-tailed deer only, if the head is removed, the fully-haired tail must be left naturally attached to the carcass.

(X) Continue to fish on Henry's lake after reaching limit.

(b) Misdemeanors. Any person who pleads guilty to, is found guilty or is convicted of a violation of the provisions of this title or rules or proclamations promulgated pursuant thereto, or orders of the commission, except where an offense is expressly declared to be an infraction or felony, shall be guilty of a misdemeanor.

(c) Felonies. Any person who pleads guilty to, is found guilty or is convicted of a violation of the following offenses shall be guilty of a felony:

1. Knowingly and intentionally selling or offering for sale or exchange, or purchasing or offering to purchase or exchange, any wildlife, or parts thereof, which has been unlawfully killed, taken or possessed.

2. Releasing into the wild, without a permit from the director, any of the following wildlife, whether native or exotic: ungulates, bears, wolves, large felines, swine, or peccaries.

3. Unlawfully killing, possessing or wasting of any combination of numbers or species of wildlife within a twelve (12) month period which has a single or combined reimbursable damage assessment of more than one thousand dollars (\$1,000), as provided in section 36-1404, Idaho Code.

4. Conviction within ten (10) years of three (3) or more violations of the provisions of this title, penalties for which include either or both a mandatory license revocation or a reimbursable damage assessment.

Approved March 19, 2020

CHAPTER 219
(S.B. No. 1342)

AN ACT

RELATING TO BURGLARY; AMENDING SECTION 18-1401, IDAHO CODE, TO REVISE THE DEFINITION OF "BURGLARY" AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 14, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1401A, IDAHO CODE, TO PROVIDE FOR THE CRIME OF COMMERCIAL BURGLARY AND TO PROVIDE PENALTIES.

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

SECTION 1. That Section 18-1401, Idaho Code, be, and the same is hereby amended to read as follows:

18-1401. BURGLARY DEFINED. Every person who enters any house, room, apartment, tenement, shop, warehouse, ~~store~~, mill, barn, stable, outhouse, or ~~other~~ a building other than one defined in section 18-1401A, Idaho Code, tent, vessel, vehicle, trailer, airplane, or railroad car, with intent to commit any theft or any felony, is guilty of burglary.

SECTION 2. That Chapter 14, 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 18-1401A, Idaho Code, and to read as follows:

18-1401A. COMMERCIAL BURGLARY DEFINED. Every person who enters a commercial establishment during business hours with intent to commit any theft under three hundred dollars (\$300) is guilty of commercial burglary. Any person who pleads guilty to, or is found guilty of, a violation of this section for the first time is guilty of a misdemeanor and may be sentenced to a jail sentence not to exceed six (6) months, a fine of one thousand dollars (\$1,000), or both. Any person who pleads guilty to, or is found guilty of, a violation of this section who previously has been found guilty of, or has pled guilty to, a violation of the provisions of this section within five (5) years is guilty of a misdemeanor and may be sentenced to a jail sentence not to exceed one (1) year, a fine of two thousand dollars (\$2,000), or both. Any person who pleads guilty to, or is found guilty of, a violation of this section who previously has been found guilty of, or has pled guilty to, two (2) or more violations of the provisions of this section within five (5) years, notwithstanding the form of the judgments or withheld judgments, shall be guilty of a felony.

Approved March 23, 2020

CHAPTER 220
(S.B. No. 1348)

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2722, IDAHO CODE, TO PROVIDE FOR A REVIEW OF A PATIENT'S PRESCRIPTION DRUG HISTORY UNDER CERTAIN CIRCUMSTANCES AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 37-2722, Idaho Code, be, and the same is hereby amended to read as follows:

37-2722. ISSUING, DISTRIBUTING, AND DISPENSING OF CONTROLLED SUBSTANCES. No person shall issue or dispense a prescription drug order for a controlled substance unless it is in compliance with applicable state and federal law and rules of the board.

(a) Controlled substances included in schedule I shall be distributed only by a registrant to another registrant pursuant to the federal drug enforcement administration (DEA) order form 222.

(b) Controlled substances included in schedule II shall:

(1) Be distributed only by a registrant to another registrant pursuant to DEA order form 222.

(2) Be dispensed only pursuant to a valid prescription drug order, except when dispensed directly by a prescriber.

(3) Not be refilled.

(4) Include a quantity that is both spelled out in English and written in numerical form, when a written prescription drug order is required.

(c) Controlled substances included in schedule III or IV shall:

(1) Be dispensed only pursuant to a valid prescription drug order, except when dispensed directly by a prescriber.

(2) Not be filled or refilled more than six (6) months after the date thereof or be refilled more than five (5) times, unless renewed by the practitioner.

(d) Controlled substances included in schedule V shall not be distributed or dispensed other than for a medical purpose.

(e) A pharmacist may dispense a controlled substance pursuant to a valid prescription drug order of an individual licensed in a jurisdiction other than the state of Idaho as long as the individual is acting within the jurisdiction, scope and authority of his license.

(f) Prior to issuing to a patient a prescription for outpatient use for an opioid analgesic or benzodiazepine listed in schedule II, III, or IV, the prescriber or the prescriber's delegate shall review the patient's prescription drug history for the preceding twelve (12) months from the prescription drug monitoring program and evaluate the data for indicators of prescription drug diversion or misuse. This review is not required:

(1) For patients:

(i) Receiving treatment in an inpatient setting;

(ii) At the scene of an emergency or in an ambulance;

(iii) In hospice care; or

(iv) In a skilled nursing home care facility; or

(2) For a prescription in a quantity intended to last no more than three (3) days.

(g) Subsection (f) of this section shall be effective on and after October 1, 2020, and shall apply only to individuals required by this chapter to register for the prescription drug monitoring program.

CHAPTER 221
(S.B. No. 1353)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE PUBLIC HEALTH DISTRICTS AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PUBLIC HEALTH TRUST FUND FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE PUBLIC HEALTH DISTRICTS FROM THE IDAHO MILLENNIUM INCOME FUND FOR FISCAL YEAR 2021; PROVIDING FUNDING TO IMPROVE HEALTH TRANSFORMATIONS; AND PROVIDING FUNDING FOR CITIZEN REVIEW PANELS.

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

SECTION 1. There is hereby appropriated to the Public Health Districts and the State Controller shall transfer \$9,821,300 from the General Fund to the Public Health Trust Fund in accordance with the provisions of Section 39-425, Idaho Code, for the period July 1, 2020, through June 30, 2021.

SECTION 2. There is hereby appropriated to the Public Health Districts \$773,100 from the Idaho Millennium Income Fund for the period July 1, 2020, through June 30, 2021, for the purpose of no-cost cessation services to Idahoans who want to quit tobacco use, with a primary emphasis on youth and pregnant women. These moneys shall not be considered general state aid for the purpose of Section 39-425, Idaho Code.

SECTION 3. IMPROVING HEALTH TRANSFORMATIONS. Of the amount appropriated in Section 1 of this act, \$105,400 shall be distributed to Public Health District 4 for the purpose of improving health transformations. These moneys shall not be considered general state aid for the purpose of Section 39-425, Idaho Code, and shall not be allocated through a board of trustees formula pursuant to Section 39-411, Idaho Code.

SECTION 4. CITIZEN REVIEW PANELS. Of the amount appropriated in Section 1 of this act, \$136,500 shall be distributed to each Public Health District at one-seventh (1/7) of the total amount, which shall be used for the Citizen Review Panels pursuant to Senate Bill No. 1341, as enacted by the Second Regular Session of the Sixty-fourth Idaho Legislature. These moneys received by the Public Health Districts shall not be considered general state aid for the purpose of Section 39-425, Idaho Code, nor shall the moneys be allocated through a board of trustees formula pursuant to Section 39-411, Idaho Code.

Approved March 23, 2020

CHAPTER 222
(S.B. No. 1368)

AN ACT

RELATING TO THE IDAHO ROADLESS RULE; AMENDING SECTION 67-826, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE IDAHO ROADLESS RULE IMPLEMENTATION COMMISSION, TO REVISE POWERS AND DUTIES, TO PROVIDE FOR SUPPORT BY THE OFFICE OF SPECIES CONSERVATION, TO PROVIDE FOR COMMISSION MEMBERSHIP, TO REVISE PROVISIONS REGARDING COMMISSION MEETINGS, AND TO PROVIDE FOR ANNUAL REPORTING.

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

SECTION 1. That Section 67-826, Idaho Code, be, and the same is hereby amended to read as follows:

67-826. IDAHO ROADLESS RULE IMPLEMENTATION COMMISSION. (1) There is hereby established in the office of the governor an Idaho roadless rule implementation commission, hereinafter referred to as the "commission."

(2) The commission, in conjunction with the United States forest service, shall cooperate and coordinate, advise on proposed and ongoing, and propose projects, plans, and policies occurring within or affecting "Idaho roadless areas," as defined in 36 CFR 294.21.

(3) The commission shall, as a part of its role of reviewing and proposing projects, plans, and policies for Idaho roadless areas, coordinate and advise on activities related to shared stewardship, good neighbor authority, forest health, and the protection of communities at risk from wildfire within and adjacent to Idaho roadless areas.

(4) The commission shall coordinate and develop policies related to the United States forest service's implementation and interpretation of the Idaho roadless rule as codified in 36 CFR 294, subpart C.

(5) The commission will shall, as necessary, enter into memoranda of understanding or other agreements with the United States forest service to cooperate on activities subject to the Idaho roadless rule as provided in 36 CFR 294, subpart C.

(6) The commission shall be supported by the governor's office of species conservation. Support for the commission shall include but is not limited to working with the United States forest service staff to propose and support projects within and adjacent to Idaho roadless areas, coordinate commission meetings, and other tasks as assigned by the commission or the governor.

(47) The members of the commission shall be appointed by and serve at the pleasure of the governor. The commission shall be composed of fifteen nine (9) to twelve (152) members. Three (3) members shall serve initial terms of four (4) years, three (3) members shall serve initial terms of three (3) years, and three (3) members shall serve initial terms of two (2) years. In the event that more than nine (9) members are appointed, such additional members shall serve initial terms of five (5) years. Following initial terms, members shall serve four (4) year terms. Members and may be appointed from the following three (3) categories:

(a) Individuals who:

(i) ~~Participated in the development of the Idaho roadless rule or were members of the roadless area conservation national advisory committee;~~

~~(ii) Represent developed outdoor recreation, off-highway vehicle users or commercial recreation activities;~~

(iii) Represent energy or mineral development interests;

(iviii) Represent the commercial timber industry; or

- (iv) Hold a federal grazing lease or other federal land use lease.
- (b) Individuals who:
- (i) Represent an environmental organization;
 - (ii) Represent dispersed recreation activities;
 - (iii) Represent archaeological and historical interests; or
 - (iv) Represent a nationally or regionally recognized wildlife or sportsmen's interest group.
- (c) Individuals who:
- (i) Participated in the development of the Idaho roadless rule or were members of the roadless area conservation national advisory committee;
 - (ii) Hold state, county, or local elected office or their designee;
 - ~~(ii) Hold county or local elected office;~~
 - (iii) Represent an American Indian tribe within the state of Idaho; or
 - (iv) Represent the public at large.

(58) There shall be a chairman and a vice chairman of the commission elected by a majority of the members of the commission. A majority of the commissioners shall constitute a quorum.

(69) The commission meetings ~~will~~ shall, if determined warranted, be held semiannually or at other times upon the call of the chairman or a majority of the commission.

(10) The commission shall prepare and submit an annual report, on or before January 15 of each year, to the senate resources and environment committee and the house resources and conservation committee reflecting the actions of the commission pursuant to the provisions of this section and setting forth the membership of the commission.

Approved March 23, 2020

CHAPTER 223
(S.B. No. 1370)

AN ACT

RELATING TO CORRECTIONAL FACILITIES; AMENDING SECTION 20-209, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTROL AND MANAGEMENT OF CORRECTIONAL FACILITIES AND PRISONERS, TO PROVIDE FOR EMPLOYMENT OF PRISONERS IN CERTAIN INSTANCES, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 20-209, Idaho Code, be, and the same is hereby amended to read as follows:

20-209. CONTROL AND MANAGEMENT OF CORRECTIONAL FACILITIES AND PRISONERS -- REHABILITATIVE SERVICES -- RULES. (1) The state board of correction shall have the control, direction, and management of such correctional facilities as may be acquired for use by the state board of correction and all property owned or used in connection therewith, ~~and~~. The board shall provide for the care, and maintenance and employment of all prisoners now or hereinafter committed to its custody. The board may also provide for employment of those prisoners housed at a correctional facility. Nothing in this section creates a right to any employment.

(2) The state board of correction may provide or facilitate research-based rehabilitative services at the discretion of the Idaho department of correction and as resources permit for incarcerated and community-based offenders. The rehabilitative services may include programs for behavioral modification, education, vocational education, sexual offenders, substance abuse, gender responsive programs, and other programs that correctional research supports reduction of risk for offender populations. Nothing contained in this subsection shall create any right to rehabilitative services.

(3) The state board of correction shall have the authority to enter into contracts with private prison contractors for the site selection, design, design/building, acquisition, construction, construction management, maintenance, leasing, leasing/purchasing, management or operation of private prison facilities or any combination of those services subject to the requirements and limitations set forth in section 20-241A, Idaho Code.

(4) The state board of correction shall have the authority to promulgate rules required by law or necessary or desirable to carry out all duties assigned to the department of correction pursuant to the provisions of chapter 8, title 20, Idaho Code, which authority shall include the power and duties to prescribe standards, rules, and procedures for licensure of private prison contractors, to develop and provide, in conjunction with the department of administration, a uniform contract for use by local contracting authorities in contracting with private prison contractors, to review records and historical information of all prisoners proposed to be housed in private prison facilities and to approve or reject the housing of all prisoners, to monitor the status of insurance of private prison contractors, to approve suitable training programs for firearm certification for employees of private prison contractors, and to approve suitable drug testing programs for prisoners housed with private prison contractors. All final decisions by the board shall be subject to review pursuant to the provisions and procedures of the administrative procedure act, chapter 52, title 67, Idaho Code.

(5) The state board of correction is authorized to provide medical and counseling services to those prisoners who have been exposed to the HIV (human immunodeficiency virus), which causes acquired immunodeficiency syndrome (AIDS), or who have been diagnosed as having contracted a human immunodeficiency viral disease.

(6) The state board of correction should provide educational and informational services to prisoners housed in Idaho and to its department employees in order to assure that the transmission of HIV within correctional facilities is diminished.

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 23, 2020

CHAPTER 224
(S.B. No. 1398)

AN ACT

RELATING TO THE APPROPRIATION TO THE CATASTROPHIC HEALTH CARE PROGRAM FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE PROGRAM AND DIRECTING A TRANSFER FOR FISCAL YEAR 2021.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$3,500,600 from the General Fund to the Catastrophic Health Care Cost Fund for the Catastrophic Health Care Program for the period July 1, 2020, through June 30, 2021.

Approved March 23, 2020

CHAPTER 225
(S.B. No. 1399)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF CHILD WELFARE, SERVICES FOR THE DEVELOPMENTALLY DISABLED, AND SERVICE INTEGRATION FOR FISCAL YEAR 2021; 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 REQUIREMENTS FOR PROGRAM INTEGRITY; CLARIFYING THE RESPONSIBILITY FOR THE EDUCATION OF CERTAIN CHILDREN IN STATE CARE; DIRECTING THE USE OF CHILD ABUSE PROTECTION TREATMENT ACT FUNDS; DIRECTING EXPENDITURES FOR HEAD START APPROPRIATIONS FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILIES; AND PROVIDING FOR A CASH TRANSFER TO THE TECHNOLOGY INFRASTRUCTURE STABILIZATION FUND.

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, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|---|---------------------------|----------------------------------|---|--------------|
| I. CHILD WELFARE: | | | | |
| A. CHILD WELFARE: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | \$10,724,000 | \$1,691,800 | | \$12,415,800 |
| Technology Infrastructure Stabilization | | | | |
| Fund | | 5,348,000 | | 5,348,000 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|---|---------------------------|----------------------------------|---|-------------------|
| Cooperative Welfare (Dedicated) | | | | |
| Fund | 72,200 | 20,000 | | 92,200 |
| Cooperative Welfare (Federal) | | | | |
| Fund | <u>22,121,400</u> | <u>11,203,800</u> | | <u>33,325,200</u> |
| TOTAL | \$32,917,600 | \$18,263,600 | | \$51,181,200 |
| B. FOSTER & ASSISTANCE PAYMENTS: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | | | \$15,852,500 | \$15,852,500 |
| Cooperative Welfare (Dedicated) | | | | |
| Fund | | | 150,000 | 150,000 |
| Cooperative Welfare (Federal) | | | | |
| Fund | | | <u>23,546,600</u> | <u>23,546,600</u> |
| TOTAL | | | \$39,549,100 | \$39,549,100 |
| DIVISION TOTAL | \$32,917,600 | \$18,263,600 | \$39,549,100 | \$90,730,300 |
| II. SERVICES FOR THE DEVELOPMENTALLY DISABLED: | | | | |
| A. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | \$7,847,700 | \$900,700 | \$2,417,300 | \$11,165,700 |
| Cooperative Welfare (Dedicated) | | | | |
| Fund | 108,700 | 46,300 | 783,100 | 938,100 |
| Cooperative Welfare (Federal) | | | | |
| Fund | <u>6,250,400</u> | <u>1,060,100</u> | <u>2,931,600</u> | <u>10,242,100</u> |
| TOTAL | \$14,206,800 | \$2,007,100 | \$6,132,000 | \$22,345,900 |
| B. SOUTHWEST IDAHO TREATMENT CENTER: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | \$2,066,700 | \$471,800 | \$78,600 | \$2,617,100 |
| Cooperative Welfare (Dedicated) | | | | |
| Fund | 299,300 | 137,800 | 10,600 | 447,700 |
| Cooperative Welfare (Federal) | | | | |
| Fund | <u>5,450,900</u> | <u>1,627,700</u> | <u>141,900</u> | <u>7,220,500</u> |
| TOTAL | \$7,816,900 | \$2,237,300 | \$231,100 | \$10,285,300 |
| DIVISION TOTAL | \$22,023,700 | \$4,244,400 | \$6,363,100 | \$32,631,200 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|----------------------------------|---------------------------|----------------------------------|---|-------------------|
| III. SERVICE INTEGRATION: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | \$241,100 | \$41,300 | \$450,000 | \$732,400 |
| Cooperative Welfare (Dedicated) | | | | |
| Fund | | 19,500 | 50,000 | 69,500 |
| Cooperative Welfare (Federal) | | | | |
| Fund | <u>2,180,000</u> | <u>270,000</u> | <u>2,900,000</u> | <u>5,350,000</u> |
| TOTAL | \$2,421,100 | \$330,800 | \$3,400,000 | \$6,151,900 |
| GRAND TOTAL | \$57,362,400 | \$22,838,800 | \$49,312,200 | \$129,513,400 |

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 following number of full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

| | |
|---|--------|
| Child Welfare | 408.80 |
| Community Developmental Disability Services | 181.96 |
| Southwest Idaho Treatment Center | 123.75 |
| Service Integration | 35.00 |

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall periodically make transfers from the General Fund to the Cooperative Welfare Fund 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 appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2021.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, 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. EDUCATIONAL NEEDS. The Department of Health and Welfare shall be responsible for the educational needs of school-age children placed in its custody by the courts for either child protective issues or mental health issues. If the department places a child in a licensed residential treatment facility that includes a nonpublic accredited school and it is determined by the department 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 to pay for such education per student, per educational day. Other Idaho state agencies shall not be precluded 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 section is included within existing department base appropriations.

SECTION 7. CHILD ABUSE PROTECTION TREATMENT ACT FUNDS. Of the amount appropriated in Section 1 of this act from the Cooperative Welfare (Federal) Fund, a minimum of \$42,000 of federal Child Abuse Protection Treatment Act (CAPTA) funds appropriated to the Department of Health and Welfare shall be provided to the Public Health Districts each year. The moneys received by the Public Health Districts shall not be considered general state aid for the purpose of Section 39-425, Idaho Code, nor shall the moneys be allocated through a board of trustees formula pursuant to Section 39-411, Idaho Code. Funds for each Public Health District shall be distributed at one-seventh (1/7) of the total amount, which shall be used for the Citizen Review Panels pursuant to Section 16-1647, Idaho Code.

SECTION 8. HEAD START APPROPRIATION FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUNDS. At a minimum, the Department of Health and Welfare shall maintain the Head Start Program appropriations paid from federal Temporary Assistance for Needy Families funds at the same level as fiscal year 2007.

SECTION 9. CASH TRANSFER TO THE TECHNOLOGY INFRASTRUCTURE STABILIZATION FUND. There is hereby appropriated and the State Controller shall transfer \$5,011,300 from the General Fund to the Technology Infrastructure Stabilization Fund on July 1, 2020, or as soon thereafter as practicable for the period July 1, 2020, through June 30, 2021.

Approved March 23, 2020

CHAPTER 226
(S.B. No. 1413)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING REQUIREMENTS REGARDING THE WATERCRAFT INSPECTION PROGRAM.

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, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|---|---------------------------|----------------------------------|--------------------------|---|----------------|
| I. ADMINISTRATION: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$906,700 | \$639,000 | | | \$1,545,700 |
| Indirect Cost Recovery | | | | | |
| Fund | 2,900 | | | | 2,900 |
| Administration and Accounting Services | | | | | |
| Fund | 971,100 | 125,800 | \$38,400 | | 1,135,300 |
| Facilities Maintenance | | | | | |
| Fund | <u>161,900</u> | <u>173,100</u> | <u>0</u> | | <u>335,000</u> |
| TOTAL | \$2,042,600 | \$937,900 | \$38,400 | | \$3,018,900 |
| II. ANIMAL INDUSTRIES: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$1,811,800 | \$248,800 | | | \$2,060,600 |
| Agricultural Inspection | | | | | |
| Fund | 38,500 | 9,700 | | | 48,200 |
| Agricultural Fees - Livestock Disease Control | | | | | |
| Fund | 767,700 | 454,400 | \$1,225,700 | | 2,447,800 |
| Agricultural Fees - Dairy Inspection | | | | | |
| Fund | 1,669,700 | 480,600 | 296,100 | | 2,446,400 |
| Agricultural Fees - Egg Inspection | | | | | |
| Fund | 170,000 | 53,700 | 250,000 | | 473,700 |
| Agricultural Fees - Commercial Fisheries | | | | | |
| Fund | 5,700 | 4,200 | | | 9,900 |
| Agricultural Fees - Poultry Inspection | | | | | |
| Fund | 36,000 | 17,500 | | | 53,500 |
| Seminars and Publications | | | | | |
| Fund | | 58,300 | | | 58,300 |
| Federal Grant | | | | | |
| Fund | <u>355,100</u> | <u>117,300</u> | <u>0</u> | <u>\$38,200</u> | <u>510,600</u> |
| TOTAL | \$4,854,500 | \$1,444,500 | \$1,771,800 | \$38,200 | \$8,109,000 |
| III. AGRICULTURAL RESOURCES: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$127,300 | \$127,200 | | | \$254,500 |
| Agricultural Fees - Pesticides | | | | | |
| Fund | 2,215,100 | 945,000 | \$61,600 | | 3,221,700 |
| Federal Grant | | | | | |
| Fund | <u>385,100</u> | <u>118,400</u> | <u>0</u> | | <u>503,500</u> |
| TOTAL | \$2,727,500 | \$1,190,600 | \$61,600 | | \$3,979,700 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|---|------------------|
| IV. PLANT INDUSTRIES: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$1,478,300 | \$1,318,500 | | \$3,270,200 | \$6,067,000 |
| Agricultural Inspection | | | | | |
| Fund | 1,296,500 | 299,200 | \$27,000 | 111,100 | 1,733,800 |
| Invasive Species | | | | | |
| Fund | 576,600 | 754,600 | | 200,000 | 1,531,200 |
| Agricultural Fees - Commercial Feed and Fertilizer | | | | | |
| Fund | 1,237,800 | 483,700 | 577,300 | 50,000 | 2,348,800 |
| Agricultural Fees - Honey Advertising | | | | | |
| Fund | 400 | 16,300 | | | 16,700 |
| Quality Assurance Laboratory Services | | | | | |
| Fund | 362,700 | 135,200 | 14,500 | | 512,400 |
| Federal Grant | | | | | |
| Fund | <u>1,212,500</u> | <u>1,096,600</u> | <u>0</u> | <u>956,700</u> | <u>3,265,800</u> |
| TOTAL | \$6,164,800 | \$4,104,100 | \$618,800 | \$4,588,000 | \$15,475,700 |

V. AGRICULTURAL INSPECTIONS:

FROM:

General

| | | | | | |
|------|-----------|-----------|--|--|-----------|
| Fund | \$739,700 | \$149,000 | | | \$888,700 |
|------|-----------|-----------|--|--|-----------|

Weights and Measures Inspection

| | | | | | |
|------|---------|---------|-----------|--|---------|
| Fund | 460,100 | 210,300 | \$292,800 | | 963,200 |
|------|---------|---------|-----------|--|---------|

Agricultural Fees - Organic Food Products

| | | | | | |
|------|---------|---------|-------|--|---------|
| Fund | 548,600 | 108,400 | 5,000 | | 662,000 |
|------|---------|---------|-------|--|---------|

Agricultural Fees - Fresh Fruit and Vegetable Inspection

| | | | | | |
|------|------------------|------------------|---------------|--|-------------------|
| Fund | <u>7,560,200</u> | <u>2,813,600</u> | <u>24,200</u> | | <u>10,398,000</u> |
|------|------------------|------------------|---------------|--|-------------------|

| | | | | | |
|-------|-------------|-------------|-----------|--|--------------|
| TOTAL | \$9,308,600 | \$3,281,300 | \$322,000 | | \$12,911,900 |
|-------|-------------|-------------|-----------|--|--------------|

VI. MARKET DEVELOPMENT:

FROM:

General

| | | | | | |
|------|-----------|-----------|--|--|-----------|
| Fund | \$449,000 | \$364,600 | | | \$813,600 |
|------|-----------|-----------|--|--|-----------|

Agricultural Inspection

| | | | | | |
|------|--------|--------|---------|--|---------|
| Fund | 79,300 | 70,300 | \$4,200 | | 153,800 |
|------|--------|--------|---------|--|---------|

Seminars and Publications

| | | | | | |
|------|--|---------|--|--|---------|
| Fund | | 245,600 | | | 245,600 |
|------|--|---------|--|--|---------|

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|---|------------------|
| Rural Economic Development Integrated Freight Transportation | | | | | |
| Fund | 9,600 | 20,000 | | \$140,000 | 169,600 |
| Revolving Loans | | | | | |
| Fund | 12,300 | 15,300 | | | 27,600 |
| Federal Grant | | | | | |
| Fund | <u>149,200</u> | <u>628,100</u> | <u>0</u> | <u>1,267,500</u> | <u>2,044,800</u> |
| TOTAL | \$699,400 | \$1,343,900 | \$4,200 | \$1,407,500 | \$3,455,000 |
| VII. ANIMAL DAMAGE CONTROL: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | | \$4,000 | | \$156,700 | \$160,700 |
| Animal Damage Control | | | | | |
| Fund | | | | 100,000 | 100,000 |
| Agricultural Fees - Sheep and Goat Health | | | | | |
| Fund | | <u>7,200</u> | | <u>160,200</u> | <u>167,400</u> |
| TOTAL | | \$11,200 | | \$416,900 | \$428,100 |
| VIII. SHEEP AND GOAT HEALTH BOARD: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$71,100 | | | | \$71,100 |
| Agricultural Fees - Sheep and Goat Health | | | | | |
| Fund | <u>72,500</u> | <u>\$37,900</u> | | | <u>110,400</u> |
| TOTAL | \$143,600 | \$37,900 | | | \$181,500 |
| GRAND TOTAL | \$25,941,000 | \$12,351,400 | \$2,816,800 | \$6,450,600 | \$47,559,800 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Agriculture is authorized no more than two hundred sixteen (216.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. WATERCRAFT INSPECTION PROGRAM. The Department of Agriculture shall maximize the use of the appropriation provided for the Watercraft Inspection Program to minimize the chances of spreading zebra mussels, quagga mussels, and other aquatic invasive species into Idaho waters. The department is encouraged to use roving inspection stations when appropriate and for expanded hours of coverage during holidays when boat transport traffic is likely to increase. It is also encouraged to use extra staffing on busy holiday weekends. The department shall gather data regarding the number of watercraft that are bypassing the stations and nighttime transport of watercraft across Idaho's borders. The department shall also seek to secure federal funding to further enhance invasive species detection and prevention efforts. The department shall report back to the Joint Finance-Appropriations Committee, the Senate Agricultural Affairs Committee, and the House Agricultural Affairs Committee during the 2021 legislative session regarding the results of the data gathering, attainment of federal funds, and an operational review of the boat stations.

Approved March 23, 2020

CHAPTER 227
(H.B. No. 597)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2021; 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 2021; 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 REQUIREMENTS FOR PROGRAM INTEGRITY; LIMITING THE TRANSFER OF LEGISLATIVE APPROPRIATIONS; CLARIFYING RESPONSIBILITY FOR EDUCATION OF CERTAIN CHILDREN IN STATE CARE; DIRECTING AN INTERAGENCY PAYMENT FOR A JUVENILE DETENTION CLINICIANS CONTRACT; PROVIDING REQUIREMENTS REGARDING FUNDING FOR BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS; AND EXEMPTING THE APPROPRIATION FROM PROGRAM TRANSFER LIMITATIONS.

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, 2020, through June 30, 2021:

| | 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 | \$5,318,400 | \$1,244,000 | | \$1,787,800 | \$8,350,200 |
| Cooperative Welfare (Dedicated) | | | | | |
| Fund | | | | 164,500 | 164,500 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|---------------------------------------|---------------------------|----------------------------------|--------------------------|---|------------------|
| Cooperative Welfare (Federal) | | | | | |
| Fund | <u>2,914,900</u> | <u>1,935,300</u> | | <u>1,092,600</u> | <u>5,942,800</u> |
| TOTAL | \$8,233,300 | \$3,179,300 | | \$3,044,900 | \$14,457,500 |
| B. ADULT MENTAL HEALTH: | | | | | |
| FROM: | | | | | |
| Cooperative Welfare (General) | | | | | |
| Fund | \$15,091,800 | \$2,455,100 | | \$10,043,800 | \$27,590,700 |
| Cooperative Welfare (Dedicated) | | | | | |
| Fund | 116,800 | | | 350,000 | 466,800 |
| Cooperative Welfare (Federal) | | | | | |
| Fund | <u>2,283,500</u> | <u>1,154,300</u> | | <u>778,700</u> | <u>4,216,500</u> |
| TOTAL | \$17,492,100 | \$3,609,400 | | \$11,172,500 | \$32,274,000 |
| DIVISION TOTAL | \$25,725,400 | \$6,788,700 | | \$14,217,400 | \$46,731,500 |
| II. PSYCHIATRIC HOSPITALIZATION: | | | | | |
| A. COMMUNITY HOSPITALIZATION: | | | | | |
| FROM: | | | | | |
| Cooperative Welfare (General) | | | | | |
| Fund | | | | \$1,069,000 | \$1,069,000 |
| B. STATE HOSPITAL NORTH: | | | | | |
| FROM: | | | | | |
| Cooperative Welfare (General) | | | | | |
| Fund | \$8,011,900 | \$165,300 | | \$105,500 | \$8,282,700 |
| Cooperative Welfare (Dedicated) | | | | | |
| Fund | 163,900 | | | | 163,900 |
| State Hospital North Endowment Income | | | | | |
| Fund | <u>417,800</u> | <u>1,138,100</u> | | <u>44,500</u> | <u>1,600,400</u> |
| TOTAL | \$8,593,600 | \$1,303,400 | | \$150,000 | \$10,047,000 |
| C. STATE HOSPITAL SOUTH: | | | | | |
| FROM: | | | | | |
| Cooperative Welfare (General) | | | | | |
| Fund | \$10,196,600 | \$900,000 | | \$254,700 | \$11,351,300 |
| Cooperative Welfare (Dedicated) | | | | | |
| Fund | 5,925,300 | 4,217,100 | | 900 | 10,143,300 |
| Mental Hospital Endowment Income | | | | | |
| Fund | 4,054,100 | 2,385,500 | | 30,000 | 6,469,600 |
| Cooperative Welfare (Federal) | | | | | |
| Fund | <u>1,736,000</u> | <u>946,800</u> | | <u>25,600</u> | <u>2,708,400</u> |
| TOTAL | \$21,912,000 | \$8,449,400 | | \$311,200 | \$30,672,600 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|---|---------------------------|----------------------------------|--------------------------|---|-------------------|
| D. STATE HOSPITAL WEST: | | | | | |
| FROM: | | | | | |
| Cooperative Welfare (General) | | | | | |
| Fund | \$1,699,800 | \$1,149,300 | \$107,200 | \$8,300 | \$2,964,600 |
| DIVISION TOTAL | \$32,205,400 | \$10,902,100 | \$107,200 | \$1,538,500 | \$44,753,200 |
| III. SUBSTANCE ABUSE TREATMENT AND PREVENTION: | | | | | |
| FROM: | | | | | |
| Cooperative Welfare (General) | | | | | |
| Fund | | \$500,000 | | | \$500,000 |
| Prevention of Minors' Access to Tobacco | | | | | |
| Fund | | 43,800 | | | 43,800 |
| Cooperative Welfare (Dedicated) | | | | | |
| Fund | \$50,900 | 438,300 | | | 489,200 |
| Liquor Control | | | | | |
| Fund | | | | \$650,000 | 650,000 |
| Idaho Millennium Income | | | | | |
| Fund | | 160,000 | | | 160,000 |
| Cooperative Welfare (Federal) | | | | | |
| Fund | <u>1,133,600</u> | <u>3,459,200</u> | | <u>6,628,400</u> | <u>11,221,200</u> |
| TOTAL | \$1,184,500 | \$4,601,300 | | \$7,278,400 | \$13,064,200 |
| GRAND TOTAL | \$59,115,300 | \$22,292,100 | \$107,200 | \$23,034,300 | \$104,548,900 |

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 following number of full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

| | |
|--|--------|
| Adult Mental Health | 209.56 |
| Children's Mental Health | 97.67 |
| State Hospital North | 107.10 |
| State Hospital South | 286.25 |
| State Hospital West | 50.33 |
| Substance Abuse Treatment and Prevention | 16.00 |

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall periodically make transfers from the General Fund to the Cooperative Welfare Fund 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 appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2021.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, 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 Divisions of Mental Health Services and Psychiatric Hospitalization may be transferred between divisions but shall not be transferred to any other division or program within the Department of Health and Welfare without legislative approval.

SECTION 7. EDUCATIONAL NEEDS. The Department of Health and Welfare shall be responsible for the educational needs of school-age children placed in its custody by the courts for either child protective issues or mental health issues. If the department places a child in a licensed residential treatment facility that includes a nonpublic accredited school, and it is determined by the department 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 to pay for such education per student, per educational day. Other Idaho state agencies shall not be precluded 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 section is included within existing department base appropriations.

SECTION 8. INTERAGENCY PAYMENT FOR JUVENILE DETENTION CLINICIANS CONTRACT. No later than July 16, 2020, the Children's Mental Health Program shall 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, 2020, through June 30, 2021.

SECTION 9. BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS. The seven Behavioral Health Community Crisis Centers shall submit plans for achieving non-state funding, in conformance with the requirements of their contracts with the Department of Health and Welfare, that demonstrate the extent to which the centers will receive financial support from non-state sources for ongoing operations. These plans shall be submitted to the Legislative Services Office no later than December 31, 2020. Further, funding reductions for the centers resulting from Medicaid expansion shall be prioritized so the newest centers in regions 2, 3, and 6 are held harmless from the reductions to the maximum extent possible. If the centers in regions 2, 3, and 6 need less than full funding from the General Fund, due to actual funding being receipted from Medicaid, those General Fund moneys may be redistributed to the other centers.

SECTION 10. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. The Community Hospitalization Program is hereby exempted from the provisions of Section 67-3511(2), Idaho Code, allowing unlimited transfers into the Community Hospitalization Program from other programs within the Department of Health and Welfare for all moneys appropriated to it for the period July 1, 2020, through June 30, 2021.

Approved March 23, 2020

CHAPTER 228
(H.B. No. 605)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS FOR MAINTENANCE OF SERVICE PROVISION; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Division of Vocational Rehabilitation the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|------------------------------------|---------------------------|----------------------------------|--------------------------|---|-------------------|
| I. EXTENDED EMPLOYMENT SERVICES: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$296,500 | \$91,600 | | \$3,202,900 | \$3,591,000 |
| II. VOCATIONAL REHABILITATION: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$2,028,900 | \$350,500 | | \$1,784,500 | \$4,163,900 |
| Rehabilitation Revenue and Refunds | | | | | |
| Fund | 61,200 | | | 1,081,500 | 1,142,700 |
| Miscellaneous Revenue | | | | | |
| Fund | 73,300 | 1,700 | \$9,100 | 894,500 | 978,600 |
| Federal Grant | | | | | |
| Fund | <u>8,307,800</u> | <u>1,797,600</u> | <u>33,700</u> | <u>7,729,700</u> | <u>17,868,800</u> |
| TOTAL | \$10,471,200 | \$2,149,800 | \$42,800 | \$11,490,200 | \$24,154,000 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|---|--------------|
| III. COUNCIL FOR THE DEAF AND HARD OF HEARING: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$312,500 | \$58,200 | | | \$370,700 |
| Miscellaneous Revenue | | | | | |
| Fund | <u>0</u> | <u>3,000</u> | | | <u>3,000</u> |
| TOTAL | \$312,500 | \$61,200 | | | \$373,700 |
| GRAND TOTAL | \$11,080,200 | \$2,302,600 | \$42,800 | \$14,693,100 | \$28,118,700 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Vocational Rehabilitation is authorized no more than one hundred fifty (150.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. MAINTENANCE OF SERVICE PROVISION. Until such time as the Legislature approves administrative rules or codifies the Extended Employment Services Program, notwithstanding any other provision of law to the contrary, the division administrator shall maintain the current level of service provision for work services and community supported employment.

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

Approved March 23, 2020

CHAPTER 229
(H.B. No. 613)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE WELFARE DIVISION FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; PROHIBITING TRANSFERS FOR TRUSTEE AND BENEFIT PAYMENTS; AND PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Welfare Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

| | FOR | FOR | FOR | |
|-------------------------------------|-------------------|-------------------|-------------------|-------------------|
| | PERSONNEL | OPERATING | TRUSTEE AND | |
| | COSTS | EXPENDITURES | BENEFIT | TOTAL |
| | | | PAYMENTS | |
| I. SELF-RELIANCE OPERATIONS: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | \$15,291,300 | \$5,697,100 | | \$20,988,400 |
| Cooperative Welfare (Dedicated) | | | | |
| Fund | 1,013,100 | 3,539,000 | | 4,552,100 |
| Cooperative Welfare (Federal) | | | | |
| Fund | <u>26,574,800</u> | <u>17,507,700</u> | | <u>44,082,500</u> |
| TOTAL | \$42,879,200 | \$26,743,800 | | \$69,623,000 |
| | | | | |
| II. BENEFIT PAYMENTS: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | | | \$22,444,300 | \$22,444,300 |
| Cooperative Welfare (Dedicated) | | | | |
| Fund | | | 500,000 | 500,000 |
| Cooperative Welfare (Federal) | | | | |
| Fund | | | <u>73,530,500</u> | <u>73,530,500</u> |
| TOTAL | | | \$96,474,800 | \$96,474,800 |
| | | | | |
| GRAND TOTAL | \$42,879,200 | \$26,743,800 | \$96,474,800 | \$166,097,800 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Welfare Division of the Department of Health and Welfare is authorized no more than six hundred eighteen and five-tenths (618.50) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, 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 periodically make transfers from the General Fund to the Cooperative Welfare Fund 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 appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2021.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, 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.

CHAPTER 230
(S.B. No. 1301)

AN ACT

RELATING TO THE IDAHO CREDIT UNION ACT; REPEALING SECTION 26-2106, IDAHO CODE, RELATING TO AMENDMENTS; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2106, IDAHO CODE, TO PROVIDE FOR THE AMENDMENT OF ARTICLES OF INCORPORATION AND BYLAWS; REPEALING SECTION 26-2109, IDAHO CODE, RELATING TO LIMITATIONS OF CORPORATE POWERS; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2109, IDAHO CODE, TO PROVIDE FOR THE ACQUISITION AND HOLDING OF REAL PROPERTY; REPEALING SECTION 26-2119, IDAHO CODE, RELATING TO LOANS TO MEMBERS; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2119, IDAHO CODE, TO PROVIDE FOR THE MAKING OF CERTAIN LOANS; REPEALING SECTION 26-2120, IDAHO CODE, RELATING TO LOANS TO OTHER CREDIT UNIONS WHO ARE MEMBERS; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2120, IDAHO CODE, TO PROVIDE FOR CERTAIN LIMITATIONS ON LOANS; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2120A, IDAHO CODE, TO PROVIDE FOR CERTAIN LIMITS ON LOAN MATURITY; REPEALING SECTION 26-2127, IDAHO CODE, RELATING TO INVESTMENTS; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2127, IDAHO CODE, TO PROVIDE FOR THE INVESTMENT OF FUNDS; REPEALING SECTION 26-2130, IDAHO CODE, RELATING TO DIVIDENDS; AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2130, IDAHO CODE, TO PROVIDE FOR DIVIDENDS; REPEALING SECTION 26-2133, IDAHO CODE, RELATING TO REPORTS; AND AMENDING CHAPTER 21, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2133, IDAHO CODE, TO PROVIDE FOR THE FILING OF CERTAIN FINANCIAL AND STATISTICAL REPORTS.

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

SECTION 1. That Section 26-2106, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2106, Idaho Code, and to read as follows:

26-2106. AMENDMENT TO ARTICLES OF INCORPORATION AND BYLAWS -- APPROVAL OF DIRECTOR -- PROCEDURE. (1) A credit union's articles of incorporation and bylaws may be amended as provided in the articles of incorporation and bylaws with approval of the director. Amendments to the articles of incorporation or bylaws must be submitted to the director for approval before they are submitted to a vote by the members of the board. Amendments are deemed to be approved by the director if the director does not deny them within thirty (30) days following receipt of the proposed amendments. Amendments to a credit union's articles of incorporation and bylaws must conform with section 26-2105, Idaho Code.

(2) Upon approval by the director and the members of the board, as required, the credit union shall promptly deliver amendments to the articles of incorporation, including any necessary filing fees, to the secretary of state for filing. Amendments to the articles of incorporation or bylaws are effective upon written certification of board approval to the director.

SECTION 3. That Section 26-2109, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2109, Idaho Code, and to read as follows:

26-2109. POWER TO ACQUIRE AND HOLD REAL PROPERTY. (1) A credit union may invest in fixed assets necessary or related to its operations, subject to the following limitations:

- (a) The credit union's net worth equals at least seven percent (7%) of total assets;
- (b) The board approves any investment in real property; and
- (c) The aggregate book value of all such investments does not exceed seven and one-half percent (7.5%) of the total of its assets.

(2) The director may, upon written application, waive any of the limitations listed in subsection (1) of this section.

(3) A credit union may acquire property through foreclosure, deed in lieu of foreclosure, repossession, or other means in connection with protection or enforcement of the credit union's rights as a secured lender. Property acquired in this manner shall not be subject to the limitations of subsection (1) of this section.

(4) For purposes of this section:

(a) "Abandoned premises" means premises previously used to transact credit union business but no longer used for that purpose. It also means premises originally acquired to transact future credit union business but no longer intended for that purpose.

(b) "Fixed assets" means premises and furniture, fixtures, and equipment.

(c) "Immediate family member" means a spouse, domestic partner, or other family member living in the same household.

(d) "Partially occupy" means occupation and use, on a full-time basis, of at least fifty percent (50%) of each of the premises by the credit union.

(e) "Premises" means any office, branch office, suboffice, service center, parking lot, other facility, or real estate where the credit union transacts or will transact business.

(f) "Senior management employee" means the credit union's chief executive officer, any assistant chief executive officers, and the chief financial officer.

(g) "Unimproved land" or "unimproved real property" means:

- (i) Raw land or land without development, significant buildings, structures, or site preparation;
- (ii) Land that has never had improvements;
- (iii) Land that was improved at one time but has functionally reverted to its unimproved state; or
- (iv) Land that has been improved, but the improvements serve no purpose for the credit union's planned use of the property.

(5) Premises not currently used to transact credit union business.

(a) If a credit union acquires premises, including unimproved land or unimproved real property, it must partially occupy each of them within a reasonable period, but no later than six (6) years after the date of acquisition. The director may waive the partial occupation requirements based on economic or business conditions, or other conditions affecting use of the property, subject to a reasonable plan for partial occupancy. To seek a waiver, a credit union must submit a written request to the director and fully explain why it needs the waiver. The director shall provide the credit union a written response, either approving or disapproving the request. The director's decision shall be based on safety and soundness considerations.

(b) A credit union must make diligent efforts to dispose of abandoned premises and property acquired as described in subsection (3) of

this section. The credit union must seek fair market value for the premises or property and record its efforts to dispose of the premises or property. The credit union must complete the sale within five (5) years of abandonment of the premises or acquisition of the property. Upon application by the credit union, the director shall approve the continued holding by the credit union for an additional period of five (5) years upon the credit union's showing of its good faith attempt to dispose of the premises or property, or that disposal within the first five (5) year period would be detrimental to the credit union. The director shall provide the credit union a written response, either approving or disapproving the application. If the director fails to respond within forty-five (45) days of receipt, the application is deemed approved. The director's decision shall be based on safety and soundness considerations. The credit union shall, during the second five (5) year period, at the end of each year beginning at the end of the sixth year in which it holds the premises or property, write down the value of the premises or property by twenty percent (20%) of the value carried on its books at the beginning of the second five (5) year period. Value at the beginning of the second five (5) year period shall be the lower of cost or market value as determined pursuant to appraisal.

(6) A credit union must not acquire, except as allowed in subsection (3) of this section for real property, or lease for one (1) year or longer, premises from any of the following, unless the director waives this prohibition:

(a) A member of the credit union's board of directors, credit committee, supervisory committee, or senior management, or an immediate family member of such individual;

(b) A corporation in which a member of the credit union's board of directors, credit committee, supervisory committee, or senior management, or an immediate family member of such individual, is an officer or director or has a stock interest of ten percent (10%) or more; or

(c) A partnership, limited liability company, or other entity in which a member of the credit union's board of directors, credit committee, supervisory committee, or senior management, or an immediate family member of such individual, is a general partner or a limited partner or entity member with an interest of ten percent (10%) or more.

(7) A credit union must not lease for one (1) year or longer premises from any of its employees if the employee is directly involved in acquiring premises, unless the credit union's board of directors determines the employee's involvement is not a conflict of interest.

(8) All transactions with business associates or family members not specifically prohibited by this section must be conducted at arm's length and in the interest of the credit union.

(9) To seek a waiver of any of the prohibitions in subsections (6) through (8) of this section, a credit union must submit a written request to the director and fully explain why it needs the waiver. Within forty-five (45) days of the receipt of the waiver request or all necessary documentation, whichever is later, the director shall provide the credit union a written response, either approving or disapproving its request. The director's decision shall be based on safety and soundness considerations and a determination as to whether a conflict of interest exists.

SECTION 5. That Section 26-2119, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2119, Idaho Code, and to read as follows:

26-2119. LOANS. (1) A credit union may make secured and unsecured loans to its members under policies established by the board. A person that is not a member of the credit union may serve as a co-borrower or guarantor on a loan to a member of the credit union. Each loan must be evidenced by records adequate to support enforcement or collection of the loan and any review of the loan by the director.

(2) A credit union may not extend credit to a director, executive officer, supervisory committee member, or credit committee member unless the extension of credit is made on substantially the same terms as those prevailing at the time for comparable transactions by the credit union with members generally.

(a) For the purposes of this section, "executive officer" means a person who participates or has authority to participate in policymaking functions of the credit union.

(b) A director, executive officer, supervisory committee member, or credit committee member may not participate in approving or disbursing a loan in which the director, executive officer, supervisory committee member, or credit committee member has a direct or indirect financial interest.

(c) This section shall not prohibit any extension of credit made pursuant to a benefit or compensation program adopted by the board of directors that:

- (i) Is widely available to employees of the credit union; and
- (ii) Does not give preference to any director, executive officer, supervisory committee member, or credit committee member over other employees of the credit union.

(3) A credit union may make loans to another credit union, federal credit union, or out-of-state credit union.

(4) A credit union may purchase loans made to its members if the credit union's underwriting policies would have permitted it to originate the loans.

(5) A credit union may purchase, in whole or in part, within the limitations of the board of directors' written purchase policies:

(a) A loan or group of loans of its members from any source, if they are loans the credit union is empowered to grant or the loan or loans are refinanced with the consent of the borrowers within sixty (60) days after they are purchased, so that they are loans it is empowered to grant;

(b) A loan or group of loans of a liquidating credit union's individual members from the liquidating credit union;

(c) Student loans from any source if the purchaser is granting student loans on an ongoing basis and if the purchase will facilitate the purchasing credit union's packaging of a pool of such loans to be sold or pledged on the secondary market. A pool must include a substantial portion of the credit union's members' loans and must be sold promptly; and

(d) Real estate-secured loans, from any source, if the purchaser is granting real estate-secured loans on an ongoing basis and if the purchase will facilitate the purchasing credit union's packaging of a pool of such loans to be sold or pledged on the secondary mortgage market. A pool must include a substantial portion of the credit union's members' loans and must be sold promptly.

(6) A credit union may sell in whole or in part, to any source, a loan to its members within the limitations of the board of directors' written sale policies, provided:

(a) The board of directors or investment committee approves the sale; and

(b) A written agreement and a schedule of the eligible obligations covered by the agreement are retained in the credit union's office.

(7) A credit union may purchase a participation interest in a loan from a credit union, credit union service organization, federally insured finan-

cial institution, and any state or federal government agency and its subdivision only if the loan is one the purchasing credit union is empowered to grant and the following additional conditions are satisfied:

- (a) The purchase complies with all requirements to the same extent as if the purchasing credit union had originated the loan;
- (b) The purchasing credit union has executed a written loan participation agreement with the originating lender and the agreement meets the minimum requirements for a loan participation agreement as described in paragraph (g) of this subsection;
- (c) The originating lender retains an interest in each participated loan of at least ten percent (10%) of the outstanding balance of the loan through the life of the loan, unless a higher percentage is required under applicable state law;
- (d) The borrower becomes a member of one of the participating credit unions before the purchasing credit union purchases a participation interest in the loan;
- (e) The purchase complies with the purchasing credit union's internal written loan participation policy, which, at a minimum, must:
 - (i) Establish underwriting standards for loan participations;
 - (ii) Establish a limit on the aggregate amount of loan participations that may be purchased from any one (1) originating lender, not to exceed the greater of five million dollars (\$5,000,000) or one hundred percent (100%) of the credit union's net worth, unless this amount is waived by the director;
 - (iii) Establish limits on the amount of loan participations that may be purchased by each loan type, not to exceed a specified percentage of the credit union's net worth; and
 - (iv) Establish a limit on the aggregate amount of loan participations that may be purchased with respect to a single borrower, or group of associated borrowers, not to exceed fifteen percent (15%) of the credit union's net worth, unless waived by the director;
- (f) To seek a waiver from any of the limitations in subsection (7) of this section, a credit union must submit a written request to the director with a full and detailed explanation of why it is requesting the waiver. Within forty-five (45) days of receipt of a completed waiver request, including all necessary supporting documentation and, if appropriate, any written concurrence, the director shall provide the credit union a written response. The director's decision shall be based on safety and soundness and other considerations. A credit union may request the director to reconsider a denied waiver request or to file an appeal under the administrative procedures rules, or both; and
- (g) A loan participation agreement must:
 - (i) Be properly executed by authorized representatives of all parties under applicable law;
 - (ii) Be properly authorized by the credit union's board of directors or, if the board has so delegated in its policy, a designated committee or senior management official under the credit union's bylaws and all applicable law;
 - (iii) Be retained, either in original or copied form, in the credit union's office; and
 - (iv) Include provisions that, at a minimum, address the following:
 1. Prior to purchase, the identification of the specific loan participation or participations being purchased, either directly in the agreement or through a document that is incorporated by reference into the agreement;
 2. The interest that the originating lender will retain in the loan to be participated through the life of the loan;
 3. The location and custodian for original loan documents;

4. An explanation of the conditions under which parties to the agreement can gain access to financial and other performance information about a loan, the borrower, and the servicer so the parties can monitor the loan;

5. An explanation of the duties and responsibilities of the originating lender, servicer, and participants with respect to all aspects of the participation, including servicing, default, foreclosure, collection, and other matters involving the ongoing administration of the loan; and

6. Circumstances and conditions under which participants may replace the servicer.

(8) Any real estate-secured loans granted by a nonfederally insured credit union shall comply with the appraisal requirements for federally insured credit unions. The director may require any credit union to obtain an appraisal on any real estate-secured loan whenever the director believes it necessary to address safety and soundness concerns.

(9) Any officer, director, supervisory committee member, or credit committee member who knowingly permits a loan to be made or participates in a loan to a nonmember of the credit union, unless the loan to the nonmember is otherwise allowed in this chapter or by a rule pursuant to this chapter, shall be primarily liable to the credit union for the amount illegally loaned. The illegality of such loan shall not be a defense in any action by the credit union to recover the amount loaned.

SECTION 7. That Section 26-2120, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2120, Idaho Code, and to read as follows:

26-2120. LIMIT ON LOAN AMOUNT -- LOANS TO ONE BORROWER. (1) Unless otherwise provided in this chapter or by a rule pursuant to this chapter, no loan may be made to any borrower if the loan would cause the borrower and any associated borrowers to be indebted to the credit union on all types of loans in an aggregated amount exceeding one hundred thousand dollars (\$100,000) or fifteen percent (15%) of the net worth of the credit union, whichever is greater, without the approval of the director.

(a) This section does not apply to a corporate credit union.

(b) Two (two) borrowers are "associated" for the purposes of this section if any of the following factors are present:

(i) One (1) of them will derive a direct benefit from the credit union's loan to the other. For this purpose, the term "direct benefit" means that the loan proceeds or assets purchased with those proceeds will be transferred to the other party other than in a bona fide arm's length transaction where the proceeds are used to acquire property, goods, or services;

(ii) Loan proceeds for each of them are used to purchase interests in the same enterprise, and the borrowers will in the aggregate own more than fifty percent (50%) of the ownership interests in such enterprise. In such case, the borrowers are considered associated only to the extent of the loans made to purchase interests in the same enterprise;

(iii) The borrowers are related directly or indirectly through common control and either borrower derives fifty percent (50%) or more of its income from the other. For this purpose, "control" means that a person directly or indirectly owns or has the power to vote twenty-five percent (25%) or more of the ownership interest of an organization, controls the election of a majority of the

directors, managers, trustees, or other persons exercising similar functions of an organization, or has the power to exercise a controlling influence over the management or policies of the organization;

(iv) The expected source of repayment is the same for each borrower, and no individual borrower has a separate source of income from which the loan may be paid, taking into account the borrower's other obligations; or

(v) One (1) borrower is generally liable for the obligations or actions of the other.

(2) The limit on a loan amount in this section does not apply to any loan that is fully secured by shares or deposits.

SECTION 9. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2120A, Idaho Code, and to read as follows:

26-2120A. LIMIT ON LOAN MATURITY. The maturity of a loan to a member may not exceed fifteen (15) years except as follows:

(1) A credit union may make loans with maturities not to exceed twenty (20) years in the case of:

(a) A loan to finance the purchase of a manufactured home if the manufactured home will be used as the member's residence and the loan is secured by a first lien on the manufactured home, and the manufactured home meets the requirements for the deductibility of residential mortgage interest for income tax under the Internal Revenue Code;

(b) A second mortgage loan or a nonpurchase money first mortgage loan in the case of a residence on which there is no existing first mortgage, if the loan is secured by a residential dwelling that is the residence of the member; and

(c) A loan to finance the repair, alteration, or improvement of a residential dwelling that is the residence of the member.

(2) A credit union may make residential real estate loans on one-to-four family dwellings used as second or vacation residences, including an individual cooperative unit, and that are secured by a first lien upon such dwelling, with maturities not to exceed thirty (30) years.

(3) A credit union may make residential real estate loans to members, including loans secured by manufactured homes permanently affixed to the land, with maturities not to exceed forty (40) years, subject to the following conditions:

(a) The loan shall be made on a one-to-four family dwelling that is or will be the principal residence of the member, and the loan shall be secured by a perfected first lien in favor of the credit union on such dwelling, or a perfected first security interest in the case of either a residential cooperative or a leasehold or ground rent estate;

(b) The loan application shall be a completed standard federal housing administration, veterans administration, federal home loan mortgage corporation, federal national mortgage association, or federal home loan mortgage corporation/federal national mortgage association application form. In lieu of use of a standard application, the credit union may have a current attorney's opinion on file stating that the forms in use meet the requirements of applicable federal, state, and local laws;

(c) The security instrument and note shall be executed on the most current version of the federal housing administration, veterans administration, federal home loan mortgage corporation, federal national mortgage association, or federal home loan mortgage corporation/federal national mortgage association uniform instruments for the jurisdiction in which the property is located. In lieu of use of

a standard security instrument and note, the credit union may have a current attorney's opinion on file stating that the security instrument and note in use meet the requirements of applicable federal, state, and local laws; and

(d) The loan shall be secured by a perfected first lien or first security interest in favor of the credit union supported by a properly executed and recorded security instrument.

(4) Lines of credit are not subject to a maturity limit except as determined by contract between the credit union and the member.

SECTION 10. That Section 26-2127, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2127, Idaho Code, and to read as follows:

26-2127. INVESTMENT OF FUNDS. (1) A credit union's board of directors must establish a written investment policy consistent with this chapter and other applicable laws and regulations.

(2) A credit union may invest its funds in any of the following, as long as the investments are deemed prudent by the board:

(a) (i) Loans held by credit unions, out-of-state credit unions, or federal credit unions; and

(ii) Loans to members held by other lenders, with approval of the director;

(b) Bonds, securities, or other investments that are fully guaranteed as to principal and interest by the United States government;

(c) General obligations of this state and its political subdivisions;

(d) Obligations issued by corporations designated under 31 U.S.C. 9101, or obligations, participations, or other instruments issued and guaranteed by the federal housing administration, veterans administration, federal home loan mortgage corporation, federal national mortgage association, or federal home loan mortgage corporation/federal national mortgage association, or other government-sponsored enterprise;

(e) Share or deposit accounts of other financial institutions, the accounts of which are federally insured or insured or guaranteed by another insurer or guarantor approved by the director. The shares and deposits made by a credit union under this subsection may exceed the insurance or guarantee limits established by the organization insuring or guaranteeing the institution into which the shares or deposits are made;

(f) Common trust or mutual funds whose investment portfolios consist of securities issued or guaranteed by the federal government or an agency of the government;

(g) Shares or other interests offered by a registered investment company or collective investment fund, if the company or fund restricts the investment portfolio to investments and investment transactions that are permissible for credit unions, as evidenced by its prospectus or other appropriate documentation;

(h) Debt or equity issued by an organization owned by a credit union trade association whose members include Idaho credit unions, in an aggregate amount not to exceed one percent (1%) of the net worth of the credit union;

(i) Stocks, shares, membership units, or other ownership interests in corporations, limited liability companies, or mutual associations, in an aggregate amount not to exceed one percent (1%) of assets, and loans

to such organizations in an aggregate amount not to exceed one percent (1%) of assets if:

(i) The ownership of such organizations or membership of such mutual associations, as applicable, is primarily confined to credit unions or organizations of credit unions; and

(ii) The purposes for which the corporation, limited liability company, or mutual association is formed are primarily to service credit unions or their members or otherwise to assist credit union operations.

(3) The director may authorize credit unions to purchase investments not listed above by rule or upon written application.

(4) If a credit union has lawfully made an investment that later becomes impermissible because of a change in circumstances or law, and the director finds that this investment will have an adverse effect on the safety and soundness of the credit union, then the director may require that the credit union develop a reasonable plan for the divestiture of the investment.

(5) A credit union other than a corporate credit union shall not invest an amount that exceeds twenty-five percent (25%) of its net worth in an obligor or affiliate of the obligor. This subsection does not apply to the extent that the investment is insured or guaranteed by the United States government or an agency of the United States government or a state or local government or that the investment is in a corporate credit union.

(6) A credit union shall maintain files containing credit and other information adequate to demonstrate evidence of prudent business judgment in exercising the investment powers granted under this act or by rule, order, or declaratory ruling of the director.

SECTION 12. That Section 26-2130, Idaho Code, be, and the same is hereby repealed.

SECTION 13. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2130, Idaho Code, and to read as follows:

26-2130. DIVIDENDS. (1) After allocation to required reserves, the board of directors may, at the end of any dividend period duly established, declare a dividend to be paid on shares or share certificates from undivided earnings as the bylaws may provide. Dividends may be paid at various rates, or not paid at all, with due regard to the conditions that pertain to each class of share.

(2) Subject to the approval of the board of directors, accounts closed between dividend periods may be credited with dividends at the rate set by the board of directors.

(3) Extraordinary dividends must be calculated on a rational means determined by the board of directors. For purposes of this section, "extraordinary dividends" means all irregularly scheduled and declared dividends.

SECTION 14. That Section 26-2133, Idaho Code, be, and the same is hereby repealed.

SECTION 15. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2133, Idaho Code, and to read as follows:

26-2133. REPORTS -- FINANCIAL AND STATISTICAL DATA. Each credit union shall timely file with the director any financial and statistical report or other information that a federally insured state-chartered credit union is required to file with the national credit union administration. Each report must be certified by the principal operating officer of the credit union. In addition, a credit union shall file reports as may be required by the director.

Approved March 23, 2020

CHAPTER 231
(S.B. No. 1408)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY; AND PROVIDING FOR AN APPROPRIATION AND TRANSFER OF FUNDS.

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, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|---|---------------|
| I. BRAND INSPECTION: | | | | | |
| FROM: | | | | | |
| State Brand Board | | | | | |
| Fund | \$2,656,000 | \$443,300 | \$155,000 | | \$3,254,300 |
| II. DIVISION OF IDAHO STATE POLICE: | | | | | |
| A. DIRECTOR'S OFFICE: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$2,203,100 | \$182,900 | | | \$2,386,000 |
| Idaho Law Enforcement (Project Choice) | | | | | |
| Fund | 148,600 | 1,800 | | | 150,400 |
| Miscellaneous Revenue | | | | | |
| Fund | | 68,900 | | | 68,900 |
| Federal Grant | | | | | |
| Fund | <u>67,400</u> | <u>18,100</u> | | | <u>85,500</u> |
| TOTAL | \$2,419,100 | \$271,700 | | | \$2,690,800 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|---|------------------|
| B. EXECUTIVE PROTECTION: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$472,800 | \$96,400 | | | \$569,200 |
| Idaho Law Enforcement (Project Choice) | | | | | |
| Fund | 73,600 | 1,100 | | | 74,700 |
| Miscellaneous Revenue | | | | | |
| Fund | <u>92,800</u> | <u>6,700</u> | | | <u>99,500</u> |
| TOTAL | \$639,200 | \$104,200 | | | \$743,400 |
| C. INVESTIGATIONS: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$7,107,100 | \$857,200 | | | \$7,964,300 |
| Alcohol Beverage Control | | | | | |
| Fund | | 7,800 | \$201,600 | | 209,400 |
| Idaho Law Enforcement (Project Choice) | | | | | |
| Fund | 1,008,800 | 11,900 | | | 1,020,700 |
| Drug & DWUI Enforcement Donation | | | | | |
| Fund | 207,700 | 633,800 | 100,900 | | 942,400 |
| Federal Grant | | | | | |
| Fund | <u>165,900</u> | <u>512,300</u> | <u>0</u> | <u>\$110,000</u> | <u>788,200</u> |
| TOTAL | \$8,489,500 | \$2,023,000 | \$302,500 | \$110,000 | \$10,925,000 |
| D. PATROL: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$7,585,700 | \$2,235,400 | | | \$9,821,100 |
| Alcohol Beverage Control | | | | | |
| Fund | | 26,700 | \$123,700 | | 150,400 |
| Idaho Law Enforcement | | | | | |
| Fund | 16,801,200 | 2,950,600 | 1,123,200 | | 20,875,000 |
| Idaho Law Enforcement (Project Choice) | | | | | |
| Fund | 3,482,600 | 45,300 | | | 3,527,900 |
| Hazardous Materials/Waste Enforcement | | | | | |
| Fund | 463,000 | 82,100 | 47,600 | \$67,800 | 660,500 |
| Miscellaneous Revenue | | | | | |
| Fund | 682,100 | 449,400 | 1,410,100 | | 2,541,600 |
| Federal Grant | | | | | |
| Fund | <u>3,193,500</u> | <u>1,091,900</u> | <u>97,500</u> | <u>2,497,600</u> | <u>6,880,500</u> |
| TOTAL | \$32,208,100 | \$6,881,400 | \$2,802,100 | \$2,565,400 | \$44,457,000 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|---|----------------|
| E. LAW ENFORCEMENT PROGRAMS: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$236,500 | \$225,500 | | | \$462,000 |
| Alcohol Beverage Control | | | | | |
| Fund | 1,301,200 | 463,000 | \$110,400 | | 1,874,600 |
| Idaho Law Enforcement (Project Choice) | | | | | |
| Fund | 205,300 | 2,200 | | | 207,500 |
| Miscellaneous Revenue | | | | | |
| Fund | <u>0</u> | <u>12,700</u> | <u>0</u> | | <u>12,700</u> |
| TOTAL | \$1,743,000 | \$703,400 | \$110,400 | | \$2,556,800 |
| F. SUPPORT SERVICES: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$1,915,400 | \$1,189,000 | | | \$3,104,400 |
| Idaho Law Enforcement (Project Choice) | | | | | |
| Fund | 61,400 | 2,500 | | | 63,900 |
| Idaho Law Enforcement Telecommunications | | | | | |
| Fund | 697,000 | 1,016,100 | \$208,400 | | 1,921,500 |
| Miscellaneous Revenue | | | | | |
| Fund | 1,464,300 | 1,783,800 | 360,600 | | 3,608,700 |
| Federal Grant | | | | | |
| Fund | <u>0</u> | <u>35,800</u> | <u>0</u> | | <u>35,800</u> |
| TOTAL | \$4,138,100 | \$4,027,200 | \$569,000 | | \$8,734,300 |
| G. FORENSIC SERVICES: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$4,318,000 | \$807,500 | | | \$5,125,500 |
| Idaho Law Enforcement (Project Choice) | | | | | |
| Fund | 444,600 | 8,900 | | | 453,500 |
| Drug & DWUI Enforcement Donation | | | | | |
| Fund | 46,700 | 461,800 | \$241,800 | | 750,300 |
| Miscellaneous Revenue | | | | | |
| Fund | 88,300 | 130,800 | | | 219,100 |
| Federal Grant | | | | | |
| Fund | <u>224,400</u> | <u>742,900</u> | <u>0</u> | | <u>967,300</u> |
| TOTAL | \$5,122,000 | \$2,151,900 | \$241,800 | | \$7,515,700 |
| DIVISION TOTAL | \$54,759,000 | \$16,162,800 | \$4,025,800 | \$2,675,400 | \$77,623,000 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|---|----------------|
| III. POST ACADEMY: | | | | | |
| FROM: | | | | | |
| Idaho Law Enforcement (Project Choice) | | | | | |
| Fund | \$55,300 | \$2,000 | | | \$57,300 |
| Peace Officers Training | | | | | |
| Fund | 2,416,400 | 1,913,300 | \$30,000 | \$155,900 | 4,515,600 |
| Miscellaneous Revenue | | | | | |
| Fund | | 29,000 | | | 29,000 |
| Federal Grant | | | | | |
| Fund | <u>37,100</u> | <u>221,200</u> | <u>0</u> | <u>0</u> | <u>258,300</u> |
| TOTAL | \$2,508,800 | \$2,165,500 | \$30,000 | \$155,900 | \$4,860,200 |
| IV. RACING COMMISSION: | | | | | |
| FROM: | | | | | |
| Idaho State Racing Commission | | | | | |
| Fund | \$250,400 | \$139,700 | | | \$390,100 |
| Pari-Mutuel Distribution | | | | | |
| Fund | <u>0</u> | <u>0</u> | | <u>\$30,000</u> | <u>30,000</u> |
| TOTAL | \$250,400 | \$139,700 | | \$30,000 | \$420,100 |
| GRAND TOTAL | \$60,174,200 | \$18,911,300 | \$4,210,800 | \$2,861,300 | \$86,157,600 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Police is authorized no more than six hundred fourteen and one-tenth (614.10) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho State Police any unexpended and unencumbered balances appropriated to the Idaho State Police from the Law Enforcement Telecommunications Fund for the purpose of purchasing two network switches for fiscal year 2020, in an amount not to exceed \$475,000 from the Law Enforcement Telecommunications Fund, to be used for nonrecurring expenditures related to purchasing two network switches for the period July 1, 2020, through June 30, 2021. The State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer \$477,900 from the Alcohol Beverage Control Fund to the Peace Officers Training Fund on July 1, 2020, or as soon thereafter as practicable for the period July 1, 2020, through June 30, 2021.

Approved March 23, 2020

CHAPTER 232
(H.B. No. 464)

AN ACT

RELATING TO PROPERTY EXEMPTIONS; AMENDING SECTION 11-605, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE VALUE OF PERSONAL PROPERTY AND DISPOSABLE EARNINGS EXEMPTIONS; AMENDING SECTION 55-1003, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE VALUE OF A HOMESTEAD EXEMPTION; AND DECLARING AN EMERGENCY AND PROVIDING CERTAIN APPLICABILITY.

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

SECTION 1. That Section 11-605, Idaho Code, be, and the same is hereby amended to read as follows:

11-605. EXEMPTIONS OF PERSONAL PROPERTY AND DISPOSABLE EARNINGS SUBJECT TO VALUE LIMITATIONS. (1) An individual is entitled to exemption of the following property to the extent of a value not exceeding ~~seven hundred fifty dollars~~ ~~(\$750)~~ one thousand dollars (\$1,000) on any one (1) item of property and not to exceed a total value of seven thousand five hundred dollars (\$7,500) for all items exempted under this subsection:

(a) Household furnishings, household goods, and appliances held primarily for the personal, family, or household use of the individual or a dependent of the individual;

(b) If reasonably held for the personal use of the individual or a dependent, wearing apparel, animals, books, and musical instruments; and

(c) Family portraits and heirlooms of particular sentimental value to the individual.

(2) An individual is entitled to exemption of jewelry, not exceeding one thousand dollars (\$1,000) in aggregate value, if held for the personal use of the individual.

(3) An individual is entitled to exemption, not exceeding ~~two thousand five hundred dollars~~ ~~(\$2,500)~~ ten thousand dollars (\$10,000) in aggregate value, of implements, professional books, business equipment and tools of the trade; and to an exemption of one (1) motor vehicle to the extent of a value not exceeding ~~seven~~ ten thousand dollars (~~\$7~~10,000).

(4) An individual is entitled to an exemption of provisions of food or water, together with storage containers and shelving, sufficient for twelve (12) months for use of the individual or a dependent or dependents of the individual.

(5) All courthouses, jails, public offices and buildings, schoolhouses, lots, grounds and personal property appertaining thereto, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this state, or for the use of schools, and all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this state. No article or species of property mentioned in this section is exempt from execution issued upon a judgment recovered for its price or upon a mortgage thereon.

(6) An individual is entitled to an exemption of ~~a~~All arms, uniforms and accouterments accoutrements required for the use of an individual as a peace officer, a member of the national guard or military service.

(7) A An individual is entitled to an exemption of a water right not to exceed one hundred sixty (160) inches of water used for the irrigation of lands actually cultivated by the individual, and the crop or crops growing or grown on fifty (50) acres of land, leased, owned or possessed by an individual cultivating the same, provided, that the amount of the crops so exempted shall not exceed the value of one five thousand dollars (\$15,000) .

(8) An individual is entitled to exemption of one (1) firearm valued at ~~seven hundred fifty dollars (\$750)~~ one thousand five hundred dollars (\$1,500), or less.

(9) An individual is entitled to an exemption of aAny life insurance contract owned by an individual, other than a credit life insurance contract, including, but not limited to, any accrued dividend or interest under, loan value of, or cash surrender value of, such life insurance contract owned by the individual, excluding accrued dividends, interest, loan value, and/or cash surrender value resulting from premiums paid into the life insurance contract within six (6) months prior to the filing of a bankruptcy petition, as defined in 11 U.S.C. ~~section 101~~, or the date of attachment or levy on execution, as defined in section 11-201, Idaho Code, whichever is applicable.

(10) An individual is entitled to an exemption of the individual's aggregate interest in any tangible personal property, not to exceed the value of eight hundred dollars (\$800) one thousand five hundred dollars (\$1,500).

(11) An individual is entitled to an exemption for his disposable earnings as defined in subsection 2. of section 11-206, Idaho Code, wages, salaries, and compensation for personal services rendered, to the extent such earnings, wages, salaries, and compensation have been earned but have not been paid to the individual, not to exceed ~~one two thousand five hundred dollars (\$12,500)~~ in a calendar year. This exemption shall not affect the application or operation of the garnishment restrictions set forth in section 11-207, Idaho Code.

SECTION 2. That Section 55-1003, Idaho Code, be, and the same is hereby amended to read as follows:

55-1003. HOMESTEAD EXEMPTION LIMITED. A homestead may consist of lands, as described in section 55-1001, Idaho Code, regardless of area, but the homestead exemption amount shall not exceed ~~the lesser of (i) the total net value of the lands, mobile home, and improvements as described in section 55-1001, Idaho Code; or (ii) the sum of one hundred seventy-five thousand dollars (\$10075,000).~~

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval. This act shall apply to bankruptcy petitions filed on and after the date of passage and approval of this act.

Approved March 23, 2020

CHAPTER 233
(S.B. No. 1418)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID FOR FISCAL YEAR 2021; 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 REQUIREMENTS FOR PROGRAM INTEGRITY; REQUIRING MONTHLY MEDICAID TRACKING REPORTS; ALLOWING FOR TRANSFER OF APPROPRIATIONS BETWEEN CERTAIN PROGRAMS; REQUIRING A REPORT ON MEDICAID MANAGED CARE IMPLEMENTATION; PROVIDING FOR HOME VISITING SERVICES; REQUIRING A REPORT ON EXTENDED EMPLOYMENT SERVICES; AND REQUIRING COST-SHARING FOR SERVICES.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Division of Medicaid the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|---|---------------------------|----------------------------------|---|--------------------|
| I. MEDICAID ADMINISTRATION AND MEDICAL MANAGEMENT: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | \$6,780,200 | \$8,523,900 | \$424,100 | \$15,728,200 |
| Cooperative Welfare (Dedicated) | | | | |
| Fund | | 8,883,800 | | 8,883,800 |
| Idaho Millennium Income | | | | |
| Fund | 96,200 | 142,300 | | 238,500 |
| Cooperative Welfare (Federal) | | | | |
| Fund | <u>10,535,700</u> | <u>44,037,400</u> | <u>1,503,100</u> | <u>56,076,200</u> |
| TOTAL | \$17,412,100 | \$61,587,400 | \$1,927,200 | \$80,926,700 |
| II. COORDINATED MEDICAID PLAN: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | | | \$190,469,300 | \$190,469,300 |
| Hospital Assessment | | | | |
| Fund | | | 25,712,100 | 25,712,100 |
| Cooperative Welfare (Dedicated) | | | | |
| Fund | | | 8,488,600 | 8,488,600 |
| Cooperative Welfare (Federal) | | | | |
| Fund | | | <u>446,913,500</u> | <u>446,913,500</u> |
| TOTAL | | | \$671,583,500 | \$671,583,500 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|-------------------------------------|---------------------------|----------------------------------|---|--------------------|
| III. ENHANCED MEDICAID PLAN: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | | | \$284,059,100 | \$284,059,100 |
| Hospital Assessment | | | | |
| Fund | | | 4,723,000 | 4,723,000 |
| Cooperative Welfare (Dedicated) | | | | |
| Fund | | | 179,040,400 | 179,040,400 |
| Idaho Millennium Income | | | | |
| Fund | | | 1,886,100 | 1,886,100 |
| Cooperative Welfare (Federal) | | | | |
| Fund | | | <u>717,911,900</u> | <u>717,911,900</u> |
| TOTAL | | | \$1,187,620,500 | \$1,187,620,500 |
| IV. BASIC MEDICAID PLAN: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | | | \$213,620,700 | \$213,620,700 |
| Hospital Assessment | | | | |
| Fund | | | 14,768,100 | 14,768,100 |
| Cooperative Welfare (Dedicated) | | | | |
| Fund | | | 16,507,500 | 16,507,500 |
| Cooperative Welfare (Federal) | | | | |
| Fund | | | <u>526,988,400</u> | <u>526,988,400</u> |
| TOTAL | | | \$771,884,700 | \$771,884,700 |
| V. EXPANSION MEDICAID PLAN: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | | | \$20,094,600 | \$20,094,600 |
| Idaho Millennium Income | | | | |
| Fund | | | 12,561,700 | 12,561,700 |
| Cooperative Welfare (Federal) | | | | |
| Fund | | | <u>370,405,900</u> | <u>370,405,900</u> |
| TOTAL | | | \$403,062,200 | \$403,062,200 |
| GRAND TOTAL | \$17,412,100 | \$61,587,400 | \$3,036,078,100 | \$3,115,077,600 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Medicaid Administration and Medical Management Program of the Department of Health and Welfare is authorized no more than two hundred sixteen (216.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, 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 periodically make transfers from the General Fund to the Cooperative Welfare Fund 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 appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2021.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, 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's Divisions of Medicaid and Indirect Support Services shall deliver a report that compares the Medicaid appropriation, distributed by month for the year, to the actual expenditures and remaining forecasted expenditures for the year on a monthly basis to the Legislative Services Office and the Division of Financial Management. 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 expense class in the Division of Medicaid may be transferred in excess of ten percent (10%) among the Coordinated Medicaid Plan, Enhanced Medicaid Plan, Basic Medicaid Plan, and the Medicaid Administration and Medical Management Programs, but shall not be transferred to any other budgeted program or expense class within the Department of Health and Welfare during fiscal year 2021. Funding provided in the Expansion Medicaid Plan Program shall not be transferred to any other program or expense class within the Department of Health and Welfare during fiscal year 2021.

SECTION 8. MEDICAID MANAGED CARE IMPLEMENTATION. The Division of Medicaid shall provide a report to the Legislative Services Office and the Division of Financial Management 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. The report shall be submitted no later than December 1, 2020.

SECTION 9. HOME VISITING SERVICES. The Department of Health and Welfare's Division of Medicaid shall develop and submit a state plan amendment to allow for home visiting services as part of the allowable Medicaid services. Priority for these services shall be given to children that are considered at risk for neglect and abuse.

SECTION 10. EXTENDED EMPLOYMENT SERVICES. The Division of Medicaid shall deliver a report to the Legislative Services Office no later than January 1, 2021, on how the reimbursement rate increase for community supported employment services was allocated by community rehabilitation providers. The report shall include detailed information on how the funds were used to

increase front-line and direct-care staff compensation, overhead and other business expenses, and compensation changes for other staff positions. All providers of these services shall participate and share necessary information to the Division of Medicaid in a timely manner for the report to be prepared and published. The format of the report shall be determined by the Legislative Services Office.

SECTION 11. COST-SHARING REQUIREMENT. The Department of Health and Welfare shall implement cost-sharing in the Division of Medicaid, as required by Section 56-257, Idaho Code, to the maximum extent that is federally allowable for the expanded population of children whose families' gross taxable income exceeds one hundred eighty-five percent (185%) but does not exceed three hundred percent (300%) of the federal poverty limit (FPL), for Medicaid-eligible services as identified in House Bill No. 43, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature.

Approved March 24, 2020

CHAPTER 234
(S.B. No. 1331)

AN ACT

RELATING TO CHIROPRACTIC PRACTICE ACT; AMENDING SECTION 54-704, IDAHO CODE, TO PROVIDE FOR A CHIROPRACTIC PHYSICIAN CERTIFIED IN CLINICAL NUTRITION TO ISSUE CERTAIN PRESCRIPTIONS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-716, IDAHO CODE, TO PROVIDE FOR APPROVED VITAMINS OR MINERALS TO BE OBTAINED FOR OFFICE USE FROM A COMPOUNDING PHARMACY.

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

SECTION 1. That Section 54-704, Idaho Code, be, and the same is hereby amended to read as follows:

54-704. CHIROPRACTIC PRACTICE. (1) Chiropractic practice and procedures that may be employed by physicians are as follows: the system of specific adjustment or manipulation of the articulations and tissues of the body; the investigation, examination and clinical diagnosis of conditions of the human body and the treatment of the human body by the application of manipulative, manual, mechanical, physiotherapeutic or clinical nutritional methods and may include the use of diagnostic X-rays.

(2) As used in this section:

(a) "Adjustment" means the application of a precisely controlled force applied by hand or by mechanical device to a specific focal point on the anatomy for the express purpose of creating a desired angular movement in skeletal joint structures in order to eliminate or decrease interference with neural transmission and correct or attempt to correct subluxation complex; "chiropractic adjustment" utilizes, as appropriate, short-lever force, high-velocity force, short-amplitude force, or specific line-of-correction force to achieve the desired angular movement, as well as low-force neuromuscular, neurovascular, neuro-cranial, or neuro-lymphatic reflex technique procedures.

(b) "Manipulation" means an application of a resistive movement by applying a nonspecific force without the use of a thrust that is directed into a region and not into a focal point of the anatomy for the general purpose of restoring movement and reducing fixation.

(c) "Massage therapy," also called massology, means the systematic manual or mechanical mobilization of the soft tissue of the body by

such movements as rubbing, kneading, pressing, rolling, slapping and tapping for the purpose of promoting circulation of the blood and lymph, relaxation of muscles, release from pain, restoration of metabolic balance, and the other benefits both physical and mental.

(3) Nothing herein contained shall allow a physician to:

(a) Perform surgical operations or practice obstetrics; or

(b) Prescribe, dispense, independently administer, distribute, or direct to a patient a drug, substance or product that:

(i) Under federal law is required, prior to being dispensed or delivered, to be labeled with any of the following statements:

1. "Caution: Federal law prohibits dispensing without prescription";

2. "Rx only"; or

3. "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; or

(ii) Is required by any applicable federal or state law, rule or regulation to be dispensed on prescription only or prescription drug order only, or is restricted to use by practitioners only.

(4) Notwithstanding the provisions of subsection (3) of this section, a chiropractic physician certified in clinical nutrition may independently administer prescription drug products as provided in section 54-716, Idaho Code.

(5) Notwithstanding the provisions of subsection (3) of this section, a chiropractic physician certified in clinical nutrition may issue a prescription for drug products provided in section 54-716, Idaho Code, to be:

(a) Dispensed by an Idaho licensed pharmacy;

(b) Delivered directly to the prescribing chiropractic physician's office; and

(c) Administered directly to the patient in the prescribing chiropractic physician's office.

(6) Chiropractic practice, as herein defined, is hereby declared not to be the practice of medicine within the meaning of the laws of the state of Idaho defining the same, and physicians licensed pursuant to this chapter shall not be subject to the provisions of chapter 18, title 54, Idaho Code, nor liable to any prosecution thereunder, when acting within the scope of practice as defined in this chapter.

SECTION 2. That Section 54-716, Idaho Code, be, and the same is hereby amended to read as follows:

54-716. ADMINISTERING PRESCRIPTION DRUG PRODUCTS. (1) A licensee under this chapter who is certified in clinical nutrition may obtain and independently administer, during chiropractic practice, the following prescription drug products:

(a) Vitamins:

(i) Vitamin A;

(ii) All B vitamins; and

(iii) Vitamin C;

(b) Minerals:

(i) Ammonium molybdate;

(ii) Calcium;

(iii) Chromium;

(iv) Copper;

(v) Iodine;

(vi) Magnesium;

(vii) Manganese;

(viii) Potassium;

(ix) Selenium;

(x) Sodium; and

- (xi) Zinc;
- (c) Fluids:
 - (i) Dextrose;
 - (ii) Lactated ringers;
 - (iii) Plasma lyte;
 - (iv) Saline; and
 - (v) Sterile water;
- (d) Epinephrine; and
- (e) Oxygen for use during an emergency or allergic reaction.

(2) The prescription drug products listed in subsection (1) of this section may be administered through oral, topical, intravenous, intramuscular or subcutaneous routes. The route of administration and dosing shall be in accordance with the product's labeling as approved by the federal food and drug administration or with the manufacturer's instructions.

(3) The prescription drug products listed in subsection (1) of this section shall be obtained from a wholesale distributor, manufacturer, pharmacy or outsourcing facility licensed under chapter 17, title 54, Idaho Code.

(4) No vitamin or mineral may be compounded, as defined in section 54-1705, Idaho Code, by a chiropractic physician. A compounded drug product containing two (2) or more of the approved vitamins or minerals shall be obtained for office use from either an outsourcing facility or a compounding pharmacy licensed under chapter 17, title 54, Idaho Code.

(5) Nothing herein would remove or impact the ability of a chiropractic physician who does not obtain a clinical nutrition certification to continue to utilize nonprescriptive nutritional supplements.

Approved March 24, 2020

CHAPTER 235
(S.B. No. 1371)

AN ACT

RELATING TO CONDITIONS FOR THE APPOINTMENT OF A GUARDIAN OF A MINOR; AMENDING SECTION 15-5-204, IDAHO CODE, TO PROVIDE THAT THE EXTENDED ABSENCE OF A PARENT DUE TO ACTIVE DUTY IN OR DEPLOYMENT WITH THE UNITED STATES ARMED FORCES SHALL NOT BY ITSELF CONSTITUTE NEGLECT, ABUSE, OR ABANDONMENT OF A MINOR OR FAILURE TO PROVIDE A STABLE HOME ENVIRONMENT FOR A MINOR, TO PROVIDE THAT TEMPORARY GUARDIANSHIPS SHALL BE TERMINATED IMMEDIATELY UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 15-5-204, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-204. COURT APPOINTMENT OF GUARDIAN OF MINOR -- CONDITIONS FOR APPOINTMENT. (1) The court may appoint a guardian for an unmarried minor if all parental rights of custody have been terminated by prior court order or upon a finding that the child has been neglected, abused, or abandoned, or whose parents are unable to provide a stable home environment. "Abandoned" means the failure of the parent to maintain a normal parental relationship with the child including, but not limited to, reasonable support or regular contact. Failure to maintain a normal parental relationship with the child without just cause for a period of six (6) months shall constitute prima facie evidence of abandonment. In all cases Except in those circumstances described in subsections (2) and (3) of this section and where a temporary guardianship

has been created at the request of a parent on active duty in or deployment with the United States armed forces, the court shall consider the best interests of the child as the primary factor in the determination whether to appoint, and whom to appoint, as a guardian for such child. In determining the choice of a guardian for an unmarried minor, the advanced age or disability of a potential guardian shall not, in and of itself, be used as a criterion of the suitability of the potential guardian so as long as the potential guardian is otherwise suitable. A guardian appointed by will as provided in section 15-5-202, Idaho Code, whose appointment has not been prevented or nullified under section 15-5-203, Idaho Code, has priority over any guardian who may be appointed by the court, but the court may proceed with an appointment nonetheless upon a finding that the testamentary guardian has failed to accept the testamentary appointment within thirty (30) days after notice of the guardianship proceeding.

(2) The extended absence of a parent due to active duty in or deployment with the United States armed forces shall not by itself constitute neglect, abuse, abandonment, or failure to provide a stable home environment.

(3) Any guardianship granted at the request of or required by the United States armed forces or at the request of a parent while on active duty in or deployment with the United States armed forces, which duty or deployment does not constitute neglect, abuse, abandonment, or failure to provide a stable home environment, shall be terminated immediately upon the conclusion of the original circumstances necessitating the creation of the temporary guardianship or the filing of a termination report by the parent indicating the parent's intent to resume all care, custody, and control of the minor.

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 24, 2020

CHAPTER 236
(S.B. No. 1419)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2021; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Commerce the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|---------------------------|---------------------------|----------------------------------|--------------------------|---|-------------------|
| FROM: | | | | | |
| General | | | | | |
| Fund | \$2,721,500 | \$976,700 | \$2,700 | \$2,250,000 | \$5,950,900 |
| Idaho Opportunity | | | | | |
| Fund | | | | 3,000,000 | 3,000,000 |
| Tourism and Promotion | | | | | |
| Fund | 860,300 | 8,409,300 | | 7,445,800 | 16,715,400 |
| Miscellaneous Revenue | | | | | |
| Fund | | 157,500 | | | 157,500 |
| Seminars and Publications | | | | | |
| Fund | | 378,400 | | | 378,400 |
| Federal Grant | | | | | |
| Fund | <u>415,700</u> | <u>249,100</u> | <u>0</u> | <u>10,620,800</u> | <u>11,285,600</u> |
| TOTAL | \$3,997,500 | \$10,171,000 | \$2,700 | \$23,316,600 | \$37,487,800 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Commerce is authorized no more than forty-three (43.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 24, 2020

CHAPTER 237
(S.B. No. 1420)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING REQUIREMENTS FOR THE JOB CORPS DEMONSTRATION PROJECT.

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, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|---|-------------------|
| I. UNEMPLOYMENT INSURANCE ADMINISTRATION: | | | | | |
| FROM: | | | | | |
| Unemployment Penalty and Interest | | | | | |
| Fund | \$2,008,300 | \$2,111,000 | | | \$4,119,300 |
| Employment Security Special Administration | | | | | |
| Fund | | 500,000 | | | 500,000 |
| Miscellaneous Revenue | | | | | |
| Fund | 2,324,700 | 4,223,300 | | | 6,548,000 |
| Federal Grant | | | | | |
| Fund | <u>16,587,600</u> | <u>5,979,600</u> | <u>\$487,000</u> | <u>\$500,000</u> | <u>23,554,200</u> |
| TOTAL | \$20,920,600 | \$12,813,900 | \$487,000 | \$500,000 | \$34,721,500 |

II. EMPLOYMENT SERVICES:

FROM:

| | | | | | |
|--|-------------------|-------------------|-------------|-------------------|-------------------|
| Unemployment Penalty and Interest | | | | | |
| Fund | \$1,393,400 | \$347,800 | \$1,361,900 | | \$3,103,100 |
| Employment Security Special Administration | | | | | |
| Fund | 384,300 | 1,818,600 | | | 2,202,900 |
| Miscellaneous Revenue | | | | | |
| Fund | 394,000 | 197,300 | | \$15,000 | 606,300 |
| Federal Grant | | | | | |
| Fund | <u>27,244,900</u> | <u>10,402,600</u> | <u>0</u> | <u>14,120,800</u> | <u>51,768,300</u> |
| TOTAL | \$29,416,600 | \$12,766,300 | \$1,361,900 | \$14,135,800 | \$57,680,600 |

III. WAGE AND HOUR:

FROM:

| | | | | | |
|-----------------------------------|-----------|---------------|--|--|---------------|
| General | | | | | |
| Fund | \$416,500 | \$113,300 | | | \$529,800 |
| Unemployment Penalty and Interest | | | | | |
| Fund | 231,800 | 72,200 | | | 304,000 |
| Miscellaneous Revenue | | | | | |
| Fund | <u>0</u> | <u>10,600</u> | | | <u>10,600</u> |
| TOTAL | \$648,300 | \$196,100 | | | \$844,400 |

IV. HUMAN RIGHTS COMMISSION:

FROM:

| | | | | | |
|--|-----------|-----------|--|--|-----------|
| Unemployment Penalty and Interest | | | | | |
| Fund | | \$178,500 | | | \$178,500 |
| Employment Security Special Administration | | | | | |
| Fund | \$648,300 | 129,800 | | | 778,100 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|---|------------------|
| Miscellaneous Revenue | | | | | |
| Fund | | 700 | | | 700 |
| Federal Grant | | | | | |
| Fund | <u>254,500</u> | <u>100,000</u> | | | <u>354,500</u> |
| TOTAL | \$902,800 | \$409,000 | | | \$1,311,800 |
| | | | | | |
| V. SERVE IDAHO: | | | | | |
| FROM: | | | | | |
| Unemployment Penalty and Interest | | | | | |
| Fund | \$45,300 | \$36,700 | | | \$82,000 |
| Miscellaneous Revenue | | | | | |
| Fund | | 56,400 | | | 56,400 |
| Federal Grant | | | | | |
| Fund | <u>257,200</u> | <u>248,300</u> | | <u>\$2,050,000</u> | <u>2,555,500</u> |
| TOTAL | \$302,500 | \$341,400 | | \$2,050,000 | \$2,693,900 |
| | | | | | |
| GRAND TOTAL | \$52,190,800 | \$26,526,700 | \$1,848,900 | \$16,685,800 | \$97,252,200 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Labor is authorized no more than seven hundred eight and fifty-eight hundredths (708.58) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. JOB CORPS DEMONSTRATION PROJECT. The Department of Labor shall submit a report on July 20, 2020, to the Joint Finance-Appropriations Committee providing an update on the Job Corps Demonstration Project. The report shall detail the number of students enrolled in the program; the number of students enrolled in the residential program; the number and job classes of employees currently hired for implementation; future numbers of jobs and job classes; a financial report detailing how year one moneys were expended; the terms of contracts let to the various community colleges; and any other relevant details for progress of the project. No moneys from the General Fund shall be used for the implementation of the demonstration project.

Approved March 24, 2020

CHAPTER 238
(S.B. No. 1424)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2021; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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 for the District Courts Program the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2020, through June 30, 2021, for the purpose of a district judge and a court reporter:

FOR:

| | |
|------------------------|---------------|
| Personnel Costs | \$253,300 |
| Operating Expenditures | <u>12,500</u> |
| TOTAL | \$265,800 |

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2021, 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, 2020, through June 30, 2021. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 24, 2020

CHAPTER 239
(H.B. No. 432, As Amended)

AN ACT

RELATING TO THE CRIMINAL JUSTICE INTEGRATED DATA SYSTEM ACT; AMENDING TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 48, TITLE 19, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO ESTABLISH THE CRIMINAL JUSTICE INTEGRATED DATA SYSTEM, TO PROVIDE CERTAIN POWERS FOR THE STATE CONTROLLER, TO PROVIDE CERTAIN RESTRICTIONS ON A MEMORANDUM OF UNDERSTANDING, TO PROVIDE THAT CERTAIN RECORDS SHALL BE EXEMPT FROM DISCLOSURE, TO ESTABLISH THE DATA OVERSIGHT COUNCIL, TO PROVIDE FOR MEMBERSHIP OF THE COUNCIL, TO PROVIDE CERTAIN PROCEDURES AND REQUIREMENTS FOR THE COUNCIL AND STATE CONTROLLER, AND TO PROVIDE IMMUNITY FOR CERTAIN PERSONS; AND AMENDING SECTION 74-105, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS OF THE CRIMINAL JUSTICE INTEGRATED DATA SYSTEM SHALL BE EXEMPT FROM DISCLOSURE.

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

SECTION 1. That Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 48, Title 19, Idaho Code, and to read as follows:

CHAPTER 48
CRIMINAL JUSTICE INTEGRATED DATA SYSTEM ACT

19-4801. SHORT TITLE. This chapter shall be known and may be cited as the "Criminal Justice Integrated Data System Act."

19-4802. LEGISLATIVE INTENT. The local governments and state agencies and departments that comprise and interact with the criminal justice system in Idaho possess a wealth of data. A centralized data repository to manage and link data across separate entities will aid in evaluating the effectiveness of the criminal justice system and enable data-driven, cost-saving decision-making on issues facing the criminal justice system in Idaho. The Criminal Justice Integrated Data System establishes the legal framework by which the various contributing entities may share, integrate, merge, observe, examine, and research siloed data in a way that protects sensitive or legally protected personal information.

19-4803. CRIMINAL JUSTICE INTEGRATED DATA SYSTEM. (1) There is hereby created in the office of the state controller the criminal justice integrated data system to receive, store, secure, and maintain data and information from local governments, state agencies and departments, or volunteer nongovernmental entities.

(2) The office of the state controller, as the managing agency of the criminal justice integrated data system, may:

(a) Require contributing local governments, state agencies and departments, or volunteer nongovernmental entities to deliver data and information in a certain format and on schedules established for the criminal justice integrated data system; and

(b) Enter into or adopt a memorandum of understanding with each contributing local government, state agency and department, or volunteer nongovernmental entity, and such memorandum must identify the confidentiality of the information and any conditions or restrictions on the use of the data or information.

(3) No memorandum of understanding with a contributing volunteer nongovernmental entity shall:

(a) Give said volunteer nongovernmental entity priority in determining the use of the data system or compel the criminal justice integrated data system to produce any project, report, or data analysis for or on behalf of any contributing volunteer nongovernmental entity; or

(b) Waive or otherwise inhibit a contributing volunteer nongovernmental entity's option to discontinue further contribution of data or information to the criminal justice integrated data system at any time.

(4) The records and data collected and stored by the criminal justice integrated data system shall be exempt from disclosure as set forth in section 74-105(19), Idaho Code. The confidentiality of all records and data collected by the criminal justice integrated data system shall comply with applicable state and federal laws governing the privacy of records, data, and personal identifiable information.

19-4804. DATA OVERSIGHT COUNCIL. (1) There is hereby created in the office of the state controller the data oversight council. All requests for projects, reports, and data analyses generated from the criminal justice integrated data system must be approved by the data oversight council.

(2) The data oversight council shall be comprised of:

(a) The governor or his designee;

(b) The chief justice of the Idaho supreme court or his designee;

(c) The attorney general or his designee;

(d) The state controller or his designee;

(e) The director of the department of correction or his designee;

- (f) The executive director of the commission of pardons and parole or his designee;
- (g) The director of the department of juvenile corrections or his designee;
- (h) The director of the department of health and welfare or his designee;
- (i) The director of the Idaho state police or his designee;
- (j) The administrator of the office of information technology services or his designee; and
- (k) A designee from the state department of education selected by the governor.

(3) Any designee under subsection (2) of this section must be an employee in the office, agency, or department of his respective designating authority. Members of the data oversight council shall serve without any additional compensation or honorarium.

(4) The data oversight council, by majority vote, shall elect a chairman among its members who shall serve a term of two (2) years while serving on the council.

(5) All meetings of the data oversight council shall be held in compliance with the open meetings law as provided in chapter 2, title 74, Idaho Code.

(6) The state controller shall work in collaboration with the data oversight council to manage the criminal justice integrated data system. It shall be the duty of the state controller, in conjunction with the data oversight council, to assure confidentiality of all records and data collected by the criminal justice integrated data system and to assure compliance with applicable state and federal laws and rules governing the privacy of records, data, and personal identifiable information.

(7) Any projects, reports, or data analyses in final form produced by persons authorized to conduct research and analyses under this chapter shall belong to the requesting local government or state agency or department and not the office of the state controller.

(8) The Idaho legislature, as well as the contributing state agencies and department and local governments shall have priority in requesting any projects, reports, or data analyses to be produced by persons authorized by the data oversight council. The data oversight council may, in its discretion, deny any requested project, report, or data analysis where it determines the request is unduly burdensome, voluminous, or cost-prohibitive.

(9) The office of the state controller, members of the data oversight council, and all contributing local governments, state agencies and departments, or volunteer nongovernmental entities shall be immune from liability to any person or entity for any invasion of the right to privacy or use of records or data generated by the criminal justice integrated data system.

(10) In collaboration with contributing local governments, state agencies and departments, or volunteer nongovernmental entities and the data oversight council, the state controller may establish policies addressing the creation of reports generated through the query of records and data possessed by the criminal justice integrated data system. Provided, however, contributing volunteer nongovernmental entities may only collaborate with respect to the data or information contributed by that volunteer nongovernmental entity.

SECTION 2. That Section 74-105, Idaho Code, be, and the same is hereby amended to read as follows:

74-105. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS, INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS, WORKER'S COMPENSATION. The following records are exempt from disclosure:

(1) Investigatory records of a law enforcement agency, as defined in section 74-101(7), Idaho Code, under the conditions set forth in section 74-124, Idaho Code.

(2) Juvenile records of a person maintained pursuant to chapter 5, title 20, Idaho Code, except that facts contained in such records shall be furnished upon request in a manner determined by the court to persons and governmental and private agencies and institutions conducting pertinent research studies or having a legitimate interest in the protection, welfare and treatment of the juvenile who is thirteen (13) years of age or younger. If the juvenile is petitioned or charged with an offense which would be a criminal offense if committed by an adult, the name, offense of which the juvenile was petitioned or charged and disposition of the court shall be subject to disclosure as provided in section 20-525, Idaho Code. Additionally, facts contained in any records of a juvenile maintained under chapter 5, title 20, Idaho Code, shall be furnished upon request to any school district where the juvenile is enrolled or is seeking enrollment.

(3) Records of the custody review board of the Idaho department of juvenile corrections, including records containing the names, addresses and written statements of victims and family members of juveniles, shall be exempt from public disclosure pursuant to section 20-533A, Idaho Code.

(4) (a) The following records of the department of correction:

(i) Records of which the public interest in confidentiality, public safety, security and habilitation clearly outweighs the public interest in disclosure as identified pursuant to the authority of the Idaho board of correction under section 20-212, Idaho Code;

(ii) Records that contain any identifying information, or any information that would lead to the identification of any victims or witnesses;

(iii) Records that reflect future transportation or movement of a prisoner;

(iv) Records gathered during the course of the presentence investigation;

(v) Records of a prisoner, as defined in section 74-101(10), Idaho Code, or probationer shall not be disclosed to any other prisoner or probationer.

(b) Records, other than public expenditure records, related to proposed or existing critical infrastructure held by or in the custody of any public agency only when the disclosure of such information is reasonably likely to jeopardize the safety of persons, property or the public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes. For purposes of this section, "system" includes electrical, computer and telecommunication systems, electric power (including production, generating, transportation, transmission and distribution), heating, ventilation, and air conditioning. For purposes of this subsection, "critical infrastructure" means any system or asset, whether physical or virtual, so vital to the state of Idaho, including its political subdivisions, that the incapacity or destruction of such system or asset would have a debilitating impact on state or national economic security, state or national public health or safety or any combination of those matters.

(c) Records of the commission of pardons and parole shall be exempt from public disclosure pursuant to section 20-213A, Idaho Code, and section 20-223, Idaho Code. Records exempt from disclosure shall also include

those containing the names, addresses and written statements of victims.

(5) Voting records of the sexual offender classification board. The written record of the vote to classify an offender as a violent sexual predator by each board member in each case reviewed by that board member shall be exempt from disclosure to the public and shall be made available upon request only to the governor, the chairman of the senate judiciary and rules committee, and the chairman of the house of representatives judiciary, rules and administration committee, for all lawful purposes.

(6) Records of the sheriff or Idaho state police received or maintained pursuant to sections 18-3302, 18-3302H and 18-3302K, Idaho Code, relating to an applicant or licensee except that any law enforcement officer and law enforcement agency, whether inside or outside the state of Idaho, may access information maintained in the license record system as set forth in section 18-3302K(16), Idaho Code.

(7) Records of investigations prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, the rehabilitation of youth, adoptions and the commitment of mentally ill persons. For reasons of health and safety, best interests of the child or public interest, the department of health and welfare may provide for the disclosure of records of investigations associated with actions pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children except any such records regarding adoptions shall remain exempt from disclosure.

(8) Records including, but not limited to, investigative reports, resulting from investigations conducted into complaints of discrimination made to the Idaho human rights commission unless the public interest in allowing inspection and copying of such records outweighs the legitimate public or private interest in maintaining confidentiality of such records. A person may inspect and copy documents from an investigative file to which he or she is a named party if such documents are not otherwise prohibited from disclosure by federal law or regulation or state law. The confidentiality of this subsection will no longer apply to any record used in any judicial proceeding brought by a named party to the complaint or investigation, or by the Idaho human rights commission, relating to the complaint of discrimination.

(9) Records containing information obtained by the manager of the Idaho state insurance fund pursuant to chapter 9, title 72, Idaho Code, from or on behalf of employers or employees contained in underwriting and claims for benefits files.

(10) The worker's compensation records of the Idaho industrial commission provided that the industrial commission shall make such records available:

(a) To the parties in any worker's compensation claim and to the industrial special indemnity fund of the state of Idaho; or

(b) To employers and prospective employers subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, who certify that the information is being requested with respect to a worker to whom the employer has extended an offer of employment and will be used in accordance with the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations; or

(c) To employers and prospective employers not subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, provided the employer presents a written authorization from the person to whom the records pertain; or

(d) To others who demonstrate that the public interest in allowing inspection and copying of such records outweighs the public or private in-

terest in maintaining the confidentiality of such records, as determined by a civil court of competent jurisdiction; or

(e) Although a claimant's records maintained by the industrial commission, including medical and rehabilitation records, are otherwise exempt from public disclosure, the quoting or discussing of medical or rehabilitation records contained in the industrial commission's records during a hearing for compensation or in a written decision issued by the industrial commission shall be permitted; provided further, the true identification of the parties shall not be exempt from public disclosure in any written decision issued and released to the public by the industrial commission.

(11) Records of investigations compiled by the commission on aging involving vulnerable adults, as defined in section 18-1505, Idaho Code, alleged to be abused, neglected or exploited.

(12) Criminal history records and fingerprints, as defined by section 67-3001, Idaho Code, and compiled by the Idaho state police. Such records shall be released only in accordance with chapter 30, title 67, Idaho Code.

(13) Records furnished or obtained pursuant to section 41-1019, Idaho Code, regarding termination of an appointment, employment, contract or other insurance business relationship between an insurer and a producer.

(14) Records of a prisoner or former prisoner in the custody of any state or local correctional facility, when the request is made by another prisoner in the custody of any state or local correctional facility.

(15) Except as provided in section 72-1007, Idaho Code, records of the Idaho industrial commission relating to compensation for crime victims under chapter 10, title 72, Idaho Code.

(16) Records or information identifying a complainant maintained by the department of health and welfare pursuant to section 39-3556, Idaho Code, relating to certified family homes, unless the complainant consents in writing to the disclosure or the disclosure of the complainant's identity is required in any administrative or judicial proceeding.

(17) Records of any certification or notification required by federal law to be made in connection with the acquisition or transfer of a firearm, including a firearm as defined in 26 U.S.C. 5845(a).

(18) Records related to the administration of the extraordinary litigation fund by the state public defense commission, pursuant to section 19-850(2)(e), Idaho Code, to the extent that such records contain information protected by, or exempted from disclosure by, or under rules adopted by the Idaho supreme court, attorney work product or as attorney-client privileged communication. This exemption does not include the amount awarded based upon an application for extraordinary litigation funds.

(19) Records and information received by the office of the state controller from any local government, state agency and department, or volunteer nongovernmental entity for purposes of entry into the criminal justice integrated data system pursuant to section 19-4803, Idaho Code, and all records created by persons authorized to research and analyze information entered into the criminal justice integrated data system, regardless of whether such records were previously exempted from disclosure or redacted pursuant to state or federal law or court order. This exemption does not apply to projects, reports, and data analyses approved for release by the data oversight council and issued by persons authorized to conduct research and analysis as set forth in chapter 48, title 19, Idaho Code. Records and information relating to the management of the criminal justice integrated data system shall not be exempt from disclosure except as otherwise provided in law.

CHAPTER 240
(H.B. No. 451)

AN ACT

RELATING TO ANNEXATION; AMENDING SECTION 50-222, IDAHO CODE, TO PROVIDE REQUIREMENTS REGARDING ANNEXATION OF CERTAIN FOREST LAND AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-222, Idaho Code, be, and the same is hereby amended to read as follows:

50-222. ANNEXATION BY CITIES. (1) Legislative intent. The legislature hereby declares and determines that it is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.

(2) General authority. Cities have the authority to annex land into a city upon compliance with the procedures required in this section. In any annexation proceeding, all portions of highways lying wholly or partially within an area to be annexed shall be included within the area annexed unless expressly agreed between the annexing city and the governing board of the highway agency providing road maintenance at the time of annexation. Provided further, that said city council shall not have the power to declare such land, lots or blocks a part of said city if they will be connected to such city only by a shoestring or strip of land which comprises a railroad or highway right-of-way.

(3) Annexation classifications. Annexations shall be classified and processed according to the standards for each respective category set forth herein. The three (3) categories of annexation are:

(a) Category A: Annexations wherein:

(i) All private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation;

(ii) Any residential enclaved lands of less than one hundred (100) privately owned parcels, irrespective of surface area, which are surrounded on all sides by land within a city or which are bounded on all sides by lands within a city and by the boundary of the city's area of impact; or

(iii) The lands are those for which owner approval must be given pursuant to subsection (5) (b) (v) of this section.

(b) Category B: Annexations wherein:

(i) The subject lands contain less than one hundred (100) separate private ownerships and platted lots of record and where not all such landowners have consented to annexation; or

(ii) The subject lands contain more than one hundred (100) separate private ownerships and platted lots of record and where landowners owning more than fifty percent (50%) of the area of the subject private lands have consented to annexation prior to the commencement of the annexation process; or

(iii) The lands are the subject of a development moratorium or a water or sewer connection restriction imposed by state or local health or environmental agencies; provided such lands shall not be counted for purposes of determining the number of separate private ownerships and platted lots of record aggregated to determine the appropriate category.

(c) Category C: Annexations wherein the subject lands contain more than one hundred (100) separate private ownerships and platted lots of record and where landowners owning more than fifty percent (50%) of the area of the subject private lands have not consented to annexation prior to commencement of the annexation process.

(4) (a) Evidence of consent to annexation. For purposes of this section, and unless excepted in paragraph (b) of this subsection, consent to annex shall be valid only when evidenced by written instrument consenting to annexation executed by the owner or the owner's authorized agent. Written consent to annex lands must be recorded in the county recorder's office to be binding upon subsequent purchasers, heirs, or assigns of lands addressed in the consent. Lands need not be contiguous or adjacent to the city limits at the time the landowner consents to annexation for the property to be subject to a valid consent to annex; provided however, no annexation of lands shall occur, irrespective of consent, until such land becomes contiguous or adjacent to such city.

(b) Exceptions to the requirement of written consent to annexation. The following exceptions apply to the requirement of written consent to annexation provided for in paragraph (a) of this subsection:

(i) Enclaved lands: In category A annexations, no consent is necessary for enclaved lands meeting the requirements of subsection (3) (a) (ii) of this section;

(ii) Implied consent: In category B and C annexations, valid consent to annex is implied for the area of all lands connected to a water or wastewater collection system operated by the city if the connection was requested in writing by the owner, or the owner's authorized agent, or completed before July 1, 2008.

(5) Annexation procedures. Annexation of lands into a city shall follow the procedures applicable to the category of lands as established by this section. The implementation of any annexation proposal wherein the city council determines that annexation is appropriate shall be concluded with the passage of an ordinance of annexation.

(a) Procedures for category A annexations: Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in chapter 65, title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.

(b) Procedures for category B annexations: A city may annex lands that would qualify under the requirements of category B annexation if the following requirements are met:

(i) The lands are contiguous or adjacent to the city and lie within the city's area of city impact;

(ii) The land is laid off into lots or blocks containing not more than five (5) acres of land each, whether the same shall have been or shall be laid off, subdivided or platted in accordance with any statute of this state or otherwise, or whenever the owner or proprietor or any person by or with his authority has sold or begun to sell off such contiguous or adjacent lands by metes and bounds in tracts not exceeding five (5) acres, or whenever the land is surrounded by the city. Splits of ownership which occurred prior to January 1, 1975, and which were the result of placement of public

utilities, public roads or highways, or railroad lines through the property shall not be considered as evidence of an intent to develop such land and shall not be sufficient evidence that the land has been laid off or subdivided in lots or blocks. A single sale after January 1, 1975, of five (5) acres or less to a family member of the owner for the purpose of constructing a residence shall not constitute a sale within the meaning of this section. For purposes of this section, "family member" means a natural person or the spouse of a natural person who is related to the owner by blood, adoption or marriage within the first degree of consanguinity;

(iii) Preparation and publication of a written annexation plan, appropriate to the scale of the annexation contemplated, which includes, at a minimum, the following elements:

(A) The manner of providing tax-supported municipal services to the lands proposed to be annexed;

(B) The changes in taxation and other costs, using examples, which would result if the subject lands were to be annexed;

(C) The means of providing fee-supported municipal services, if any, to the lands proposed to be annexed;

(D) A brief analysis of the potential effects of annexation upon other units of local government which currently provide tax-supported or fee-supported services to the lands proposed to be annexed; and

(E) The proposed future land use plan and zoning designation or designations, subject to public hearing, for the lands proposed to be annexed;

(iv) Compliance with the notice and hearing procedures governing a zoning district boundary change as set forth in section 67-6511, Idaho Code, on the question of whether the property should be annexed and, if annexed, the zoning designation to be applied thereto; provided however, the initial notice of public hearing concerning the question of annexation and zoning shall be published in the official newspaper of the city and mailed by first class mail to every property owner with lands included in such annexation proposal not less than twenty-eight (28) days prior to the initial public hearing. All public hearing notices shall establish a time and procedure by which comments concerning the proposed annexation may be received in writing and heard and, additionally, public hearing notices delivered by mail shall include a one (1) page summary of the contents of the city's proposed annexation plan and shall provide information regarding where the annexation plan may be obtained without charge by any property owner whose property would be subject to the annexation proposal.

(v) In addition to the standards set forth elsewhere in this section, annexation of the following lands must meet the following requirements:

(A) Property_T owned by a county or any entity within the county_T that is used as a fairgrounds area under the provisions of chapter 8, title 31, Idaho Code, or chapter 2, title 22, Idaho Code, must have the consent of a majority of the board of county commissioners of the county in which the property lies;

(B) Property_T owned by a nongovernmental entity_T that is used to provide outdoor recreational activities to the public_L and that has been designated as a planned unit development of fifty (50) acres or more and does not require or utilize any city services_L must have the express written permission of the nongovernmental entity owner; and

(C) Land, if five (5) acres or greater, actively devoted to agriculture, as defined in section 63-604(1), Idaho Code, regardless of whether it is surrounded or bounded on all sides by lands within a city, must have the express written permission of the owner; and

(D) Land, if five (5) acres or greater, actively devoted to forest land, as defined in section 63-1701, Idaho Code, regardless of whether it is surrounded or bounded on all sides by lands within a city, must have the express written permission of the owner.

(vi) After considering the written and oral comments of property owners whose land would be annexed and other affected persons, the city council may proceed with the enactment of an ordinance of annexation and zoning. In the course of the consideration of any such ordinance, the city must make express findings, to be set forth in the minutes of the city council meeting at which the annexation is approved, as follows:

(A) The land to be annexed meets the applicable requirements of this section and does not fall within the exceptions or conditional exceptions contained in this section;

(B) The annexation would be consistent with the public purposes addressed in the annexation plan prepared by the city;

(C) The annexation is reasonably necessary for the orderly development of the city;

(vii) Notwithstanding any other provision of this section, railroad right-of-way property may be annexed pursuant to this section only when property within the city adjoins or will adjoin both sides of the right-of-way.

(c) Procedures for category C annexations: A city may annex lands that would qualify under the requirements of category C annexation if the following requirements are met:

(i) Compliance with the procedures governing category B annexations; and

(ii) Evidence of consent to annexation based upon the following procedures:

(A) Following completion of all procedures required for consideration of a category B annexation, but prior to enactment of an annexation ordinance and upon an affirmative action by the city council, the city shall mail notice to all private landowners owning lands within the area to be annexed, exclusive of the owners of lands that are subject to a consent to annex which complies with subsection (4) (a) of this section defining consent. Such notice shall invite property owners to give written consent to the annexation, include a description of how that consent can be made and where it can be filed, and inform the landowners where the entire record of the subject annexation may be examined. Such mailed notice shall also include a legal description of the lands proposed for annexation and a simple map depicting the location of the subject lands.

(B) Each landowner desiring to consent to the proposed annexation must submit the consent in writing to the city clerk by a date specified in the notice, which date shall not be later than forty-five (45) days after the date of the mailing of such notice.

(C) After the date specified in the notice for receipt of written consent, the city clerk shall compile and present to the city council a report setting forth: (i) the total physical area sought to be annexed, and (ii) the total physical area of the lands, as expressed in acres or square feet, whose owners have newly consented in writing to the annexation, plus the area of all lands subject to a prior consent to annex which complies with subsection (4) (a) of this section defining consent. The clerk shall immediately report the results to the city council.

(D) Upon receiving such report, the city council shall review the results and may thereafter confirm whether consent was received from the owners of a majority of the land. The results of the report shall be reflected in the minutes of the city council. If the report as accepted by the city council confirms that owners of a majority of the land area have consented to annexation, the city council may enact an ordinance of annexation, which thereafter shall be published and become effective according to the terms of the ordinance. If the report confirms that owners of a majority of the land area have not consented to the annexation, the category C annexation shall not be authorized.

(6) The decision of a city council to annex and zone lands as a category B or category C annexation shall be subject to judicial review in accordance with the procedures provided in chapter 52, title 67, Idaho Code, and pursuant to the standards set forth in section 67-5279, Idaho Code. Any such appeal shall be filed by an affected person in the appropriate district court no later than twenty-eight (28) days after the date of publication of the annexation ordinance. All cases in which there may arise a question of the validity of any annexation under this section shall be advanced as a matter of immediate public interest and concern, and shall be heard by the district court at the earliest practicable time.

(7) Annexation of noncontiguous municipal airfield. A city may annex land that is not contiguous to the city and is occupied by a municipally owned or operated airport or landing field. However, a city may not annex any other land adjacent to such noncontiguous facilities which is not otherwise annexable pursuant to this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 24, 2020

CHAPTER 241
(H.B. No. 466)

AN ACT

RELATING TO MARRIAGE; AMENDING SECTION 32-202, IDAHO CODE, TO PROHIBIT MARRIAGE BETWEEN CERTAIN PERSONS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 32-202, Idaho Code, be, and the same is hereby amended to read as follows:

32-202. PERSONS WHO MAY MARRY. Any unmarried male of the age of eighteen (18) years or older, and any unmarried female of the age of eighteen (18) years or older, and not otherwise disqualified, are capable of consenting to and consummating marriage. A minor under eighteen (18) and not less than sixteen (16) years of age may not contract marriage with a person of the age of majority where there is an age difference of three (3) years or greater between them. No marriage license for a minor under the age of eighteen (18) and not less than sixteen (16) years of age shall be issued where there is such an age difference between the parties. Provided that if the male party to the contract is under the age of eighteen (18) and not less than sixteen (16) years of age, or if the female party to the contract is under the age of eighteen (18) and not less than sixteen (16) years of age, the license shall not be issued except upon the consent in writing duly acknowledged and sworn to by the father, mother, or guardian of any such person if there be either, and provided further, that no such license may be issued, if the male be under eighteen (18) and not less than sixteen (16) years of age and the female under eighteen (18) and not less than sixteen (16) years of age, unless each party to the contract submits to the county recorder his or her original birth certificate, or certified copy thereof or other proof of age acceptable to the county recorder. ~~Provided further, that w~~Where the female is under the age of sixteen (16), or the male is under the age of sixteen (16), the license shall not issue ~~except upon the consent in writing duly acknowledged or sworn to by the father, mother or guardian of such person if there be any such, and upon order of the court.~~ Such order shall be secured upon petition of any interested party which petition shall show that the female minor under the age of sixteen (16), or the male minor under the age of sixteen (16), is physically and/or mentally so far developed as to assume full marital and parental duties, and/or that it is to the best interest of society that the marriage be permitted. A hearing shall be had on such petition forthwith or at such time and upon such notice as the court may designate. The judge shall secure from a physician his opinion as an expert as to whether said person is sufficiently developed mentally and physically to assume full marital duties. If said court is satisfied from the evidence that such person is capable of assuming full marital duties and/or that it is to the best interest of society, said court shall make an order to that effect, and a certified copy of said order shall be filed with the county recorder preliminary to the issuance of a marriage license for the marriage of such person and said order of the court shall be the authority for the county recorder to issue such license be issued.

Approved March 24, 2020

CHAPTER 242
(H.B. No. 503)

AN ACT

RELATING TO HOMEOWNER'S ASSOCIATIONS; AMENDING SECTION 55-115, IDAHO CODE, TO PROVIDE RESTRICTIONS ON THE AUTHORITY OF A HOMEOWNER'S ASSOCIATION TO REGULATE THE DISPLAY OF POLITICAL SIGNS AND CERTAIN FLAGS.

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

SECTION 1. That Section 55-115, Idaho Code, be, and the same is hereby amended to read as follows:

55-115. HOMEOWNER'S ASSOCIATION -- PROHIBITED CONDUCT. (1) As used in this section:

(a) "Homeowner's association" shall have the same meaning as in section 45-810(6), Idaho Code.

(b) "Board" means the entity that has the duty of governing the association that may be referred to as the board of directors, executive board or any such similar name.

(c) "Member" or "membership" means any person or entity owning or possessing an interest in residential real property or lot within the physical boundaries of an established homeowner's association.

(2) No fine may be imposed for a violation of the covenants and restrictions pursuant to the rules or regulations of the homeowner's association unless the authority to impose a fine is clearly set forth in the covenants and restrictions and:

(a) A majority vote by the board shall be required prior to imposing any fine on a member for a violation of any covenants and restrictions pursuant to the rules and regulations of the homeowner's association.

(b) Written notice by personal service or certified mail of the meeting during which such vote is to be taken shall be made to the member at least thirty (30) days prior to the meeting.

(c) In the event the member begins resolving the violation prior to the meeting, no fine shall be imposed as long as the member continues to address the violation in good faith until fully resolved.

(d) No portion of any fine may be used to increase the remuneration of any board member or agent of the board.

(e) No part of this section shall affect any statute, rule, covenant, bylaw, provision or clause that may allow for the recovery of attorney's fees.

(3) No homeowner's association may add, amend or enforce any covenant, condition or restriction in such a way that limits or prohibits the rental, for any amount of time, of any property, land or structure thereon within the jurisdiction of the homeowner's association, unless expressly agreed to in writing at the time of such addition or amendment by the owner of the affected property. Nothing in this section shall be construed to prevent the enforcement of valid covenants, conditions or restrictions limiting a property owner's right to transfer his interest in land or the structures thereon as long as that covenant, condition or restriction applied to the property at the time the homeowner acquired his interest in the property.

(4) No homeowner's association may add, amend, or enforce any covenant, condition, or restriction in such a way that prohibits the installation of solar panels or solar collectors on the rooftop of any property or structure thereon within the jurisdiction of the homeowner's association; provided however, that a homeowner's association may determine the specific location where solar panels or solar collectors may be installed on the roof as long as installation is permitted within an orientation to the south or

within forty-five (45) degrees east or west of due south. A homeowner's association may adopt reasonable rules for the installation of solar panels or solar collectors consistent with an applicable building code or to require that panels or collectors be parallel to a roof line, conform to the slope of the roof, and that any frame, support bracket, or visible piping or wiring be painted to coordinate with the roofing material. The provisions of this subsection shall apply only to rooftops that are owned, controlled, and maintained by the homeowner.

(5) (a) No homeowner's association may add, amend, or enforce any covenant, condition, or restriction in such a way that prohibits or has the effect of prohibiting the display of a political sign.

(b) For the purpose of this subsection, "political sign" means any fixed, ground-mounted display in support of or in opposition to a candidate for office or a ballot measure.

(c) A homeowner's association may adopt reasonable rules, subject to any applicable laws or ordinances, regarding the time, size, place, number, and manner of display of political signs.

(d) A homeowner's association may remove a political sign without liability if the sign:

(i) Is placed within the common ground;

(ii) Threatens the public health or safety;

(iii) Violates an applicable law or ordinance;

(iv) Is accompanied by sound or music or if any other materials are attached to the political sign.

(e) Except as provided in paragraph (d) of this subsection, a homeowner's association shall not remove a political sign from the property of a homeowner or impose any fine or penalty upon the homeowner unless it has first provided the homeowner three (3) days' written notice that specifically identifies the rule and the nature of the violation.

(6) (a) No homeowner's association may add, amend, or enforce any covenant, condition, or restriction in such a way that prohibits or has the effect of prohibiting the display of:

(i) The flag of the United States of America;

(ii) The flag of the state of Idaho;

(iii) The POW/MIA flag; or

(iv) An official or replica flag of any branch of the United States armed forces.

(b) A homeowner's association may adopt reasonable rules, subject to applicable laws or ordinances:

(i) That require:

1. The flag of the United States of America and the flag of the state of Idaho to be displayed in accordance with 4 U.S.C. 5 et seq.;

2. A flagpole attached to a dwelling or a freestanding flagpole to be constructed of permanent, long-lasting materials with a finish appropriate to the materials used in the construction of the flagpole and harmonious to the dwelling;

3. The display of a flag, or the location and construction of the supporting flagpole, to comply with applicable zoning ordinances, easements, and setbacks of record; and

4. That a displayed flag and the flagpole on which it is flown be maintained in good condition and that any deteriorated flag or deteriorated or structurally unsafe flagpole be repaired, replaced, or removed;

(ii) That regulate the size, number, and location of flagpoles on which flags are displayed, except that the regulation may not prevent the installation or erection of at least one (1) flagpole per property that:

1. Is not more than twenty (20) feet in height and, subject to applicable zoning ordinances, easements, and setbacks of record, is located in the front yard of the property; or
2. Is attached to any portion of a residential structure owned by the property owner and not maintained by the homeowner's association;

(iii) That govern the size of a displayed flag;

(iv) That regulate the size, location, and intensity of any lights used to illuminate a displayed flag;

(v) That impose reasonable restrictions to abate noise caused by an external halyard of a flagpole; or

(vi) That prohibit a property owner from locating a displayed flag or flagpole on property that is:

1. Owned or maintained by the homeowner's association; or

2. Owned in common by the members of the association.

(c) A property owner who has a front yard and who otherwise complies with any permitted homeowner's association regulation may elect to install a flagpole in accordance with paragraph (b) (ii) of this subsection.

(7) Attorney's fees and costs shall not accrue and shall not be assessed or collected by the homeowner's association until the homeowner's association has complied with the requirements of subsection (2) of this section and the member has failed to address the violation as prescribed in subsection (2) (c) of this section. A court of competent jurisdiction may determine the reasonableness of attorney's fees and costs assessed against a member. In an action to determine the reasonableness of attorney's fees and costs assessed by the homeowner's association against a member, the court may award reasonable attorney's fees and costs to the prevailing party.

Approved March 24, 2020

CHAPTER 243
(H.B. No. 510)

AN ACT

RELATING TO THE IDAHO SMALL EMPLOYER INCENTIVE ACT OF 2005; AMENDING SECTION 63-4402, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-4403, IDAHO CODE, TO REVISE A PROVISION REGARDING TAXABLE YEARS; AMENDING SECTION 63-4404, IDAHO CODE, TO REVISE A PROVISION REGARDING TAXABLE YEARS; AMENDING SECTION 63-4405, IDAHO CODE, TO REVISE A PROVISION REGARDING TAXABLE YEARS; AMENDING SECTION 63-4408, IDAHO CODE, TO REVISE A PROVISION REGARDING TAXABLE YEARS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 63-4409, IDAHO CODE, TO PROVIDE FOR WRITTEN NOTICE TO THE DEPARTMENT OF COMMERCE.

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

SECTION 1. That Section 63-4402, Idaho Code, be, and the same is hereby amended to read as follows:

63-4402. DEFINITIONS. (1) The definitions contained in the Idaho income tax act, shall apply to this chapter unless modified in this chapter or unless the context clearly requires another definition.

(2) As used in this chapter:

(a) "Commission" means the Idaho state tax commission.

(b) "New plant and building facilities" means facility or facilities, including related parking facilities, where employees are physically employed.

- (c) "Idaho income tax act" means chapter 30, title 63, Idaho Code.
- (d) "Investment in new plant" means investment in new plant and building facilities that are:
- (i) Qualified investments; or
 - (ii) Buildings or structural components of buildings.
- (e) "New employee":
- (i) Means an individual, employed primarily within the project site by the ~~taxpayer~~ business entity, subject to Idaho income tax withholding whether or not any amounts are required to be withheld, covered for unemployment insurance purposes under chapter 13, title 72, Idaho Code, and who was eligible to receive employer provided coverage under a health benefit plan as described in section 41-4703, Idaho Code, during the taxable year. A person shall be deemed to be so employed if such person performs duties on a regular full-time basis.
 - (ii) The number of employees employed primarily within the project site by the ~~taxpayer~~ business entity, during any taxable year for a ~~taxpayer~~ business entity shall be the mathematical average of the number of such employees reported to the Idaho department of labor for employment security purposes during the twelve (12) months of the taxable year which qualified under paragraph (e) (i) of this subsection ~~(2)~~. In the event the business is in operation for less than the entire taxable year, the number of employees of the ~~taxpayer~~ business entity for the year shall be the average number actually employed during the months of operation, provided that the qualifications of paragraph (e) (i) of this subsection ~~(2)~~ are met.
 - (iii) Existing employees of the ~~taxpayer~~ business entity who obtain new qualifying positions within the project site and employees transferred from a related ~~taxpayer~~ business entity or acquired as part of the acquisition of a trade or business from another ~~taxpayer~~ business entity within the prior twelve (12) months are not included in this definition unless the new position or transfer creates a net new job in Idaho.
- (f) "Project period" means the period of time beginning at a physical change to the project site or the first employment of new employees located in Idaho who are related to the activities at the project site, and ending when the facilities constituting the project are placed in service, but no later than December 31, 20230, and no longer than ten (10) years after the beginning.
- (g) "Project site" means an area or areas at which new plant and building facilities are located and at which the tax incentive criteria have been or will be met and which are either:
- (i) A single geographic area located in this state at which the new plant and building facilities owned or leased by the taxpayer are located; or
 - (ii) One (1) or more geographic areas located in this state if eighty percent (80%) or more of the investment required by subsection (2) (j) (i) of this section is made at one (1) of the areas.
- ~~(iii)~~ The project site must be identified and described to the commission by a taxpayer subject to tax under the Idaho income tax act, in the form and manner prescribed by the commission.
- (h) "Qualified investment" shall be defined as in section 63-3029B, Idaho Code.
- (i) "Recapture period" means:
- (i) In the case of credits described in sections 63-4403 and 63-4404, Idaho Code, the same period for which a recapture of investment tax credit under section 63-3029B, Idaho Code, is required; or

- (ii) In the case of credits described in section 63-4405, Idaho Code, five (5) years from the date the project period ends.
- (j) "Tax incentive criteria" means a ~~taxpayer~~ business entity meeting at a project site the requirements of subparagraphs (i) and (ii) of this paragraph ~~(j)~~.

(i) During the project period, making capital investments in new plant of at least five hundred thousand dollars (\$500,000) at the project site.

(ii) During a period of time beginning on January 1, 2006, and ending at the conclusion of the project period:

1. Increasing employment at the project site by at least ten (10) new employees each of whom must earn at least nineteen dollars and twenty-three cents (\$19.23) per hour worked during the ~~taxpayer's~~ business entity's taxable year.

2. Employment increases above the ten (10) new employees described in subparagraph (ii)1. of this paragraph ~~(j)~~ at the project site shall on average earn at least fifteen dollars and fifty cents (\$15.50) per hour worked during the ~~taxpayer's~~ business entity's taxable year. Calculation of the group average earnings shall not include amounts paid to any employee earning more than forty-eight dollars and eight cents (\$48.08) per hour.

3. Earnings calculated pursuant to subparagraph (ii) of this paragraph ~~(j)~~ shall include income upon which Idaho income tax withholding is required under section 63-3035, Idaho Code, but shall not include income such as stock options or restricted stock grants.

4. For purposes of determining whether the increased employment threshold has been met, employment at the project site shall be determined by calculating the increase of such new employees reported to the Idaho department of labor for employment security purposes over the employees so reported as of the beginning of the project period or no earlier than January 1, 2006, whichever is larger; and

5. Maintaining net increased employment in Idaho required by subparagraph (ii) of this paragraph ~~(j)~~ during the remainder of the project period.

- (k) "~~Taxpayer Business entity~~," for purposes of paragraphs (j) and (e) of this subsection ~~(2)~~, means either:

(i) A single taxpayer; or

(ii) ~~In the context of a unitary group filing a combined report under section 63-3027(t), Idaho Code, all members of a unitary group includable in a combined report for the tax years in which the credit provided for by this chapter may be claimed. For all other purposes, the terms of section 63-3009, Idaho Code, and section 63-3027(t)(1), Idaho Code, apply to the meaning of "taxpayer."~~ 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 purposes 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 a separate division, branch, or identifiable segment could be separately ascertained from the books of accounts and records.

SECTION 2. That Section 63-4403, Idaho Code, be, and the same is hereby amended to read as follows:

63-4403. ADDITIONAL INCOME TAX CREDIT FOR CAPITAL INVESTMENT. (1) For taxable years beginning on or after January 1, 2006, and before December 31, 20230, and subject to the limitations of this chapter, a taxpayer who has certified that the tax incentive criteria will be met within a project site during a project period shall, in regard to qualified investments made after the beginning of the project period and before December 31, 20230, in lieu of the investment tax credit provided in section 63-3029B, Idaho Code, be allowed a nonrefundable credit against taxes imposed by sections 63-3024, 63-3025 and 63-3025A, Idaho Code, in the amount of three and seventy-five one hundredths percent (3.75%) of the amount of qualified investment made during the project period, wherever located within this state.

(2) The credit allowed by this section shall not exceed sixty-two and five-tenths percent (62.5%) of the tax liability of the taxpayer.

(3) The credit allowed by this section shall not exceed seven hundred fifty thousand dollars (\$750,000) in any one (1) taxable year.

SECTION 3. That Section 63-4404, Idaho Code, be, and the same is hereby amended to read as follows:

63-4404. REAL PROPERTY IMPROVEMENT TAX CREDIT. (1) For taxable years beginning on or after January 1, 2006, and before December 31, 20230, subject to the limitations of this chapter, a taxpayer who has certified that the tax incentive criteria will be met within a project site during a project period shall be allowed a nonrefundable credit against taxes imposed by sections 63-3024, 63-3025 and 63-3025A, Idaho Code, in the amount of two and five-tenths percent (2.5%) of the investment in new plant which is incurred during the project period applicable to the project site in which the investment is made.

(2) The credit allowed by this section shall not exceed one hundred twenty-five thousand dollars (\$125,000) in any one (1) taxable year.

(3) No credit is allowable under this section for a qualified investment in regard to which a credit under section 63-4403, Idaho Code, is available.

(4) The credit allowed by this section is limited to buildings and structural components of buildings related to new plant and building facilities.

SECTION 4. That Section 63-4405, Idaho Code, be, and the same is hereby amended to read as follows:

63-4405. ADDITIONAL INCOME TAX CREDIT FOR NEW JOBS. (1) Subject to the limitations of this chapter, for taxable years beginning on or after January 1, 2006, and before December 31, 20230, a taxpayer who has certified that the tax incentive criteria will be met within a project site during a project period shall, for the number of new employees earning more than a rate of twenty-four dollars and four cents (\$24.04) per hour worked, in lieu of the credit amount in subsection (3) of section 63-3029F, Idaho Code, be allowed the credit provided by this section. The number of new employees is the increase in the number of employees for the current taxable year over the greater of the following:

(a) The number of employees for the prior taxable year; or

(b) The average of the number of employees for the three (3) prior taxable years.

(2) The credit provided by this section shall be:

(a) One thousand five hundred dollars (\$1,500) for each new employee whose annual salary during the taxable year for which the credit is

earned is greater than twenty-four dollars and four cents (\$24.04) per hour worked but equal to or less than an average rate of twenty-eight dollars and eighty-five cents (\$28.85) per hour worked;

(b) Two thousand dollars (\$2,000) for each new employee whose annual salary during the taxable year for which the credit is earned is greater than an average rate of twenty-eight dollars and eighty-five cents (\$28.85) per hour worked but equal to or less than an average rate of thirty-six dollars and six cents (\$36.06) per hour worked;

(c) Two thousand five hundred dollars (\$2,500) for each new employee whose annual salary during the taxable year for which the credit is earned is greater than an average rate of thirty-six dollars and six cents (\$36.06) per hour worked but equal to or less than an average rate of forty-three dollars and twenty-seven cents (\$43.27) per hour worked;

(d) Three thousand dollars (\$3,000) for each new employee whose annual salary during the taxable year for which the credit is earned is greater than an average rate of forty-three dollars and twenty-seven cents (\$43.27) per hour worked.

(3) The credit allowed by subsection (1) of this section shall apply only to employment primarily within the project site. No credit shall be earned unless such employee shall have performed such duties for the taxpayer for a minimum of nine (9) months during the taxable year for which the credit is claimed.

(4) The credit allowed by this section shall not exceed sixty-two and five-tenths percent (62.5%) of the tax liability of the taxpayer.

(5) Employees transferred from a related taxpayer or acquired from another taxpayer within the prior twelve (12) months shall not be included in the computation of the credit unless the transfer creates a net new job in Idaho.

SECTION 5. That Section 63-4408, Idaho Code, be, and the same is hereby amended to read as follows:

63-4408. SALES AND USE TAX INCENTIVES -- REBATES -- RECAPTURE. (1) For calendar years beginning on January 1, 2006, and ending on December 31, 2023~~0~~, subject to the limitations of this chapter, a taxpayer who has certified that the tax incentive criteria will be met within the project site shall be entitled to receive a rebate of twenty-five percent (25%) of all sales and use taxes imposed by chapter 36, title 63, Idaho Code, and that the taxpayer or its contractors actually paid in regard to any property constructed, located or installed within the project site during the project period for that site.

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

(3) Any rebate paid shall be subject to recapture by the commission:

(a) At one hundred percent (100%) in the event that the tax incentive criteria are not met at the project site during the project period~~or~~;

(b) In the event that the property is not used, stored or otherwise consumed within the project site for a period of sixty (60) consecutive full months after the property was placed in service~~;~~ or

(c) In the event that the employment required in section 63-4402(2)(j), Idaho Code, is not maintained for sixty (60) consecutive full months from the date the project period ends.

~~(d)~~ Any recapture required by ~~subsection (3)~~ paragraph (b) or ~~(3)~~ (c) of this subsection shall be in the same proportion as an amount of credit required to be recaptured under section 63-3029B, Idaho Code.

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

(5) The rebate allowed by this section is limited to sales and use taxes actually paid by the taxpayer or its contractors for taxable property related to new plant and building facilities.

SECTION 6. That Section 63-4409, Idaho Code, be, and the same is hereby amended to read as follows:

63-4409. ADMINISTRATION. (1) The commission shall enforce the provisions of this chapter and may prescribe, adopt, and enforce reasonable rules relating to the administration and enforcement of those provisions, including the promulgation of rules relating to information necessary to certify that the incentive criteria have been or will be met. For the purpose of carrying out its duties to enforce or administer the provisions of this chapter, the commission shall have the powers and duties provided by sections 63-3038, 63-3039, 63-3042 through 63-3067, 63-3068, 63-3071, 63-3074 through 63-3078 and 63-217, Idaho Code.

(2) Within thirty (30) days after filing form 89SE with the commission to notify of the intent to claim credits associated with the provisions of this chapter, a business entity shall provide a written notice of the filing to the department of commerce.

Approved March 24, 2020

CHAPTER 244
(H.B. No. 550)

AN ACT

RELATING TO INCOME TAXES; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3029M, IDAHO CODE, TO PROVIDE FOR AN INCOME TAX CREDIT FOR EMPLOYER CONTRIBUTIONS TO AN IDAHO COLLEGE SAVINGS PROGRAM ACCOUNT; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Chapter 30, 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 63-3029M, Idaho Code, and to read as follows:

63-3029M. INCOME TAX CREDIT FOR EMPLOYER CONTRIBUTIONS TO IDAHO COLLEGE SAVINGS PROGRAM ACCOUNTS. (1) Subject to the limitations of this section, for taxable years beginning on and after January 1, 2020, there shall be allowed to an employer a nonrefundable credit against taxes imposed by this chapter for each of the employer's contributions to an employee's Idaho college savings program account established pursuant to chapter 54, title 33, Idaho Code.

(2) The credit allowed by this section shall be in the amount of twenty percent (20%) of the total contributions per employee, but may not exceed five hundred dollars (\$500) per employee, per taxable year.

(3) If the amount of a tax credit under this section exceeds a taxpayer's tax liability under this chapter for a taxable year, the amount of the tax credit that exceeds the taxpayer's income tax liability may be carried forward for a period that does not exceed the next five (5) taxable years.

(4) As used in this section, the term "employee" means a person who, during the taxable year for which the credit is allowed, is subject to Idaho income tax withholding, whether or not any amounts are required to be withheld, and who is covered by the employer for unemployment insurance purposes under chapter 13, title 72, Idaho Code.

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, 2020.

Approved March 24, 2020

CHAPTER 245
(H.B. No. 551)

AN ACT

RELATING TO COLLEGE SAVINGS ACCOUNTS; AMENDING SECTION 33-5401, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5404, IDAHO CODE, TO REVISE PROVISIONS REGARDING COLLEGE SAVINGS PROGRAM REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5405, IDAHO CODE, TO REVISE PROVISIONS REGARDING TAXATION TO THE BENEFICIARY; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

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

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

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

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

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

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

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

(6) "Financial institution" means any state bank, national bank, savings bank, savings and loan association, credit union, insurance company,

brokerage firm, trust company, mutual fund, investment firm or other similar entity that is authorized to do business in this state.

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

(8) "Nonqualified withdrawal" means a withdrawal from an account withdrawal that is not one (1) of the following: subject to additional tax arising from the withdrawal under the Internal Revenue Code, as defined in section 63-3004, Idaho Code. For the purpose of section 63-3022(o), Idaho Code, the amount of a nonqualified withdrawal from an account means the entire amount of the withdrawal, less any portion of the withdrawal that is a qualified withdrawal.

~~(a) A qualified withdrawal;~~

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

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

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

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

(10) "Program" means one (1) or more college savings programs established under this chapter.

(11) "Qualified higher education expenses" shall have the meaning provided in 26 U.S.C. section 529.

(12) "Qualified withdrawal" means a withdrawal from an account ~~to pay~~ the used for qualified higher education expenses of the designated beneficiary of the account, but only if the withdrawal is made in accordance with this chapter.

SECTION 2. That Section 33-5404, Idaho Code, be, and the same is hereby amended to read as follows:

33-5404. PROGRAM REQUIREMENTS. (1) The program shall be operated through the use of individual accounts. Each account may be opened by any person who desires to save for the qualified higher education expenses of a person. If approved by the board, minors may open an account which that cannot be disaffirmed pursuant to section 32-103, Idaho Code. A person may open an account by satisfying each of the following requirements:

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

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

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

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

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

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

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

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

(d) Designating the type of account to be opened if more than one (1) type of account is offered.

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

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

(4) Account owners may withdraw all or part of the balance from an account on sixty (60) days' notice, or a shorter period as may be authorized by the board, ~~under rules prescribed and as described in the securities disclosure or offering document approved by the board and provided to account owners and potential account owners.~~

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

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

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

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

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

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

(11) The board may transfer accounts held by a depository or manager to a successor depository or manager; provided, however, that the transfer to a successor depository or manager does not cause the plan to cease to be a qualified tuition program or subject individual accounts to taxes or penalties.

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

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

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

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

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

(i) A maximum college savings amount established by the board from time to time; or

(ii) The cost in current dollars of qualified higher education expenses that the contributor reasonably anticipates the designated beneficiary will incur; and

(d) Requirements that any excess balances with respect to a designated beneficiary be promptly withdrawn in a nonqualified withdrawal or rolled over to another account in accordance with this section.

(14) If there is any distribution from an account to any person or for the benefit of any person during a calendar year, the distribution shall be reported to the internal revenue service and the account owner or the designated beneficiary to the extent required by federal law.

(15) The program shall provide statements to each account owner at least once each year within thirty-one (31) days after the twelve (12) month period to which they relate. The statement shall identify the contributions made during a preceding twelve (12) month period, the total contributions made

through the end of the period, the value of the account as of the end of this period, distributions made during this period and any other matters that the board requires be reported to the account owner.

(16) Statements and information returns relating to accounts shall be prepared and filed to the extent required by federal or state tax law.

(17) A state or local government or organization described in section 501(c)(3) of the Internal Revenue Code may open and become the account owner of an account to fund scholarships for persons whose identity will be determined after an account is opened.

(18) In the case of any account described in subsection (17) of this section, the requirement that a designated beneficiary be designated when an account is opened does not apply and each person who receives an interest in the account as a scholarship shall be treated as a designated beneficiary with respect to the interest.

(19) Any social security numbers, addresses or telephone numbers of individual account holders and designated beneficiaries that come into the possession of the board are confidential, are not public records and shall not be released by the board.

SECTION 3. That Section 33-5405, Idaho Code, be, and the same is hereby amended to read as follows:

33-5405. TAXATION TO BENEFICIARY. The designated beneficiary, as defined in section 529(e)(1) of the Internal Revenue Code, from an individual trust account or savings account established under this chapter is liable for taxes that may accrue under chapter 30, title 63, Idaho Code, when a qualified nonqualified withdrawal is made received by the designated beneficiary.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2020.

Approved March 24, 2020

CHAPTER 246
(H.B. No. 552)

AN ACT

RELATING TO VETERANS; AMENDING SECTION 63-704, IDAHO CODE, TO PROVIDE FOR THE APPLICATION OF A SPECIAL PROPERTY TAX REDUCTION FOR CERTAIN DISABLED VETERANS; AMENDING SECTION 63-705A, IDAHO CODE, TO PROVIDE FOR THE APPLICATION OF A SPECIAL PROPERTY TAX REDUCTION FOR CERTAIN DISABLED VETERANS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-704, Idaho Code, be, and the same is hereby amended to read as follows:

63-704. AMOUNT OF PROPERTY TAX OR OCCUPANCY TAX REDUCTION. (1) Each claimant qualifying for and applying for a reduction in property taxes or occupancy taxes under the provisions of sections 63-701 through 63-710, Idaho Code, shall be allowed a reduction in taxes on his homestead for the current year only, in the amounts provided by subsection (4) of this section.

(2) All property taxes and occupancy taxes continue to be the responsibility of the individual taxpayer, and all taxes continue to be perpetual liens against the property against which assessed. All taxes may be collected and enforced in the usual manner, if the taxpayer does not receive any tax reduction as provided under sections 63-701 through 63-710, Idaho Code, or if the taxpayer receives less tax reduction than the whole amount of property taxes or occupancy taxes he is charged with.

(3) The claimant property owner's tax reduction shall be based upon the current year's assessed value and the current year's levy.

(4) Property tax and occupancy tax reductions qualified under sections 63-701 through 63-710, Idaho Code, shall be allowed as set out in section 2, chapter 59, laws of 1992, and adjusted for cost-of-living fluctuations as provided in section 63-705, Idaho Code.

(5) A claimant who is a veteran with a service-connected disability of one hundred percent (100%) or a disability rating based on individual unemployability rating that is compensated at the one hundred percent (100%) disability rate, as certified by the United States department of veterans affairs, shall also be eligible for a special property tax or occupancy tax reduction, as provided in section 63-705A, Idaho Code.

SECTION 2. That Section 63-705A, Idaho Code, be, and the same is hereby amended to read as follows:

63-705A. SPECIAL PROPERTY TAX OR OCCUPANCY TAX REDUCTION FOR DISABLED VETERANS. (1) For tax year ~~2019~~ 2020 and thereafter, regardless of any reduction received under section 63-705, Idaho Code, a veteran with a service-connected disability of one hundred percent (100%) or a disability rating based on individual unemployability rating that is compensated at the one hundred percent (100%) disability rate, as certified by the United States department of veterans affairs, shall receive a special reduction in property taxes or occupancy taxes levied on his homestead, as defined in section 63-701, Idaho Code. The special tax reduction shall be in the amount of one thousand three hundred twenty dollars (\$1,320) or for the amount of the veteran's actual property taxes or occupancy taxes, as applicable, whichever is less. If a veteran qualifies for tax reduction under both this section and section 63-705, Idaho Code, the combined tax reduction amount may not exceed the actual amount of the veteran's property taxes or occupancy taxes on his homestead.

(2) An applicant for a special property tax or occupancy tax reduction under this section shall comply with all procedural requirements set forth in sections 63-701 through 63-710, Idaho Code, with the exception of any income documentation.

(3) In the event that a qualified veteran applies for the special tax reduction in this section but then dies, the veteran's surviving spouse is entitled to receive the special tax reduction in that year and subsequent years, until such time as the surviving spouse remarries, dies, or no longer has property tax levied on the homestead.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2020.

Approved March 24, 2020

CHAPTER 247
(H.B. No. 553)

AN ACT

RELATING TO FOREST LAND TAXATION; AMENDING SECTION 63-1705, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ASSESSMENT OF FOREST LAND; AMENDING CHAPTER 17, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-1705A, IDAHO CODE, TO PROVIDE FOR CLASSIFICATION OF FOREST LANDS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-1705, Idaho Code, be, and the same is hereby amended to read as follows:

63-1705. TAXATION OF FOREST LANDS UNDER THE PRODUCTIVITY OPTION. (1) In order to encourage private forest landowners to retain and improve their holdings of forest lands and to promote better forest management, forest lands subject to this option shall be appraised, assessed and taxed as real property under the provisions of this section.

(2) Forest lands shall be governed by the following productivity classifications and assessments:

(a) All forest land shall retain the productivity classification that it held in tax year 2021 for each year thereafter, unless there is a substantial change of use or the landowner successfully appeals the classification pursuant to chapter 5, title 63, Idaho Code. All forest land shall be assessed in accordance with subsection (4) of this section.

(b) Changes to productivity classification of forest land prior to January 1, 2021, shall be made pursuant to the process set forth in section 63-1705A, Idaho Code, and shall be assessed each year thereafter in accordance with the provisions of subsection (4) of this section, except that all reviews by county assessors pursuant to section 63-1705A, Idaho Code, shall be completed no later than January 1, 2021.

(c) The productivity classification for land newly classified as forest land after tax year 2021 shall be determined pursuant to section 63-1705A, Idaho Code. In the year immediately following classification and for each year thereafter, newly classified forest land shall retain its productivity classification and shall be valued in accordance with the provisions of subsection (4) of this section.

(3) (a) Prior to tax year 2021, the forest land value shall be determined by the timber productivity valuation process, as provided for in the committee on forest land taxation methodologies (CFTM), user's guide to the timber productivity option's valuation method - 2005 (Schlosser, January 1, 2005, Moscow, Idaho), referred to in this chapter as the "user's guide," on file with the Idaho state tax commission, available on the website of the Idaho state tax commission, and which shall be made available in the office of each county assessor, which values the net wood production over a reasonable rotation period plus other agricultural-related income, if any, less annualized custodial expenses as defined in section 63-1701, Idaho Code. Pursuant to the provisions of this section, the inventory of forest products shall not be included as part of the valuation of the forest land as provided in section 63-602W, Idaho Code. The state tax commission shall promulgate rules relating to the timber productivity valuation process, including custodial expenses, as provided for in the user's guide and the provisions of this chapter.

~~(3) (ab)~~ The market value for assessment purposes shall be determined annually by the county assessor using the timber productivity valuation

process developed by the CFTM, and as further prescribed in rule. Effective January 1, 2012, the forest land values for taxation purposes will be floored at the 2011 valuation level of all four (4) of the forest value zones for the next ten (10) year period. The ceiling for taxation purposes for forest land values during such ten (10) year period will be capped at thirty percent (30%) above the 2011 forest land values. The annual changes for taxation purposes shall be limited to not more than a five percent (5%) annual increase or decrease from the immediate prior year based upon the 2005 user's guide valuation model, provided however, that no decrease shall be in an amount less than the established floor nor increase above the established ceiling.

(bc) Actual annual valuation calculations shall also be tracked, though not necessarily utilized for taxation purposes. Actual annual valuation calculations may drop below the floor or rise above the ceiling. Forest land values derived by the model will be used as the forest land value for taxation purposes only when the derived value is between the floor and the ceiling. Furthermore, the actual annual valuation calculations shall not exceed a five percent (5%) adjustment from the previous year's valuation calculation. When the model-derived values for a given year are below the floor, the forest land value for taxation purposes will be equal to the floor value for that year. When the model-derived values in a given year are above the ceiling, the forest land value for taxation purposes will be equal to the ceiling for that year.

(d) Except as provided in subsection (6) of this section, any change to the productivity classification of a forest land parcel prior to tax year 2021 shall adhere to the process set forth in this subsection and in section 63-1705A, Idaho Code, or else such change shall be void. However, the assessor's appraisal shall be upheld upon appeal if the board of equalization determines that the landowner has purposely or unreasonably denied the assessor timely access to the land to complete fieldwork under the provisions of section 63-1705A, Idaho Code.

(e) The CFTM may recommend to the legislature a new process by which county assessors establish forest land productivity classification for land newly designated as forest land after tax year 2021.

~~(4) On the effective date of this act, each forest land parcel shall remain at or revert to the productivity classification it held on January 1, 2016; however, taxes assessed prior to the effective date of this act shall be due and payable under the productivity classification in effect at the time of assessment. The CFTM shall designate a process by which county assessors may change a parcel's productivity classification. At a minimum, the process shall set forth requirements for landowner notification, inspector qualifications and document retention. The state tax commission shall promulgate rules to implement the CFTM-designated process. After legislative adoption of the rules, forest productivity classification may be subject to change pursuant to the process set forth in the rules.~~

~~(5) Notwithstanding any other provision of law, the state tax commission is authorized to cite the user's guide in its rules and shall:~~

~~(a) Divide the state into appropriate forest valuation zones, with each zone designated so as to recognize the uniqueness of marketing areas, timber types, growth rates, access, operability, and other pertinent factors of that zone;~~

~~(b) Establish a uniform system of forest land classification that considers the productive capacity of the soil to grow forest products and furnish other associated agricultural uses;~~

~~(c) Provide for the annual input to the timber productivity valuation process including the stumpage value, rotation length, mean annual increment, guiding discount rate, annualized custodial expenses, appropriate property tax rates, and real price appreciation rate of~~

~~stumpage according to the user's guide. The guiding discount rate and the real price appreciation rate for timber products shall remain constant at four percent (4%) and one and one-quarter percent (1.25%), respectively, until January 1, 2022;~~

~~(d) Upon the recommendation of the CFTM or when deemed appropriate by the commission according to evidence of significant trends in custodial expenses, conduct a forest management cost study; provided however, that such forest management cost study shall be no more frequent than five (5) years from the previous forest management cost study. The forest management cost study and a report shall be provided to the CFTM following a recommendation of any changes in custodial expenses and the CFTM shall determine whether the cost study will be incorporated into the forest land valuation process. The forest management cost allowance (FMCA) will continue to be calculated based on the 2004 CFTM-negotiated custodial rates and indexed by the adjustment in the ten (10) year rolling average changes in the producer price index (PPI), as has been done by the Idaho state tax commission since 2005, and this will remain in effect until January 1, 2022; and~~

~~(e) Provide for any additional data as needed.~~

~~(6) The state tax commission shall, by March 1 of each year, furnish all input for the timber productivity valuation process to the county assessor.~~

(74) Stumpage Beginning in tax year 2021 and each tax year thereafter, land assessed as forest land shall be valued by indexing each parcel's value by the percentage change in the five (5) year rolling average stumpage values, with 2019 being the base year. The stumpage values shall be based upon the preceding five (5) year rolling average value of timber harvested within the forest value zone from state timber sales and/or, if unavailable, the best available data for the same five (5) year period. Average agricultural-related income and the average expense component for each forest value zone shall be determined for the same time period as the period used to determine average stumpage values. Any changes in value shall be limited to no more than a five percent (5%) annual increase or decrease from the immediate prior year. The state tax commission shall provide the stumpage value calculation required under this subsection by March 1 of each year.

(5) Pursuant to the provisions of section 63-602W, Idaho Code, the inventory of forest products shall not be included as part of the valuation of the forest land.

(86) Forest lands upon which, at any time after January 1, 1982, the trees are destroyed by fire, disease, insect infestation or other natural disaster such that the lands affected will not meet minimum stocking requirements under rules adopted pursuant to chapter 13, title 38, Idaho Code, shall be eligible for a reduction in value for the first ten (10) property tax years following the loss. The amount of reduction shall be determined by dividing the average age of the trees destroyed by the rotation age for the specific forest productivity class appropriate for the affected acres. In no instance shall the annual reduction exceed eighty percent (80%) of the original forest value per year. In order to obtain a reduction, the landowner shall, on or before January 1 following the destruction, make written application to the assessor indicating the legal description of the lands in question and stating all pertinent facts. The assessor may investigate the facts and may request assistance from the state tax commission in performing such investigations. If the requirements are met, such forest lands shall be assessed and taxed on the reduced basis herein provided.

(97) Buildings and other improvements, other than roads, located on forest lands shall be appraised, assessed and taxed as provided by applicable laws and rules.

(108) There is created within the Idaho state tax commission the CFTM. The membership of the CFTM shall be:

(a) A nonvoting chairman who shall be the member of the Idaho state tax commission assigned to property tax matters;

(b) Four (4) members who are representing business entities owning no fewer than five thousand (5,000) acres of Idaho forest land, provided that there shall be only one (1) representative for each individual business entity and provided further that affiliated business entities shall be considered a single business entity for the purposes of this section. The business entity employing such member shall designate a successor member at its discretion. If a vacancy occurs among the representatives of forest landowners owning no fewer than five thousand (5,000) acres, a replacement member will be selected by the remaining members qualifying under the provisions of this section;

(c) One (1) member selected from the membership of the Idaho forest owners' association;

(d) Five (5) members selected from the membership of the Idaho association of counties; and

(e) The state superintendent of public instruction or his/her designee, in a nonvoting capacity.

(119) The CFTM may retain a forest economist selected by a majority of its members to advise the CFTM.

(120) The costs of each CFTM member shall be borne by the respective member. The fees and costs of the forest economist shall be borne as determined by the CFTM.

(131) The CFTM may prepare and deliver written reports to the house of representatives revenue and taxation committee and the senate local government and taxation committee of its findings and recommendations for legislation as the need may arise. The CFTM may meet periodically as determined by its chairman or the CFTM.

SECTION 2. That Chapter 17, 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 63-1705A, Idaho Code, and to read as follows:

63-1705A. CLASSIFICATION OF FOREST LANDS. (1) The state shall be divided into four (4) forest valuation zones:

(a) Zone 1 shall consist of Boundary, Bonner, and Kootenai counties;

(b) Zone 2 shall consist of Benewah, Shoshone, Latah, Clearwater, Nez Perce, Lewis, and Idaho counties;

(c) Zone 3 shall consist of Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore, Camas, Blaine, Gooding, Lincoln, Jerome, and Minidoka counties; and

(d) Zone 4 shall consist of the remaining nineteen (19) counties.

(2) In all forest valuation zones, there shall be three (3) separate productivity classes of forest land: poor, medium, and good. These classes apply to forest land that may or may not be stocked with commercial or young growth timber.

(a) Poor productivity class is defined as forest land having a mean annual increment (MAI) of one hundred twenty-five (125) board feet per acre per year, based on a seventy-three (73) year rotation. This productivity class includes western white pine site index 35-45 and ponderosa pine site index 45-80. One hundred twenty-five (125) board feet per acre MAI shall be used in the valuation process.

(b) Medium productivity class is defined as forest land having an MAI of two hundred twenty-five (225) board feet per acre per year, based on a sixty-eight (68) year rotation. This productivity class includes western white pine site index 46-60 and ponderosa pine site index 81-110. Two hundred twenty-five (225) board feet per acre MAI shall be used in the valuation process.

(c) Good productivity class is defined as forest land having an MAI of three hundred fifty (350) board feet per acre per year, based on a sixty-three (63) year rotation. This productivity class includes western white pine site index 61 and above and ponderosa pine site index 111 and above. Three hundred fifty (350) board feet per acre MAI shall be used in the valuation process.

(d) For forest valuation zones 1 and 2, forest land shall be stratified into areas of similar productive potential using the habitat typing methodology described in "forest habitat types of northern Idaho: a second approximation," published by the United States government printing office for the United States forest service in 1991. Within these stratified areas, site index trees shall be selected and measured that will identify the site index to be used to place the land in one (1) of the three (3) productivity classes set forth in paragraphs (a), (b), and (c) of this subsection.

(e) For forest valuation zones 3 and 4, the criteria for stratification shall be generally the same as that used in zones 1 and 2 based on the habitat typing methodology described in "forest habitat types of central Idaho," published by the United States government printing office for the United States forest service in 1981, with the following adjustments made in growth rates for lower moisture levels:

- (i) For poor productivity class, one hundred twenty-five (125) board feet per acre MAI shall be used in the valuation process;
- (ii) For medium productivity class, two hundred thirteen (213) board feet per acre MAI shall be used in the valuation process; and
- (iii) For good productivity class, three hundred twenty (320) board feet per acre MAI shall be used in the valuation process.

(3) Lakes, solid rock bluffs, talus slopes, and continuously flooded swampy areas that are larger than five (5) contiguous acres in size and that can be identified through remote sensing shall be valued at forty percent (40%) of the poor bare land value as described in section 63-1706, Idaho Code. These areas are defined as being incapable of growing trees.

(4) Except as provided in subsection (5) of this section, no parcel's productivity classification can be changed from the classification existing on January 1, 2016, until requirements for landowner notification, inspector qualifications, and document retention have been met.

(a) Notice of intent to change classification must be provided in writing to the landowner of record or the landowner's designee within two (2) weeks of any determination by the county assessor of intent to change classification. Such notice must be provided no later than the first Monday in November for the change to be in effect during the following year. Notice may be delivered in person or by United States mail, or, if agreed to by the assessor and the landowner, by electronic mail. Notice of intent to change classification shall include:

- (i) A statement of intent to change the classification;
- (ii) A statement of the present classification and the intended new classification;
- (iii) A statement that the intent notice is not an assessment notice and that the assessment notice will be sent by the first Monday in June in the following year;
- (iv) A statement that both the taxable value stated on the assessment notice and the classification may be appealed to the county board of equalization as provided in section 63-501A, Idaho Code; and
- (v) Contact information identifying assessor's office staff who may be contacted and how to do so.

(b) The inspector is the person assigned by the county assessor to review property characteristics and complete a timberland classification

form provided by the state tax commission. The inspector must be proficient in each of the following:

- (i) Navigating forest locations;
 - (ii) Skilled mapping techniques;
 - (iii) Establishment of plot locations;
 - (iv) Plant and tree identification; and
 - (v) Site tree identification and measurements.
- (c) Inspector proficiency must be established by a minimum of twelve (12) months of experience doing fieldwork, including reviewing the characteristics of timberland, and:
- (i) Passing a state tax commission-sponsored class on timberland appraisal and inspection;
 - (ii) Passing equivalent courses from an accredited college or university; or
 - (iii) Obtaining a degree in forestry or a related field from an accredited institution.
- (d) Documentation related to timberland productivity classification shall be retained for no less than ten (10) years following classification determination. Documentation shall include but is not limited to:
- (i) Timberland characteristics, on a form provided by the state tax commission, with sufficient detail to verify the classification, including the calculation of productivity class as set forth in subsection (2) of this section;
 - (ii) The location of any field plots and any site trees using map or global positioning system (GPS) coordinates;
 - (iii) A map illustrating property boundaries, habitat type-based stratifications as provided in subsection (2) of this section, and plot locations used in the determination of productivity class; and
 - (iv) Any imagery used to assess the parcel prior to field review.
- (5) Provided the county assessor and forest land owner agree and the data is deemed by the county assessor to be acceptable and accurate, the data used to establish any parcel's productivity classification may be provided by the forest land owner. In this case, inspector qualifications and proficiency provisions of this section shall not apply.
- (a) When productivity data is provided to the county assessor by the forest land owner, it shall be deemed confidential production record information and not subject to public disclosure, pursuant to section 74-107(2), Idaho Code.
 - (b) When the alternate method described in this section is to be used, the county shall not be required to have a certified inspector to review property characteristics.
 - (c) To be considered acceptable, the classification of the timberland so established must result in market value for assessment purposes as defined in section 63-1705(3), 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, and retroactively to January 1, 2020.

Approved March 24, 2020

CHAPTER 248
(H.B. No. 562)

AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-602G, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE HOMESTEAD EXEMPTION; AND PROVIDING AN EFFECTIVE DATE.

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) For each tax year, the first one hundred thousand dollars (\$100,000) 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.

(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) The homestead is his primary dwelling place; and

(iii) 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 set forth 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) paragraph~~ (b) of this subsection 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 shall be effective upon the date of the application and 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 1, title 74, 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) paragraph~~ (a) of this subsection, 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) paragraph~~ (i) of this subsection, 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, 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. 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.

SECTION 2. This act shall be in full force and effect on and after January 1, 2021.

Approved March 24, 2020

CHAPTER 249
(H.B. No. 565)

AN ACT

RELATING TO FLOOD CONTROL DISTRICTS; AMENDING CHAPTER 31, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3129, IDAHO CODE, TO PROVIDE FOR PETITIONS FOR ANNEXATION OF LAND; AMENDING CHAPTER 31, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3130, IDAHO CODE, TO PROVIDE THAT GUARDIANS AND ADMINISTRATORS MAY SIGN PETITIONS; AMENDING CHAPTER 31, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3131, IDAHO CODE, TO PROVIDE FOR NOTICE OF PETITION; AMENDING CHAPTER 31, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3132, IDAHO CODE, TO PROVIDE FOR HEARING OF PETITIONS; AMENDING CHAPTER 31, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3133, IDAHO CODE, TO PROVIDE FOR ORDERS REJECTING OR ACCEPTING PETITIONS; AND AMENDING CHAPTER 31, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3134, IDAHO CODE, TO PROVIDE THAT ORDERS BE RECORDED.

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

SECTION 1. That Chapter 31, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-3129, Idaho Code, and to read as follows:

42-3129. PETITION FOR ANNEXATION OF LAND. The holder or holders of any title, or evidence of title, representing any body of lands, may file with the board of commissioners of a flood control district a petition in writing praying that said land may be annexed into the district. The petition shall be submitted on a form provided by the district. The petition shall contain a legal description of the lands proposed to be annexed and any other information the district may require, and the petitioners shall state under oath that petitioners hold title to the lands. The board may require petitioners to advance to the district sufficient money to pay the district's estimated costs of proceedings on the petition.

SECTION 2. That Chapter 31, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-3130, Idaho Code, and to read as follows:

42-3130. GUARDIANS AND ADMINISTRATORS MAY SIGN PETITION. A guardian, executor, or administrator of an estate who is appointed as such under the laws of this state, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate that he represents, may, on behalf of the ward or the estate that he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition mentioned in this chapter for the change of boundaries of the district.

SECTION 3. That Chapter 31, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-3131, Idaho Code, and to read as follows:

42-3131. NOTICE OF PETITION. The district shall cause a notice of the filing of such petition to be published in the manner provided in section 42-3117, Idaho Code. The notice shall contain the names of the petitioners and a description of the lands mentioned in the petition. The notice shall provide that all persons interested in or that may be affected by the proposed annexation may appear at the office of the board, at a time named in the notice, and show cause in writing, if they have any, why the lands mentioned should not be annexed to the district.

SECTION 4. That Chapter 31, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-3132, Idaho Code, and to read as follows:

42-3132. HEARING OF PETITION. The board of commissioners, at the time mentioned in the notice, or at such other time to which the hearing may be adjourned, shall hear the petition and all the objections thereto. The failure of any person to appear and object shall be taken as an assent on the person's part to a change of the boundaries of the district as prayed for in the petition, or to such a change thereof as will include a part of the lands.

SECTION 5. That Chapter 31, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-3133, Idaho Code, and to read as follows:

42-3133. ORDER REJECTING OR ACCEPTING PETITION. If the board of commissioners deems a proposed annexation not to be in the best interest of the district, the board shall reject the petition. If the board deems the proposed annexation in the best interest of the district, the board may order the lands identified in the petition or some part thereof be annexed into the district. The annexation order shall describe the lands to be annexed into the district, and the board may cause a survey thereof to be made if deemed necessary. Thereafter, the annexed land shall be included within the boundaries of the district and shall be subject to such assessments from time to time as the board levies pursuant to section 42-3115, Idaho Code. The board shall state in its minutes at its next regular meeting which division in the district the annexed lands shall be included in, and, if it deems necessary, the board shall make an order redividing the district into divisions, in the same manner and to like effect, as near as may be, as provided for that purpose on the formation of the district.

SECTION 6. That Chapter 31, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-3134, Idaho Code, and to read as follows:

42-3134. ORDER TO BE RECORDED. The board of commissioners shall cause a copy of the annexation order, certified by the chairman and secretary of the board, to be filed for record in the recorder's office of the county or counties within which the annexed lands are situated, and thereupon the district shall be and remain a flood control district as fully and to every intent and purpose as if the annexed lands that are included in the district's boundaries had been included at the original organization of the district.

Approved March 24, 2020

CHAPTER 250
(H.B. No. 566)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-117, IDAHO CODE, TO REVISE A DEFINITION.

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

SECTION 1. That Section 49-117, Idaho Code, be, and the same is hereby amended to read as follows:

49-117. DEFINITIONS -- P. (1) "Park" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(2) "Park model recreational vehicle" means a recreational vehicle that is designed to provide temporary accommodations for recreational, camping or seasonal use, is built on a single chassis, was originally mounted on wheels, has a gross trailer area not exceeding four hundred (400) square feet in the set-up mode and is certified by its manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Standard for Recreational Park Trailers, and includes park models, park trailers and recreational park trailers.

(3) "Part-time salesman" means any person employed as a vehicle salesman on behalf of a dealer less than thirty (30) hours per week.

(4) "Peace officer." (See section 19-5101(d), Idaho Code)

(5) "Pedestrian" means any person afoot and any person operating a wheelchair or a motorized wheelchair or an electric personal assistive mobility device.

(6) "Pedestrian path" means any path, sidewalk or way set aside and used exclusively by pedestrians.

(7) (a) "Person" means every natural person, firm, fiduciary, copartnership, association, corporation, trustee, receiver or assignee for the benefit of creditors, political subdivision, state or federal governmental department, agency, or instrumentality and, for the purposes of chapter 22, title 49, Idaho Code, shall include a private, common or contract carrier operating a vehicle on any highway of this state.

(b) "Person with a disability" means:

(i) A person who is unable to walk two hundred (200) feet or more unassisted by another person;

(ii) A person who is unable to walk two hundred (200) feet or more without the aid of a walker, cane, crutches, braces, prosthetic device or a wheelchair; or

(iii) A person who is unable to walk two hundred (200) feet or more without great difficulty or discomfort due to the following impairments: neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb.

(iv) For the purposes of chapters 3 and 4, title 49, Idaho Code, a person with a permanent disability is one whose physician certifies that the person qualifies as a person with a disability pursuant to this paragraph and further certifies that there is no expectation for a fundamental or marked change in the person's condition at any time in the future.

(8) "Personal delivery device" means an electrically powered device that is operated on sidewalks and crosswalks and is intended primarily to transport property; weighs less than eighty two hundred (8200) pounds, excluding cargo; has a maximum speed of ten (10) miles per hour; and is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person. A personal delivery device shall not be defined as a vehicle or motor vehicle in any section of the law, unless expressly so stated.

(9) "Personal delivery device operator" means an entity or its agent that exercises direct physical control or monitoring over the navigation system and operation of a personal delivery device. For the purposes of this subsection, the term "agent" means a person charged by the entity with the responsibility of navigating and operating the personal delivery device. The term "personal delivery device operator" does not include an entity or person who requests the services of a personal delivery device for the purpose of transporting property or an entity, nor does it include a person who merely arranges for and dispatches the requested services of a personal delivery device.

(10) "Personal information" means information that identifies an individual, including an individual's photograph or computerized image, social security number, driver identification number, name, address, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving or equipment-related violations, the five-digit zip code of the person's address, or status of the driver's license or motor vehicle registration.

(11) "Pneumatic tire." (See "Tires," section 49-121, Idaho Code)

(12) "Pole trailer." (See "Trailer," section 49-121, Idaho Code)

(13) "Possessory lien" means a lien dependent upon possession for compensation to which a person is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the towing, storage, repair, or safekeeping of, any vehicle of a type subject to registration.

(14) "Possessory lienholder" means any person claiming a lien, which lien claimed to have accrued on a basis of services rendered to the vehicle that is the subject of the lien.

(15) "Preceding year" means, for the purposes of section 49-434, Idaho Code, a period of twelve (12) consecutive months fixed by the department, prior to July 1 of the year immediately preceding the commencement of the registration or license year for which proportional registration is sought. The department in fixing the period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

(16) "Pressure regulator valve" means a device or system that governs the load distribution and controls the weight borne by a variable load suspension axle in accordance with a predetermined valve setting.

(17) "Principal place of business" means an enclosed commercial structure located within the state, easily accessible and open to the public at all reasonable times, with an improved display area large enough to display five (5) or more vehicles of the type the dealer is licensed to sell, immediately adjoining the building, and at which the business of a dealership, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building codes, zoning and other land-use regulatory ordinances, and in which building the public shall be able to contact the dealer or his salesmen in person or by telephone at all reasonable times. The books, records and files necessary to conduct the business of the dealership must be kept or reproduced electronically at the dealership's licensed location(s). A dealership keeping its physical books, records and files at an off-site location must notify the department in writing of such location at least thirty (30) days in advance of moving such books, records and files off site. Physical books, records and files must be made available to the department upon request within three (3) business days of such request. The principal place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event shall a room or rooms in a hotel, rooming house, or apartment house building or a part of any single or multiple unit dwelling house be considered a "principal place of business" within the terms and provisions of this title unless the entire ground floor of that hotel, apartment house, or rooming house building or dwelling house be devoted principally to and occupied for commercial purposes, and the office or offices of the dealer be located on the ground floor.

(18) "Private property open to the public" means real property not owned by the federal government or the state of Idaho or any of its political subdivisions, but is available for vehicular traffic or parking by the general public with the permission of the owner or agent of the real property.

(19) "Private road" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(20) "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to the limit for one (1) person, in the amount of fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of fifteen thousand dollars (\$15,000) because of injury to or destruction of property of others in any one (1) accident.

(21) "Proper authority" means a public highway agency.

(22) "Public highway agency" means the state transportation department, any city, county, highway district or any other state agency that has jurisdiction over public highway systems and public rights-of-way.

(23) "Public right-of-way" means a right-of-way open to the public and under the jurisdiction of a public highway agency, where the public highway agency has no obligation to construct or maintain said right-of-way for vehicular traffic.

(24) "Public road jurisdiction" means a public highway agency.

(25) "Purchase." (See "Sell," "sold," and "buy," section 49-120, Idaho Code)

CHAPTER 251
(S.B. No. 1423)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2021; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Supreme Court the following amounts to be expended according to the designated programs for personnel costs from the General Fund for the period July 1, 2020, through June 30, 2021, for the purpose of judicial salaries:

FOR:

| | |
|---------------------|----------------|
| Supreme Court | \$21,400 |
| Court of Appeals | 17,200 |
| District Courts | 201,500 |
| Magistrate Division | <u>304,800</u> |
| TOTAL | \$544,900 |

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2021, 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, 2020, through June 30, 2021. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 24, 2020

CHAPTER 252
(H.B. No. 589)

AN ACT

RELATING TO FIRST-TIME HOME BUYERS; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3022V, IDAHO CODE, TO DEFINE TERMS AND TO PROVIDE FOR FIRST-TIME HOME BUYER SAVINGS ACCOUNTS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Chapter 30, 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 63-3022V, Idaho Code, and to read as follows:

63-3022V. DEDUCTION FOR FIRST-TIME HOME BUYERS. (1) As used in this section:

(a) "Account holder" means an individual who resides in Idaho, who has filed an income tax return in Idaho for the most recent taxable year, who is a first-time home buyer, and who establishes, individually or jointly, a first-time home buyer savings account. A married individual living in Idaho who is also a first-time home buyer, filing separately, may be an account holder if the account is established separately from the person's spouse. Married individuals filing jointly are considered the account holder if they both reside in Idaho, if at least one (1) of them has filed an income tax return in Idaho for the most recent taxable year, and if at least one (1) of them is a first-time home buyer.

(b) "Commission" means the Idaho state tax commission.

(c) "Depository" means a state or national bank, a savings and loan association, a credit union, or a trust company authorized to act as a fiduciary, authorized to do business in Idaho.

(d) (i) "Eligible home costs" means:

1. The down payment for the purchase of a single-family residence in Idaho; or

2. A cost, fee, tax, or payment incurred by, charged to, or assigned to an account holder for the purchase of a single-family residence in Idaho and listed on the statement of receipts and disbursements for the sale, including any statement prescribed by 12 CFR 1026.38, as amended.

(ii) "Eligible home costs" also includes any United States veterans administration funding fee incurred by, charged to, or assigned to a designated beneficiary in connection with a veterans administration home loan guaranty program.

(e) "First-time home buyer" means an individual who resides in Idaho, who has filed an income tax return in Idaho for the most recent taxable year, and who does not own, either individually or jointly, a single-family or multifamily residence and who has never owned or purchased, either individually or jointly, a single-family residence in any location.

(f) "First-time home buyer savings account" means an account established in Idaho with a depository to pay the eligible home costs of the account holder or to reimburse the account holder's eligible home costs in connection with a qualified home purchase.

(g) "Qualified home purchase" means, with respect to a first-time home buyer savings account, the purchase of a single-family residence in Idaho by the account holder on the date or after the date the account holder opened a first-time home buyer savings account.

(h) "Single-family residence" means a residential dwelling owned and occupied, or under contract to be constructed, by an account holder as the account holder's principal residence, including but not limited to a manufactured home, mobile home, condominium unit, or townhome.

(2) For taxable years commencing on and after January 1, 2020, annual contributions and interest earned on a first-time home buyer savings account may be deducted from the taxable income of the account holder. Annual deductions shall not exceed fifteen thousand dollars (\$15,000) per year for an individual or thirty thousand dollars (\$30,000) per year for a married couple filing jointly. Annual contributions to a first-time home buyer savings account shall not exceed the amount deductible under this section. Interest earned on the account shall be tax deferred provided such funds are used for a qualified home purchase subject to this section.

(3) The account holder shall be the beneficiary of the first-time home buyer savings account. The designation shall be made on forms provided by the commission during the year following the date on which the account is established.

(4) No withdrawals may be made from a first-time home buyer savings account within the first thirty (30) days from the establishment of the account. Thereafter, funds held in a first-time home buyer savings account may be withdrawn by the account holder at any time. Deposits into a first-time home buyer savings account shall not exceed one hundred thousand dollars (\$100,000) for the lifetime of the account. Withdrawals for the purpose of paying eligible home costs shall not be subject to the tax imposed in this chapter. The burden of proving that a withdrawal from a first-time home buyer savings account was made for an eligible home cost is solely upon the account holder. Other withdrawals shall be subject to the following:

(a) The withdrawal of funds by the account holder for purposes other than the payment of eligible home costs shall be subject to taxes otherwise due.

(b) The direct transfer of funds from a first-time home buyer savings account to another first-time home buyer 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.

(c) Funds deposited in a first-time home buyer savings account that are deposited in error or unintentionally and that are withdrawn within fifteen (15) days of being deposited shall be treated as if the amounts had not been deposited in the first-time home buyer savings account.

(d) Funds withdrawn from a first-time home buyer savings account that are redeposited into a first-time home buyer savings account within fifteen (15) days of being withdrawn shall be treated as if the amounts had not been withdrawn from the first-time home buyer savings account.

(e) Upon the death of an account holder, the account principal, as well as any interest accumulated thereon, shall be distributed without penalty to a beneficiary or beneficiaries designated by the account holder. Any taxes that are owing on the funds shall be paid by the beneficiary or beneficiaries.

(5) In the case of first-time home buyer savings accounts, account holders 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 and shall also include an attestation under the penalty of perjury that the account holder is a first-time home buyer as defined in this section. 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. Depositories shall report withdrawals within ninety (90) days on a form provided by the commission. Account holders shall provide on any state income tax form in which they take a deduction for a first-time home buyer savings account the account number of their first-time home buyer savings account and the depository at which the account is held.

(6) First-time home buyer savings accounts shall be nontransferable to any person who is not the account holder.

(7) The commission shall promulgate rules to administer the provisions of this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2020.

CHAPTER 253
(H.B. No. 592)

AN ACT

RELATING TO STOCKWATER; AMENDING CHAPTER 2, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-224, IDAHO CODE, TO PROVIDE FOR ISSUANCE OF ORDERS TO SHOW CAUSE, TO PROVIDE FOR CONTENT OF ORDERS TO SHOW CAUSE, TO PROVIDE FOR SERVICE OF ORDERS TO SHOW CAUSE, TO PROVIDE FOR PUBLICATION, TO PROVIDE FOR COPIES OF THE ORDER, TO PROVIDE FOR REQUESTS FOR HEARING, TO PROVIDE THAT MULTIPLE STOCKWATER RIGHTS HELD BY A SINGLE OWNER MAY BE CONSIDERED IN A SINGLE ORDER TO SHOW CAUSE, TO PROVIDE FOR HEARINGS, TO PROVIDE FOR ORDERS, TO PROVIDE FOR JUDICIAL REVIEW, TO DEFINE TERMS, AND TO PROVIDE FOR APPLICABILITY; AMENDING SECTION 42-501, IDAHO CODE, TO PROVIDE THAT CERTAIN STOCKWATER RIGHTS ARE SUBJECT TO FORFEITURE PURSUANT TO SPECIFIED LAW AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 42-502, IDAHO CODE, TO REMOVE PROVISIONS REGARDING AGENTS OF THE FEDERAL GOVERNMENT AND PERMITTEES ON FEDERALLY ADMINISTERED GRAZING ALLOTMENTS; REPEALING SECTION 42-503, IDAHO CODE, RELATING TO THE FORFEITURE OF CERTAIN STOCKWATER RIGHTS; AND AMENDING SECTION 42-504, IDAHO CODE, TO REVISE PROVISIONS REGARDING LIMITS OF USE.

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

SECTION 1. That Chapter 2, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-224, Idaho Code, and to read as follows:

42-224. FORFEITURE OF STOCKWATER RIGHTS. (1) Whenever the director of the department of water resources receives a petition making a prima facie showing, or finds, on his own initiative based on available information, that a stockwater right has not been put to beneficial use for a term of five (5) years, the director shall expeditiously issue an order to the stockwater right owner to show cause before the director why the stockwater right has not been lost through forfeiture pursuant to section 42-222 (2), Idaho Code.

(2) Any order to show cause shall contain the director's findings.

(3) The director shall serve a copy of any order to show cause on the stockwater right owner by personal service or by certified mail. Personal service may be completed by department personnel or a person authorized to serve process under the Idaho rules of civil procedure. Service by certified mail shall be complete upon receipt of the certified mail. If reasonable efforts to personally serve the order fail, or if the certified mail is returned unclaimed, the director may serve the order by publication by publishing a summary of the order once a week for two (2) consecutive weeks in a newspaper of general circulation in the county in which the point of diversion is located. Service by publication shall be complete upon the date of the last publication.

(4) If the order affects a stockwater right where the place of use is a federal grazing allotment, the director shall provide a copy of the order to the holder or holders of any livestock grazing permit or lease for said allotment.

(5) The stockwater right owner shall have twenty-one (21) days from completion of service to request in writing a hearing pursuant to section 42-1701A, Idaho Code. If the stockwater right owner fails to timely respond to the order to show cause, the stockwater right shall be considered forfeited, and the director shall issue an order declaring the stockwater right to be forfeited pursuant to section 42-222 (2), Idaho Code.

(6) The director may consider multiple stockwater rights held by a single owner in a single order to show cause.

(7) If the stockwater right owner timely requests a hearing, the hearing shall be in accordance with section 42-1701A, Idaho Code, and the rules of procedure promulgated by the director. If, after the hearing, the director confirms that the water right has been lost and forfeited pursuant to section 42-222(2), Idaho Code, the director shall issue an order declaring the water right forfeited. Judicial review of any decision of the director shall be in accordance with section 42-1701A, Idaho Code.

(8) For purposes of this section, the following terms have the following meanings:

(a) "Stockwater right" means water rights for the watering of livestock meeting the requirements of section 42-1401A(11), Idaho Code.

(b) "Stockwater right owner" as used in this section means the owner of the stockwater right shown in the records of the department of water resources at the time of service of the order to show cause.

(9) This section applies to all stockwater rights except those stockwater rights decreed to the United States based on federal law.

(10) The director shall not issue an order to show cause, and shall not proceed under the provisions of this section, where the holder or holders of any livestock grazing permit or lease on a federal grazing allotment asserts a principal/agent relationship with the federal agency managing the grazing allotment.

SECTION 2. That Section 42-501, Idaho Code, be, and the same is hereby amended to read as follows:

42-501. LEGISLATIVE INTENT. In the landmark case of *Joyce Livestock Company v. United States of America*, 144 Idaho 1, 156 P.3d 502 (2007), the Idaho Supreme Court held that an agency of the federal government cannot obtain a stockwater right under Idaho law, unless it actually owns livestock and puts the water to beneficial use.

In *Joyce*, the court held that the United States:

"bases its claim upon the constitutional method of appropriation. That method requires that the appropriator actually apply the water to a beneficial use. Since the United States has not done so, the district court did not err in denying its claimed water rights."

The court also held that federal ownership or management of the land alone does not qualify it for stockwater rights. It opined:

"The United States claimed instream water rights for stock watering based upon its ownership and control of the public lands coupled with the Bureau of Land Management's comprehensive management of public lands under the Taylor Grazing Act...The argument of the United States reflects a misunderstanding of water law...As the United States has held, Congress has severed the ownership of federal lands from the ownership of water rights in nonnavigable waters located on such lands."

The court went on to state:

"Under Idaho Law, a landowner does not own a water right obtained by an appropriator using the land with the landowner's permission unless the appropriator was acting as agent of the owner in obtaining that water right...If the water right was initiated by the lessee, the right is the lessee's property, unless the lessee was acting as the agent of the owner...The Taylor Grazing Act expressly recognizes that ranchers could obtain their own water rights on federal land."

A rancher is not unwittingly acting as an agent of a federal agency simply by grazing livestock on federally managed lands when he files for and receives a stockwater right.

It is the intent of the Legislature to codify and enhance these important points of law from the *Joyce* case to protect Idaho stockwater right holders from encroachment by the federal government in navigable and nonnavigable waters.

Further, in order to comply with the *Joyce* decision, it is the intent of the Legislature that stockwater rights acquired in a manner contrary to the *Joyce* decision are subject to forfeiture pursuant to sections 42-222(2) and 42-224, Idaho Code.

SECTION 3. That Section 42-502, Idaho Code, be, and the same is hereby amended to read as follows:

42-502. FEDERAL AGENCIES -- STOCKWATER RIGHTS. ~~(1) No agency of the federal government, nor any agent acting on its behalf, shall acquire a stockwater right unless the agency owns livestock and puts the water to beneficial use. For purposes of this chapter, "stockwater rights" means water rights for the beneficial use for livestock.~~

~~(2) For the purposes of this chapter, a permittee on a federally administered grazing allotment shall not be considered an agent of the federal government.~~

SECTION 4. That Section 42-503, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 42-504, Idaho Code, be, and the same is hereby amended to read as follows:

42-504. LIMITS OF USE. If an agency of the federal government, or the holder or holders of any livestock grazing permit or lease on a federal grazing allotment, acquires a stockwater right, that stockwater right shall never be utilized for any purpose other than the watering of livestock unless otherwise approved by the state of Idaho pursuant to section 42-222, Idaho Code on the federal grazing allotment that is the place of use for that stockwater right.

Approved March 24, 2020

CHAPTER 254
(H.B. No. 594)

AN ACT

RELATING TO LEASES; AMENDING SECTION 55-307, IDAHO CODE, TO PROVIDE THAT CERTAIN NOTICE SHALL BE GIVEN FOR NONRENEWAL OF A LEASE OR AN INCREASE IN THE AMOUNT OF RENT CHARGED AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 55-307, Idaho Code, be, and the same is hereby amended to read as follows:

55-307. CHANGE IN TERMS OF LEASE -- NOTICE. (1) In all leases of lands or tenements, or of any interest therein from month to month, the landlord may, upon giving notice in writing at least fifteen (15) days before the expiration of the month, change the terms of the lease, to take effect at the expiration of the month. The notice, when served upon the tenant, shall of itself operate and be effectual to create and establish, as a part of the lease, the terms, rent and conditions specified in the notice, if the tenant shall continue to hold the premises after the expiration of the month.

(2) A local governmental unit shall not enact, maintain, or enforce an ordinance or resolution that would have the effect of controlling the amount of rent charged for leasing private residential property. This provision does not impair the right of any local governmental unit to manage and control residential property in which the local governmental unit has a property interest.

(3) Notwithstanding subsection (1) of this section, in all leases of residential property, or of any interest therein, the landlord shall provide the tenant written notice of any increase in the amount of rent charged or of the landlord's intention of nonrenewal of the lease at least thirty (30) days before:

(a) Such nonrenewal of the lease; or

(b) Such increase in the amount of rent charged is intended to take effect.

Approved March 24, 2020

CHAPTER 255
(H.B. No. 635)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE TREASURER FOR FISCAL YEAR 2020;
APPROPRIATING ADDITIONAL MONEYS TO THE STATE TREASURER FOR FISCAL YEAR
2020; 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 279, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the State Treasurer \$50,000 from the General Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020, for the production, promotion, distribution, and sale of commemorative silver medallions as provided in Section 67-1223, Idaho Code.

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 24, 2020

CHAPTER 256
(H.B. No. 636)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE TREASURER FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING REQUIREMENTS REGARDING PAYMENT OF BANK SERVICE FEES.

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

SECTION 1. There is hereby appropriated to the State Treasurer the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | TOTAL |
|---|---------------------------|----------------------------------|------------------|
| FROM: | | | |
| General | | | |
| Fund | \$950,000 | \$494,800 | \$1,444,800 |
| State Treasurer LGIP | | | |
| Fund | 187,900 | 135,300 | 323,200 |
| Treasurer's Office - Professional Services | | | |
| Fund | 647,600 | 577,900 | 1,225,500 |
| Idaho Millennium Income | | | |
| Fund | | 80,000 | 80,000 |
| Abandoned Property Trust - Unclaimed Property | | | |
| Fund | <u>821,200</u> | <u>441,800</u> | <u>1,263,000</u> |
| TOTAL | \$2,606,700 | \$1,729,800 | \$4,336,500 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Treasurer is authorized no more than twenty-six (26.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. PAYMENT OF BANK SERVICE FEES. Of the amount appropriated in Section 1 of this act, no more than \$406,600 from the General Fund and \$221,700 from the Professional Services Fund may be used for the payment of bank service fees for the period July 1, 2020, through June 30, 2021.

Approved March 24, 2020

CHAPTER 257
(H.B. No. 419)

AN ACT

RELATING TO MORTICIANS, FUNERAL DIRECTORS, AND EMBALMERS; AMENDING SECTION 54-1105, IDAHO CODE, TO REMOVE THE SECRETARY POSITION FROM THE BOARD OF MORTICIANS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1109, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS TO QUALIFY FOR MORTICIAN AND FUNERAL DIRECTOR LICENSURE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1111, IDAHO CODE, TO REVISE A PROVISION REGARDING THE TIME LIMIT FOR A LICENSED ESTABLISHMENT TO REPLACE A RESIDENT FULL-TIME LICENSED MORTICIAN AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 54-1115, IDAHO CODE, RELATING TO LICENSE FEES; AMENDING CHAPTER 11, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1115, IDAHO CODE, TO PROVIDE FOR LICENSE FEES; AMENDING SECTION 54-1116, IDAHO CODE, TO PROVIDE THAT CONVICTION OF A CRIME THAT REFLECTS UPON THE QUALIFICATIONS, FUNCTIONS, OR DUTIES OF A LICENSE AND FAILING AN INSPECTION SHALL BE GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1128, IDAHO CODE, TO PROVIDE AN EXCEPTION; AMENDING SECTION 54-1129, IDAHO CODE, TO PROVIDE FOR THE CERTIFICATION OF LICENSED FUNERAL ESTABLISHMENTS; AMENDING SECTION 54-1130, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1131, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 54-1132, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTIFICATES OF AUTHORITY; AMENDING SECTION 54-1133, IDAHO CODE, TO REVISE A PROVISION REGARDING THE FORM AND CONTENT OF A CONTRACT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1134, IDAHO CODE, TO REVISE PROVISIONS REGARDING PREARRANGEMENT TRUST FUND DEPOSITS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1136, IDAHO CODE, TO REVISE PROVISIONS REGARDING ADVERTISING AND MARKETING OF PREARRANGEMENT SALES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-1137, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 54-1105, Idaho Code, be, and the same is hereby amended to read as follows:

54-1105. BOARD OF MORTICIANS. (1) There is hereby established in the department of self-governing agencies a state board of morticians to be composed of three (3) members who shall be appointed by the governor and who shall serve at the pleasure of the governor in the manner hereinafter set forth. Two (2) members of the board shall be duly licensed morticians under the laws of the state of Idaho and. Each shall be a resident of the state of Idaho for a period of at least five (5) years next preceding his appointment, during which time he shall have been continuously engaged in the practice as a mortician as defined in this chapter. One (1) member of the board shall be a member of the public with an interest in the rights of the consumers of mortuary services. No person shall be eligible for appointment to the board of morticians who is financially interested, directly or indirectly, in any embalming college, wholesale funeral supply business, or casket manufacturing business.

(2) The governor may consider recommendations for members of the board from the Idaho funeral service association, other statewide organization or association of licensed morticians whose membership is composed of a majority of all licensed morticians of the state or from any individual residing in this state.

(3) All members of the board of morticians shall be appointed to serve for a term of three (3) years, to expire on May 1 of the year of termination of their term, and until their successors have been appointed and qualified; provided however, the governor is hereby granted the power to alter the term of office of the members of the board first appointed hereunder so that the term of office of not more than one (1) member of the board shall terminate in any one (1) year. In case of a vacancy occurring on said board of morticians, the governor shall appoint a qualified member for the remainder of the unexpired term of the vacant office.

(4) The board shall meet, not less than annually, to elect a chairman, and vice chairman and secretary and take official board action on pending matters by majority vote of all the members of the board of morticians, and in doing so a majority of the members of said board shall at all times constitute a quorum. Notice of any meeting shall be given by the chairman to all members of the board at least ten (10) days in advance of each meeting unless such notice is waived in writing by all of the members of the board.

(5) Each member of the board of morticians shall be compensated as provided by section 59-509(m), Idaho Code.

SECTION 2. That Section 54-1109, Idaho Code, be, and the same is hereby amended to read as follows:

54-1109. REQUIREMENTS FOR MORTICIAN LICENSE -- REQUIREMENTS FOR FUNERAL DIRECTOR LICENSE -- LICENSE BY ENDORSEMENT. (1) To qualify for a mortician license or funeral director license within the state of Idaho, a person must be twenty-one (21) years of age or older.

(2) The board shall issue to any person a mortician's license to practice as a mortician and perform mortician services within the state of Idaho who has complied with and fulfilled all of the following requirements:

(a) ~~Has attained the age of twenty-one (21) years.~~

~~(b) Is of good moral character.~~

~~(c) Has completed and received credit for at least sixty (60) semester hours' or ninety (90) quarter-hours' instruction in a duly accredited college or university and has obtained at least a C grade average for all courses of instruction; provided, however, at least three-fourths (3/4) of all of such credits must be for courses in the fields of liberal arts, business or science as defined and specified by the board of morticians.~~

~~(d) Has successfully completed a course in an embalming school accredited by the American board of funeral service education, inc., or such other embalming school as approved by the board of morticians~~

Has completed and received an associate degree from a mortuary school accredited by the American board of funeral service education.

(e) Has practiced as a licensed resident trainee in the state of Idaho under the personal supervision of a licensed resident mortician for not less than twelve (12) months, and has assisted in embalming at least twenty-five (25) dead human bodies and, has assisted in making at least twenty-five (25) funeral arrangements, and has assisted in conducting at least twenty-five (25) funerals; provided, however, such practice as a licensed resident trainee of the state of Idaho may be filled and performed either before or after the required post-high school education.

(f) ~~c~~ Has filed an application with the board as required by this chapter and paid the required filing fee therefor.

(gd) Has passed the required examination prepared and conducted by the board of morticians. Provided further, that the board shall determine compliance with all of the above qualifications described in subsections (1) and (2) of this section, except this paragraph relating to examinations, at the time the applicant files his application as hereinafter provided and before the examination is conducted by the board of morticians.

(23) The board shall issue to any person a funeral director license to practice as a funeral director and perform funeral director services within the state of Idaho who has complied with and fulfilled all of the following requirements:

~~(a) Has attained the age of twenty-one (21) years.~~

~~(b) Is of good moral character.~~

~~(c) Has completed and received at least sixty forty-five (6045) semester hours¹ or ninety sixty-eight (9068) quarter-hours¹ quarter hours of instruction from a duly accredited college or university and has obtained at least a C grade average for all courses of instruction; provided, however, at least three-fourths (3/4) of all such credits must be for courses in the fields of liberal arts, business₁ or science as defined and specified by the board.~~

(db) Has successfully completed at least fifteen (15) semester credit hours or the equivalent from a mortuary college accredited by the American board of funeral service education, inc., or such credits as are otherwise approved by the board, with course of study to include business law, psychology, sociology, funeral service counseling, funeral service management₁ and other classes that relate to conducting funeral business.

(ec) Has practiced as a licensed trainee in the state of Idaho under the personal supervision of a licensed mortician for not less than twelve (12) months₇ and has assisted in making at least twenty-five (25) funeral arrangements and in conducting at least twenty-five (25) funerals.

(fd) Has successfully passed the required examination as established by the rules of the board. An applicant shall not be qualified to take the examination until all other requirements have been met.

(ge) Has filed an application with the board as required by this chapter and paid the required fees.

(34) Any person holding a current, valid license in another state or territory having substantially similar requirements to those existing in this state₇ may be granted a license without examination, provided:

(a) The applicant files with the board a certified statement from the examining board of the state or territory in which the applicant holds his license, verifying the license and showing the basis upon which the license was granted; and

(b) The applicant pays the license fee; and

(c) The applicant satisfies the board that he understands the laws and rules of this state as to funeral service.

(45) A person holding a current, valid license in another state or territory with requirements significantly lower than those of this state who has at least five (5) consecutive years of experience as a licensee in the other state or territory prior to application₇ may apply for a license to practice in this state without meeting the full requirements of subsections (1) ~~or~~ through (23) of this section. Upon payment of the license fee and passing such test of proficiency as the board shall require₁ including₇ but not limited to₇ a knowledge of the laws and administrative rules of this state as to funeral service, the board shall grant a license.

SECTION 3. That Section 54-1111, Idaho Code, be, and the same is hereby amended to read as follows:

54-1111. REQUIREMENTS FOR ESTABLISHMENT LICENSE -- CANCELLATION -- RECORDS -- OPERATION BY LEGAL REPRESENTATIVE OF ESTATE. (1) The board shall issue a funeral establishment license or crematory establishment license to any person, partnership, association, corporation or other organization, to operate at specific locations only, which has met the following requirements:

(a) That the applicant, if an individual, is a licensed mortician or funeral director under this chapter and is a resident of the state of Idaho.

(b) That the applicant has not been refused a license as a mortician or funeral director, or its equivalent, or ~~for~~ as an establishment, or its equivalent, or had a personal or establishment license revoked in Idaho or in any other state.

(c) That the applicant has designated the name under which the establishment will operate and has designated a location for which the establishment license is to be issued.

(d) That the applicant has at least one (1) mortician licensed under this chapter who is a resident of the state of Idaho and who is, and will be, in the employ or service of the establishment.

(e) That the applicant has filed an application and paid the required filing fee. Provided further, that the board shall make the determination of qualifications of all applicants within a reasonable time after the filing of an application with the board. No establishment license shall be transferable, but an applicant may make application for more than one (1) establishment license ~~so~~ as long as all of the requirements are met for each license.

(f) That the applicant for a crematory establishment license holds a current funeral establishment license in the state of Idaho.

(2) All applications for establishment licenses shall be in writing and shall contain the name of the applicant, the address and location of the establishment, and a description of the type of structure and equipment to be used in the operation of the establishment, and such further information as may be required by the board to ensure the safe and sanitary operation of the establishment.

(3) The mortician responsible for the operation of an establishment shall maintain such records affecting the handling, custody, care, processing or transportation of human remains as may be required by the laws and rules of the state of Idaho and the board for all human remains received, prepared, cremated or otherwise disposed of by the establishment.

(4) ~~In the event a licensed establishment ceases to have a resident full-time licensed mortician in its employ at its place of business, its license shall be canceled immediately by the board upon finding such fact; provided, however, in the event of the death of a licensed mortician who leaves an establishment as part of the assets of his estate, the legal representative of the estate of the deceased mortician shall be entitled to operate the establishment under the license, or renewals thereof, for a period not to exceed two (2) years from date of death of the mortician without meeting the qualifications of an applicant and without having a full-time licensed mortician in his employ; provided further, however, this provision the licensed establishment must replace the full-time licensed mortician within ninety (90) days, or its license shall be canceled. This subsection shall not permit an unlicensed person to perform mortician services. The board may for good cause extend the time a licensed establishment has to replace a resident full-time licensed mortician.~~

SECTION 4. That Section 54-1115, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 11, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1115, Idaho Code, and to read as follows:

54-1115. LICENSE FEES. Any fee required pursuant to this chapter, including fees for original licenses, examinations, annual renewals, and certificates, shall be set by board rule. All fees shall be paid to the bureau of occupational licenses.

SECTION 6. That Section 54-1116, Idaho Code, be, and the same is hereby amended to read as follows:

54-1116. DENIAL, SUSPENSION, OR REVOCATION OF LICENSES -- GROUNDS -- PROBATION. The board may refuse to issue or may refuse to renew or may suspend or may revoke any license, or may place the holder thereof on a term of probation, after proper hearing, upon finding that the holder of such license committed or is subject to any of the following acts or omissions:

(1) Conviction of a crime involving moral turpitude that reflects upon the qualifications, functions, or duties of the respective license.

(2) Conviction of a felony.

(3) Unprofessional conduct, which is hereby defined to include:

(a) Misrepresentation or fraud in the conduct of mortician or funeral director services;

(b) False or misleading advertising as the holder of a license for the practice of mortician or funeral director services; advertising or using the name of a person who is not an employee of the establishment in connection with that of any establishment;

(c) Solicitation of dead human bodies by the licensee, his agents, assistants or employees, whether such solicitation occurs before death or after death; provided, that this shall not be deemed to prohibit general advertising;

(d) Employment by the licensee of persons known as "cappers," or "steerers," or "solicitors," or other such persons to solicit or obtain agreements with the public for the performance of mortician services;

(e) Employment, directly or indirectly, of any resident trainee, agent, assistant, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular mortician, funeral director or establishment;

(f) The direct or indirect payment, or offer of payment, of a commission by the licensee, his agents, assistants, or employees for the purpose of securing business;

(g) Gross immorality;

(h) Aiding or abetting an unlicensed person to practice mortician or funeral director services;

(i) Using profane, indecent or obscene language in the presence of a dead human body, or within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed of;

(j) Violation of any of the provisions of this chapter;

(k) Violation of any state law, or municipal or county ordinance, or rule authorized under this chapter affecting the handling, custody, care, processing or transportation of dead human bodies;

(l) Fraud or misrepresentation in obtaining or renewing a license;

(m) Refusing to promptly surrender the custody of a dead human body upon the express order of the person lawfully entitled to the custody thereof;

(n) Solicitation or acceptance, directly or indirectly, of a request, before need, for an agreement to provide mortician services or funeral supplies at a price less than that offered by such person to others at time of need;

(o) Violation of any statutes of any state having to do with prearrangement or prefinancing of mortician services or funeral supplies; and

(p) Failing an inspection conducted by the board or the board's agent.

SECTION 7. That Section 54-1128, Idaho Code, be, and the same is hereby amended to read as follows:

54-1128. VIOLATIONS CONSTITUTING MISDEMEANORS -- EXCEPTIONS -- ENFORCEMENT. Any person who knowingly violates any provision of this chapter, or any licensee under this chapter who shall commit an act of unprofessional conduct as defined and designated under the provisions of subsection (3) of section 54-1116, Idaho Code, except subsections paragraphs (g), (i), and (ip) thereof, shall be guilty of a misdemeanor unless such conduct is punishable as a felony elsewhere under the law. It shall be the duty of the board of morticians to see that the provisions of this chapter are properly administered and enforced throughout the state, and all peace officers and prosecuting attorneys shall aid in their several capacities in discharge of these duties.

SECTION 8. That Section 54-1129, Idaho Code, be, and the same is hereby amended to read as follows:

54-1129. DECLARATION OF INTENT. It is the purpose of sections 54-1129 through 54-1138, Idaho Code, to provide for the certification of persons licensed funeral establishments selling or offering for sale prearrangement sales contracts, to provide for the creation and administration of prearrangement sales contract trust funds to assure funds for the performance to purchasers who contract through prearrangement sales contracts for the purchase of funeral and cemetery merchandise and funeral and cemetery services, and to provide for the disbursement and allocation of trust funds upon the certified person's seller's performance of his its contractual obligations. The sections of Idaho Code specified herein shall not affect the provisions of sections 54-1101 through 54-1121 and sections 54-11267 through and 54-1128, Idaho Code.

SECTION 9. That Section 54-1130, Idaho Code, be, and the same is hereby amended to read as follows:

54-1130. SCOPE AND EXCEPTIONS. A-(1) Sections 54-1129 through 54-1138, Idaho Code, apply to all persons who establishments that sell or offer for sale prepaid funeral or cemetery merchandise or services.

B-(2) Sections 54-1133, 54-1134 and 54-1135, Idaho Code, do not apply to:

(1a) Agreements to sell or sales made for rights of interment or entombment in a cemetery section, lawn crypt section, mausoleum or columbarium which that are in existence at the time of initial payment on the contract_{7i} or

(2b) Agreements to sell or sales made for monuments and grave markers that will be delivered and installed upon performance of payment.

SECTION 10. That Section 54-1131, Idaho Code, be, and the same is hereby amended to read as follows:

54-1131. DEFINITIONS. As used in sections 54-1132 through 54-1143, Idaho Code:

(1) "Beneficiary" means the person who is to receive the funeral or cemetery merchandise or funeral or cemetery services.

(2) "Certified ~~person or~~ seller" means any person holding licensed funeral establishment that holds a certificate of registration or who that is registered to sell or offer for sale prearrangement sales contracts.

(3) "Funeral or cemetery merchandise" means personal property normally and customarily sold by funeral establishments, cemeteries, and crematory establishments including, but not limited to, caskets or other primary containers, burial vaults, casket-vaults, grave liners, funeral clothing or accessories, monuments, grave markers and cremation urns. It shall include:

(a) Merchandise identified for the purchaser or the beneficiary to be manufactured for future delivery and use.

(b) Merchandise that has been manufactured and held by the manufacturer for future delivery and use.

(c) Merchandise that has been manufactured and delivered to and in the possession of the seller, who has placed it, until needed, in storage.

(4) "Funeral or cemetery services" means those services normally and customarily performed by a funeral service practitioner, mortician, funeral establishment, cemetery or crematory establishment in conjunction with funeral or memorial services, interment, entombment or cremation.

(5) "Guaranteed contract" means a written prearrangement sales contract that guarantees the beneficiary funeral or cemetery services or funeral or cemetery merchandise contained in the contract and under which no charges other than the sales price contained in the contract shall be required upon delivery of the merchandise or performance of the funeral and cemetery services.

(6) "Nonguaranteed contract" means a written prearrangement sales contract that does not guarantee the beneficiary any specific funeral or cemetery merchandise or services. Any funds paid under this contract are only a deposit to be applied toward the final cost of the funeral or cemetery merchandise or services.

(7) "Prepaid prearrangement sale or prearrangement sales contract" means any sale, other than a contract of life insurance entered into by an insurance company, that has as its purpose the furnishing of funeral or cemetery merchandise or funeral or cemetery services in connection with the final disposition or commemoration of the memory of a dead human body, for use at a time determinable by the death of the person or persons whose body or bodies are to be disposed and where the sale terms require payment or payments to be made at a currently determinable time.

(8) "Primary container" means a casket, rental casket, casket-vault, chapel-vault or other container that serves as the repository for dead human remains.

(9) "Public cemetery" means a cemetery owned and operated by a cemetery district organized under Idaho law, or by a municipal corporation or political subdivision of the state of Idaho.

(10) "Purchaser" means a beneficiary or a person acting on behalf of a beneficiary who enters into a prearrangement sales contract with a certified person under which any payment or payments made under the contract are required to be deposited in trust.

(11) "Secondary container" means a vault, grave liner, urn or other container purchased by the buyer for a burial or required by the cemetery that will be the repository for the primary container.

(12) "Trustee" means any bank, trust company or savings institution authorized to do business in the state of Idaho where accounts are insured with the federal deposit insurance corporation, the federal savings and loan insurance corporation or other similar agency of the United States government.

SECTION 11. That Section 54-1132, Idaho Code, be, and the same is hereby amended to read as follows:

54-1132. CERTIFICATE OF AUTHORITY -- REQUIREMENTS -- DISPLAY OF CERTIFICATE. (1) ~~No individual~~ Effective July 1, 2021, no licensed funeral establishment may sell a prepaid contract or provide funeral or cemetery merchandise or funeral or cemetery services pursuant to a prepaid contract without first obtaining a valid certificate of authority. The holder of the funeral establishment license shall be responsible for the certificate of authority and any agent of the establishment who operates under the certificate of authority.

(2) A certificate of authority for public cemeteries shall be issued by the governing board, city council or board of county commissioners having overall supervision and control of the cemetery. A certificate of authority for privately owned cemeteries shall be issued by the Idaho board of cemetarians. A certificate of authority for persons funeral establishments licensed under chapter 11, title 54, Idaho Code, shall be issued by the state board of morticians and shall be renewed annually at the same time as the funeral establishment license is renewed.

(23) ~~Any individual~~ A licensed funeral establishment seeking to obtain a certificate of authority must submit a statement that includes the following:

- (a) The types of prepaid contracts to be written;
- (b) The name and address of the place of business of the individual licensed funeral establishment; and
- (c) ~~Any information deemed necessary by the certifying authority to show evidence of good moral character, a reputation for fair dealing in business matters, and the absence of a criminal record~~ compliance with section 54-1116, Idaho Code.

(34) ~~Upon issuance, the certificate of authority shall be posted conspicuously in the holder's place of business~~ licensed funeral establishment.

(45) ~~Any individual~~ The agent of any licensed funeral establishment holding a certificate shall present a copy of the certificate to the purchaser before engaging in the activity of selling a prearrangement sales contract.

(56) A licensed mortician or licensed funeral director shall designate the licensed funeral establishment that shall be responsible to provide any funeral or cemetery merchandise or funeral or cemetery services under prearrangement sales.

(67) The licensed funeral establishment designated as responsible to provide the merchandise and services under a prearrangement sales contract shall maintain all contracts and documents associated with any prearrangement sales.

SECTION 12. That Section 54-1133, Idaho Code, be, and the same is hereby amended to read as follows:

54-1133. FORM AND CONTENT OF CONTRACT -- PRICE DISCLOSURE. A. (1) Each contract shall be written in clear, understandable language and shall be printed or typed in an easy-to-read type font, size, and style.

~~B.~~(2) Each contract shall identify the seller, ~~seller's~~ the certificate of authority number the certified seller is working under, purchaser, and the beneficiary if other than the purchaser.

~~C.~~(3) Each contract shall specify the services and/or merchandise to be provided, as well as a statement of the law regarding substitution as provided in section 54-1137, Idaho Code.

~~D.~~(4) Each contract shall set forth the purchase price and the terms under which it is to be paid.

~~E.~~(5) Each contract shall conform to other state or federal regulations, including price disclosure. It is the contract seller's duty to comply with such regulations.

~~F.~~(6) Each contract shall state clearly whether it is a guaranteed price contract or a nonguaranteed price contract.

~~G.~~(7) Each contract shall state clearly whether it is a revocable or nonrevocable trust.

~~H.~~(8) Each contract shall state the amount of money to be placed in trust and the name of the trustee, but the contract may provide that the certified seller may designate a new trustee to obtain higher interest earnings on the trust funds.

~~I.~~(9) Each contract shall explain the disposition of the interest and include a statement of the fees, expenses and taxes ~~which~~ that may be deducted from the interest pursuant to section 54-1134, Idaho Code, and a statement of the purchaser's responsibility for taxes owed on the interest.

~~J.~~(10) Each contract shall explain the purchaser's cancellation rights pursuant to section 54-1135, Idaho Code.

SECTION 13. That Section 54-1134, Idaho Code, be, and the same is hereby amended to read as follows:

54-1134. PREARRANGEMENT TRUST FUND DEPOSITS. ~~A.~~(1) Within ten (10) business days of receipt, funds received by the certified seller in payments of the prepaid contract shall be deposited in trust as follows:

(1a) ~~Fifty per cent percent~~ (50%) of the amount received in payment for a marker, monument or secondary container shall be deposited with the trustee to be held in trust; provided however, the first ~~fifty per cent percent~~ (50%) of the ~~fifty per cent percent~~ (50%), or ~~twenty-five per cent percent~~ (25%) of the total, may be collected, accounted for and applied to the certified seller's cost of purchase with the remainder to be deposited in trust. No amount need be held in trust for those items ~~which~~ that are fully purchased by the certified seller and stored for the purchaser at the certified seller's expense in a bonded warehouse.

(2b) Upon the sale of all other funeral or cemetery merchandise or services, there shall be deposited in trust the amount of ~~eighty-five per cent percent~~ (85%) of the amounts received.

~~B.~~(2) Funds deposited in trust shall be identified in the records of the trustee by the name of the purchaser and beneficiary, and adequate records shall be maintained to allocate all earnings to each prearrangement sales contract. Nothing shall prevent the trustee from commingling the deposits in any such trust fund account for purposes of managing and investing the funds. A common trust fund account shall be identified by the name of the trustee.

~~C.~~(3) The certificating authority shall, as often as it deems reasonably necessary, examine the trust account, records, documents, and contracts of the seller. ~~The certificating authority shall determine the reasonable cost of such examination, which shall be paid to the certificating authority by the seller. Each seller is hereby required to file not less than annually with the certificating authority a certified audit report revealing the number of such contracts or agreements executed by him during the preceeding year, the total value of said contracts or agreements, the~~

~~amount of money collected and paid in trust pursuant to said contracts or agreements and the name of the trustee. No less than annually, each certifying authority is required to file a certified audit report for each of its sellers, revealing the total amount of agreements or contracts executed by the seller during the preceding year, the total value of said contracts or agreements, the amount of money collected and paid in trust pursuant to said contracts or agreements, and the name of the trustee.~~

~~D-(4)~~ The interest income from the trust on all contracts may be used to pay reasonable trustee fees and administrative expenses incurred in the administration of the trust and taxes. The certifying authority shall, by rule, establish a limit on the amount of fees and expenses which that may be deducted from the interest income, and the trustee shall not exceed said limit.

~~E-(5)~~ At the time of providing the services and/or merchandise, any interest income remaining after payment of trustee fees, administrative expenses and taxes shall be disbursed as follows:

(1a) On a guaranteed-price prepaid contract, to the seller.

(2b) On a nonguaranteed-price prepaid contract, to the purchaser or the purchaser's estate.

~~F-(6)~~ Any person certified seller engaging in prearrangement sales who that enters into a combination sale which that involves the sale of items subject to trust and any item not subject to trust shall be prohibited from increasing the sales price of those items not subject to trust with the purpose of allocating a lesser sales price to items which that require a trust deposit.

SECTION 14. That Section 54-1136, Idaho Code, be, and the same is hereby amended to read as follows:

54-1136. SOLICITATION -- LIMITATIONS. (1) The right of a certified seller to lawfully advertise shall not be restrained, nor shall general advertising be prohibited.

(2) Advertising and marketing of prearrangement sales contracts is permitted provided that:

(a) The certified seller and its agents clearly identifies himself and his identify themselves and their product.

(b) The certified seller and its agents shows his the certificate of authority as provided in section 54-1132, Idaho Code. If the marketing is by telephone, the certified seller and its agents must disclose his the certificate of authority.

~~(c) The seller makes an appointment with the prospective buyer if the meeting is at a place other than the seller's place of business.~~

(3) Advertising and marketing of prearrangement sales contracts is permitted provided that any contract seller shall not:

(a) Directly or indirectly call upon or employ any agent, assistant, employee, independent contracting person, or any other person to call upon individuals or persons in hospitals, rest homes, or similar institutions for the purpose of soliciting prepaid contracts for making funeral or cemetery or final disposition arrangements without first having been specifically requested to do so by such person or by his next of kin.

(b) Solicit for dead human bodies for the purpose of providing funeral or cemetery services, final disposition, or cemetery or funeral merchandise when such solicitation occurs where death is reasonably pending or after death.

(c) Solicit or accept or pay any consideration for recommending specified persons to cause a dead human body to be provided funeral or cemetery services or funeral or cemetery merchandise, or the services of a crematory, mausoleum, or cemetery, except where such arrangement is subject to a prepaid contract.

(d) Be involved in solicitation which that comprises an uninvited invasion of personal privacy at the personal residence of a person, unless the solicitation has been previously and expressly requested by the person solicited.

SECTION 15. That Section 54-1137, Idaho Code, be, and the same is hereby amended to read as follows:

54-1137. SUBSTITUTIONS -- MERCHANDISE, SERVICES OR PROVIDER. A. (1) If the particular merchandise or service specified in the contract is unavailable at the time of delivery, the certified seller shall furnish merchandise and services similar in style and at least equal in quality of material and workmanship.

B. (2) The evaluation of quality shall be based on objective criteria.

C. (3) The person making arrangements for the funeral of the contract beneficiary shall choose the goods and/or services to be substituted and this choice must be reasonable based on the standards in subsections A (1) and B (2) of this section.

D. (4) If the certified seller is unable to provide merchandise and services or acceptable substitute merchandise or services under the terms of the contract, then the person responsible for arrangements for the funeral of the contract beneficiary may choose another provider and the funds in the trust shall be used to pay for the merchandise and services of the substitute provider.

Approved March 24, 2020

CHAPTER 258
(H.B. No. 496)

AN ACT

RELATING TO SALES TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622TT, IDAHO CODE, TO PROVIDE A SALES AND USE TAX EXEMPTION ON CERTAIN CUSTOM MEAT PROCESSING SERVICES.

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

SECTION 1. That Chapter 36, 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 63-3622TT, Idaho Code, and to read as follows:

63-3622TT. CUSTOM MEAT PROCESSING. There is hereby exempted from the taxes imposed by this chapter any custom meat processing or packing service, when the consumer furnishes, directly or indirectly, the animal to any seller of meat processing or meat packing services, and any tangible personal property received, however processed, will not be resold.

Approved March 24, 2020

CHAPTER 259

(H.B. No. 587, As Amended in the Senate)

AN ACT

RELATING TO HIGHWAY DISTRICT LEVIES; AMENDING SECTION 50-2908, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TAX REVENUE PAID TO A HIGHWAY DISTRICT THAT INCLUDES A REVENUE ALLOCATION AREA, TO PROVIDE EXCEPTIONS, AND TO MAKE A TECHNICAL CORRECTION.

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

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

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

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

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

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

(d) Levies for payment of obligations that have been judicially confirmed pursuant to chapter 13, title 7, Idaho Code, and that meet the criteria of sections 63-1315 and 63-1316, Idaho Code;

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

(f) School levies for supplemental maintenance and operation pursuant to section 33-802(3) and (4), Idaho Code, approved after December 31, 2007, and for emergency funds pursuant to section 33-805, Idaho Code, approved after July 1, 2015.

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

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

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

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

(iii) All taxes levied by the taxing district to satisfy obligations specified in subsection (1) of this section; and

(iv) In the case of a revenue allocation area first formed or expanded to include the property on or after July 1, 2020, all taxes levied by any highway district, unless the local governing body that created the revenue allocation area has responsibility for the maintenance of roads or highways. In the case of property located within a revenue allocation area prior to July 1, 2020, or property located within a revenue allocation area created by a local governing body that has responsibility for the maintenance of roads or highways, the allocation of taxes shall be governed by subparagraph (ii) of this paragraph. In any case, the highway district and the urban renewal agency may enter into an agreement for a different allocation. A copy of any such agreement shall be submitted to the state tax commission and to the county clerk by the highway district as soon as practicable after the parties have entered into the contract and by no later than September 1 of the year in which the agreement takes effect.

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

(3) Upon enactment of an ordinance adopting a revenue allocation financing provision as part of an urban renewal plan, the urban renewal agency shall create a special fund or funds to be used for the purposes enumerated in this chapter. The revenues allocated to the urban renewal agency pursuant to this chapter shall be paid to the agency by the treasurer of the county in which the revenue allocation district is located and shall be deposited by the agency into one (1) or more of such special funds. The agency may, in addition, deposit into such special fund or funds such other income, proceeds, revenues and funds it may receive from sources other than the revenues allocated to it under subsection (2) (b) of this section.

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

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

CHAPTER 260
(H.B. No. 614)

AN ACT

RELATING TO MOTOR VEHICLES; REPEALING SECTION 49-1401A, IDAHO CODE, RELATING TO TEXTING WHILE DRIVING; AND AMENDING CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1401A, IDAHO CODE, TO DEFINE TERMS, TO PROHIBIT PERSONS FROM OPERATING A MOTOR VEHICLE WHILE USING A MOBILE ELECTRONIC DEVICE, TO PROVIDE EXCEPTIONS, TO PROHIBIT PERSONS FROM OPERATING A MOTOR VEHICLE WHILE WATCHING CERTAIN MOTION UPON THE SCREEN OF A MOBILE ELECTRONIC DEVICE, TO PROVIDE PENALTIES, TO PROVIDE THAT NOTHING IN THIS SECTION SHALL BE USED TO AUTHORIZE SEIZURE OF A MOBILE ELECTRONIC DEVICE, TO PROVIDE THAT A VIOLATION MAY BE THE PRIMARY OR SOLE REASON FOR A TRAFFIC STOP OR CITATION, TO PROVIDE THAT THE STATE PREEMPTS THE FIELD OF REGULATING THE USE OF MOBILE ELECTRONIC DEVICES IN MOTOR VEHICLES WHILE DRIVING, AND TO PROVIDE EFFECTIVE DATES.

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

SECTION 1. That Section 49-1401A, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 14, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1401A, Idaho Code, and to read as follows:

49-1401A. DISTRACTED DRIVING. (1) As used in this section:

(a) "Mobile electronic device" means a cellular telephone; broadband personal communication device; two-way messaging device; text messaging device; pager; personal digital assistant; laptop computer; computer tablet; stand-alone computer; portable computing device; mobile device with a touchscreen display that is designed to be worn; electronic games; equipment that is capable of playing a video or recording or transmitting video; or any similar electronic device that is used to initiate, receive, or display communication or information. "Mobile electronic device" does not include a radio designed for the citizens band radio service or the amateur radio service of the federal communications commission or a commercial two-way radio communications device, an information or communication system installed within a vehicle, a subscription-based emergency communication device, or a prescribed medical device.

(b) "Operate" means to drive or assume physical control of a motor vehicle upon a public way, street, road, or highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. "Operate" does not include a motor vehicle that is lawfully parked or that has pulled to the side of or off the road at a location where it is legal to do so and where the vehicle remains stationary.

(2) Except as provided in this subsection, a person shall not operate a motor vehicle while using a mobile electronic device. The provisions of this subsection shall not apply to:

(a) A law enforcement officer, firefighter, emergency medical technician, paramedic, operator of an authorized emergency vehicle, or similarly engaged paid or volunteer public safety first responder during the performance of that person's official duties, and a public or consumer-owned utility employee or contractor acting within the scope of that person's employment when responding to a utility emergency;

(b) The use of a mobile electronic device for emergency purposes, including a text messaging device to contact a 911 system; an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity; reporting a fire, traffic accident, serious road hazard, or medical or hazardous materials emergency to appropriate authorities; reporting the operator of another motor vehicle who is driving in a reckless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs; or reporting a crime;

(c) The use of a global positioning or navigation system feature of a mobile electronic device, provided that the operator of the vehicle is not manually entering information into the global positioning or navigation system feature of the device;

(d) The selection of a telephone number or name for the purpose of making or receiving a telephone call, provided that the action is performed through one-touch access or by voice command;

(e) The use of a mobile electronic device in a voice-operated or hands-free mode if the operator of the motor vehicle does not use his hands to operate the device, except through one-touch activation or deactivation of a feature or function of the device;

(f) The use of a mobile electronic device by a governmental or commercial user during the performance of that person's official duties, as long as the mobile electronic device is being used in a similar manner as a commercial two-way radio communication device; or

(g) The use of a mobile electronic device in a farming or ranching operation to assist in the movement of farm tractors, farm equipment, and implements of husbandry from one farm operation to another.

(3) No person shall operate a motor vehicle while watching motion upon the screen of a mobile electronic device, other than motion related to the functioning or navigation of the vehicle.

(4) A violation of this section shall be a moving violation and shall be an infraction punishable by a fine of seventy-five dollars (\$75.00) for a first offense and one hundred fifty dollars (\$150) for a second offense within a three (3) year period. For each subsequent offense within a three (3) year period, the offender shall be punished by a fine of three hundred dollars (\$300).

(5) A court may suspend a person's driver's license for up to ninety (90) days if the person has three (3) or more convictions for violations of this section within a three (3) year period.

(6) Nothing contained in this section shall be construed to authorize seizure of a mobile electronic device by any law enforcement agency.

(7) A conviction under this section for a first offense shall not result in violation point counts as prescribed in section 49-326, Idaho Code.

(8) A conviction under this section for a first offense that does not involve an accident may not be used to make an adverse eligibility decision by an insurer or for the purpose of establishing rates of motor vehicle insurance charged by an insurer.

(9) A law enforcement officer enforcing the provisions of this section is hereby authorized to utilize a violation of this section as the primary or sole reason for initiating a traffic stop or issuing a citation to a driver.

(10) The state preempts the field of regulating the use of mobile electronic devices in motor vehicles while driving, and this section supersedes any local laws, ordinances, orders, rules, or regulations enacted by any political subdivision or municipality to regulate the use of a mobile electronic device by the operator of a motor vehicle.

(11) This section shall be effective July 1, 2020, provided that only warnings and no infractions shall be issued under this section prior to January 1, 2021.

Approved March 24, 2020

CHAPTER 261
(H.B. No. 630)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF FACILITIES FOR FISCAL YEAR 2021; APPROPRIATING MONIES TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF FACILITIES FOR FISCAL YEAR 2021; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZATION PROGRAM; SPECIFYING THE AMOUNT OF REVENUE DISTRIBUTED TO THE GENERAL FUND FOR FISCAL YEAR 2021; AND MAKING A TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2021.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Facilities the following amounts to be expended from the listed funds for the period July 1, 2020, through June 30, 2021:

FROM:

| | |
|----------------------------------|-------------------|
| General Fund | \$21,141,400 |
| Bond Levy Equalization Fund | 16,609,900 |
| School District Building Account | <u>24,187,500</u> |
| TOTAL | \$61,938,800 |

SECTION 2. TRANSFER. Of the moneys appropriated to the Public Schools Educational Support Program's 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. If the funding appropriated in Section 1 of this act is insufficient to meet the requirements of Section 33-906, Idaho Code, the difference shall be withdrawn and paid from the Public Education Stabilization Fund, notwithstanding any other provision of law to the contrary.

SECTION 3. DISTRIBUTION TO THE GENERAL FUND. Notwithstanding the provisions of Section 63-2520(b)(4), Idaho Code, the amount of revenue distributed to the General Fund shall be \$8,796,600 for the period July 1, 2020, through June 30, 2021.

SECTION 4. TRANSFER FOR PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM. Of the moneys appropriated in Section 1 of this act, there is hereby appropriated and the State Controller shall transfer \$12,344,800 from the General Fund to the Public School Income Fund to be expended for the Public Schools Educational Support Program's Division of Facilities for the period July 1, 2020, through June 30, 2021.

Approved March 24, 2020

CHAPTER 262
(H.B. No. 631)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2021; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2021; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CENTRAL SERVICES FOR FISCAL YEAR 2021; DIRECTING THE USE OF FUNDS FOR LITERACY PROGRAMS, INTERVENTION SERVICES, MATH INITIATIVE PROGRAMS, AND LIMITED-ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF FUNDS FOR STUDENT ASSESSMENTS; DIRECTING THE USE OF FUNDS FOR PROFESSIONAL DEVELOPMENT; PROVIDING REQUIREMENTS FOR DIGITAL CONTENT AND CURRICULUM; PROVIDING GUIDANCE ON YEAR-END RECONCILIATION; PROVIDING REQUIREMENTS FOR TECHNOLOGY CONTENT AND CURRICULUM; DEFINING "DISTRIBUTED" AND "EXPENDED"; AND REQUIRING AN ACQUISITIONS REPORT.

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's Division of Central Services for the period July 1, 2020, through June 30, 2021:

FROM:

| | |
|--------------|--------------|
| General Fund | \$12,667,600 |
|--------------|--------------|

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2020, through June 30, 2021:

FROM:

| | |
|--------------|--------------|
| General Fund | \$12,667,600 |
|--------------|--------------|

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program's Division of Central Services the following amount to be expended for operating expenditures from the listed fund for the period July 1, 2020, through June 30, 2021:

FOR
OPERATING
EXPENDITURES TOTAL

FROM:

Public School Income
Fund

\$12,667,600 \$12,667,600

SECTION 4. PROGRAM SUPPORT. Of the moneys appropriated in Section 3 of this act, up to \$2,609,100 shall be expended for the support of literacy programs, intervention services for non-Title I schools that fail to achieve proficiency on Idaho's standards-based achievement tests, math initiative programs and regional math labs, and evaluation of the programs for students with non-English or limited-English proficiency. The Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee by no later than January 15, 2021, on the uses of funds and effectiveness of the programs and efforts.

SECTION 5. STUDENT ASSESSMENTS. Of the moneys appropriated in Section 3 of this act, the Superintendent of Public Instruction may expend up to \$2,258,500 for the development or administration of student assessments, including a college entrance exam for grade 11 students, an exam for grade 10 students that provides preparation for the college entrance exam, and end-of-course exams for high school science subjects.

SECTION 6. PROFESSIONAL DEVELOPMENT. 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, teacher training, and to track usage and effectiveness of professional development efforts at the state and local levels.

SECTION 7. CONTENT AND CURRICULUM -- DIGITAL CONTENT. Of the moneys appropriated in Section 3 of this act, up to \$1,200,000 may be expended for the purchase of content and curriculum for adaptive math instruction, and up to \$2,250,000 may be expended for research-based programs to assist with the instruction of students with non-English or limited-English proficiency.

SECTION 8. YEAR-END RECONCILIATION. If the funds appropriated and transferred to the Public School Income Fund and the funds appropriated from the General Fund in Section 1 of this act exceed the actual expenditures for the specified purposes, 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 other provisions of law to the contrary. If the funding amounts specified in Section 5 of this act are insufficient to meet the actual expenditures, 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 other provisions of law to the contrary.

SECTION 9. CONTENT AND CURRICULUM -- TECHNOLOGY. Of the funds appropriated in Section 3 of this act, an amount not to exceed \$1,300,000 may be expended by the Superintendent of Public Instruction to contract for services that provide technology education opportunities and/or information technology certifications to students, including faculty, that prepare students for college, career, or the workplace. Funding shall be awarded for projects that include three (3) 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 Instruction shall provide a report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee by January 15, 2021, regarding the number and type of certificates earned by students and faculty.

SECTION 10. DEFINITIONS. For the purposes of this act, "distributed" means moneys that are transferred to school districts and public charter schools with no funds withheld for any other contract or administrative costs. "Expended" means moneys that pay for the cost of contracts that provide services to school districts, public charter schools or students, or that pay for the State Department of Education's cost of administering the programs for which the moneys are allocated.

SECTION 11. ACQUISITIONS. Consistent with the provisions of Chapter 92, Title 67, Idaho Code, the Superintendent of Public Instruction is encouraged to engage in open, competitive acquisition processes. The Superintendent of Public Instruction shall provide a report to the Joint Finance-Appropriations Committee by January 15, 2021, on all contracts signed during fiscal year 2020 for property valued at more than \$25,000. The report shall include for each contract: (a) the amount; (b) the duration; (c) the parties; (d) the subject; (e) whether the contract was awarded as a result of an open, competitive acquisition process or as a sole source or other noncompetitive procurement pursuant to section 67-9221, Idaho Code; and (f) the rationale for signing any sole source or other noncompetitive procurements.

Approved March 24, 2020

CHAPTER 263
(S.B. No. 1305)

AN ACT

RELATING TO PSYCHOLOGISTS; AMENDING SECTION 54-2317, IDAHO CODE, TO REVISE A PROVISION REGARDING SUPERVISION AGREEMENTS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 54-2317, Idaho Code, be, and the same is hereby amended to read as follows:

54-2317. PRESCRIPTIVE AUTHORITY -- PROVISIONAL CERTIFICATION. To qualify for provisional certification of prescriptive authority, a psychologist licensed under this chapter shall meet such standards as prescribed by rule of the board. At a minimum, these standards shall include:

- (1) A current license to practice psychology in Idaho;
- (2) A doctorate degree in psychology awarded by an accredited program within a United States department of education_approved, regionally accredited institution of higher education;
- (3) A master's degree in clinical psychopharmacology awarded by an accredited program within a United States department of education_approved, regionally accredited institution of higher education. The didactic portion of the education shall be at least two (2) years of full-time education, or the equivalent thereof, and shall be substantially equivalent to the ed-

ucation required of an advanced practice psychiatric nurse practitioner in this state as determined by the institution that offers both clinical psychopharmacology and psychiatric nurse practitioner degrees. The necessary prerequisites for the education shall be determined by the institution that offers the degrees and, in the institution's judgment, shall include sufficient biomedical education to ensure the necessary knowledge and skills to prescribe psychotropic medications in a safe and effective manner. The program shall satisfy the requirements to become designated a post-doctoral education and training program in clinical psychopharmacology by the American psychological association. The program must be established and administered by biomedically trained educators and must demonstrate that all content is covered and that students achieve clinical competency in all areas, and shall include at a minimum:

- (a) Basic science:
 - (i) Anatomy;
 - (ii) Physiology;
 - (iii) Biochemistry;
- (b) Neurosciences:
 - (i) Neuroanatomy;
 - (ii) Neurophysiology;
 - (iii) Neurochemistry;
- (c) Physical assessments and laboratory exams:
 - (i) Physical assessment;
 - (ii) Laboratory and radiological assessment;
 - (iii) Medical terminology and documentation;
- (d) Clinical medicine and pathophysiology:
 - (i) Pathophysiology with particular emphasis on cardiac, renal, hepatic, neurologic, gastrointestinal, hematologic, dermatologic and endocrine systems;
 - (ii) Clinical medicine with particular emphasis on signs, symptoms and treatment of disease states with behavioral, cognitive and emotional manifestations or comorbidities;
 - (iii) Differential diagnosis;
 - (iv) Clinical correlations -- the illustration of the content of this domain through case study;
 - (v) Substance-related and co-occurring disorders;
 - (vi) Chronic pain management;
- (e) Clinical and research pharmacology and psychopharmacology:
 - (i) Pharmacology;
 - (ii) Clinical pharmacology;
 - (iii) Pharmacogenetics;
 - (iv) Psychopharmacology;
 - (v) Developmental psychopharmacology;
 - (vi) Issues of diversity in pharmacological practice -- lifespan related to drug metabolism;
- (f) Clinical pharmacotherapeutics:
 - (i) Combined therapies -- psychotherapy/pharmacotherapy interactions;
 - (ii) Computer-based aids to practice;
 - (iii) Pharmacoepidemiology;
- (g) Research:
 - (i) Methodology and design of psychopharmacology research;
 - (ii) Interpretation and evaluation of research;
 - (iii) Federal food and drug administration drug development and regulatory processes; and

- (h) Professional, ethical, and legal issues:
- (i) Application of existing law, standards and guidelines to pharmacological practice; and
 - (ii) Relationship with pharmaceutical industry:
 1. Conflicts of interest;
 2. Evaluation of pharmaceutical marketing practices; and
 3. Critical consumer;
- (4) Clinical experience that is sufficient to attain competency in the psychopharmacological treatment of a diverse patient population under the direction of qualified practitioners including, but not limited to, licensed physicians and prescribing psychologists as determined by the institution offering the clinical psychopharmacology degree;
- (5) A passing score on an examination developed by a nationally recognized body and approved by the board; and
- (6) Supervision agreements with board-certified psychiatrists, neurologists, family medicine physicians, or other physicians with specialized training and a minimum of two (2) years of experience in the management of psychotropic medication who are licensed under chapter 18, title 54, Idaho Code, or an equivalent licensing provision of the law of an adjoining state.

Approved March 24, 2020

CHAPTER 264
(S.B. No. 1323, As Amended)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1208, IDAHO CODE, TO REVISE PROVISIONS REGARDING PERMANENT REVOCATION AND DENIAL OF CERTAIN CERTIFICATES, TO PROVIDE A CORRECT CODE REFERENCE, TO PROVIDE FOR A HEARING AND AN EXCEPTION UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-1209, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 33-1208, Idaho Code, be, and the same is hereby amended to read as follows:

33-1208. REVOCATION, SUSPENSION, DENIAL, OR PLACE REASONABLE CONDITIONS ON CERTIFICATE -- GROUNDS. (1-) The professional standards commission may deny, revoke, suspend, or place reasonable conditions on any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, upon any of the following grounds:

(a-) Gross neglect of duty;

(b-) Incompetency;

(c-) Breach of the teaching contract;

(d-) Making any material statement of fact in the application for a certificate, which that the applicant knows to be false;

(e-) Revocation, suspension, denial, or surrender of a certificate in another state for any reason constituting grounds for revocation in this state;

(f-) Conviction, finding of guilt, withheld judgment, or suspended sentence, in this or any other state of a crime involving moral turpitude;

(g-) Conviction, finding of guilt, withheld judgment, or suspended sentence in this state or any other state for the delivery, manufac-

ture, or production of controlled substances or simulated controlled substances as those terms are defined in section 37-2701, Idaho Code;

~~(h.)~~ A guilty plea or a finding of guilt, notwithstanding the form of the judgment or withheld judgment, in this or any other state, of the crime of involuntary manslaughter, section 18-4006 2. ~~or section 18-4006 3.~~ (2) or (3), Idaho Code;

~~(i.)~~ Any disqualification which that would have been sufficient grounds for refusing to issue or authorize a certificate, if the disqualification existed or had been known at the time of its issuance or authorization;

~~(j.)~~ Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education;

~~(k.)~~ The kidnapping of a child, section 18-4503, Idaho Code;

~~(l.)~~ Conviction, finding of guilt, withheld judgment, or suspended sentence, in this state or any other state of any felony, the commission of which renders the certificated person unfit to teach or otherwise perform the duties of the certificated person's position.

~~(2.)~~ The professional standards commission shall permanently revoke any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, and shall deny the application for issuance of a certificate of a person who pleads guilty to or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses against a child:

~~(a.)~~ The aggravated assault of a child, section 18-905, Idaho Code, or the assault with intent to commit a serious felony against a child, section 18-909, Idaho Code.

~~(b.)~~ The aggravated battery of a child, section 18-907, Idaho Code, or the battery with intent to commit a serious felony against a child, section 18-911, Idaho Code.

~~(c.)~~ The injury or death of a child, section 18-1501, Idaho Code.

~~(d.)~~ The sexual abuse of a child under sixteen (16) years of age, section 18-1506, Idaho Code.

~~(e.)~~ The ritualized abuse of a child under eighteen (18) years of age, section 18-1506A, Idaho Code.

~~(f.)~~ The sexual exploitation of a child, section 18-1507, Idaho Code.

~~(g.)~~ Lewd conduct with a child under the age of sixteen (16) years, section 18-1508, Idaho Code.

~~(h.)~~ The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, section 18-1508A, Idaho Code.

~~(i.)~~ The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.

~~(j.)~~ The murder of a child, section 18-4003, Idaho Code, or the voluntary manslaughter of a child, section 18-4006(1), Idaho Code.

~~(k.)~~ The kidnapping of a child, section 18-4502, Idaho Code.

~~(l.)~~ The importation or exportation of a juvenile for immoral purposes Interstate trafficking in prostitution, section 18-5601, Idaho Code.

~~(m.)~~ The abduction of Utilizing a person under eighteen (18) years of age for prostitution, section 18-5610, Idaho Code.

~~(n.)~~ The Rape of a child, section 18-6101, Idaho Code.

The general classes of felonies listed in this subsection 2. of this section shall include equivalent laws of federal or other state jurisdictions. For the purpose of this subsection, "child" means a minor or juvenile as defined by the applicable state or federal law.

~~(3.)~~ The professional standards commission may investigate and follow the procedures set forth in section 33-1209, Idaho Code, for any allegation of inappropriate conduct as defined in this section, by a holder of a certificate whether or not the holder has surrendered his certificate without a hearing or failed to renew his certificate. In those cases where the holder of a certificate has surrendered or failed to renew his certificate and it

was found that inappropriate conduct occurred, the commission shall record such findings in the permanent record of the individual and shall deny the issuance of a teaching certificate.

(4-) Any person whose certificate may be or has been revoked, suspended or denied under the provisions of this section shall be afforded a hearing according to the provisions of section 33-1209, Idaho Code. Any person holding a certificate on or before July 1, 2020, who would not be eligible for a certificate by virtue of the provisions of this section shall be afforded a hearing according to the provisions of section 33-1209, Idaho Code, prior to revocation or denial of the individual's certificate. Upon a showing of just and reasonable cause, the hearing panel shall have authority to grant an exception to the provisions of this section for such person.

(5-) The professional standards commission may deny the issuance of a certificate for any reason that would be a ground for revocation or suspension.

SECTION 2. That Section 33-512, Idaho Code, be, and the same is hereby amended to read as follows:

33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school district shall have the following powers and duties:

(1) To fix the days of the year and the hours of the day when schools shall be in session. However:

(a) Each school district shall annually adopt and implement a school calendar which provides its students at each grade level with the following minimum number of instructional hours:

| Grades | Hours |
|--------|-------|
| 9-12 | 990 |
| 4-8 | 900 |
| 1-3 | 810 |
| K | 450 |

Alternative schools

(any grades) 900

(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) of this subsection 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 subsection.

(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.

(h) The state board of education may grant a waiver of the minimum number of instructional hours for a school district when districtwide school closures are necessary as a result of natural occurrences creating unsafe conditions for students. A county or state disaster declaration must have been issued for one (1) or more of the counties in which the school district is located. A waiver request to the state board of education must describe the efforts by the school district to make up lost instructional hours, the range of grades impacted, and the number of hours the school district is requesting be waived.

(i) The reduction of instructional hours allowed in paragraphs (f) through (h) of this subsection may not be combined in a single school year.

(2) To adopt and carry on, and to 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 detrimen-

tal 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~~ registry, 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 3. That Section 33-1209, Idaho Code, be, and the same is hereby amended to read as follows:

33-1209. PROCEEDINGS TO REVOKE, SUSPEND, DENY OR PLACE REASONABLE CONDITIONS ON A CERTIFICATE -- LETTERS OF REPRIMAND -- COMPLAINT -- SUBPOENA POWER -- HEARING. (1) The professional standards commission may conduct investigations on any signed allegation of unethical conduct of any teacher brought by:

(a) An individual with a substantial interest in the matter, except a student in an Idaho public school; or

(b) A local board of trustees.

The allegation shall state the specific ground or grounds for the allegation of unethical conduct that could lead to a possible revocation, suspension, placing reasonable conditions on the certificate, or issuance of a letter of reprimand. Upon receipt of a written and signed allegation of unethical conduct, the chief certification officer, in conjunction with the attorney general and the professional standards commission investigator, shall conduct a review of the allegation using established guidelines to determine whether to remand the issue to the school district to be resolved locally or to open an investigation and forward the case to the professional standards commission. Within fourteen (14) days of the decision to forward the case, the chief certification officer shall notify the complainant and the teacher, in writing, that an investigation will be conducted and the teacher shall be afforded an opportunity to respond to the allegation verbally and in writing prior to the issuance of the complaint. The executive committee of the professional standards commission shall review the circumstances of the forwarded case at one (1) of the two (2) next regularly scheduled meetings, and determine whether probable cause exists to warrant the filing of a complaint and the requesting of a hearing.

(2) Proceedings to revoke or suspend any certificate issued under section 33-1201, Idaho Code, or to issue a letter of reprimand or place reasonable conditions on the certificate shall be commenced by a written complaint against the holder thereof. Such complaint shall be made by the chief certification officer stating the ground or grounds for issuing a letter of reprimand, placing reasonable conditions on the certificate, or for revocation or suspension and proposing that a letter of reprimand be issued, reasonable conditions be placed on the certificate, or the certificate be revoked or suspended. A copy of the complaint shall be served upon the certificate holder, either by personal service or by certified mail, within thirty (30) days of determination by the executive committee or such other time agreed to by the teacher and the chief certification officer.

(3) Not more than thirty (30) days after the date of service of any complaint, the person complained against may request, in writing, a hearing upon the complaint. Any such request shall be made and addressed to the state superintendent of public instruction; and if no request for hearing is made, the grounds for suspension, revocation, placing reasonable conditions on the certificate, or issuing a letter of reprimand stated in the complaint shall be deemed admitted. Upon a request for hearing, the chief certification officer shall give notice, in writing, to the person requesting the hearing, which notice shall state the time and place of the hearing and which shall occur not more than ninety (90) days from the request for hearing or such other time agreed to by the teacher and the chief certification officer. The time of such hearing shall not be less than five (5) days from the date of notice thereof. Any such hearing shall be informal and shall conform with chapter 52, title 67, Idaho Code. The hearing will be held within the school

district in which any teacher complained of shall teach, or at such other place deemed most convenient for all parties.

(4) Any such hearing shall be conducted by three (3) or more panel members appointed by the chairman of the professional standards commission, a majority of whom shall hold a position of employment the same as the person complained against. One (1) of the panel members shall serve as the panel chair. The panel chair shall be selected by the chairman of the professional standards commission from a list of former members of the professional standards commission who shall be instructed in conducting administrative hearings. No commission member who participated in the probable cause determination process in a given case shall serve on the hearing panel. All hearings shall be held with the object of ascertaining the truth. Any person complained against may appear in person and may be represented by legal counsel, and may produce, examine and cross-examine witnesses, and, if he chooses to do so, may submit for the consideration of the hearing panel a statement, in writing, in lieu of oral testimony, but any such statement shall be under oath and the affiant shall be subject to cross-examination.

(5) The state superintendent of public instruction, as authorized by the state board of education, has the power to issue subpoenas and compel the attendance of witnesses and compel the production of pertinent papers, books, documents, records, accounts and testimony. The state board or its authorized representative may, if a witness refuses to attend or testify or to produce any papers required by such subpoena, report to the district court in and for the county in which the proceeding is pending, by petition, setting forth that a due notice has been given of the time and place of attendance of the witnesses, or the production of the papers, that the witness has been properly summoned, and that the witness has failed and refused to attend or produce the papers required by this subpoena before the board, or its representative, or has refused to answer questions propounded to him in the course of the proceedings, and ask for an order of the court compelling the witness to attend and testify and produce the papers before the board. The court, upon the petition of the board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than ten (10) days from the date of the order, and then and there shall show cause why he has not attended and testified or produced the papers before the board or its representative. A copy of the order shall be served upon the witness. If it shall appear to the court that the subpoena was regularly issued by the board and regularly served, the court shall thereupon order that the witness appear before the board at the time and place fixed in the order and testify or produce the required papers. Upon failure to obey the order, the witness shall be dealt with for contempt of court. The subpoenas shall be served and witness fees and mileage paid as allowed in civil cases in the district courts of this state.

(6) Within twenty-one (21) days of the conclusion of any hearing dealing with the revocation, suspension, denial of a certificate, placing reasonable conditions on the certificate, or issuing a letter of reprimand, the hearing panel shall submit to the chief certification officer, to the person complained against and to the chief administrative officer of the public school employing the certificate holder, if any, a concise statement of the proceedings, a summary of the testimony, and any documentary evidence offered, together with the findings of fact and a decision. The hearing panel may determine to suspend or revoke the certificate, or the panel may order that reasonable conditions be placed on the certificate or a letter of reprimand be sent to the certificate holder, or if there are not sufficient grounds, the allegation against the certificate holder is dismissed and is so recorded.

(7) Within three (3) days of issuance, the hearing panel's decision shall be made a permanent part of the record of the certificate holder. Should the final decision be to place reasonable conditions upon the certificate holder or a suspension or revocation of the teaching certificate, the professional standards commission must notify the employing public school of the hearing panel's decision and to provide notice that such may negatively impact upon the employment status of the certificated employee.

(8) The final decision of the hearing panel shall be subject to judicial review in accordance with the provisions of chapter 52, title 67, Idaho Code, in the district court of the county in which the holder of a revoked certificate has been last employed as a teacher.

(9) Whenever any certificate has been revoked, suspended or has had reasonable conditions placed upon it, or an application has been denied, the professional standards commission may, upon a clear showing that the cause constituting grounds for the listed actions no longer exists, issue a valid certificate. Provided however, that no certificate shall be issued to any person who has been convicted of any crime listed in subsection (2-) of section 33-1208, Idaho Code.

(10) For any person certified in another state and applying for certification in Idaho, and for any person previously certified in this state who is applying for certification in the event their certification has lapsed or is seeking renewal of a current certification, the chief certification officer shall deny an application for a new certificate or for a renewal of a certificate, regardless of the jurisdiction where such certificate was issued, if there are any unsatisfied conditions on such current or previously issued certificate or if there is any form of pending investigation by a state agency concerning the applicant's teaching license or certificate. Provided however, the chief certification officer shall not automatically deny the application if such person authorized in writing that the chief certification officer and the professional standards commission shall have full access to the investigative files concerning the conditions on, or investigation concerning, such certificate in Idaho or any other state or province. Upon review of the information authorized for release by the applicant, the chief certification officer shall either grant or deny such application or, upon denial and upon written request made by the applicant within thirty (30) days of such denial, shall afford the applicant with the procedures set forth in subsections (3) through (9) of this section. If the applicant does not execute the written authorization discussed herein, reapplication may be made once all investigations have been completed and all conditions have been satisfied, resulting in a clear certificate from the issuing state or province.

(11) For the purposes of this section, the term "teacher" shall include any individual required to hold a certificate pursuant to section 33-1201, Idaho Code.

Approved March 24, 2020

CHAPTER 265
(S.B. No. 1414)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2021; 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 2021; 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 REQUIREMENTS FOR PROGRAM INTEGRITY; REQUIRING MEDICAID TRACKING REPORTS; REQUIRING REPORTS FOR THE MEDICAID PROGRAM INTEGRITY UNIT COLLECTIONS; AND REQUIRING REPORTS ON FACILITY LICENSING AND CERTIFICATION.

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, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|---|-------------------|
| I. INDEPENDENT COUNCILS: | | | | | |
| A. DEVELOPMENTAL DISABILITIES COUNCIL: | | | | | |
| FROM: | | | | | |
| Cooperative Welfare (General) | | | | | |
| Fund | \$171,100 | \$17,400 | | | \$188,500 |
| Cooperative Welfare (Dedicated) | | | | | |
| Fund | | 15,000 | | | 15,000 |
| Cooperative Welfare (Federal) | | | | | |
| Fund | <u>356,400</u> | <u>275,900</u> | | <u>\$31,600</u> | <u>663,900</u> |
| TOTAL | \$527,500 | \$308,300 | | \$31,600 | \$867,400 |
| B. DOMESTIC VIOLENCE COUNCIL: | | | | | |
| FROM: | | | | | |
| Cooperative Welfare (General) | | | | | |
| Fund | \$14,200 | \$32,100 | | | \$46,300 |
| Domestic Violence Project | | | | | |
| Fund | 194,400 | 164,600 | | \$171,800 | 530,800 |
| Cooperative Welfare (Dedicated) | | | | | |
| Fund | | 20,000 | | | 20,000 |
| Cooperative Welfare (Federal) | | | | | |
| Fund | <u>260,500</u> | <u>271,200</u> | | <u>15,115,400</u> | <u>15,647,100</u> |
| TOTAL | \$469,100 | \$487,900 | | \$15,287,200 | \$16,244,200 |
| DIVISION TOTAL | \$996,600 | \$796,200 | | \$15,318,800 | \$17,111,600 |

| | FOR | FOR | FOR | FOR | |
|-----------------------------------|-------------------|------------------|----------------|--------------|-------------------|
| | PERSONNEL | OPERATING | CAPITAL | TRUSTEE AND | |
| | COSTS | EXPENDITURES | OUTLAY | BENEFIT | TOTAL |
| | | | | PAYMENTS | |
| II. INDIRECT SUPPORT SERVICES: | | | | | |
| FROM: | | | | | |
| Cooperative Welfare (General) | | | | | |
| Fund | \$11,363,500 | \$7,919,800 | \$236,000 | | \$19,519,300 |
| Cooperative Welfare (Dedicated) | | | | | |
| Fund | 1,915,600 | 1,577,100 | | | 3,492,700 |
| Cooperative Welfare (Federal) | | | | | |
| Fund | <u>14,952,300</u> | <u>9,467,200</u> | <u>192,600</u> | | <u>24,612,100</u> |
| TOTAL | \$28,231,400 | \$18,964,100 | \$428,600 | | \$47,624,100 |
| III. LICENSING AND CERTIFICATION: | | | | | |
| FROM: | | | | | |
| Cooperative Welfare (General) | | | | | |
| Fund | \$1,788,500 | \$251,800 | | | \$2,040,300 |
| Cooperative Welfare (Dedicated) | | | | | |
| Fund | 838,100 | 12,200 | | | 850,300 |
| Cooperative Welfare (Federal) | | | | | |
| Fund | <u>4,092,300</u> | <u>639,900</u> | | | <u>4,732,200</u> |
| TOTAL | \$6,718,900 | \$903,900 | | | \$7,622,800 |
| GRAND TOTAL | \$35,946,900 | \$20,664,200 | \$428,600 | \$15,318,800 | \$72,358,500 |

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 following number of full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

| | |
|--|--------|
| Developmental Disabilities Council | 6.00 |
| Domestic Violence Council | 5.00 |
| Indirect Support Services | 300.60 |
| Licensing and Certification | 71.90 |

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall periodically make transfers from the General Fund to the Cooperative Welfare Fund 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 appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2021.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, 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's Divisions of Medicaid and Indirect Support Services shall deliver a report that compares the Medicaid appropriation, distributed by month for the year, to the actual expenditures and remaining forecasted expenditures for the year on a monthly basis to the Legislative Services Office and the Division of Financial Management. 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. MEDICAID PROGRAM INTEGRITY UNIT COLLECTIONS. The Indirect Support Services Division shall provide reports biannually to the Legislative Services Office and the 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. The format of the report and the type of information included therein shall be determined by the Legislative Services Office and the Division of Financial Management. The first report is to contain information from July 1, 2020, through December 31, 2020, and shall be submitted no later than January 15, 2021, and the second report shall include information from January 1, 2021, through June 30, 2021, as well as information for the entire year, and shall be submitted by June 30, 2021, or as soon thereafter as practicable.

SECTION 8. REPORTS ON FACILITY LICENSING AND CERTIFICATION. The Licensing and Certification Program shall provide biannual reports to the Legislative Services Office and the Division of Financial Management on the status of facility licensing and certifications as well as staff workload and caseload issues. For the past several years, the program has noted staffing issues related to retention, which in turn has created a large backlog of facility inspections and licensures. The format of the report and the type of information included therein shall be determined by the Legislative Services Office and the Division of Financial Management. The first report shall be submitted no later than December 31, 2020, and the second report shall be submitted no later than June 30, 2021.

Approved March 24, 2020

CHAPTER 266
(S.B. No. 1415)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PUBLIC HEALTH SERVICES DIVISION FOR FISCAL YEAR 2021; 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 REQUIREMENTS FOR PROGRAM INTEGRITY; DIRECTING THE USE OF MONEYS FOR SUICIDE PREVENTION AND AWARENESS; PROVIDING FOR A CASH TRANSFER; DIRECTING THE USE OF MONEYS FOR PROJECT ECHO; AND ALLOCATING FUNDING FOR THE HOME VISITATION PROGRAM.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Public Health Services Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--------------------------------------|---------------------------|----------------------------------|---|-------------------|
| I. PHYSICAL HEALTH SERVICES: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | \$1,856,700 | \$749,200 | \$2,829,600 | \$5,435,500 |
| Idaho Immunization Dedicated Vaccine | | | | |
| Fund | | 18,970,000 | | 18,970,000 |
| Cancer Control | | | | |
| Fund | 59,200 | 205,000 | 82,600 | 346,800 |
| Central Tumor Registry | | | | |
| Fund | | 120,000 | | 120,000 |
| Cooperative Welfare (Dedicated) | | | | |
| Fund | 2,175,900 | 4,662,700 | 9,936,200 | 16,774,800 |
| Idaho Millennium Income | | | | |
| Fund | | 2,706,700 | | 2,706,700 |
| Cooperative Welfare (Federal) | | | | |
| Fund | <u>8,548,800</u> | <u>16,670,700</u> | <u>37,534,500</u> | <u>62,754,000</u> |
| TOTAL | \$12,640,600 | \$44,084,300 | \$50,382,900 | \$107,107,800 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--|---------------------------|----------------------------------|---|------------------|
| II. EMERGENCY MEDICAL SERVICES: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | \$63,100 | \$85,000 | | \$148,100 |
| Emergency Medical Services | | | | |
| Fund | 1,826,100 | 1,225,200 | | 3,051,300 |
| Emergency Medical Services III | | | | |
| Fund | | | \$1,700,000 | 1,700,000 |
| TSE Registry | | | | |
| Fund | 103,100 | 327,000 | | 430,100 |
| Cooperative Welfare (Dedicated) | | | | |
| Fund | 516,800 | 341,300 | | 858,100 |
| Cooperative Welfare (Federal) | | | | |
| Fund | <u>855,200</u> | <u>724,300</u> | <u>4,314,200</u> | <u>5,893,700</u> |
| TOTAL | \$3,364,300 | \$2,702,800 | \$6,014,200 | \$12,081,300 |
| | | | | |
| III. LABORATORY SERVICES: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | \$1,885,200 | \$356,600 | | \$2,241,800 |
| Cooperative Welfare (Dedicated) | | | | |
| Fund | 403,000 | 279,300 | | 682,300 |
| Cooperative Welfare (Federal) | | | | |
| Fund | <u>1,062,200</u> | <u>939,300</u> | | <u>2,001,500</u> |
| TOTAL | \$3,350,400 | \$1,575,200 | | \$4,925,600 |
| | | | | |
| IV. SUICIDE PREVENTION AND AWARENESS: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | \$292,100 | \$520,500 | \$644,600 | \$1,457,200 |
| Cooperative Welfare (Federal) | | | | |
| Fund | <u>0</u> | <u>115,000</u> | <u>80,000</u> | <u>195,000</u> |
| TOTAL | \$292,100 | \$635,500 | \$724,600 | \$1,652,200 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|------------------------------------|---------------------------|----------------------------------|---|-------------------|
| V. HEALTH CARE POLICY INITIATIVES: | | | | |
| FROM: | | | | |
| Cooperative Welfare (General) | | | | |
| Fund | \$107,900 | \$233,000 | \$143,700 | \$484,600 |
| Cooperative Welfare (Dedicated) | | | | |
| Fund | 120,000 | 50,000 | | 170,000 |
| Cooperative Welfare (Federal) | | | | |
| Fund | <u>54,100</u> | <u>15,000</u> | <u>356,300</u> | <u>425,400</u> |
| TOTAL | \$282,000 | \$298,000 | \$500,000 | \$1,080,000 |
| GRAND TOTAL | \$19,929,400 | \$49,295,800 | \$57,621,700 | \$126,846,900 |

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 following number of full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

| | |
|--|--------|
| Physical Health Services | 150.68 |
| Emergency Medical Services | 42.84 |
| Laboratory Services | 39.00 |
| Suicide Prevention and Awareness | 3.50 |
| Health Care Policy Initiatives | 2.00 |

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall periodically make transfers from the General Fund to the Cooperative Welfare Fund 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 appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2021.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, 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. SUICIDE PREVENTION AND AWARENESS. The amount appropriated in Section 1 of this act for the Suicide Prevention and Awareness Program shall be used in accordance with the plan developed by the various stakeholders as required by Section 6, Chapter 340, Laws of 2018. Further, the program shall continue to work with all relevant stakeholders to maximize the moneys appropriated for this purpose. The department shall provide a report to the Legislative Services Office on the implementation of the program no later than November 1, 2020.

SECTION 7. CASH TRANSFER. Of the amount appropriated in Section 1 of this act from the Cooperative Welfare (General) Fund, there is hereby appropriated and the State Controller shall transfer \$640,000 from the Cooperative Welfare (General) Fund to the Rural Physician Incentive Fund on July 15, 2020, or as soon thereafter as practicable, for the Department of Health and Welfare for the period July 1, 2020, through June 30, 2021.

SECTION 8. PROJECT ECHO. Of the amount appropriated in Section 1 of this act from the Cooperative Welfare (General) Fund for the Health Care Policy Initiatives Program, \$200,000 shall be distributed to the Washington, Wyoming, Alaska, Montana, and Idaho (WWAMI) Medical Education Program for the continued implementation of Project ECHO.

SECTION 9. HOME VISITATION PROGRAM. Of the amount appropriated in Section 1 of this act from the Cooperative Welfare (General) Fund, \$1,000,000 shall be distributed to the Public Health Districts for the purpose of the home visitation program. These moneys shall not be considered general state aid pursuant to Section 39-425, Idaho Code, nor shall the moneys be allocated through a board of trustees formula pursuant to Section 39-411, Idaho Code. The allocation of these funds is based on how much each district is currently providing for comparable services from other fund sources in comparison to the other health districts. Further, the Public Health Districts may reallocate these moneys between districts, but only upon unanimous concurrence of the Board of Directors for the Public Health Districts. The moneys appropriated in Section 1 of this act shall be fully distributed to each Public Health District upon enactment of this legislation, as follows:

| | |
|--------------------------------|-----------|
| Public Health District 1 | \$195,800 |
| Public Health District 2 | \$159,100 |
| Public Health District 3 | \$205,000 |
| Public Health District 4 | \$106,500 |
| Public Health District 5 | \$132,100 |
| Public Health District 6 | \$105,400 |
| Public Health District 7 | \$96,100 |

Approved March 24, 2020

CHAPTER 267
(S.B. No. 1354)

AN ACT

RELATING TO HOSPITALS; AMENDING SECTION 39-1307, IDAHO CODE, TO REVISE PROVISIONS REGARDING RULES, REGULATIONS, AND ENFORCEMENT AND TO PROVIDE THAT CERTAIN RULES, REGULATIONS, AND STANDARDS SHALL NOT APPLY TO HOSPITALS CERTIFIED BY MEDICARE.

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

SECTION 1. That Section 39-1307, Idaho Code, be, and the same is hereby amended to read as follows:

39-1307. RULES, REGULATIONS, AND ENFORCEMENT. The board shall have the authority to adopt, amend, and enforce rules, regulations, and standards consistent with the provisions of this act which chapter that are designed to protect the health and safety of patients being cared for in facilities or agencies as defined.

The board of health and welfare, with the advice of the advisory hospital council, ~~hereinafter created,~~ shall adopt, amend, promulgate, and enforce such rules, regulations, and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law chapter in promoting safe and adequate treatment of individuals in hospitals in the interest of public health, safety, and welfare. Any such rules, regulations, and standards issued under this chapter that are more restrictive than medicare conditions of participation shall not apply to hospitals that are certified by medicare, through accreditation, survey, or otherwise, to participate in the medicare program. Provided further that nothing in this act chapter or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any home, facility, or agency as defined, conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination except as to sanitary and safe conditions of the premises, cleanliness of operation, and its physical equipment.

Approved March 24, 2020

CHAPTER 268
(S.B. No. 1349, As Amended)

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-402C, IDAHO CODE, TO PROVIDE THAT NO NEW SPECIAL LICENSE PLATE PROGRAMS FOR THE BENEFIT OF NONPROFIT ENTITIES SHALL BE ESTABLISHED AFTER JULY 1, 2020, AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 49-402D, IDAHO CODE, TO REMOVE REFERENCES TO NONPROFIT AGENCIES AND TO REQUIRE THAT PROCEEDS FROM ALL NEW SPECIAL PLATE PROGRAMS SHALL GO TO CERTAIN FUNDS OF THE STATE OF IDAHO, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 49-402C, Idaho Code, be, and the same is hereby amended to read as follows:

49-402C. SPECIAL LICENSE PLATE PROGRAMS -- STANDARDIZED PLATE COLOR AND DESIGN. (1) It is the intent of the legislature that special license plates issued by the department be readily recognizable as plates from the state of Idaho without losing the uniqueness for which the special plate was designed and purchased. In addition, the legislature finds that the department can operate in a more efficient, cost-effective manner by conforming special plates to a basic color and design.

(2) No special license plates and no special license plate programs in existence on or before June 30, 1998, shall be affected by the provisions of subsections (2) through (5) of this section. On and after July 1, 1998, any new special license plate program authorized or any redesign of an existing special license plate, shall use the same red, white and blue background as the standard issue of license plates described in section 49-443, Idaho Code, except that:

- (a) The identification of county shall be omitted;
- (b) The word "Idaho" shall appear on every plate;
- (c) The inscription "Scenic Idaho" may be omitted without legislative consideration and approval; and

(d) No slogan shall be used that infringes upon, dilutes or compromises, or could be perceived to infringe upon, dilute or compromise, the trademarks of the state of Idaho, including, but not limited to, "Idaho Potatoes®," "Grown in Idaho™," "Famous Idaho Potatoes™" or "Famous Potatoes®."

The provisions of this section shall not apply to the plate designs issued pursuant to the provisions of section 49-417, Idaho Code.

(3) Any redesign required for a special plate to conform with legislative intent and the provisions of this section may be done in a manner similar to that used to produce the original design.

(4) The special plates shall conform in all other respects with the provisions of section 49-443, Idaho Code, relating to visibility requirements, display of registration number, time period for validity of plates, and reservation of plate numbers.

(5) Unless otherwise specifically provided, no special license plates shall be issued to motor vehicles with a registered maximum gross weight in excess of twenty-six thousand (26,000) pounds, or any motor vehicle registered under section 49-434(5), Idaho Code, or section 49-435, Idaho Code.

~~(6) Following an introductory period of three (3) years during which the provisions of this subsection shall not apply, if, during both years of any following two (2) consecutive years, Notwithstanding any other provision of law to the contrary, on and after July 1, 2020, no new special license plate or special license plate program shall be established for the benefit of any entity that is not the state of Idaho or an agency of the state of Idaho. With respect to any special license plate program that is in existence on July 1, 2020, that has a nonprofit agency as a recipient of the proceeds from the sales of such plate, if fewer than one thousand (1,000) plates are issued in each of those two (2) consecutive years the first year of the special plate program's existence, fewer than one thousand five hundred (1,500) plates are issued in the second year of the special plate program's existence, or fewer than two thousand (2,000) plates in the third or any subsequent year of such special plate program's existence, the department shall discontinue that special license plate program.~~

(7) With respect to a special license plate that has been discontinued prior to July 1, 2020, or is discontinued after that date for any reason, any existing plates may be renewed upon its their expiration until the physical license plates must be replaced pursuant to section 49-443(2), Idaho Code. No duplicate or replacement plates will be produced if such plates are lost or damaged prior to the seven (7) year replacement. The provisions of this subsection shall apply to sections 49-416, 49-417, 49-417A, 49-417B, 49-417C, 49-418A, 49-418B, 49-418C, 49-419, 49-419A, 49-420, 49-420B, Idaho Code, and any other special license plate programs created on and after July 1, 2002.

SECTION 2. That Section 49-402D, Idaho Code, be, and the same is hereby amended to read as follows:

49-402D. SPECIAL LICENSE PLATE PREQUALIFICATION PROCESS. (1) For any new special license plate program approved by the legislature, the program sponsor shall, before issuance of any such special license plate, meet the prequalification process outlined in this section. The program sponsor for any special plate program shall:

(a) Submit a financial plan for the use of the proceeds from the special license plate sales and certify that all such proceeds shall be deposited in the highway distribution account, except with respect to any new special plate that may be established for the benefit of an Idaho college or university pursuant to section 49-418A, Idaho Code, or a military license plate; and

(b) Designate an individual who shall be deemed responsible by the agency for certifying compliance with the requirements of this section and working with the department; and

~~(c) If the applicant is a nonprofit agency, submit evidence to the department that the applicant has 501(c)(3) federal income tax status that has been in existence for at least two (2) years.~~

(d) The department is authorized and shall adopt and promulgate rules to carry out the provisions of this section.

(2) If the request for a special license plate is approved by the department, the following requirements, in addition to those set out in subsection (1) of this section, shall be met by September 1 prior to the next legislative session and prior to the issuance of any special license plates approved by the legislature.

(a) The applicant shall deposit estimated programming and administrative costs with the department to be utilized for programming costs of the specialty plate. Administrative costs in the amount of one thousand dollars (\$1,000) shall be nonrefundable.

(b) In addition to the requirements provided for in section 49-402C, Idaho Code, the applicant requesting a special license plate program shall provide to the department an acceptable plate design.

(c) The applicant shall transmit to the department a list of two hundred fifty (250) applicants, whose vehicles are currently registered in the state of Idaho, who intend to purchase the specialty plate when available, as evidenced by completing forms provided by the department.

(3) The department shall submit the completed applications for special license plate programs that meet the requirements of this section to the chairmen of the senate transportation committee and the house of representatives transportation and defense committee each year on behalf of the agency to be included for consideration in the next legislative session.

(4) On an annual basis, by December 1 of each calendar year, the sponsor of a special license plate program, shall prepare an annual report, which shall be made available on request, and shall be forwarded to the department. Such report shall include an accounting of revenues and expenditures associated with the funds collected for the special license plate program. The department shall compile and forward such reports to the chairmen of the senate transportation committee and the house of representatives transportation and defense committee by January 15 of each year. Failure of the agency to provide such report by the due date shall result in the ~~suspension~~ discontinuation of the special license plate program sales on January 1 ~~until such report is provided~~. The provisions of this section shall apply to all special plate programs generating revenue outside of the department ~~excluding~~ exclude special plates established for the highway distribution account, an Idaho college or university pursuant to section 49-418A, Idaho Code, and military license plate programs.

(5) Any decision by the department that the special license plate program application does not meet the provisions of this section may be appealed to the director of the department. Such notice of appeal shall be made in writing within twenty (20) days of the notice of denial. For all denied applications, the department shall, at the next legislative session, report to the senate and house of representatives transportation committees on such denied applications and the reason for the denials.

Approved March 25, 2020

CHAPTER 269
(H.B. No. 413)

AN ACT

RELATING TO THE ELECTION OF CITY COUNCILMEN; AMENDING SECTION 50-707A, IDAHO CODE, TO REQUIRE CERTAIN CITIES TO ESTABLISH DISTRICTS AND PROVIDE FOR THE ELECTION OF COUNCILMEN BY DISTRICTS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 50-707A, Idaho Code, be, and the same is hereby amended to read as follows:

50-707A. ELECTION OF COUNCILMEN BY DISTRICTS. (1) Any city having fewer than one hundred thousand (100,000) inhabitants based upon the most recent federal decennial census may, by ordinance, provide for districts and the election of councilmen by districts. Upon the adoption of such an ordinance and at least one hundred twenty (120) days prior to each general election, the governing body of the city shall establish the territory of council districts in accordance with this section. Any city having more than one hundred thousand (100,000) inhabitants based upon the most recent federal decennial census shall establish districts and shall elect councilmen by districts for districts so established. Districts shall be established no later than one hundred twenty (120) days prior to the general election following the date that election precincts are established pursuant to the provisions of section 34-301, Idaho Code.

(2) Each district shall consist of one (1) or more contiguous election precincts as established pursuant to the provisions of chapter 3, title 34, Idaho Code, and each district shall, to the nearest extent possible, contain the same number of people based upon the most recent federal decennial census.

(3) Each city ~~providing~~ establishing districts for the election of councilmen by districts shall establish the number of districts corresponding to the number of council seats determined by the city pursuant to section 50-701, Idaho Code, or for any city having a governing body governed by the provisions of sections 50-801 through 50-812, Idaho Code, the number of council seats determined by the city pursuant to section 50-805, Idaho Code.

(4) ~~Upon adoption establishment of such an ordinance city election districts, a council shall determine, not less than ninety (90) days before the next general city election, if council members are to be elected by electors from the entire city, or by the electors of the said geographic district. The, and any candidate must be a resident of said geographic district. For cities with fewer than one hundred thousand (100,000) inhabitants that establish districts by ordinance, the council shall also determine, not less than ninety (90) days before the next general election, the method of the implementation of this ordinance.~~

Approved March 25, 2020

CHAPTER 270
(H.B. No. 523)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1001, IDAHO CODE, TO DEFINE A TERM AND TO REVISE DEFINITIONS; AMENDING SECTION 33-1004B, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 132, LAWS OF 2019, TO PROVIDE FOR AN ADVANCED PROFESSIONAL COMPENSATION RUNG ON THE CAREER LADDER, TO PROVIDE FOR CERTAIN ALLOCATIONS, TO PROVIDE FOR AN ADJUSTMENT, AND TO REVISE PROVISIONS REGARDING EVALUATIONS; AMENDING SECTION 33-1004C, IDAHO CODE, TO REVISE PROVISIONS REGARDING BASE AND MINIMUM SALARIES; AMENDING SECTION 33-1004E, IDAHO CODE, TO PROVIDE THAT CERTAIN STAFF SHALL NOT BE PAID LESS THAN A MINIMUM DOLLAR AMOUNT; AND AMENDING SECTION 33-1201A, IDAHO CODE, TO PROVIDE FOR AN ADVANCED PROFESSIONAL ENDORSEMENT, TO PROVIDE ELIGIBILITY FOR ENDORSEMENTS, AND TO DEFINE TERMS.

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

SECTION 1. That Section 33-1001, Idaho Code, be, and the same is hereby amended to read as follows:

33-1001. DEFINITIONS. As used in this chapter:

(1) "Administrative schools" means and applies to all elementary schools and kindergartens within a district that are situated ten (10) miles or less from both the other elementary schools and the principal administrative office of the district and all secondary schools within a district that are situated fifteen (15) miles or less from other secondary schools of the district.

(2) "Administrative staff" means those who hold an administrator certificate and are employed as a superintendent, an elementary or secondary school principal, or are assigned administrative duties over and above those commonly assigned to teachers.

(3) "At-risk student" means a student in grades 6 through 12 who:

(a) Meets at least three (3) of the following criteria:

- (i) Has repeated at least one (1) grade;
- (ii) Has absenteeism greater than ten percent (10%) during the preceding semester;
- (iii) Has an overall grade point average less than 1.5 on a 4.0 scale prior to enrolling in an alternative secondary program;
- (iv) Has failed one (1) or more academic subjects in the past year;
- (v) Is below proficient, based on local criteria, standardized tests, or both;
- (vi) Is two (2) or more credits per year behind the rate required to graduate or for grade promotion; or
- (vii) Has attended three (3) or more schools within the previous two (2) years, not including dual enrollment; or

(b) Meets any of the following criteria:

- (i) Has documented substance abuse or a pattern of substance abuse;
- (ii) Is pregnant or a parent;
- (iii) Is an emancipated youth or unaccompanied youth;
- (iv) Is a previous dropout;
- (v) Has a serious personal, emotional, or medical issue or issues;
- (vi) Has a court or agency referral; or
- (vii) Demonstrates behavior detrimental to the student's academic progress.

(4) "Average daily attendance" or "pupils in average daily attendance" means the aggregate number of days enrolled students are present, divided by the number of days of school in the reporting period; provided, however, that students for whom no Idaho school district is a home district shall not be considered in such computation.

(5) "Career ladder" means the compensation table used for determining the allocations districts receive for instructional staff and pupil service staff based on specific performance criteria and is made up of a residency compensation rung and a professional compensation rung.

(6) "Child with a disability" means a child evaluated as having an intellectual disability, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, an emotional behavioral disorder, an orthopedic impairment, autism, a traumatic brain injury, another health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

(7) "Compensation rung" means the rung on the career ladder that corresponds with the compensation level performance criteria.

(8) "Economically disadvantaged student" means a student who:

(a) Is eligible for a free or reduced-price lunch under the Richard B. Russell national school lunch act, 42 U.S.C. 1751 et seq., excluding students who are only eligible through a school's community eligibility program;

(b) Resides with a family receiving assistance under the program of block grants to states for temporary assistance for needy families (TANF) established under part A of title IV of the social security act, 42 U.S.C. 601 et seq.;

(c) Is eligible to receive medical assistance under the medicaid program under title XIX of the social security act, 42 U.S.C. 1396 et seq.; or

(d) Is considered homeless for purposes of the federal McKinney-Vento homeless assistance act, 42 U.S.C. 11301 et seq.

(9) "Elementary grades" or "elementary average daily attendance" means and applies to students enrolled in grades 1 through 6 inclusive, or any combination thereof.

(10) "Elementary schools" are schools that serve grades 1 through 6 inclusive, or any combination thereof.

(11) "Elementary/secondary schools" are schools that serve grades 1 through 12 inclusive, or any combination thereof.

(12) "English language learner" or "ELL" means a student who does not score proficient on the English language development assessment established by rule of the state board of education.

(13) "Gifted and talented" shall have the same meaning as provided in section 33-2001(4), Idaho Code.

(14) "Homebound student" means any student who would normally and regularly attend school, but is confined to home or hospital because of an illness or accident for a period of ten (10) or more consecutive days.

(15) "Instructional staff" means those who hold an Idaho certificate issued under section 33-1201, Idaho Code, and who are either involved in the direct instruction of a student or group of students or who serve in a mentor or teacher leader position for individuals who hold an Idaho certificate issued under section 33-1201, Idaho Code.

(16) "Kindergarten" or "kindergarten average daily attendance" means and applies to all students enrolled in a school year, less than a school year, or summer kindergarten program.

(17) "Local salary schedule" means a compensation table adopted by a school district or public charter school, which table is used for determining moneys to be distributed for instructional staff and pupil service staff salaries. Minimum compensation provided under a local salary schedule shall

be at least equal to thirty-eight thousand five hundred dollars (\$38,500) or, for staff holding a professional endorsement, forty-two thousand five hundred dollars (\$42,500).

(18) "Measurable student achievement" means the measurement of student academic achievement or growth within a given interval of instruction for those students who have been enrolled in and attended eighty percent (80%) of the interval of instruction. Measures and targets shall be chosen at the ~~district level or~~ school level in collaboration with the staff member impacted by the measures and applicable district staff and approved at the district level. The most effective measures and targets are those generated as close to the actual work as possible. Targets may be based on grade- or department-level achievement or growth goals that create collaboration within groups. Assessment tools that may be used for measuring student achievement and growth include:

- (a) Idaho standards achievement test;
- (b) Student learning objectives;
- (c) Formative assessments;
- (d) Teacher-constructed assessments of student growth;
- (e) Pre- and post-tests;
- (f) Performance-based assessments;
- (g) Idaho reading indicator;
- (h) College entrance exams or preliminary college entrance exams such as PSAT, SAT and ACT;
- (i) District-adopted assessment;
- (j) End-of-course exams;
- (k) Advanced placement exams; and
- (l) Career technical exams.

(19) "Performance criteria" means the standards specified for instructional staff and pupil service staff to demonstrate teaching proficiency for a given compensation rung. Each element of the performance criteria, as identified in ~~subsection (14) of this section~~ and as applicable to a staff member's position, shall be reported for determining movement on the career ladder.

- (20) (a) "Professional compensation rung performance criteria" means:
- (ai) An overall rating of proficient or higher, and no components rated as unsatisfactory on the state framework for teaching evaluation; and
 - (bii) Demonstrating the majority of their students have met their measurable student achievement targets or student success indicator targets.

(b) "Advanced professional compensation rung performance criteria" means:

- (i) An overall rating of proficient or higher, no components rated as unsatisfactory or basic, and rated as distinguished overall in domain two -- classroom environment, or domain three -- instruction and use of assessment, on the state framework for teaching evaluation or equivalent for pupil service staff; and
- (ii) Demonstrating seventy-five percent (75%) or more of their students have met their measurable student achievement targets or student success indicator targets.

(21) "Public school district" or "school district" or "district" means any public school district organized under the laws of this state, including specially chartered school districts.

(22) "Pupil service staff" means those who provide services to students but are not involved in direct instruction of those students, and hold a pupil personnel services certificate.

(23) "Secondary grades" or "secondary average daily attendance" means and applies to students enrolled in grades 7 through 12 inclusive, or any combination thereof.

(24) "Secondary schools" are schools that serve grades 7 through 12 inclusive, or any combination thereof.

(25) "Separate elementary school" means an elementary school located more than ten (10) miles on an all-weather road from both the nearest elementary school and elementary/secondary school serving like grades within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

(26) "Separate kindergarten" means a kindergarten located more than ten (10) miles on an all-weather road from both the nearest kindergarten school within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

(27) "Separate secondary school" means any secondary school located more than fifteen (15) miles on an all-weather road from any other secondary school and elementary/secondary school serving like grades operated by the district.

(28) "Special education" means specially designed instruction or speech/language therapy at no cost to the parent to meet the unique needs of a student who is a child with a disability, including instruction in the classroom, the home, hospitals, institutions, and other settings; instruction in physical education; speech therapy and language therapy; transition services; travel training; assistive technology services; and vocational education.

(29) "Student success indicators" means measurable indicators of student achievement or growth, other than academic, within a predefined interval of time for a specified group of students. Measures and targets shall be chosen at the district or school level in collaboration with the pupil service staff member impacted by the measures and applicable district staff. Student success indicators include:

(a) Quantifiable goals stated in a student's 504 plan or individualized education plan.

(b) Quantifiable goals stated in a student's behavior improvement plan.

(c) School or district identified measurable student objectives for a specified student group or population.

(30) "Support program" means the educational support program as described in section 33-1002, Idaho Code, the transportation support program described in section 33-1006, Idaho Code, and the exceptional education support program as described in section 33-1007, Idaho Code.

(31) "Support unit" means a function of average daily attendance used in the calculations to determine financial support provided to the public school districts.

(32) "Teacher" means any person employed in a teaching, instructional, supervisory, educational administrative or educational and scientific capacity in any school district. In case of doubt, the state board of education shall determine whether any person employed requires certification as a teacher.

SECTION 2. That Section 33-1004B, Idaho Code, as amended by Section 2, Chapter 132, Laws of 2019, be, and the same is hereby amended to read as follows:

33-1004B. CAREER LADDER. School districts shall receive an allocation for instructional staff and pupil service staff based on their staffs' position on the career ladder as follows:

(1) Instructional staff and pupil service staff who are in their first year of holding a certificate shall be placed in the first cell of the residency compensation rung and shall move one (1) cell on the residency compensation rung for each year they hold a certificate thereafter for up to three (3) years, at which point they will remain in the third cell of the residency rung until they earn a professional endorsement.

(2) Instructional staff and pupil service staff in their first year of holding a professional endorsement shall be placed in the first cell of the professional compensation rung.

(3) Instructional staff and pupil service staff on the professional compensation rung with four (4) years of experience shall move one (1) cell on the professional compensation rung unless they have failed to meet the professional compensation rung performance criteria for three (3) of the previous four (4) years. Instructional staff and pupil service staff on the professional compensation rung who meet the performance criteria for three (3) of the previous five (5) years, one (1) of which must be during the fourth or fifth year, shall move one (1) cell. Allocations for instructional staff and pupil service staff who do not meet the professional compensation rung performance criteria for three (3) of the previous five (5) years, one (1) of which must be during the fourth or fifth year, shall remain at the previous fiscal year allocation level. This also applies to the educational allocation.

(4) Instructional staff and pupil service staff in their first year of holding an advanced professional endorsement shall be placed in the first cell of the advanced professional compensation rung.

(5) Instructional staff and pupil service staff on the advanced professional compensation rung who met the performance criteria for the advanced professional rung in the previous year shall move one (1) cell on the advanced professional compensation rung. Allocations for instructional staff and pupil service staff who do not meet the advanced professional compensation rung performance criteria shall remain at the previous fiscal year allocation level. This also applies to the additional education allocation.

(46) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for career technical education instructional staff holding an occupational specialist certificate in the area for which they are teaching in the amount of three thousand dollars (\$3,000).

(57) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for instructional staff and pupil service staff holding a professional or an advanced professional endorsement who have acquired additional education and meet the professional or advanced professional compensation rung performance criteria. In determining the additional education allocation amount, only transcribed credits and degrees on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by a body recognized by the state board of education or credits earned through an internship or work experience approved by the state board of education, shall be allowed. All credits and degrees earned must be in a relevant pedagogy or content area as determined by the state department of education. Additional education allocation amounts are not cumulative. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree-prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education allocation. Additional education allocations are:

(a) For instructional staff and pupil service staff holding a professional or an advanced professional endorsement, a baccalaureate degree and twenty-four (24) or more credits, two thousand dollars (\$2,000) per fiscal year.

(b) For instructional staff and pupil service staff holding a professional or an advanced professional endorsement and a master's degree, three thousand five hundred dollars (\$3,500) per fiscal year.

(c) Effective July 1, 2020, the allocation shall be:

| Base | | | | | |
|------------------------------|----------|----------|----------|----------|----------|
| Allocation | 1 | 2 | 3 | 4 | 5 |
| Residency | \$40,000 | \$40,500 | \$41,000 | | |
| Professional | \$42,500 | \$44,375 | \$46,250 | \$48,125 | \$50,000 |
| <u>Advanced Professional</u> | \$52,000 | | | | |

(d) Effective July 1, 2021, the allocation shall be:

| Base | | | | | |
|------------------------------|----------|----------|----------|----------|----------|
| Allocation | 1 | 2 | 3 | 4 | 5 |
| Residency | \$40,369 | \$40,990 | \$41,611 | | |
| Professional | \$42,991 | \$44,836 | \$46,681 | \$48,526 | \$50,370 |
| <u>Advanced Professional</u> | \$52,734 | \$53,207 | | | |

(e) Effective July 1, 2022, the allocation shall be:

| Base | | | | | |
|------------------------------|----------|----------|----------|----------|----------|
| Allocation | 1 | 2 | 3 | 4 | 5 |
| Residency | \$40,742 | \$41,486 | \$42,231 | | |
| Professional | \$43,488 | \$45,302 | \$47,116 | \$48,930 | \$50,743 |
| <u>Advanced Professional</u> | \$53,478 | \$54,442 | \$55,389 | | |

(f) Effective July 1, 2023, the allocation shall be:

| Base | | | | | |
|------------------------------|----------|----------|----------|----------|----------|
| Allocation | 1 | 2 | 3 | 4 | 5 |
| Residency | \$41,118 | \$41,988 | \$42,860 | | |
| Professional | \$43,990 | \$45,773 | \$47,555 | \$49,337 | \$51,119 |
| <u>Advanced Professional</u> | \$54,233 | \$55,705 | \$57,165 | \$58,613 | |

(g) Effective July 1, 2024, the allocation shall be:

| Base | | | | | |
|------------------------------|----------|----------|----------|----------|----------|
| Allocation | 1 | 2 | 3 | 4 | 5 |
| Residency | \$41,500 | \$42,500 | \$43,500 | | |
| Professional | \$44,500 | \$46,250 | \$48,000 | \$49,750 | \$51,500 |
| <u>Advanced Professional</u> | \$55,000 | \$57,000 | \$59,000 | \$61,000 | \$63,000 |

(8) Effective July 1, 2025, the educator salary-based apportionment program compensation rung cell amounts shall be adjusted by an amount equivalent to the salary-based apportionment adjustment for administrative and classified staff positions.

(69) A review of a sample of evaluations completed by administrators shall be conducted annually to verify such evaluations are being conducted with fidelity to the state framework for teaching evaluation, including each evaluation component domain and identification of which domain or domains the administrator is focusing on for the instructional staff or pupil service staff member being evaluated, as outlined in administrative

~~rule and the rating given for each component.~~ The state board of education shall randomly select a sample of administrators throughout the state. A portion of such administrators' instructional staff and pupil service staff employee evaluations shall be independently reviewed. The ratio of instructional staff evaluations to pupil service staff evaluations shall be equal to the ratio of the statewide instructional staff salary allowance to pupil service staff salary allowance. The state board of education with input from the Idaho-approved teacher preparation programs and the state department of education shall identify individuals and a process to conduct the reviews. Administrator certificate holders shall be required to participate in ongoing evaluation training pursuant to section 33-1204, Idaho Code. School districts and public charter schools found to have not conducted the evaluations with fidelity to the state framework for teaching evaluation shall not be eligible to receive the leadership premium distribution pursuant to section 33-1002(2), Idaho Code. The state board of education shall report annually the findings of such reviews to the senate education committee, the house of representatives education committee, the state board of education and the deans of Idaho's approved teacher preparation programs. The state board of education shall promulgate rules implementing the provisions of this subsection.

(710) School districts shall submit annually to the state the data necessary to determine if an instructional staff or pupil service staff member has met the performance criteria for movement on the applicable compensation rung. The department of education shall calculate whether or not instructional staff and pupil service staff have met the compensation rung performance criteria based on the data submitted during the previous five (5) years. Individually identifiable performance evaluation ratings submitted to the state remain part of the employee's personnel record and are exempt from public disclosure pursuant to section 74-106, Idaho Code.

SECTION 3. That Section 33-1004C, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004C. BASE AND MINIMUM SALARIES -- LEADERSHIP PREMIUMS -- EDUCATION AND EXPERIENCE INDEX. (1) The following shall be reviewed annually by the legislature:

(a) The base salary figures pursuant to subsections (46) and (57) of section 33-1004E, Idaho Code;

(b) The minimum instructional and pupil service staff salary figure pursuant to subsections (1) and through (35) of section 33-1004E, Idaho Code; and

(c) The leadership premium figures pursuant to subsections (1) and (2) of section 33-1004J, Idaho Code.

(2) The statewide education and experience index (or state average index, or state index) is the average of all qualifying employees, instructional and administrative respectively. It is determined by totaling the index value for all qualifying employees and dividing by the number of employees.

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, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. 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. 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 or pupil service staff member on the residency compensation rung shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(2) Effective July 1, 2022, no full-time instructional staff member or pupil service staff member on the professional or advanced professional compensation rung shall be paid less than the minimum dollar amount on the career ladder professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(3) Effective July 1, 2025, no full-time instructional staff member or pupil service staff member on the advanced professional compensation rung shall be paid less than the minimum dollar amount on the advanced professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(24) If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board-certified instructional staff member who earned national board certification; 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 shall be those who have been recognized as national board-certified teachers as of July 1 of each year.

(35) To determine the apportionment for pupil service staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. If the district does not employ any pupil service staff, the district's pupil service staff average salary shall equal the district's instructional staff average salary for purposes of calculating pupil service salary-based apportionment. The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(46) 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. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. The district administrative staff index shall be multiplied by the base salary of thirty-seven thousand two hundred seventy-two dollars (\$37,272). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho

Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(57) To determine the apportionment for classified staff, multiply twenty-two thousand three hundred fifteen dollars (\$22,315) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(68) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (2), (3), (4) and (5) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 5. That Section 33-1201A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1201A. IDAHO PROFESSIONAL ENDORSEMENT -- ELIGIBILITY. (1) Any instructional staff employee or any pupil service staff employee will receive mentoring as outlined in such employee's individualized professional learning plan during the initial three (3) years of holding such certificate. Upon holding a certificate for three (3) years, any such instructional staff or pupil service staff employee may apply for an Idaho professional endorsement. Upon holding a professional endorsement for five (5) years or more, any such instructional staff or pupil service staff employee may apply for an Idaho advanced professional endorsement.

(2) To be eligible for an Idaho professional endorsement, the instructional staff or pupil service staff employee must:

- (a) Have held a certificate for at least three (3) years, or have completed a state board of education-approved interim certificate of three (3) years or longer;
- (b) Show they met the professional compensation rung performance criteria for two (2) of the three (3) previous years or the third year;
- (c) Have a written recommendation from the employing school district; and
- (d) Have an annual individualized professional learning plan developed in conjunction with the employee's school district supervisor.

Instructional staff employees may provide additional evidence demonstrating effective teaching that may be considered in exceptional cases for purposes of determining proficiency and student achievement in the event required standards for professional endorsement are not met. Pupil service staff employees may provide additional evidence demonstrating effective student achievement or success that may be considered in exceptional cases for purposes of determining proficiency and student achievement or success in the event required standards for professional endorsement are not met.

(3) To be eligible for an Idaho advanced professional endorsement, the instructional staff or pupil service staff employee must:

- (a) Have held a renewable certificate for at least eight (8) years or more, or have completed a state board of education-approved interim certificate of three (3) years or longer and held a renewable certificate for five (5) years or more;
- (b) Show they met the professional compensation rung performance criteria for four (4) of the five (5) previous years or the third, fourth, and fifth year;
- (c) During three (3) of the previous five (5) years, have served in an additional building or district leadership role in an Idaho public school, including but not limited to:
 - (i) Instructional specialist or instructional coach;
 - (ii) Mentor;
 - (iii) Curriculum or assessment committee member;
 - (iv) Team or committee leadership position;

- (v) Data coach; or
- (vi) Other leadership positions identified by the school district;
- (d) Have a written recommendation from the employing school district;
- (e) Have an annual individualized professional learning plan developed in conjunction with the employee's supervisor and a self-evaluation; and
- (f) (i) Effective July 1, 2020, through June 30, 2021, show they have met the advanced professional compensation rung performance criteria for three (3) of the five (5) previous years or the fifth year;
- (ii) Effective July 1, 2021, through June 30, 2022, show they have met the advanced professional compensation rung performance criteria for three (3) of the five (5) previous years or the fourth and fifth year; or
- (iii) Effective July 1, 2022, show they have met the advanced professional compensation rung performance criteria for three (3) of the five (5) previous years.

Instructional staff employees may provide additional evidence demonstrating effective teaching that may be considered in exceptional cases for purposes of determining proficiency and student achievement in the event required standards for the advanced professional endorsement are not met. Pupil service staff employees may provide additional evidence demonstrating effective student achievement or success that may be considered in exceptional cases for purposes of determining proficiency and student achievement or success in the event required standards for the advanced professional endorsement are not met.

~~(24) Instructional staff employees who have held a certificate that qualifies them to teach in the classroom for three (3) or more years prior to July 1, 2015, or and pupil service staff employees who have held a pupil personnel services certificate for three (3) or more years prior to July 1, 2016, shall automatically obtain an Idaho professional endorsement under this section shall be eligible for the professional endorsement if they:~~

- (a) Have a written recommendation from the employing school district;
- (b) Have worked in a certificated position in a compact-member state pursuant to section 33-4101, Idaho Code; and
- (c) Would have been eligible to work in a certificated position in an Idaho public school based on that certification for three (3) to eight (8) years.

(5) Instructional staff and pupil service staff shall be eligible for the advanced professional endorsement if they:

- (a) Have a written recommendation from the employing school district;
- (b) Have worked in a certificated position in a compact-member state pursuant to section 33-4101, Idaho Code; and
- (c) Would have been eligible to work in a certificated position in an Idaho public school based on that certification for nine (9) years or more.

(36) The state board of education shall promulgate rules implementing the provisions of this section.

(7) For the purposes of this section:

- (a) "Certificate" means an Idaho instructional certificate, pupil service staff certificate, or out-of-state educator certificate that meets the requirements for reciprocity under rules promulgated by the state board of education;
- (b) In conjunction with the Idaho evaluation framework, "individualized professional learning plan" means an individualized professional development plan based on the Idaho framework for teaching evaluation and includes, at a minimum, identified interventions based on the individual's strengths and areas of needed growth, how the individual will

set student achievement and growth goals, areas of identified professional development and mentoring that target continuous improvement in professional areas, future student achievement, and school building or district culture;

~~(4c) For the purposes of this section, "i"Instructional staff~~ means those involved in the direct instruction of a student or group of students and who hold a certificate issued under section 33-1201, Idaho Code.;

~~(5d) For the purposes of this section, "p"Pupil service staff~~ means those who provide services to students but are not involved in direct instruction of those students, and who hold a certificate issued under section 33-1201, Idaho Code; and

(e) "School district" means a school district or a public charter school.

Approved March 25, 2020

CHAPTER 271
(H.B. No. 574)

AN ACT

RELATING TO CHILD TAX BENEFITS; AMENDING SECTION 32-706, IDAHO CODE, TO PROVIDE FOR THE AWARD OF TAX BENEFITS ASSOCIATED WITH A CHILD AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3024A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FOOD TAX CREDIT FOR CERTAIN DEPENDENTS; AND AMENDING SECTION 63-3029L, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE AWARD OF THE CHILD TAX CREDIT AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 32-706, Idaho Code, be, and the same is hereby amended to read as follows:

32-706. CHILD SUPPORT. (1) In a proceeding for divorce or child support, the court may order either or both parents owing a duty of support to a child to pay an amount reasonable or necessary for his or her support and education until the child is eighteen (18) years of age, without regard to marital misconduct, after considering all relevant factors which may include:

- (a) The financial resources of the child;
- (b) The financial resources, needs, and obligations of both the custodial and noncustodial parents which ordinarily shall not include a parent's community property interest in the financial resources or obligations of a spouse who is not a parent of the child, unless compelling reasons exist;
- (c) The standard of living the child enjoyed during the marriage;
- (d) The physical and emotional condition and needs of the child and his or her educational needs;
- (e) The availability of medical coverage for the child at reasonable cost as defined in section 32-1214B, Idaho Code; and
- (f) The actual tax benefit recognized by the party claiming the federal child dependency exemption.

(2) If the child continues his high school education subsequent to reaching the age of eighteen (18) years, the court may, in its discretion, and after considering all relevant factors which include those set forth in subsection (1) of this section, order the continuation of support payments until the child discontinues his high school education or reaches the age of nineteen (19) years, whichever is sooner.

(3) All child support orders shall notify the obligor that the order will be enforced by income withholding pursuant to chapter 12, title 32, Idaho Code. Failure to include this provision does not affect the validity of the support order. The court shall require that the social security numbers of both the obligor and obligee be included in the order or decree.

(4) In a proceeding for the support of a child or a minor parent, the court may order the parent(s) of each minor parent to pay an amount reasonable or necessary for the support and education of the child born to the minor parent(s) until the minor parent is eighteen (18) years of age, after considering all relevant factors which may include:

- (a) The financial resources of the child;
- (b) The financial resources of the minor parent;
- (c) The financial resources, needs and obligations of the parent of the minor parent;
- (d) The physical and emotional condition and needs of the child and his or her educational needs; and
- (e) The availability of medical coverage for the child at reasonable cost as defined in section 32-1214B, Idaho Code.

(5) The legislature hereby authorizes and encourages the supreme court of the state of Idaho to adopt and to periodically review for modification guidelines that utilize and implement the factors set forth in subsections (1) through (4) of this section to create a uniform procedure for reaching fair and adequate child support awards. There shall be a rebuttable presumption that the amount of the award which would result from the application of the guidelines is the amount of child support to be awarded, unless evidence is presented in a particular case which that indicates that an application of the guidelines would be unjust or inappropriate. If the court determines that circumstances exist to permit a departure from the guidelines, the judge making the determination shall make a written or specific finding on the record that the application of the guidelines would be unjust or inappropriate in the particular case before the court. When adopting guidelines, the supreme court shall provide that in a proceeding to modify an existing award, children of the party requesting the modification who are born or adopted after the entry of the existing order shall not be considered.

(6) If the court awards one (1) parent the right to claim tax benefits associated with his child or children, the court order need not list every applicable tax benefit. The parent who was awarded the tax benefits for the child or children shall attach a copy of the court order to his income tax return. The state tax commission shall recognize the award of tax benefits with respect to the child or children as applying to the child tax credit under section 63-3029L, Idaho Code, the food tax credit under section 63-3024A, Idaho Code, and any and all other state and federal tax deductions, exemptions, and credits for which the parent qualifies, unless the court order specifies otherwise.

SECTION 2. That Section 63-3024A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3024A. FOOD TAX CREDITS AND REFUNDS. (1) Any resident individual who is required to file and who has filed an Idaho income tax return shall be allowed a credit against taxes due under the Idaho income tax act for the taxpayer, the taxpayer's spouse, and each dependent, as defined in section 152 of the Internal Revenue Code, claimed on the taxpayer's Idaho income tax return, and awarded by the court under section 32-706, Idaho Code, if applicable. For tax years 2015 and after, the credit is one hundred dollars (\$100). If taxes due are less than the total credit allowed, the taxpayer shall be paid a refund equal to the balance of the unused credit.

(2) A resident individual who is not required to file an Idaho income tax return and for whom no credit or refund is allowed under any other subsec-

tion of this section shall, subject to the limitations of subsections (3), (4), (5), (6), (7) and (8) of this section, be entitled to a refund in the amount provided in subsection (1) of this section.

(3) A resident individual who has reached his sixty-fifth birthday before the end of his taxable year and who has claimed the credit available under subsection (1) of this section, in addition to the amount of credit or refund due under subsection (1) of this section, shall be entitled to twenty dollars (\$20.00), which shall be claimed as a credit against any taxes due under the Idaho income tax act. If taxes due are less than the total credit allowed, the individual shall be paid a refund equal to the balance of the unused credit.

(4) Except as provided in subsection (9) of this section, a credit or refund under this section is only available if the individual for whom a personal exemption is claimed is a resident of the state of Idaho.

(5) In no event shall more than one (1) taxpayer be allowed a credit or refund for the same personal exemption, or under more than one (1) subsection of this section.

(6) In the event that a credit or refund is attributable to any individual for whom assistance under the federal food stamp program was received for any month or part of a month during the taxable year for which the credit or refund is claimed, the credit or refund allowed under this section shall be in proportion to the number of months of the year in which no assistance was received.

(7) In the event that a credit or refund is attributable to any individual who has been incarcerated for any month or part of a month during the taxable year for which the credit or refund is claimed, the credit or refund allowed under this section shall be in proportion to the number of months of the year in which the individual was not incarcerated.

(8) No credit or refund shall be paid that is attributable to an individual residing illegally in the United States.

(9) Any part-year resident entitled to a credit under this section shall receive a proportionate credit reflecting the part of the year in which he was domiciled in this state.

(10) Any refund shall be paid to such individual only upon his making application therefor, at such time and in such manner as may be prescribed by the state tax commission. The state tax commission shall prescribe the method by which the refund is to be made to the taxpayer. The refunds authorized by this section shall be paid from the state refund fund in the same manner as the refunds authorized by section 63-3067, Idaho Code.

(11) An application for any refund that is due and payable under the provisions of this section must be filed with the state tax commission within three (3) years of:

(a) The due date, including extensions, of the return required under section 63-3030, Idaho Code, if the applicant is required to file a return; or

(b) The fifteenth day of April of the year following the year to which the application relates if the applicant is not required to file a return.

(12) The state tax commission shall provide income tax payers with the irrevocable option of donating credited funds accruing pursuant to this section. Any funds so donated shall be remitted from the refund fund to the cooperative welfare fund, created pursuant to section 56-401, Idaho Code, and shall be used solely for the purpose of providing low-income Idahoans with assistance in paying home energy costs.

SECTION 3. That Section 63-3029L, Idaho Code, be, and the same is hereby amended to read as follows:

63-3029L. CHILD TAX CREDIT. (1) For taxable years beginning on or after January 1, 2018, and before January 1, 2026, there shall be allowed to a taxpayer a nonrefundable credit against the tax imposed by this chapter in the amount of two hundred five dollars (\$205) with respect to each qualifying child of the taxpayer. For purposes of this section, the term "qualifying child" has the meaning as defined in section 24(c) of the Internal Revenue Code. In no event shall more than one (1) taxpayer be allowed this credit for the same qualifying child. This credit is available only to Idaho residents. Any part-year resident entitled to a credit under this section shall receive a proportional credit reflecting the part of the year in which the part-year resident was domiciled in Idaho.

(2) In the case of divorced parents or parents who do not live together, if the qualifying child is in the custody of one (1) or both of the child's parents for more than one-half of a calendar year, such child is the qualifying child of the custodial parent for the taxable year beginning during such calendar year. However, the child may be the qualifying child of the noncustodial parent if either of the following requirements are met:

(a) A court of competent jurisdiction has unconditionally awarded, in writing, to the noncustodial parent the tax credit authorized under this section benefits associated with the child pursuant to section 32-706, Idaho Code, and the noncustodial parent attaches a copy of the court order to the noncustodial parent's income tax return for the taxable year; or

(b) The custodial parent signs a written declaration that such custodial parent will not claim the credit of this section with respect to such child for any taxable year beginning in such calendar year and the noncustodial parent attaches such written declaration to the noncustodial parent's income tax return for the taxable year beginning during such calendar year.

Approved March 25, 2020

CHAPTER 272
(H.B. No. 624)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1001, IDAHO CODE, AS AMENDED IN SECTION 1 OF HOUSE BILL NO. 523, AS ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH IDAHO LEGISLATURE, TO REVISE A DEFINITION; AMENDING SECTION 33-1004B, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 132, LAWS OF 2019, AS AMENDED IN SECTION 2 OF HOUSE BILL NO. 523, AS ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH IDAHO LEGISLATURE, TO PROVIDE THAT A REVIEW SHALL BE COMPLETED BY A CERTAIN DATE EACH YEAR AND TO PROVIDE FOR THE INCLUSION OF CERTAIN DATA IN A SUBMISSION; AMENDING SECTION 33-1004E, IDAHO CODE, AS AMENDED IN SECTION 4 OF HOUSE BILL NO. 523, AS ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH IDAHO LEGISLATURE, TO PROVIDE CORRECT CODE REFERENCES; AND AMENDING SECTION 33-1004I, IDAHO CODE, TO REVISE PROVISIONS REGARDING MASTER EDUCATOR PREMIUMS AND TO PROVIDE THAT THE SECTION SHALL BE NULL, VOID, AND OF NO FORCE AND EFFECT ON AND AFTER A CERTAIN DATE.

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

SECTION 1. That Section 33-1001, Idaho Code, as amended in Section 1 of House Bill No. 523, as enacted by the Second Regular Session of the Sixty-fifth Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1001. DEFINITIONS. As used in this chapter:

(1) "Administrative schools" means and applies to all elementary schools and kindergartens within a district that are situated ten (10) miles or less from both the other elementary schools and the principal administrative office of the district and all secondary schools within a district that are situated fifteen (15) miles or less from other secondary schools of the district.

(2) "Administrative staff" means those who hold an administrator certificate and are employed as a superintendent, an elementary or secondary school principal, or are assigned administrative duties over and above those commonly assigned to teachers.

(3) "At-risk student" means a student in grades 6 through 12 who:

(a) Meets at least three (3) of the following criteria:

(i) Has repeated at least one (1) grade;

(ii) Has absenteeism greater than ten percent (10%) during the preceding semester;

(iii) Has an overall grade point average less than 1.5 on a 4.0 scale prior to enrolling in an alternative secondary program;

(iv) Has failed one (1) or more academic subjects in the past year;

(v) Is below proficient, based on local criteria, standardized tests, or both;

(vi) Is two (2) or more credits per year behind the rate required to graduate or for grade promotion; or

(vii) Has attended three (3) or more schools within the previous two (2) years, not including dual enrollment; or

(b) Meets any of the following criteria:

(i) Has documented substance abuse or a pattern of substance abuse;

(ii) Is pregnant or a parent;

(iii) Is an emancipated youth or unaccompanied youth;

(iv) Is a previous dropout;

(v) Has a serious personal, emotional, or medical issue or issues;

(vi) Has a court or agency referral; or

(vii) Demonstrates behavior detrimental to the student's academic progress.

(4) "Average daily attendance" or "pupils in average daily attendance" means the aggregate number of days enrolled students are present, divided by the number of days of school in the reporting period; provided, however, that students for whom no Idaho school district is a home district shall not be considered in such computation.

(5) "Career ladder" means the compensation table used for determining the allocations districts receive for instructional staff and pupil service staff based on specific performance criteria and is made up of a residency compensation rung and a professional compensation rung.

(6) "Child with a disability" means a child evaluated as having an intellectual disability, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, an emotional behavioral disorder, an orthopedic impairment, autism, a traumatic brain injury, another health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

(7) "Compensation rung" means the rung on the career ladder that corresponds with the compensation level performance criteria.

(8) "Economically disadvantaged student" means a student who:

(a) Is eligible for a free or reduced-price lunch under the Richard B. Russell national school lunch act, 42 U.S.C. 1751 et seq., excluding students who are only eligible through a school's community eligibility program;

(b) Resides with a family receiving assistance under the program of block grants to states for temporary assistance for needy families (TANF) established under part A of title IV of the social security act, 42 U.S.C. 601 et seq.;

(c) Is eligible to receive medical assistance under the medicaid program under title XIX of the social security act, 42 U.S.C. 1396 et seq.; or

(d) Is considered homeless for purposes of the federal McKinney-Vento homeless assistance act, 42 U.S.C. 11301 et seq.

(9) "Elementary grades" or "elementary average daily attendance" means and applies to students enrolled in grades 1 through 6 inclusive, or any combination thereof.

(10) "Elementary schools" are schools that serve grades 1 through 6 inclusive, or any combination thereof.

(11) "Elementary/secondary schools" are schools that serve grades 1 through 12 inclusive, or any combination thereof.

(12) "English language learner" or "ELL" means a student who does not score proficient on the English language development assessment established by rule of the state board of education.

(13) "Gifted and talented" shall have the same meaning as provided in section 33-2001(4), Idaho Code.

(14) "Homebound student" means any student who would normally and regularly attend school, but is confined to home or hospital because of an illness or accident for a period of ten (10) or more consecutive days.

(15) "Instructional staff" means those who hold an Idaho certificate issued under section 33-1201, Idaho Code, and who are either involved in the direct instruction of a student or group of students or who serve in a mentor or teacher leader position for individuals who hold an Idaho certificate issued under section 33-1201, Idaho Code.

(16) "Kindergarten" or "kindergarten average daily attendance" means and applies to all students enrolled in a school year, less than a school year, or summer kindergarten program.

(17) "Local salary schedule" means a compensation table adopted by a school district or public charter school, which table is used for determining moneys to be distributed for instructional staff and pupil service staff salaries. Minimum compensation provided under a local salary schedule shall be at least equal to thirty-eight thousand five hundred dollars (\$38,500) or, for staff holding a professional endorsement, forty-two thousand five hundred dollars (\$42,500).

(18) "Measurable student achievement" means the measurement of student academic achievement or growth within a given interval of instruction for those students who have been enrolled in and attended eighty percent (80%) of the interval of instruction. Measures and targets shall be chosen at the school level in collaboration with the staff member impacted by the measures and applicable district staff and approved at the district level. The most effective measures and targets are those generated as close to the actual work as possible. Targets may be based on grade- or department-level achievement or growth goals that create collaboration within groups. Assessment tools that may be used for measuring student achievement and growth include:

- (a) Idaho standards achievement test;
- (b) Student learning objectives;
- (c) Formative assessments;
- (d) Teacher-constructed assessments of student growth;
- (e) Pre- and post-tests;
- (f) Performance-based assessments;
- (g) Idaho reading indicator;
- (h) College entrance exams or preliminary college entrance exams such as PSAT, SAT and ACT;

- (i) District-adopted assessment;
- (j) End-of-course exams;
- (k) Advanced placement exams; and
- (l) Career technical exams.

(19) "Performance criteria" means the standards specified for instructional staff and pupil service staff to demonstrate teaching proficiency for a given compensation rung. Each element of the professional compensation rung and advanced professional compensation rung performance criteria, as identified in this section and as applicable to a staff member's position, shall be documented, reported, and subject to review for determining movement on the career ladder.

(20) (a) "Professional compensation rung performance criteria" means:

- (i) An overall rating of proficient or higher, and no components rated as unsatisfactory on the state framework for teaching evaluation; and
- (ii) Demonstrating the majority of their students have met their measurable student achievement targets or student success indicator targets.

(b) "Advanced professional compensation rung performance criteria" means:

- (i) An overall rating of proficient or higher, no components rated as unsatisfactory or basic, and rated as distinguished overall in domain two -- classroom environment, or domain three -- instruction and use of assessment, on the state framework for teaching evaluation or equivalent for pupil service staff; and
- (ii) Demonstrating seventy-five percent (75%) or more of their students have met their measurable student achievement targets or student success indicator targets.

(21) "Public school district" or "school district" or "district" means any public school district organized under the laws of this state, including specially chartered school districts.

(22) "Pupil service staff" means those who provide services to students but are not involved in direct instruction of those students, and hold a pupil personnel services certificate.

(23) "Secondary grades" or "secondary average daily attendance" means and applies to students enrolled in grades 7 through 12 inclusive, or any combination thereof.

(24) "Secondary schools" are schools that serve grades 7 through 12 inclusive, or any combination thereof.

(25) "Separate elementary school" means an elementary school located more than ten (10) miles on an all-weather road from both the nearest elementary school and elementary/secondary school serving like grades within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

(26) "Separate kindergarten" means a kindergarten located more than ten (10) miles on an all-weather road from both the nearest kindergarten school within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

(27) "Separate secondary school" means any secondary school located more than fifteen (15) miles on an all-weather road from any other secondary school and elementary/secondary school serving like grades operated by the district.

(28) "Special education" means specially designed instruction or speech/language therapy at no cost to the parent to meet the unique needs of a student who is a child with a disability, including instruction in the classroom, the home, hospitals, institutions, and other settings; instruction in physical education; speech therapy and language therapy; transition services; travel training; assistive technology services; and vocational education.

(29) "Student success indicators" means measurable indicators of student achievement or growth, other than academic, within a predefined interval of time for a specified group of students. Measures and targets shall be chosen at the district or school level in collaboration with the pupil service staff member impacted by the measures and applicable district staff. Student success indicators include:

(a) Quantifiable goals stated in a student's 504 plan or individualized education plan.

(b) Quantifiable goals stated in a student's behavior improvement plan.

(c) School or district identified measurable student objectives for a specified student group or population.

(30) "Support program" means the educational support program as described in section 33-1002, Idaho Code, the transportation support program described in section 33-1006, Idaho Code, and the exceptional education support program as described in section 33-1007, Idaho Code.

(31) "Support unit" means a function of average daily attendance used in the calculations to determine financial support provided to the public school districts.

(32) "Teacher" means any person employed in a teaching, instructional, supervisory, educational administrative or educational and scientific capacity in any school district. In case of doubt, the state board of education shall determine whether any person employed requires certification as a teacher.

SECTION 2. That Section 33-1004B, Idaho Code, as amended by Section 2, Chapter 132, Laws of 2019, as amended in Section 2 of House Bill No. 523, as enacted by the Second Regular Session of the Sixty-fifth Idaho Legislature, be, and the same is hereby amended to read as follows:

33-1004B. CAREER LADDER. School districts shall receive an allocation for instructional staff and pupil service staff based on their staffs' position on the career ladder as follows:

(1) Instructional staff and pupil service staff who are in their first year of holding a certificate shall be placed in the first cell of the residency compensation rung and shall move one (1) cell on the residency compensation rung for each year they hold a certificate thereafter for up to three (3) years, at which point they will remain in the third cell of the residency rung until they earn a professional endorsement.

(2) Instructional staff and pupil service staff in their first year of holding a professional endorsement shall be placed in the first cell of the professional compensation rung.

(3) Instructional staff and pupil service staff on the professional compensation rung with four (4) years of experience shall move one (1) cell on the professional compensation rung unless they have failed to meet the professional compensation rung performance criteria for three (3) of the previous four (4) years. Instructional staff and pupil service staff on the professional compensation rung who meet the performance criteria for three (3) of the previous five (5) years, one (1) of which must be during the fourth or fifth year, shall move one (1) cell. Allocations for instructional staff and pupil service staff who do not meet the professional compensation rung performance criteria for three (3) of the previous five (5) years, one

(1) of which must be during the fourth or fifth year, shall remain at the previous fiscal year allocation level. This also applies to the educational allocation.

(4) Instructional staff and pupil service staff in their first year of holding an advanced professional endorsement shall be placed in the first cell of the advanced professional compensation rung.

(5) Instructional staff and pupil service staff on the advanced professional compensation rung who met the performance criteria for the advanced professional rung in the previous year shall move one (1) cell on the advanced professional compensation rung. Allocations for instructional staff and pupil service staff who do not meet the advanced professional compensation rung performance criteria shall remain at the previous fiscal year allocation level. This also applies to the additional education allocation.

(6) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for career technical education instructional staff holding an occupational specialist certificate in the area for which they are teaching in the amount of three thousand dollars (\$3,000).

(7) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for instructional staff and pupil service staff holding a professional or an advanced professional endorsement who have acquired additional education and meet the professional or advanced professional compensation rung performance criteria. In determining the additional education allocation amount, only transcribed credits and degrees on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by a body recognized by the state board of education or credits earned through an internship or work experience approved by the state board of education, shall be allowed. All credits and degrees earned must be in a relevant pedagogy or content area as determined by the state department of education. Additional education allocation amounts are not cumulative. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree-prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education allocation. Additional education allocations are:

(a) For instructional staff and pupil service staff holding a professional or an advanced professional endorsement, a baccalaureate degree and twenty-four (24) or more credits, two thousand dollars (\$2,000) per fiscal year.

(b) For instructional staff and pupil service staff holding a professional or an advanced professional endorsement and a master's degree, three thousand five hundred dollars (\$3,500) per fiscal year.

(c) Effective July 1, 2020, the allocation shall be:

| Base Allocation | 1 | 2 | 3 | 4 | 5 |
|-----------------------|----------|----------|----------|----------|----------|
| Residency | \$40,000 | \$40,500 | \$41,000 | | |
| Professional | \$42,500 | \$44,375 | \$46,250 | \$48,125 | \$50,000 |
| Advanced Professional | \$52,000 | | | | |

(d) Effective July 1, 2021, the allocation shall be:

| Base | | | | | |
|-----------------------|----------|----------|----------|----------|----------|
| Allocation | 1 | 2 | 3 | 4 | 5 |
| Residency | \$40,369 | \$40,990 | \$41,611 | | |
| Professional | \$42,991 | \$44,836 | \$46,681 | \$48,526 | \$50,370 |
| Advanced Professional | \$52,734 | \$53,207 | | | |

(e) Effective July 1, 2022, the allocation shall be:

| Base | | | | | |
|-----------------------|----------|----------|----------|----------|----------|
| Allocation | 1 | 2 | 3 | 4 | 5 |
| Residency | \$40,742 | \$41,486 | \$42,231 | | |
| Professional | \$43,488 | \$45,302 | \$47,116 | \$48,930 | \$50,743 |
| Advanced Professional | \$53,478 | \$54,442 | \$55,389 | | |

(f) Effective July 1, 2023, the allocation shall be:

| Base | | | | | |
|-----------------------|----------|----------|----------|----------|----------|
| Allocation | 1 | 2 | 3 | 4 | 5 |
| Residency | \$41,118 | \$41,988 | \$42,860 | | |
| Professional | \$43,990 | \$45,773 | \$47,555 | \$49,337 | \$51,119 |
| Advanced Professional | \$54,233 | \$55,705 | \$57,165 | \$58,613 | |

(g) Effective July 1, 2024, the allocation shall be:

| Base | | | | | |
|-----------------------|----------|----------|----------|----------|----------|
| Allocation | 1 | 2 | 3 | 4 | 5 |
| Residency | \$41,500 | \$42,500 | \$43,500 | | |
| Professional | \$44,500 | \$46,250 | \$48,000 | \$49,750 | \$51,500 |
| Advanced Professional | \$55,000 | \$57,000 | \$59,000 | \$61,000 | \$63,000 |

(8) Effective July 1, 2025, the educator salary-based apportionment program compensation rung cell amounts shall be adjusted by an amount equivalent to the salary-based apportionment adjustment for administrative and classified staff positions.

(9) A review of a sample of evaluations completed by administrators shall be conducted annually to verify such evaluations are being conducted with fidelity to the state framework for teaching evaluation, including each domain and identification of which domain or domains the administrator is focusing on for the instructional staff or pupil service staff member being evaluated, as outlined in administrative rule. The review shall be completed prior to November 1 of each year. The state board of education shall randomly select a sample of administrators throughout the state. A portion of such administrators' instructional staff and pupil service staff employee evaluations shall be independently reviewed. The ratio of instructional staff evaluations to pupil service staff evaluations shall be equal to the ratio of the statewide instructional staff salary allowance to pupil service staff salary allowance. The state board of education with input from the Idaho-approved teacher preparation programs and the state department of education shall identify individuals and a process to conduct the reviews. Administrator certificate holders shall be required to participate in ongoing evaluation training pursuant to section 33-1204, Idaho Code. School districts and public charter schools found to have not conducted the evaluations with fidelity to the state framework for teaching evaluation shall

not be eligible to receive the leadership premium distribution pursuant to section 33-1002(2), Idaho Code. The state board of education shall report annually the findings of such reviews to the senate education committee, the house of representatives education committee, the state board of education and the deans of Idaho's approved teacher preparation programs. The state board of education shall promulgate rules implementing the provisions of this subsection.

(10) School districts shall submit annually to the state the data necessary to determine if an instructional staff or pupil service staff member has met the performance criteria for movement on the applicable compensation rung. Such data shall include the individuals' performance on each of the performance criteria as defined in section 33-1001, Idaho Code, including the percentage of students meeting their measurable student achievement and student success indicator targets. The department of education shall calculate whether or not instructional staff and pupil service staff have met the compensation rung performance criteria based on the data submitted during the previous five (5) years. Individually identifiable performance evaluation ratings submitted to the state remain part of the employee's personnel record and are exempt from public disclosure pursuant to section 74-106, Idaho Code.

SECTION 3. That Section 33-1004E, Idaho Code, as amended in Section 4 of House Bill No. 523, as enacted by the Second Regular Session of the Sixty-fifth Idaho Legislature, 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, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. 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. 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 or pupil service staff member on the residency compensation rung shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(2) Effective July 1, 2022, no full-time instructional staff member or pupil service staff member on the professional or advanced professional compensation rung shall be paid less than the minimum dollar amount on the career ladder professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(3) Effective July 1, 2025, no full-time instructional staff member or pupil service staff member on the advanced professional compensation rung shall be paid less than the minimum dollar amount on the advanced professional compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(4) If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board-certified instructional staff member who earned national board certification; 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 shall be those who have been recognized as national board-certified teachers as of July 1 of each year.

(5) To determine the apportionment for pupil service staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. If the district does not employ any pupil service staff, the district's pupil service staff average salary shall equal the district's instructional staff average salary for purposes of calculating pupil service salary-based apportionment. The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(6) 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. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. The district administrative staff index shall be multiplied by the base salary of thirty-seven thousand two hundred seventy-two dollars (\$37,272). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(7) To determine the apportionment for classified staff, multiply twenty-two thousand three hundred fifteen dollars (\$22,315) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(8) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (24), (35), (46) and (57) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

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

33-1004I. MASTER EDUCATOR PREMIUMS. (1) A portion of the moneys available to the education support program shall be distributed per full-time equivalent instructional staff position employed by each school district. Such moneys shall be paid to instructional staff employees who have been awarded a master educator premium prior to June 30, 2021, and have earned a master educator designation by meeting the minimum qualifications set forth in subsection (2) of this section and the additional qualifications developed or adopted by the employing school district pursuant to subsection (3) of this section, in an amount set forth in subsection (4) of this section. No new applications shall be accepted for any year after January 1, 2021.

(2) The minimum qualifications for an instructional staff or a pupil service staff employee to earn a master educator designation shall be as follows:

(a) An instructional staff or pupil service staff employee must have eight (8) or more years of teaching experience provided that the three (3) years immediately preceding the award must be continuous and in Idaho. The remainder of the teaching experience making up the eight (8) years must have been earned in Idaho or in a compact-member state pursuant to section 33-4101, Idaho Code;

(b) An instructional staff or pupil service staff employee must demonstrate mastery of instructional techniques for no fewer than three (3) of the previous five (5) years of instruction through:

- (i) Artifacts demonstrating evidence of effective teaching; and
- (ii) Successful completion of an annual individualized professional learning plan; and

(c) A majority of an instructional staff employee's students must meet measurable student achievement as defined in section 33-1001, Idaho Code, for no fewer than three (3) of the previous five (5) years.

(d) A majority of a pupil service staff employee's students must meet measurable student achievement or measurable student success indicators, as defined in section 33-1001, Idaho Code, for no fewer than three (3) of the previous five (5) years.

(3) In addition to the minimum qualifications for a master educator designation set forth in subsection (2) of this section:

(a) Local school districts may develop and require additional qualifications showing demonstrated mastery of instructional techniques and professional practice through multiple measures, provided that such qualifications shall be developed by a committee consisting of teachers, administrators and other school district stakeholders and shall first be approved by the state board of education;

(b) Local school districts may develop plans that recognize groups of teachers based on measurable student achievement goals aligned with school district-approved continuous improvement plans. Groups may be school-wide or may be smaller groups such as grade levels or by subject matter. Each teacher in a master educator group shall receive a master educator premium if goals are met according to the district plans. Plans shall be developed by a committee consisting of teachers, administrators and other school district stakeholders and shall first be approved by the state board of education. Any school district that does not follow their preapproved plan shall not receive future master educator premium dollars; or

(c) If a local school district has not developed qualifications pursuant to paragraph (a) or (b) of this subsection, then eligible school district staff may apply to the state board of education by showing demonstrated mastery of instructional techniques and professional practice through multiple measures as developed by a committee facilitated by the state board of education consisting of teachers, administrators and other stakeholders, which measures shall be approved by the state board of education.

(4) The amount of the master educator premium paid to a qualified instructional staff or pupil service staff employee shall be four thousand dollars (\$4,000) each year for three (3) years starting with the initial award of the master educator premium. ~~After the third year of receiving the master educator premium, the instructional staff employee must continue to demonstrate that he or she meets the master educator premium qualifications in each subsequent year. If the qualifications are not met, then the premium will be discontinued until such time as the qualifications are met.~~

(5) Local school district boards of trustees may provide master educator premiums to instructional staff employees consistent with the provisions of this section.

(6) For the purposes of this section, the term "school district" also means "public charter school" and the term "board of trustees" also means "board of directors."

(7) The state board of education may promulgate rules implementing the provisions of this section.

(8) The provisions of this section shall be null, void, and of no force and effect on and after July 1, 2024.

Approved March 25, 2020

CHAPTER 273

(H.B. No. 517, As Amended)

AN ACT

RELATING TO LOCAL IMPROVEMENT DISTRICT ASSESSMENTS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 50-1715, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE COLLECTION OF DELINQUENT INSTALLMENT PAYMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-1721, IDAHO CODE, TO REVISE PROVISIONS REGARDING DELINQUENT ASSESSMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-1009, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EFFECT OF A TAX DEED AS A CONVEYANCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to clarify and confirm the scope and effect of Idaho's statutes relating to the treatment of delinquent local improvement district assessments certified to the tax collector for collection. Section 50-1715, Idaho Code, permits, as an alternative method of collection to the issuance of delinquent certificates under the Local Improvement District Code, the certification of delinquent assessment installments to the tax collector. Once certified, said assessments are to be extended on the tax rolls and collected as are property taxes. Collection of delinquent property taxes is governed by the provisions of chapter 10, title 63, Idaho Code. By this legislation, the Idaho Legislature seeks to clarify any ambiguity that may exist regarding the treatment and interpretation of delinquent assessments certified to the tax collector pursuant to section 50-1715, Idaho Code, and to confirm the interplay between the Local Improvement District Code and the property tax statutes with respect to any such assessments so certified. It is and has always been the intent of the Legislature that delinquent local improvement district assessments certified to the tax collector for collection be governed by the collection provisions of chapter 10, title 63, Idaho Code, and not the collection provisions of the Local Improvement District Code. As context should have made evident, said delinquent assessments are to be treated in the same manner and to the same effect as delinquent property taxes, including with respect to collection, satisfaction, and extinguish-

ment thereof. The purpose of section 63-1009, Idaho Code, has always been to convey title absolutely free and clear of liens and mortgages of a monetary nature; including, specifically, delinquent local improvement district assessments certified to the tax collector for collection pursuant to section 50-1715, Idaho Code. As with property taxes, a tax deed conveys title to the grantee free and clear of all certified delinquent local improvement district assessments for which the lien is foreclosed and in satisfaction of which the property is sold. It was never the intent of the Legislature for such certified local improvement district assessment amounts to survive the issuance of a tax deed in a manner inconsistent with the treatment of property taxes. Sections 50-1721 and 63-1009, Idaho Code, are being amended to clarify and confirm this intent.

SECTION 2. That Section 50-1715, Idaho Code, be, and the same is hereby amended to read as follows:

50-1715. CONFIRMATION OF ASSESSMENT ROLL. (1) After said hearing, the council shall pass an ordinance confirming the assessment roll as corrected by ~~them~~ the council in relation to the benefits accruing thereon as a result of the improvements being made. The ordinance shall be the final determination of the regularity, validity and correctness of the assessment roll, of each assessment contained therein, and of the amount thereof levied on each lot or parcel of land, which ordinance shall contain a finding that each lot or parcel of land is benefited to the amount of assessment levied thereon subject to appeal as provided herein. Upon passage of the ordinance, the clerk shall certify and file the confirmed assessment roll with the treasurer of the municipality and the assessments therein shall be due and payable to the treasurer within thirty (30) days from the date of the adoption of the ordinance. The confirmed assessment roll and the assessments made by the confirmed assessment roll shall be a lien upon the property assessed from and after the date the following notice is recorded. Immediately upon passage of the confirming ordinance, the clerk shall file with the county recorder a notice which shall contain the date of the confirming ordinance and a description of the area or boundaries of the district. If any assessment is not paid in full within said thirty (30) day period, such assessment shall become delinquent and shall be collected in the same manner and with the same penalties and interest added thereto as hereinafter provided for delinquent assessments. The council may, in the alternative, determine to make assessments unpaid at the end of said thirty (30) day period payable in installments and to issue and sell registered warrants or installment bonds payable from such unpaid installments as herein provided. If the council chooses to do so, it shall provide in said ordinance that any property owner who has not paid his assessment in full within said thirty (30) day period will be conclusively presumed to have chosen to pay the same in installments, and the ordinance shall then establish the number of years said installments shall run, the dates of payment of the same, and the rate of interest that the unpaid assessments shall bear, which rate shall not be less than the rate of interest borne by the warrants or bonds payable therefrom, said interest running from the date of the passage of the assessment ordinance, irrespective of the date of its official publication, and being payable at the same time and place as the installment payments of assessments. Said installments shall be due and payable in not to exceed thirty (30) years to the treasurer or other proper officer as provided by the council. The ordinance shall establish the due date of the first installment payment and that the local or special assessments may be carried on the rolls of the municipality and collected as hereinafter provided. If any installment is not paid within twenty (20) days from the date it is due, the same shall become delinquent and the treasurer shall add a penalty of two percent percent (2%) thereto. In addition to any other method of collection

provided in this code, the council may certify delinquent installments to the tax collector, and when so certified they shall be extended on the tax rolls and collected as are property taxes, pursuant to the provisions of chapter 10, title 63, Idaho Code. In the event that any property owner should choose to pay his assessment in full after such time as it has been conclusively presumed that he will pay in installments, such payment in full shall include the full amount of the unpaid assessment plus penalties and all interest payable on the same plus additional interest thereon at the rate provided in the bonds from the date of the last installment due to one (1) year after the next interest date of said bonds.

(2) Any errors in description, ownership of property, or amounts in any assessment ordinance adopted pursuant to this section may be corrected by the passage of an amendatory ordinance, which need set forth only the corrected descriptions or amounts. The passage of such amendatory ordinance shall serve only to postpone the thirty (30) day period for payment in full of the assessments actually affected by such amendatory ordinance, and the due dates of installments of such affected assessments shall be the same as the due dates of installments not affected. Notice of any assessments so affected shall be given in the same manner as hereinafter provided for the giving of notice of assessments.

SECTION 3. That Section 50-1721, Idaho Code, be, and the same is hereby amended to read as follows:

50-1721. LIEN OF ASSESSMENT -- FORECLOSURE. (1) Assessments levied to pay the cost and expense of any improvement authorized by the provisions of this code, or any law of this state, shall constitute a lien upon and against the property upon which such assessment or assessments are made and levied from and after the date upon which the ordinance levying such assessment or assessments is passed, which lien shall be superior to the lien of any mortgage or other encumbrance, whether prior in time or not, and shall constitute such lien until paid, and until paid, such lien shall not, except as otherwise provided in this section, be subject to extinguishment ~~for any reason whatsoever,~~ including but not limited to extinguishment by reason of the sale of the property assessed on account of the nonpayment of general taxes or the conveyance of such property by any means to the United States of America, or any agency thereof, the state of Idaho, or any county, city, school district, junior community college district, or other public body, agency or taxing unit in said state. When bonds have not been issued and said assessments made payable in installments as herein provided, such assessments shall be collected, or the property therein shall be foreclosed and sold for such assessments and costs, in a suit for that purpose by the municipality. Delinquent assessments certified to the tax collector for collection as provided in section 50-1715, Idaho Code, shall be governed by the provisions of chapter 10, title 63, Idaho Code. All provisions of chapter 10, title 63, Idaho Code, specifically including those governing collection, satisfaction, and extinguishment of delinquent amounts, shall apply to certified delinquent assessments in the same manner and to the same effect as delinquent property taxes.

(2) Such suit shall be in the name of the municipality as plaintiff and against any one (1) or more owners of property failing to pay such assessment or assessments as defendants. In any such proceedings where the court trying the same shall be satisfied that the improvements have been made or have been contracted for, which according to the true intent of this code would be properly chargeable to such property, a recovery shall be permitted and the lien enforced to the extent of the cost and expenses of the improvement which would be chargeable on such property notwithstanding any informality, irregularity or defect in any of the proceedings of such municipality or any of its officers, and such property shall be ordered sold for the payment of the

assessment or assessments against it and the costs and expenses of such suit, including reasonable attorney's fees, to be fixed by the court and prorated to each separate piece of property.

SECTION 4. That Section 63-1009, Idaho Code, be, and the same is hereby amended to read as follows:

63-1009. EFFECT OF TAX DEED AS CONVEYANCE. The deed conveys to the grantee the right, title, and interest held by the record owner or owners, provided that the title conveyed by the deed shall be free of any recorded purchase contract, mortgage, deed of trust, security interest, lien, or lease, ~~so~~ as long as notice has been sent to the party in interest as provided in sections 63-201(17) and 63-1005, Idaho Code, and the lien for property taxes, assessments, amounts certified to the tax collector pursuant to section 50-1715, Idaho Code, charges, interest, and penalties for which the lien is foreclosed and in satisfaction of which the property is sold.

SECTION 5. 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 24, 2020

CHAPTER 274
(H.B. No. 522)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-137, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING DIGITAL AND ONLINE LIBRARY RESOURCES FOR CERTAIN STUDENTS; AND AMENDING CHAPTER 25, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2508, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING DIGITAL AND ONLINE LIBRARY RESOURCES FOR CERTAIN STUDENTS.

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

SECTION 1. 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 33-137, Idaho Code, and to read as follows:

33-137. DIGITAL AND ONLINE LIBRARY RESOURCES FOR K-12 STUDENTS. (1) A school district or public charter school may offer digital or online library resources to students in kindergarten through grade 12 only if the vendor or other person or entity providing the resources verifies that all the resources will comply with the provisions of subsection (2) of this section.

(2) Digital or online library resources offered by school districts or public charter schools to students in kindergarten through grade 12 must have safety policies and technology protection measures that:

(a) Prohibit and prevent a user of the resource from sending, receiving, viewing, or downloading materials that are deemed to be harmful to minors, as defined by section 18-1514, Idaho Code; and

(b) Filter or block access to obscene materials, materials harmful to minors, and materials that depict the sexual exploitation of a minor, as defined in chapter 15, title 18, Idaho Code.

(3) Notwithstanding any contract provision to the contrary, if a provider of digital or online library resources fails to comply with the requirements of subsection (2) of this section, the school district or public charter school may withhold further payments, if any, to the provider pending verification of compliance with that subsection.

(4) If a provider of digital or online library resources fails to timely verify that the provider is in compliance with the requirements of subsection (1) of this section, the school district or public charter school may consider the provider's act of noncompliance a breach of contract.

(5) No later than December 1 of each year, the Idaho commission for libraries shall submit to the governor and the senate and house of representatives education committees an aggregate written report on any issues related to provider compliance with technology protection measures required by subsection (2) of this section.

SECTION 2. That Chapter 25, 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 33-2508, Idaho Code, and to read as follows:

33-2508. DIGITAL AND ONLINE LIBRARY RESOURCES FOR K-12 STUDENTS. If the commission for libraries provides digital or online library resources for the use of students in kindergarten through grade 12, the commission shall comply with all provisions of section 33-137, Idaho Code.

Approved March 24, 2020

CHAPTER 275
(S.B. No. 1426)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2021.

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 Division of Career Technical Education for General Programs the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2020, through June 30, 2021, for the purpose of the Inspire to Educate Program:

FOR:

| | |
|------------------------|----------------|
| Personnel Costs | \$122,000 |
| Operating Expenditures | <u>387,300</u> |
| TOTAL | \$509,300 |

Approved March 24, 2020

CHAPTER 276
(S.B. No. 1336)

AN ACT

RELATING TO ASSAULT OR BATTERY UPON CERTAIN PERSONNEL; AMENDING SECTION 18-915, IDAHO CODE, TO PROVIDE FOR THE CRIME OF ASSAULT OR BATTERY UPON MEMBERS OR EMPLOYEES OF THE COMMISSION OF PARDONS AND PAROLE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 18-915, Idaho Code, be, and the same is hereby amended to read as follows:

18-915. ASSAULT OR BATTERY UPON CERTAIN PERSONNEL -- PUNISHMENT. (1) Any person who commits a crime provided for in this chapter against or upon a justice, judge, magistrate, prosecuting attorney, public defender, peace officer, bailiff, marshal, sheriff, police officer, peace officer standards and training employee involved in peace officer decertification activities, emergency services dispatcher, correctional officer, employee of the department of correction, employee of a private prison contractor while employed at a private correctional facility in the state of Idaho, members or employees of the commission of pardons and parole, employees of the department of water resources authorized to enforce the provisions of chapter 38, title 42, Idaho Code, employees of the department of parks and recreation authorized to enforce the provisions of chapter 42, title 67, Idaho Code, jailer, parole officer, misdemeanor probation officer, officer of the Idaho state police, fireman, social caseworkers or social work specialists of the department of health and welfare, employee of a state secure confinement facility for juveniles, employee of a juvenile detention facility, a teacher at a detention facility or a juvenile probation officer, emergency medical services personnel licensed under the provisions of chapter 10, title 56, Idaho Code, a member, employee or agent of the state tax commission, United States marshal, or federally commissioned law enforcement officer or their deputies or agents, and the perpetrator knows or has reason to know of the victim's status, the punishment shall be as follows:

(a) For committing battery with intent to commit a serious felony, the punishment shall be imprisonment in the state prison not to exceed twenty-five (25) years.

(b) For committing any other crime in this chapter, the punishment shall be doubled that provided in the respective section, except as provided in subsections (2) and (3) of this section.

(2) For committing a violation of the provisions of section 18-901 or 18-903, Idaho Code, against the person of a former or present justice, judge or magistrate, jailer or correctional officer or other staff of the department of correction, or of a county jail, or of a private correctional facility, or of an employee of a state secure confinement facility for juveniles, an employee of a juvenile detention facility, a teacher at a detention facility, misdemeanor probation officer ~~or~~ a juvenile probation officer, or member or employee of the commission of pardons and parole:

(a) Because of the exercise of official duties or because of the victim's former or present official status; or

(b) While the victim is engaged in the performance of his duties and the person committing the offense knows or reasonably should know that such victim is a justice, judge or magistrate, jailer or correctional officer or other staff of the department of correction, or of a private correctional facility, an employee of a state secure confinement facility for juveniles, an employee of a juvenile detention facility, a teacher

at a detention facility, misdemeanor probation officer or a juvenile probation officer;
 the offense shall be a felony punishable by imprisonment in a correctional facility for a period of not more than five (5) years, and said sentence shall be served consecutively to any sentence being currently served.

(3) For committing a violation of the provisions of section 18-903, Idaho Code, except unlawful touching as described in section 18-903(b), Idaho Code, against the person of a former or present peace officer, sheriff or police officer:

(a) Because of the exercise of official duty or because of the victim's former or present official status; or

(b) While the victim is engaged in the performance of his duties and the person committing the offense knows or reasonably should know that such victim is a peace officer, sheriff or police officer;

the offense shall be a felony punishable by imprisonment in a correctional facility for a period of not more than five (5) years, and said sentence shall be served consecutively to any sentence being currently served.

Approved March 24, 2020

CHAPTER 277
 (S.B. No. 1283)

AN ACT

RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5230, IDAHO CODE, TO PROVIDE FOR A PETITION FOR A WAIVER OF OR VARIANCE FROM AN ADMINISTRATIVE RULE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-5230, Idaho Code, be, and the same is hereby amended to read as follows:

67-5230. PETITION FOR ADOPTION, AMENDMENT, REPEAL, OR WAIVER OF RULES. (1) Any person may petition an agency requesting the adoption, amendment, or repeal of a rule. The agency shall either:

(a) Deny the petition in writing, stating its reasons for the denial;
 or

(b) Initiate rulemaking proceedings in accordance with this chapter.

(2) Any person may petition an agency for a waiver of or variance from a specified rule or rules if the granting of the waiver would not conflict with or violate Idaho law and is consistent with at least one (1) of the following considerations:

(a) In the petitioner's specific circumstances, the application of a certain rule or rules is unreasonable and would impose undue hardship or burden on the petitioner;

(b) The petitioner proposes an alternative that, in the opinion of the agency, will afford substantially equal protection of health, safety, and welfare intended by the particular rule for which the waiver or variance is requested; or

(c) The waiver or variance requested would test an innovative practice or model that will, in the opinion of the agency, generate meaningful evidence for the agency in consideration of a rule change.

(3) In response to a petition filed pursuant to subsection (2) of this section, the agency shall:

(a) Deny the petition in writing, stating the reasons for the denial; or

(b) Approve the petition and grant a waiver of or variance from the rule, in whole or in part, and specify whether any conditions are placed

on the waiver or variance or whether a specific time period for the waiver or variance is established.

(4) The An agency shall approve or deny the a petition filed pursuant to this section or initiate rulemaking proceedings in accordance with this chapter within twenty-eight (28) days after submission of the petition, unless the agency's rules are adopted by a multimember agency board or commission whose members are not full-time officers or employees of the state, in which case the agency shall take action on the petition no later than the first regularly scheduled meeting of that the board or commission that takes place seven (7) or more days after submission of the petition. If an agency requests additional information from the petitioner, the time period specified in this subsection shall begin anew.

(5) Following the granting of a waiver or variance, the agency shall consider a rule change that will allow all similarly situated persons to derive the same benefits granted to the petitioner.

(26) An agency decision denying a petition is a final agency action.

Approved March 24, 2020

CHAPTER 278
(H.B. No. 415)

AN ACT

RELATING TO MODULAR BUILDINGS; AMENDING SECTION 39-4303, IDAHO CODE, TO REVISE PROVISIONS REGARDING FEES FOR MODULAR BUILDINGS.

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

SECTION 1. That Section 39-4303, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

Approved March 24, 2020

CHAPTER 279
(S.B. No. 1338, As Amended)

AN ACT

RELATING TO THE PUBLIC RECORDS ACT; AMENDING SECTION 74-106, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONAL INFORMATION SHALL BE EXEMPT FROM DISCLOSURE.

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

SECTION 1. That Section 74-106, Idaho Code, be, and the same is hereby amended to read as follows:

74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following records are exempt from disclosure:

(1) Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, including bonuses, severance packages, other compensation or vouchered and unvouchered expenses for which reimbursement was paid, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, social security number, driver's license number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. Names of applicants to classified or merit system positions shall not be disclosed to the public without the applicant's written consent. Disclosure of names as part of a background check is permitted. Names of the five (5) final applicants to all other positions shall be available to the public. If such group is less than five (5) finalists, then the entire list of applicants shall be available to the public. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.

(2) Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and nonfinancial membership records; active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff, funding agents and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered confidential under this chapter.

(3) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; business records and information submitted pursuant to sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(4) Records of a personal nature as follows:

(a) Records of personal debt filed with a public agency or independent public body corporate and politic pursuant to law;

- (b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;
- (c) Records of ownership of financial obligations and instruments of a public agency or independent public body corporate and politic, such as bonds, compiled by the public agency or independent public body corporate and politic pursuant to law;
- (d) Records, with regard to the ownership of, or security interests in, registered public obligations;
- (e) Vital statistics records; and
- (f) Military records as described in and pursuant to section 65-301, Idaho Code;

(g) Social security numbers; and

(h) The following personal data identifiers for an individual may be disclosed only in the following redacted format:

(i) The initials of any minor children of the individual;

(ii) A date of birth in substantially the following format: "XX/XX/birth year";

(iii) The last four (4) digits of a financial account number in substantially the following format: "XXXXX1234";

(iv) The last four (4) digits of a driver's license number or state-issued personal identification card number in substantially the following format: "XXXXX350F"; and

(v) The last four (4) digits of an employer identification number or business's taxpayer identification number.

(5) Information in an income or other tax return measured by items of income or sales, which is gathered by a public agency for the purpose of administering the tax, except such information to the extent disclosed in a written decision of the tax commission pursuant to a taxpayer protest of a deficiency determination by the tax commission, under the provisions of section 63-3045B, Idaho Code.

(6) Records of a personal nature related directly or indirectly to the application for and provision of statutory services rendered to persons applying for public care for people who are elderly, indigent or have mental or physical disabilities, or participation in an environmental or a public health study, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(7) Employment security information, except that a person may agree, through written, informed consent, to waive the exemption so that a third party may obtain information pertaining to the person, unless access to the information by the person is restricted by subsection (3)(a), (3)(b) or (3)(d) of section 74-113, Idaho Code. Notwithstanding the provisions of section 74-113, Idaho Code, a person may not review identifying information concerning an informant who reported to the department of labor a suspected violation by the person of the employment security law, chapter 13, title 72, Idaho Code, under an assurance of confidentiality. As used in this section and in chapter 13, title 72, Idaho Code, "employment security information" means any information descriptive of an identifiable person or persons that is received by, recorded by, prepared by, furnished to or collected by the department of labor or the industrial commission in the administration of the employment security law.

(8) Any personal records, other than names, business addresses and business phone numbers, such as parentage, race, religion, sex, height, weight, tax identification and social security numbers, financial worth or medical condition submitted to any public agency or independent public body corporate and politic pursuant to a statutory requirement for licensing, certification, permit or bonding.

(9) Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position, private association peer review committee records authorized in title 54, Idaho Code. Any agency that has records exempt from disclosure under the provisions of this subsection shall annually make available a statistical summary of the number and types of matters considered and their disposition.

(10) The records, findings, determinations and decisions of any prelitigation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

(11) Complaints received by the board of medicine and investigations and informal proceedings, including informal proceedings of any committee of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and rules adopted thereunder.

(12) Records of the department of health and welfare or a public health district that identify a person infected with a reportable disease.

(13) Records of hospital care, medical records, including prescriptions, drug orders, records or any other prescription information that specifically identifies an individual patient, prescription records maintained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho Code, records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(14) Information collected pursuant to the directory of new hires act, chapter 16, title 72, Idaho Code.

(15) Personal information contained in motor vehicle and driver records that is exempt from disclosure under the provisions of chapter 2, title 49, Idaho Code.

(16) Records of the financial status of prisoners pursuant to subsection (2) of section 20-607, Idaho Code.

(17) Records of the Idaho state police or department of correction received or maintained pursuant to section 19-5514, Idaho Code, relating to DNA databases and databanks.

(18) Records of the department of health and welfare relating to a survey, resurvey or complaint investigation of a licensed nursing facility shall be exempt from disclosure. Such records shall, however, be subject to disclosure as public records as soon as the facility in question has received the report, and no later than the fourteenth day following the date that department of health and welfare representatives officially exit the facility pursuant to federal regulations. Provided however, that for purposes of confidentiality, no record shall be released under this section that specifically identifies any nursing facility resident.

(19) Records and information contained in the registry of immunizations against childhood diseases maintained in the department of health and welfare, including information disseminated to others from the registry by the department of health and welfare.

(20) Records of the Idaho housing and finance association (IHFA) relating to the following:

- (a) Records containing personal financial, family, health or similar personal information submitted to or otherwise obtained by the IHFA;
- (b) Records submitted to or otherwise obtained by the IHFA with regard to obtaining and servicing mortgage loans and all records relating to the review, approval or rejection by the IHFA of said loans;
- (c) Mortgage portfolio loan documents;
- (d) Records of a current or former employee other than the employee's duration of employment with the association, position held and loca-

tion of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses, of the executive director, executive officers or commissioners of the association. All other personnel information relating to an association employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, retirement plan information and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. An employee or authorized representative may inspect and copy that employee's personnel records, except for material used to screen and test for employment or material not subject to disclosure elsewhere in the Idaho public records act.

(21) Records of the department of health and welfare related to child support services in cases in which there is reasonable evidence of domestic violence, as defined in chapter 63, title 39, Idaho Code, that can be used to locate any individuals in the child support case except in response to a court order.

(22) Records of the Idaho state bar lawyer assistance program pursuant to chapter 49, title 54, Idaho Code, unless a participant in the program authorizes the release pursuant to subsection (4) of section 54-4901, Idaho Code.

(23) Records and information contained in the time sensitive emergency registry created by chapter 20, title 57, Idaho Code, together with any reports, analyses and compilations created from such information and records.

(24) Records contained in the court files, or other records prepared as part of proceedings for judicial authorization of sterilization procedures pursuant to chapter 39, title 39, Idaho Code.

(25) The physical voter registration application on file in the county clerk's office; however, a redacted copy of said application shall be made available consistent with the requirements of this section. Information from the voter registration application maintained in the statewide voter registration database, including age, will be made available except for the voter's driver's license number, date of birth and, upon a showing that the voter comes within the provisions of subsection (30) of this section or upon showing of good cause by the voter to the county clerk in consultation with the county prosecuting attorney, the physical residence address of the voter. For the purposes of this subsection, good cause shall include the protection of life and property and protection of victims of domestic violence and similar crimes.

(26) File numbers, passwords and information in the files of the health care directive registry maintained by the secretary of state under section 39-4515, Idaho Code, are confidential and shall not be disclosed to any person other than to the person who executed the health care directive or the revocation thereof and that person's legal representatives, to the person who registered the health care directive or revocation thereof, and to physicians, hospitals, medical personnel, nursing homes, and other persons who have been granted file number and password access to the documents within that specific file.

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

- (a) If requested by a law enforcement agency, to the law enforcement agency; or
- (b) If directed by a court order, to a person identified in the order.

(28) Except as otherwise provided by law relating to the release of information to a governmental entity or law enforcement agency, any personal information including, but not limited to, names, personal and business addresses and phone numbers, sex, height, weight, date of birth, social security and driver's license numbers, or any other identifying numbers and/or information related to any Idaho fish and game licenses, permits and tags unless written consent is obtained from the affected person.

(29) Documents and records related to alternatives to discipline that are maintained by the Idaho board of veterinary medicine under the provisions of section 54-2118(1)(b), Idaho Code, provided the requirements set forth therein are met.

(30) The Idaho residential street address and telephone number of an eligible law enforcement officer and such officer's residing household member(s) as provided for in chapter 58, title 19, Idaho Code, except under the following circumstances:

- (a) If directed by a court order, to a person identified in the court order;
- (b) If requested by a law enforcement agency, to the law enforcement agency;
- (c) If requested by a financial institution or title company for business purposes, to the requesting financial institution or title company; or
- (d) If the law enforcement officer provides written permission for disclosure of such information.

(31) All information exchanged between the Idaho transportation department and insurance companies, any database created, all information contained in the verification system and all reports, responses or other information generated for the purposes of the verification system, pursuant to section 49-1234, Idaho Code.

(32) Nothing in this section shall prohibit the release of information to the state controller as the state social security administrator as provided in section 59-1101A, Idaho Code.

(33) Personal information including, but not limited to, property values, personal and business addresses, phone numbers, dates of birth, social security and driver's license numbers or any other identifying numbers or information maintained by the administrator of the unclaimed property law set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection shall prohibit the release of names, last known city of residence, property value ranges and general property information by the administrator for the purpose of reuniting unclaimed property with its owner.

(34) Any personal information collected by the secretary of state, pursuant to section 67-906(1)(b), Idaho Code, for the purpose of allowing individuals to access the statewide electronic filing system authorized in section 67-906, Idaho Code, and any notification e-mail addresses submitted as part of a lobbyist's registration under section 67-6617, Idaho Code, of an employer, client, or designated contact for the purpose of electronic notification of that employer, client, or designated contact of a report filed under section 67-6619, Idaho Code.

Approved March 24, 2020

CHAPTER 280
(S.B. No. 1430)

AN ACT

RELATING TO APPROPRIATIONS; AUTHORIZING THE APPROPRIATION AND TRANSFER OF MONEYS FROM THE BUDGET STABILIZATION FUND TO THE GENERAL FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. CASH TRANSFER FROM THE BUDGET STABILIZATION FUND TO THE GENERAL FUND. Notwithstanding the provisions of Section 57-814A, Idaho Code, and any other provision of law to the contrary, if the Board of Examiners determines at the end of fiscal year 2020 that insufficient General Fund moneys are available to meet the level of General Fund appropriations authorized by the Legislature for fiscal year 2020, it is hereby appropriated and the Board of Examiners is hereby authorized to direct the State Controller to transfer certain unencumbered moneys from the Budget Stabilization Fund to the General Fund. Such transfers shall be the final accounting adjustment to close fiscal year 2020 and shall be limited to the amount of such insufficiency.

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 24, 2020

CHAPTER 281
(H.B. No. 463)

AN ACT

RELATING TO COURT FEES AND COSTS; AMENDING SECTION 19-2608, IDAHO CODE, TO REVISE A PROVISION REGARDING PAYMENT OF COSTS FOR CERTAIN TESTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 5, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-516A, IDAHO CODE, TO PROVIDE FOR A JUVENILE SUPERVISED PRETRIAL RELEASE PROGRAM AND TO PROVIDE FOR CERTAIN FEES; AMENDING SECTION 31-3201D, IDAHO CODE, TO AUTHORIZE A COURT TO ORDER THE PAYMENT OF CERTAIN FEES, TO PROVIDE FOR HOW SUCH FEES SHALL BE PAID, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3201I, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF CERTAIN COSTS AND FEES AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 31-3201J, IDAHO CODE, TO REVISE A PROVISION REGARDING PRETRIAL SUPERVISION FEES.

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

SECTION 1. That Section 19-2608, Idaho Code, be, and the same is hereby amended to read as follows:

19-2608. PAYMENT OF COURT-ORDERED TESTS OF BREATH OR BODILY FLUIDS. Whenever a court orders testing of breath or bodily fluids as a condition of probation, such costs for the tests shall be paid for by the probationer in addition to any supervision fee authorized under section 20-225 or 31-3201D, Idaho Code, to the clerk of the court if services are provided by the county or directly to the agency providing the testing, provided the court may waive this requirement upon a showing of cause.

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 20-516A, Idaho Code, and to read as follows:

20-516A. JUVENILE PRETRIAL SUPERVISION -- FEES. (1) The board of county commissioners may establish a juvenile supervised pretrial release program to perform those functions as prescribed by the administrative district judge in each judicial district. The board of county commissioners may provide for juvenile supervised pretrial release services through employment of staff, contract, or any other process that will accomplish the purposes of this section. A board of county commissioners shall not be obligated to establish a juvenile supervised pretrial release program. Counties having established a juvenile supervised pretrial release program shall not be obligated to provide juvenile supervised pretrial release services beyond the funds generated by the fees collected and any additional funds that may be annually appropriated by the board of county commissioners.

(2) The court may assess a monthly juvenile pretrial supervision fee that shall be an amount no more than the maximum monthly juvenile probation supervision fee set forth in section 20-520, Idaho Code, per month, or such lesser sum as determined by the administrative judge of the judicial district, against the juvenile offender placed on pretrial supervision. The juvenile pretrial supervision fee shall be paid to the clerk of the district court who shall deposit such fee into the county juvenile probation fund, which is hereby created, in each county or, at the option of the board of county commissioners, deposited in the county justice fund to be used for county juvenile probation services. Moneys from this fee may be accumulated from year to year and shall be expended exclusively for county juvenile pretrial supervision services and related purposes.

(3) A juvenile shall not be required to pay the juvenile pretrial supervision fee authorized in subsection (2) of this section until after the entry of an order finding the juvenile offender is within the purview of this section.

(4) The court may also order the juvenile to pay additional fees to cover the actual costs of electronic monitoring, alcohol testing, or drug testing if such monitoring or testing is a condition of the juvenile's release. Such additional fees may be paid to the clerk of the court or directly to the provider of the service. If fees are paid to the clerk of the court, the clerk of the court shall pay such fees to the county treasurer and such fees shall be used exclusively to cover the costs for which the additional fees have been ordered.

(5) Any unpaid juvenile pretrial supervision fee shall be considered a debt owed to the court and may be collected in the manner provided by law for the collection of such debts.

SECTION 3. That Section 31-3201D, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201D. COUNTY MISDEMEANOR PROBATION SUPERVISION FEE. (1) Any person under a supervised probation program for a misdemeanor offense shall be required to pay an amount not more than the maximum monthly felony probation or parole supervision fee set forth in section 20-225, Idaho Code, per month, or such lesser sum as determined by the administrative judge of the judicial district, as a misdemeanor probation supervision fee. Any failure to pay such fee shall constitute grounds for the revocation of probation by the court, but this shall not be the exclusive remedy for its collection. The court for good cause may exempt a person from the payment of all or any part of the foregoing fee.

(2) Any fee paid under this section on or after July 1, 2008, and regardless of whether the underlying judgment of conviction, withheld judgment or

order imposing probation was entered before or after that date, shall be paid to the clerk of the district court, who shall pay the first one dollar (\$1.00) of each monthly payment to the state treasurer for deposit in the peace officers standards and training fund authorized in section 19-5116, Idaho Code, to help offset the costs to counties for the basic training, continuing education and certification of misdemeanor probation officers, whether those officers are employees of or by private sector contract with a county; the clerk of the district court shall deposit the remainder of each monthly payment into the county misdemeanor probation fund which is hereby created in each county, or, at the option of the board of county commissioners, deposited in the county justice fund to be used for the purposes described in this section. Moneys from this fee may be accumulated from year to year and shall be expended exclusively for county misdemeanor probation services and related purposes.

(3) This section shall not restrict the court from ordering the payment of other costs and fees, including but not limited to electronic monitoring fees and other fees pursuant to section 19-2608, Idaho Code, that, by law, may be imposed on persons who have been found guilty of or have pled guilty to a criminal offense, including those who have been placed on probation or parole. Such additional costs and fees shall be paid to the clerk of the court if services are provided by the county or directly to the agency providing the service. If fees are paid to the clerk of the court, the clerk of the court shall pay such fees to the county treasurer and such fees shall be used exclusively to cover the costs for which the additional fees have been ordered.

SECTION 4. That Section 31-3201I, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201I. DISTRIBUTION OF PAYMENTS IN CRIMINAL CASES. When ordered by the court to make one (1) of the following payments in a criminal case, a defendant shall make the payment to the clerk of the court in which the judgment was entered. The judgment shall be satisfied accordingly by entry in the electronic docket of the court, and the clerk of the court shall remit daily all such payments to the county auditor who shall, at least monthly, distribute the payments received as required by statute. The distributions shall first completely satisfy the amounts due in the following order before distribution of payments for any other amounts owed to the court:

- (1) Fees for each felony, misdemeanor and infraction paid pursuant to section 31-3201A(2), Idaho Code;
- (2) Fines or reimbursements paid for the crime victims compensation account pursuant to section 72-1025, Idaho Code;
- (3) Misdemeanor probation supervision fees, including court-ordered costs and fees, paid pursuant to section 31-3201D, Idaho Code;
- (4) Pretrial release supervision fees paid pursuant to section 31-3201J, Idaho Code;
- (5) County drug and mental health fund fees paid pursuant to section 31-3201E, Idaho Code;
- (6) Fines paid for the peace officer and detention officer temporary disability fund pursuant to section 72-1105, Idaho Code;
- (7) Restitution to victims of crime paid pursuant to section 19-5304, Idaho Code, if paid through the clerk of the court;
- (8) Community service fees paid pursuant to section 31-3201C, Idaho Code;
- (9) Victim notification fund fees paid pursuant to section 31-3204, Idaho Code;
- (10) Court technology fees paid pursuant to section 31-3201(5), Idaho Code;
- (11) Surcharge fees paid pursuant to section 31-3201H, Idaho Code;

(12) Peace officers standards and training fees paid pursuant to section 31-3201B, Idaho Code;

(13) Domestic violence court fees paid pursuant to section 32-1410, Idaho Code;

(14) Criminal fines;

(15) Reimbursement for public defender costs paid pursuant to section 19-854(7), Idaho Code;

(16) Costs of prosecution ordered as a condition of probation and paid pursuant to section 19-2601, Idaho Code, and Idaho criminal rule 33(d)(2);

(17) Domestic violence fines for the domestic violence project account paid pursuant to section 39-6312, Idaho Code;

(18) Drug hotline fees paid pursuant to section 37-2735A, Idaho Code;

(19) Additional fish and game fines for the search and rescue account fund paid pursuant to section 36-1405, Idaho Code;

(20) County administrative surcharge fees paid pursuant to section 31-3201(3), Idaho Code;

(21) Motor vehicle violation surcharge fees and ignition interlock and electronic monitoring fees paid pursuant to sections 18-8008 and 18-1810, Idaho Code;

(22) Costs for toxicology testing paid pursuant to section 37-2732C(g), Idaho Code;

(23) Costs incurred by law enforcement agencies in investigating violations of the racketeering act or money laundering and illegal investment provisions paid pursuant to section 37-2732(k), Idaho Code;

(24) Restitution for the repair or replacement of simulated wildlife paid pursuant to section 36-1101(b)(8), Idaho Code; and

(25) Abandoned vehicle fees paid pursuant to section 31-3201F, Idaho Code.

SECTION 5. That Section 31-3201J, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201J. PRETRIAL SUPERVISION FEE. (1) Any person under a supervised pretrial release program may be required to pay an amount not more than the maximum monthly misdemeanor probation supervision fee set forth in section 31-3201D, Idaho Code, per month, or such lesser sum as determined by the administrative judge of the judicial district, as a pretrial release supervision fee to cover the actual costs of supervising the defendant while in the supervised pretrial release program.

(2) A defendant shall not be required to pay the pretrial supervision fee authorized in subsection (1) of this section until after a judgment of conviction is entered for at least one (1) of the charges for which the defendant has been ordered to participate in a supervised pretrial release program or withheld judgment.

(3) The pretrial supervision fee shall be paid to the clerk of the court, who shall pay such fees to the county treasurer. Such fees shall be used exclusively to cover the costs of the pretrial services provided by the pretrial services agency that has been designated to provide such services.

(4) The court may also order the defendant to pay additional fees to cover the actual costs of electronic monitoring, alcohol testing, or drug testing if such monitoring or testing is a condition of the defendant's release. Such additional fees may be paid to the clerk of the court or directly to the provider of the service. If fees are paid to the clerk of the court, the clerk of the court shall pay such fees to the county treasurer and such fees shall be used exclusively to cover the costs for which the additional fees have been ordered.

(5) Based on a finding of indigence or other good cause, the court may exempt the defendant from the payment of all or any part of the fees authorized by this section, and no defendant shall be denied release or denied participation in a supervised pretrial release program because of an inability to pay the fees authorized by this section. Any unpaid pretrial services fee shall be considered a debt owed to the court and may be collected in the manner provided by law for the collection of such debts.

Approved March 24, 2020

CHAPTER 282
(H.B. No. 486)

AN ACT

RELATING TO RESTRICTIONS ON THE USE OF UNMANNED AIRCRAFT SYSTEMS; AMENDING SECTION 21-213, IDAHO CODE, TO PROVIDE FOR THE PROHIBITION OF SURVEILLANCE BY UNMANNED AIRCRAFT IN CERTAIN CIRCUMSTANCES, TO PROVIDE EXCEPTIONS FOR CERTAIN ACTIVITIES, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 21-213, Idaho Code, be, and the same is hereby amended to read as follows:

21-213. RESTRICTIONS ON USE OF UNMANNED AIRCRAFT SYSTEMS -- DEFINITION -- VIOLATION -- CAUSE OF ACTION AND DAMAGES.

(1) (a) For the purposes of this section, the term "unmanned aircraft system" (UAS) means an unmanned aircraft vehicle, drone, remotely piloted vehicle, remotely piloted aircraft or remotely operated aircraft that is a powered aerial vehicle that does not carry a human operator, can fly autonomously or remotely and can be expendable or recoverable.

(b) Unmanned aircraft system does not include:

(i) Model flying airplanes or rockets, including, but not necessarily limited to, those that are radio-controlled or otherwise remotely controlled and that are used purely for sport or recreational purposes; and

(ii) An unmanned aircraft system used in mapping or resource management.

(2) (a) ~~Absent a warrant, and except for emergency response for safety, search and rescue or controlled substance investigations, n~~No person, entity or state agency shall use an unmanned aircraft system to intentionally conduct surveillance of, gather evidence or collect information about, or photographically or electronically record specifically targeted persons or specifically targeted private property, including, but not limited to:

(i) An individual or a dwelling owned by an individual and such dwelling's curtilage, without such individual's written consent;

(ii) A farm, dairy, ranch or other agricultural industry, or commercial or industrial property, without the written consent of the property owner of such farm, dairy, ranch or other agricultural industry.

(b) No person, entity, or local, state, or federal agency shall use an unmanned aircraft system to photograph or otherwise record an individual, without such individual's written consent, for the purpose of publishing or otherwise publicly disseminating such photograph or recording.

(c) Nothing in this section shall be construed to prohibit any law enforcement agency, fire department, or other local or state government entity from using an unmanned aircraft system:

(i) To assist with traffic accident documentation or reconstruction;

(ii) To assist with crowd or traffic management of an event by providing an aerial perspective of the public streets and intersections leading to and from a sports or entertainment arena, fairgrounds, stadium, convention hall, special event center, amusement facility, outdoor concert venue, plaza, or special event area, provided that the law enforcement agency shall not issue traffic infraction citations based solely on images or video captured by an unmanned aircraft system;

(iii) To assess damage due to a natural disaster or fire;

(iv) For the training of persons in the operation and use of an unmanned aircraft system, provided that any images or video captured during a training shall not be used as evidence in any criminal proceeding and shall comply with the provisions of this section;

(v) To assist in search and rescue operations, crime scene investigations, or temporary law enforcement use of an unmanned aircraft system to respond to emergencies in which there is an imminent threat to lives or property, or to respond to an emergency affecting public safety; or

(vi) Following the issuance of a warrant, where a warrant is required under Idaho or federal law.

(3) Any person who is the subject of prohibited conduct under subsection (2) of this section shall:

(a) Have a civil cause of action against the person, entity, or local, state, or federal agency for such prohibited conduct; and

(b) Be entitled to recover from any such person, entity, or local, state, or federal agency damages in the amount of the greater of one thousand dollars (\$1,000) or actual and general damages, plus reasonable attorney's fees and other litigation costs reasonably incurred.

(4) An owner of facilities located on lands owned by another under a valid easement, permit, license or other right of occupancy is not prohibited in this section from using an unmanned aircraft system to aerially inspect such facilities.

Approved March 24, 2020

CHAPTER 283
(H.B. No. 497, As Amended)

AN ACT

RELATING TO THE YELLOW DOT MOTOR VEHICLE MEDICAL INFORMATION ACT; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 47, TITLE 39, IDAHO CODE, TO ESTABLISH THE YELLOW DOT MOTOR VEHICLE MEDICAL INFORMATION ACT, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR AUTHORIZATION AND FUNDING, TO PROVIDE FOR PUBLICITY, TO PROVIDE FOR A CERTAIN MEDICAL INFORMATION FORM, TO PROVIDE FOR THE DISTRIBUTION OF PROGRAM MATERIALS, TO PROVIDE FOR USE OF THE PROGRAM IN EMERGENCY SITUATIONS, TO PROVIDE A LIMITATION OF LIABILITY FOR CERTAIN FIRST RESPONDERS AND HEALTH CARE WORKERS, AND TO PROVIDE THAT THE PRESENCE OF A YELLOW DOT ON A MOTOR VEHICLE SHALL NOT PROVIDE PROBABLE CAUSE.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 47, Title 39, Idaho Code, and to read as follows:

CHAPTER 47
YELLOW DOT MOTOR VEHICLE MEDICAL INFORMATION ACT

39-4701. **SHORT TITLE.** This act shall be known and may be cited as the "Yellow Dot Motor Vehicle Medical Information Act."

39-4702. **LEGISLATIVE INTENT.** It is the intent of the Legislature to establish a yellow dot program to assist:

- (1) Drivers and passengers who participate in the program;
- (2) Emergency medical responders in reporting critical medical information in the event of a motor vehicle accident or a medical emergency involving a participant's vehicle; and
- (3) Peace officers, or other law enforcement personnel, in becoming aware of a motorist's or passenger's critical medical information that may affect the officer's encounter with the motorist or passenger during a traffic stop or welfare check.

39-4703. **DEFINITIONS.** As used in this chapter:

- (1) "Accident" means any event that results in an unintended injury or property damage attributable directly or indirectly to the motion of a motor vehicle or its load, a snowmobile, or special mobile equipment.
- (2) "Department" means the department of health and welfare.
- (3) "Driver" means every person who drives or is in actual physical control of a vehicle.
- (4) "Emergency medical responder" means:
 - (a) Emergency medical services licensed personnel as defined in section 56-1012(19), Idaho Code; or
 - (b) A physician, nurse, or other health care provider on the scene of a motor vehicle accident or emergency situation as provided in section 39-4708, Idaho Code, or who is accompanying or attending a patient removed from such an accident or emergency situation in an ambulance.
- (5) "Motor vehicle" or "vehicle" means every vehicle that is self-propelled and, for the purpose of titling and registration meets federal motor vehicle safety standards as defined in section 49-107, Idaho Code. Motor vehicle does not include vehicles moved solely by human power, electric personal assistive mobility devices, personal delivery devices, electric-as-

sisted bicycles, and motorized wheelchairs or other such vehicles that are specifically exempt from titling or registration requirements under title 49, Idaho Code.

(6) "Other responder" means a firefighter, peace officer, or other law enforcement personnel on the scene.

(7) "Peace officer" means any employee of a police or law enforcement agency that is a part of or administered by the state or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic, or highway laws of this state or any political subdivision of this state.

(8) "Yellow dot motor vehicle medical information program" or "yellow dot program" means the program established pursuant to this chapter.

39-4704. AUTHORIZATION AND FUNDING. (1) The department is authorized to develop and assist in the implementation of the yellow dot program.

(2) The department may accept donations and grants from any source, including eligible federal safety funds, to pay the expenses the department in the development and implementation of the yellow dot program.

39-4705. PUBLICIZING PROGRAM. The department shall take reasonable measures to publicize the yellow dot program to potential participants, law enforcement officers, and emergency medical responders. In publicizing the yellow dot program, the department may cooperate with local law enforcement agencies, fire departments, emergency medical services agencies, the department of veterans affairs, and other governmental agencies. The department may also cooperate with and seek the assistance of interested nonprofit organizations, including but not limited to AARP, American automobile association, disabled American veterans, American veterans (AMVETS), the American legion, veterans of foreign wars of the United States, the military order of the purple heart, and the Idaho commission on aging. The department may also develop training materials on the yellow dot program that may be furnished to law enforcement agencies, fire departments, and emergency medical services agencies and used by such organizations for training purposes.

39-4706. STANDARD MEDICAL INFORMATION FORM. (1) The department is authorized to create a standard medical information form providing space for each participant to supply, at a minimum, the following information:

- (a) The participant's name;
- (b) A photograph of the participant;
- (c) Two (2) emergency contacts identified by the participant and their contact information;
- (d) The participant's relevant medical information, including medical conditions, recent surgeries, allergies, and medications;
- (e) The participant's hospital preference;
- (f) Up to two (2) preferred physicians identified by the participant and their contact information; and
- (g) The date on which the participant completed the form.

(2) The medical information form shall include a statement that the yellow dot program functions only as a facilitator and that all information supplied on the medical information form is the sole responsibility of the participant.

(3) The medical information form shall also include statements that the participant supplies the medical information voluntarily and that the participant authorizes the disclosure to, and use of, such medical information by emergency medical responders and other responders for the purposes described in section 39-4708, Idaho Code.

39-4707. DISTRIBUTION OF PROGRAM MATERIALS. (1) The department may provide for, assist in, or authorize the printing of the standard medical information form as provided in section 39-4706, Idaho Code, and assembling of a yellow dot folder containing the medical information form and a yellow dot decal with an adhesive backing.

(2) Upon request, the department may provide yellow dot folders to the agencies and nonprofit organizations identified in section 39-4705, Idaho Code, subject to the limitations of resources for funding the program. The department may allow such agencies and organizations to copy the standard medical information form and assemble yellow dot folders for distribution to participants, or the department may authorize these agencies and organizations to prepare yellow dot folders for distribution.

(3) The department may also provide for dissemination of the medical information form and other yellow dot materials online.

(4) The department shall not charge any fee to participate in the yellow dot program.

39-4708. MOTOR VEHICLE ACCIDENTS OR EMERGENCY SITUATIONS. (1) If a driver or passenger of a motor vehicle becomes involved in a motor vehicle accident or emergency situation and a yellow dot decal is affixed to the vehicle, an emergency medical responder or other responder at the scene is authorized to search the vehicle for a yellow dot folder or folders.

(2) An emergency medical responder or other responder may use the information contained in the yellow dot folder for the following purposes:

(a) To identify a participant in the yellow dot program;

(b) To ascertain whether the participant has a medical condition that may impede communication with the responder;

(c) To communicate with the participant's emergency contacts about the location and general condition of the participant; and

(d) To consider the person's current medications and preexisting medical conditions when emergency medical treatment is administered for any injury the participant suffers.

(3) If, during a traffic stop involving a motor vehicle with a yellow dot decal affixed to the vehicle, a law enforcement officer reasonably believes the driver or passenger has a medical condition that is affecting the officer's encounter with the driver or a passenger, such law enforcement officer, upon receiving consent from the driver or passenger, is authorized to review any yellow dot folder or folders present in the vehicle.

39-4709. LIABILITY. Except for wanton or willful conduct, no emergency medical responder or other responder, nor any employer of an emergency medical responder or other responder, shall incur any liability if the emergency medical responder or other responder is unable to make contact, in good faith, with an emergency contact person or disseminates or fails to disseminate any information from the yellow dot folder to other emergency medical responders, hospitals, or any health care providers who render emergency medical treatment to the participant. No health care provider or employer of a health care provider shall incur any civil or criminal liability if the provider relies in good faith on the information provided through the yellow dot program.

39-4710. PRESENCE OF A YELLOW DOT ON A MOTOR VEHICLE SHALL NOT PROVIDE PROBABLE CAUSE. Nothing in this chapter shall provide a peace officer with probable cause or other legal authority to stop a motor vehicle. Except for the limited authority provided in section 39-4708, Idaho Code, nothing in this chapter shall provide a peace officer with probable cause or other legal authority to search a motor vehicle or its occupants.

CHAPTER 284
(S.B. No. 1385)

AN ACT

RELATING TO ABORTION; AMENDING CHAPTER 6, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-622, IDAHO CODE, TO PROVIDE AN EFFECTIVE DATE, TO PROVIDE FOR THE OFFENSE OF CRIMINAL ABORTION, TO PROVIDE PENALTIES, TO PROVIDE AFFIRMATIVE DEFENSES, AND TO PROVIDE EXCEPTIONS; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Chapter 6, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-622, Idaho Code, and to read as follows:

18-622. CRIMINAL ABORTION. (1) Notwithstanding any other provision of law, this section shall become effective thirty (30) days following the occurrence of either of the following circumstances:

(a) The issuance of the judgment in any decision of the United States supreme court that restores to the states their authority to prohibit abortion; or

(b) Adoption of an amendment to the United States constitution that restores to the states their authority to prohibit abortion.

(2) Every person who performs or attempts to perform an abortion as defined in this chapter commits the crime of criminal abortion. Criminal abortion shall be a felony punishable by a sentence of imprisonment of no less than two (2) years and no more than (5) years in prison. The professional license of any health care professional who performs or attempts to perform an abortion or who assists in performing or attempting to perform an abortion in violation of this subsection shall be suspended by the appropriate licensing board for a minimum of six (6) months upon a first offense and shall be permanently revoked upon a subsequent offense.

(3) It shall be an affirmative defense to prosecution under subsection (2) of this section and to any disciplinary action by an applicable licensing authority, which must be proven by a preponderance of the evidence, that:

(a) (i) The abortion was performed or attempted by a physician as defined in this chapter;

(ii) The physician determined, in his good faith medical judgment and based on the facts known to the physician at the time, that the abortion was necessary to prevent the death of the pregnant woman. No abortion shall be deemed necessary to prevent the death of the pregnant woman because the physician believes that the woman may or will take action to harm herself; and

(iii) The physician performed or attempted to perform the abortion in the manner that, in his good faith medical judgment and based on the facts known to the physician at the time, provided the best opportunity for the unborn child to survive, unless, in his good faith medical judgment, termination of the pregnancy in that manner would have posed a greater risk of the death of the pregnant woman. No such greater risk shall be deemed to exist because the physician believes that the woman may or will take action to harm herself; or

(b) (i) The abortion was performed or attempted by a physician as defined in this chapter;

(ii) If the woman is not a minor or subject to a guardianship, then, prior to the performance of the abortion, the woman has reported the act of rape or incest to a law enforcement agency and

provided a copy of such report to the physician who is to perform the abortion;

(iii) If the woman is a minor or subject to a guardianship, then, prior to the performance of the abortion, the woman or her parent or guardian has reported the act of rape or incest to a law enforcement agency or child protective services and a copy of such report has been provided to the physician who is to perform the abortion; and

(iv) The physician who performed the abortion complied with the requirements of paragraph (a) (iii) of this subsection regarding the method of abortion.

(4) Medical treatment provided to a pregnant woman by a health care professional as defined in this chapter that results in the accidental death of, or unintentional injury to, the unborn child shall not be a violation of this section.

(5) Nothing in this section shall be construed to subject a pregnant woman on whom any abortion is performed or attempted to any criminal conviction and penalty.

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 24, 2020

CHAPTER 285
(H.B. No. 438)

AN ACT

RELATING TO PREVENTION OF BLINDNESS AND DISEASES IN INFANTS; AMENDING SECTION 39-906, IDAHO CODE, TO REMOVE A PROVISION REGARDING REPORTING VIOLATIONS AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 39-908, IDAHO CODE, RELATING TO A CERTAIN PENALTY; AND REPEALING SECTION 39-911, IDAHO CODE, RELATING TO CERTAIN VIOLATIONS AND A PENALTY.

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

SECTION 1. That Section 39-906, Idaho Code, be, and the same is hereby amended to read as follows:

39-906. DUTIES OF DIRECTOR. It shall be the duty of the director of the department of health and welfare:

~~(1-)~~ To enforce the provisions of this chapter.

~~(2-)~~ To administer such rules and regulations as shall, under this chapter, be necessary for the purpose of this chapter, and such as the state board of health and welfare may deem necessary for the further and proper guidance of local health officers.

~~(3-)~~ To publish and promulgate such further advice and information concerning the dangers of inflammation of the eyes of the newborn as is necessary for prompt and effective treatment.

~~(4-)~~ To furnish copies of this law to all physicians and midwives as who may be engaged in the practice of obstetrics, or assisting at childbirth.

~~(5-)~~ To keep a proper record of any and all cases of inflammation of the eyes of the newborn as, which shall be filed in the office of the state board of health and welfare in pursuance of this law, and as which may come to their

his attention in any way, and to constitute such records a part of the annual report to the governor.

~~(6.) To report any and all violations of this chapter as may come to their attention to the prosecuting attorney of the county wherein said misdemeanor may have been committed, and to assist said official in any way possible, as by securing necessary evidence, et cetera.~~

7. To furnish birth certificates, which shall include the question: "Did you comply with section six of this act? If so, state what solution was used."

SECTION 2. That Section 39-908, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 39-911, Idaho Code, be, and the same is hereby repealed.

Approved March 24, 2020

CHAPTER 286
(S.B. No. 1309)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-1002, IDAHO CODE, TO REMOVE PROVISIONS REGARDING CERTAIN ABSENT ELECTOR'S BALLOTS; AMENDING CHAPTER 10, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1002A, IDAHO CODE, TO PROVIDE FOR AN EMERGENCY SITUATION ABSENTEE BALLOT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-1002, Idaho Code, be, and the same is hereby amended to read as follows:

34-1002. APPLICATION FOR ABSENTEE BALLOT. (1) Any registered elector may make written application to the county clerk, or other proper officer charged by law with the duty of issuing official ballots for such election, for an official ballot or ballots of the kind or kinds to be voted at the election. The application shall contain the name of the elector, the elector's home address, county, and address to which such ballot shall be forwarded.

(2) In order to provide the appropriate primary election ballot to electors, in the event a political party elects to allow unaffiliated electors to vote in that party's primary election pursuant to section 34-904A, Idaho Code, the elector shall designate, as part of the written application for a ballot for primary elections, the elector's party affiliation or designation as "unaffiliated." The application shall contain checkoff boxes for "unaffiliated" electors by which such electors shall indicate for which party's primary ballot the "unaffiliated" elector chooses to vote. Provided however, that no political party's primary election ballot shall be provided to an "unaffiliated" elector for a political party that has not elected to allow "unaffiliated" electors to vote in that political party's primary election pursuant to section 34-904A, Idaho Code. If an "unaffiliated" elector does not indicate a choice of political party's primary election ballot, the elector shall receive a nonpartisan ballot.

(3) In order to provide the appropriate primary election ballot to electors, in the event one (1) or more political parties elect to allow electors affiliated with a different political party to vote in that party's

primary election, the application shall contain checkoff boxes by which such electors may indicate the primary ballot in which the elector wishes to vote.

(4) For electors who are registered to vote as of January 1, 2012, and who remain registered electors, the elector shall designate, as part of the written application for a ballot for the 2012 primary elections, the elector's party affiliation or designation as "unaffiliated." The application shall contain checkoff boxes for "unaffiliated" electors by which such electors shall indicate for which party's primary election ballot the "unaffiliated" elector chooses to vote, pursuant to section 34-904A, Idaho Code. Provided however, that no political party's primary election ballot shall be provided to an "unaffiliated" elector for a political party that has not elected to allow "unaffiliated" electors to vote in the party's primary election pursuant to section 34-904A, Idaho Code. If an "unaffiliated" elector does not indicate a choice of political party's primary election ballot, the elector shall receive a nonpartisan ballot. After the 2012 primary election, the county clerk shall record the party affiliation or "unaffiliated" designation so selected on the application for an absentee ballot as part of such an elector's record within the voter registration system as provided for in section 34-437A, Idaho Code.

(5) After the 2012 primary election, electors who remain registered voters and who did not vote in the 2012 primary elections and who make written application for an absentee ballot shall be designated as "unaffiliated" electors as provided in section 34-404, Idaho Code, and such electors shall be given the appropriate ballot for such "unaffiliated" designation pursuant to the provisions of this act.

(6) An elector may not change party affiliation or designation as "unaffiliated" on an application for absentee ballot. For primary elections, an elector may change party affiliation or designation as "unaffiliated" as provided for in section 34-411A, Idaho Code.

(7) The application for an absent elector's ballot shall be signed personally by the applicant. The application for a mail-in absentee ballot shall be received by the county clerk not later than 5:00 p.m. on the eleventh day before the election. An application for in-person absentee voting at the absent elector's polling place described in section 34-1006, Idaho Code, shall be received by the county clerk not later than 5:00 p.m. on the Friday before the election. Application for an absentee ballot may be made by using a facsimile machine or other electronic transmission. ~~In the event a registered elector is unable to vote in person at the elector's designated polling place on the day of election because of an emergency situation that rendered the elector physically unable, the elector may nevertheless apply for an absent elector's ballot by notifying the county clerk within ninety-six (96) hours prior to the closing of the polls. No person may, however, be entitled to vote under an emergency situation unless the situation claimed rendered the elector physically unable to vote at the elector's designated polling place within ninety-six (96) hours prior to the closing of the polls.~~

(8) A person may make application for an absent elector's ballot by use of a properly executed federal postcard application as provided for in the laws of the United States known as uniformed and overseas citizens absentee voting act (UOCAVA, 52 U.S.C. 20301 et seq., as amended). The issuing officer shall keep as a part of the records of such officer's office a list of all applications so received and of the manner and time of delivery or mailing to and receipt of returned ballot.

(9) The county clerk shall, not later than seventy-five (75) days after the date of each general election, submit a report to the secretary of state containing information concerning absentee voters as required by federal law.

SECTION 2. That Chapter 10, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-1002A, Idaho Code, and to read as follows:

34-1002A. EMERGENCY SITUATION ABSENTEE BALLOT -- APPLICATION. (1) A registered elector who has not previously requested an absentee ballot for the same election and who is physically unable to vote in person at the elector's designated polling place on the day of the election because of an emergency situation requiring hospitalization of the elector may request an emergency situation absentee ballot by filing an emergency situation absentee ballot application with the county clerk. The secretary of state shall prescribe the form for the emergency situation absentee ballot application.

(a) The emergency application may be submitted to the county clerk up to five (5) days prior to the election but shall be received by the county clerk no later than 5:00 p.m. on the Monday before the election, in order to allow for the coordination of ballot delivery to the requesting elector at the hospital.

(b) The emergency application shall be signed personally by the applicant.

(c) The situation rendering the requesting elector physically unable to vote in person at the polling place must have occurred after 5:00 p.m. on the eleventh day prior to the election, and the applicant must attest to that fact with the applicant's signature.

(2) Regardless of the time of the request, an absentee ballot delivered under this section must be returned to the county clerk's office from which it was received in order to be counted, in accordance with section 34-1005, Idaho Code.

(3) The county clerk shall deem the location of an individual to be an absent elector's polling place, as provided in section 34-1006, Idaho Code, solely for the purposes of registering the applicant under section 34-408A, Idaho Code, and shall provide the applicant with an emergency situation absentee ballot in the event that the individual who wishes to apply for an emergency situation absentee ballot under this section:

(a) Was not a registered elector at the time the register closed but became eligible for registration following the closing of the register;

(b) Was rendered physically unable to register in person on election day by the emergency situation; and

(c) Was otherwise qualified to request an emergency situation absentee ballot under this section.

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

Approved March 24, 2020

CHAPTER 287
(H.B. No. 511, As Amended)

AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5209C, IDAHO CODE, TO PROVIDE THAT CERTAIN CHARTER SCHOOLS WITH LESS THAN FIFTEEN DAYS' WORTH OF CASH ON HAND MUST CURE THE FISCAL DEFICIENCY WITHIN A YEAR OR BE SUBJECT TO REVOCATION PROCEEDINGS AND TO MAKE A TECHNICAL CORRECTION.

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

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

33-5209C. ENFORCEMENT -- REVOCATION -- APPEAL. (1) An authorized chartering entity shall continually monitor the performance and legal compliance of the public charter schools it oversees, including collecting and analyzing data to support ongoing evaluation according to the performance certificate. Every authorized chartering entity shall have the authority to conduct or require oversight activities that enable the authorized chartering entity to fulfill its responsibilities pursuant to the provisions of this chapter, including conducting appropriate inquiries and investigations, ~~so~~ as long as those activities are consistent with the intent of this chapter, adhere to the terms of the performance certificate and do not unduly inhibit the autonomy granted to public charter schools.

(2) Each authorized chartering entity shall annually publish and make available to the public a performance report for each public charter school it oversees, in accordance with the performance framework set forth in the performance certificate and section 33-5209A, Idaho Code. The authorized chartering entity may require each public charter school it oversees to submit an annual report to assist the authorized chartering entity in gathering complete information about each school consistent with the performance framework. Each public charter school shall publish its annual performance report on the school's website.

(3) If an authorized chartering entity has reason to believe that a public charter school cannot remain fiscally sound for the remainder of its certificate term, it shall provide the state department of education with written notification of such concern. Upon receiving such notification, the state department of education shall have the authority to modify the percentage of the total appropriation to be paid to the public charter school pursuant to the provisions of section 33-1009(1), Idaho Code, such that equal percentages are paid on each of the prescribed dates. If documents filed with an authorized chartering entity pursuant to section 33-5206(7), Idaho Code, establish that a public charter school that is not a virtual school and that has been open for more than two (2) years had less than fifteen (15) days' worth of cash on hand on June 30 of the current calendar year, then by November 30 of that year the authorized chartering entity shall notify the school that the school has until June 30 of the subsequent year to cure the deficiency. If on June 30 of the subsequent year the school again has less than fifteen (15) days' worth of cash on hand, then by November 30 of that year the authorized chartering entity shall begin revocation proceedings pursuant to subsection (7) of this section.

(4) If an authorized chartering entity has reason to believe that a charter holder or public charter school has violated any provision of law, it shall notify the charter holder and the entity responsible for administering said law of the possible violation.

(5) If an authorized chartering entity revokes or does not renew a charter, the authorized chartering entity shall clearly state, in a resolution of its governing board, the reasons for the revocation or nonrenewal.

(6) Within fourteen (14) days of taking action to renew, not renew or revoke a charter, the authorized chartering entity shall report to the state board of education the action taken and shall provide a copy of the report to the charter holder at the same time that the report is submitted to the state board of education. The report shall include a copy of the authorized chartering entity's resolution setting forth the action taken and reasons for the decision and assurances as to compliance with all of the requirements set forth in this chapter.

(7) A charter may be revoked by the authorized chartering entity if the public charter school has failed to meet any of the specific, written conditions for necessary improvements established pursuant to the provisions of section 33-5209B(1), Idaho Code, or has failed to cure the fifteen (15) days' worth of cash on hand deficiency pursuant to subsection (3) of this section, by the dates specified. Revocation may not occur until the charter holder has been afforded a public hearing, unless the authorized chartering entity determines that the continued operation of the public charter school presents an imminent public safety issue, in which case the charter may be revoked immediately. Public hearings shall be conducted by the authorized chartering entity or such other person or persons appointed by the authorized chartering entity to conduct public hearings and receive evidence as a contested case in accordance with the provisions of section 67-5242, Idaho Code. Notice and opportunity to reply shall include, at a minimum, written notice setting out the basis for consideration of revocation, a period of not less than thirty (30) days within which the charter holder can reply in writing, and a public hearing within thirty (30) days of the receipt of the written reply.

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

Approved March 24, 2020

CHAPTER 288
(H.B. No. 501)

AN ACT

RELATING TO SCHOOL DISTRICTS; AMENDING SECTION 33-308, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXCISION AND ANNEXATION OF TERRITORY.

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

SECTION 1. That Section 33-308, Idaho Code, be, and the same is hereby amended to read as follows:

33-308. EXCISION AND ANNEXATION OF TERRITORY. (1) A board of trustees of any school district, including a specially chartered school district, or one-fourth (1/4) or more of the school district electors, residing in an area of not more than fifty (50) square miles within which there is no schoolhouse or facility necessary for the operation of a school district, may petition in writing proposing the annexation of the area to another and contiguous school district.

(2) Such petition shall be in duplicate, one (1) copy of which shall be presented to the board of trustees of the district from which the area is proposed to be excised, and the other to the board of trustees of the district to which the area is proposed to be annexed. The petition shall contain:

- (a) The names and addresses of the petitioners;
- (b) A legal description of the area proposed to be excised from one ~~(1)~~ district and annexed to another contiguous district. Such legal description shall be prepared by a licensed attorney, licensed professional land surveyor, or licensed professional engineer professionally trained and experienced in legal descriptions of real property;
- (c) Maps showing the boundaries of the districts as they presently appear and as they would appear should the excision and annexation be approved;
- (d) The names of the school districts from and to which the area is proposed to be excised and annexed;
- (e) A description of reasons for which the petition is being submitted; and
- (f) An estimate of the number of children residing in the area described in the petition.

(3) The board of trustees of each school district, no later than ~~ten (10)~~ thirty (30) calendar days after its first regular meeting held subsequent to receipt of the petition, shall transmit the petition, with recommendations, to the state ~~department~~ board of education.

- (4) The state board of education shall approve the proposal, provided:
 - (a) The excision and annexation is in the best interests of the children residing in the area described in the petition; and
 - (b) The excision of the territory, as proposed, would not leave a school district with a bonded debt in excess of the limit then prescribed by law.

If either condition is not met, the state board shall disapprove the proposal. The approval or disapproval shall be expressed in writing to the board of trustees of each school district named in the petition.

(5) If the state board of education ~~shall~~ approves the proposal, it shall be submitted to the school district electors residing in the area ~~described in the petition~~ district from which the area is proposed to be excised and in the district to which the area is proposed to be annexed, at an election held in the manner provided in chapter 14, title 34, Idaho Code. Such election shall be held on the date authorized in section 34-106, Idaho Code, ~~which that~~ is nearest to sixty (60) days after the state board approves the proposal.

(6) At the election, there shall be submitted to the electors having the qualifications of electors in a school district bond election ~~and residing in the area proposed to be annexed~~:

- (a) The question of whether the area described in the petition shall be excised from school district no. () and annexed to contiguous school district no. (); and
- (b) The question of assumption of the appropriate proportion of any bonded debt, and the interest thereon, of the proposed annexing school district.

~~(7) If a majority of the school district electors in the area described in the petition, voting in the election, shall vote in favor of the proposal to excise and annex the said area, and if in the area the~~ In order for a proposal to excise and annex an area to be approved:

- (a) The proposal must be approved by a majority of electors voting in the election in both:
 - (i) The district from which the area is proposed to be excised;
 - and
 - (ii) The district to which the area is proposed to be annexed; and

(b) The electors voting on the question of the assumption of bonded debt and interest have approved such assumption by the proportion of votes cast as is required by section 3, article VIII, of the constitution of the state of Idaho, ~~the proposal shall carry and be approved. Otherwise, it shall fail.~~

(8) If the proposal shall be is approved by the electors in the manner prescribed, the board of canvassers shall thereupon promptly notify the state department of education and the affected school districts of such results. The superintendent of public instruction shall make an appropriate order for the boundaries of the affected school districts to be altered, and the legal descriptions of the school districts shall be altered, as prescribed in section 33-307, Idaho Code.

Approved March 24, 2020

CHAPTER 289
(S.B. No. 1410)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND REQUIRING AN ACQUISITIONS REPORT.

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 according to the designated expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|---|---------------|
| I. STATE DEPT OF EDUCATION - ADMINISTRATION: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$2,570,000 | \$857,400 | | \$3,430,000 | \$6,857,400 |
| Indirect Cost Recovery | | | | | |
| Fund | 709,700 | 563,300 | \$116,500 | | 1,389,500 |
| Broadband Infrastructure | | | | | |
| Fund | | | | 2,700,000 | 2,700,000 |
| Public Instruction | | | | | |
| Fund | 485,700 | 199,900 | 5,200 | | 690,800 |
| Miscellaneous Revenue | | | | | |
| Fund | | 100 | | | 100 |
| Federal Grant | | | | | |
| Fund | <u>0</u> | <u>98,000</u> | <u>0</u> | <u>0</u> | <u>98,000</u> |
| TOTAL | \$3,765,400 | \$1,718,700 | \$121,700 | \$6,130,000 | \$11,735,800 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|---|---------------------|
| II. STATE DEPT OF EDUCATION - STUDENT SERVICES: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$2,298,100 | \$3,485,300 | | \$24,100 | \$5,807,500 |
| Indirect Cost Recovery | | | | | |
| Fund | 95,600 | 902,700 | | | 998,300 |
| Driver's Training | | | | | |
| Fund | 192,900 | 151,400 | \$800 | 2,113,300 | 2,458,400 |
| Public Instruction | | | | | |
| Fund | 364,200 | 764,500 | 5,300 | 11,400 | 1,145,400 |
| Miscellaneous Revenue | | | | | |
| Fund | 316,700 | 185,800 | 8,500 | | 511,000 |
| Public Schools Other Income | | | | | |
| Fund | 98,900 | 362,300 | | | 461,200 |
| Cigarette, Tobacco, and Lottery Income Taxes | | | | | |
| Fund | 102,000 | | | | 102,000 |
| Federal Grant | | | | | |
| Fund | <u>5,386,100</u> | <u>9,126,200</u> | <u>26,900</u> | <u>82,200</u> | <u>14,621,400</u> |
| TOTAL | \$8,854,500 | \$14,978,200 | \$41,500 | \$2,231,000 | \$26,105,200 |
| GRAND TOTAL | \$12,619,900 | \$16,696,900 | \$163,200 | \$8,361,000 | \$37,841,000 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Superintendent of Public Instruction is authorized no more than one hundred twenty-four (124.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. ACQUISITIONS. Consistent with the provisions of Chapter 92, Title 67, Idaho Code, the Superintendent of Public Instruction is encouraged to engage in open, competitive acquisition processes. The Superintendent of Public Instruction shall provide a report to the Joint Finance-Appropriations Committee by January 15, 2021, on all contracts signed during fiscal year 2020 for property valued at more than \$25,000. The report shall include for each contract: (a) the amount; (b) the duration; (c) the parties; (d) the subject; (e) whether the contract was awarded as a result of an open, competitive acquisition process or as a sole source or other noncompetitive procurement pursuant to Section 67-9221, Idaho Code; and (f) the rationale for signing any sole source or other noncompetitive procurements.

Approved March 24, 2020

CHAPTER 290
(H.B. No. 526)

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-1941, IDAHO CODE, TO REVISE PROVISIONS REGARDING ANNUITY SALES TO CONSUMERS AND DISCLOSURES; AMENDING CHAPTER 19, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1942, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING ADVERTISEMENT OF INTEREST-INDEXED ANNUITIES; AND AMENDING CHAPTER 19, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1943, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING STANDARDS FOR POLICY PROVISIONS FOR ANNUITIES.

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

SECTION 1. That Section 41-1941, Idaho Code, be, and the same is hereby amended to read as follows:

41-1941. ANNUITY SALES TO CONSUMERS -- DISCLOSURES. (1) In this section, the following definitions shall apply unless the context otherwise requires:

(a) "Contract owner" means the owner named in the annuity contract or certified holder in the case of a group annuity contract.

(b) "Determinable elements" means elements that are derived from processes or methods that are guaranteed at issue and that are not subject to company discretion, but where the values or amounts cannot be determined until some point after issue. These elements may include the premiums, credited interest rates (including any bonus), benefits, values, noninterest-based credits, charges or elements of formulas used to determine any of these. An element is considered determinable if it is calculated from underlying determinable elements only or from both determinable and guaranteed elements.

(c) "Generic name" means a short title descriptive of the annuity contract being applied for or illustrated such as "single premium deferred annuity."

(d) "Guaranteed elements" means the premiums, credited interest rates (including any bonus), benefits, values, noninterest-based credits, charges or elements of formulas used to determine any of these, that are promised and determined at issue. An element is considered guaranteed if all of the underlying elements that go into its calculation are guaranteed.

(e) "Insurance producer" or "producer" has the same meaning as in chapter 10, title 41, Idaho Code.

(f) "Nonguaranteed elements" means the premiums, credited interest rates (including any bonus), benefits, values, noninterest-based credits, charges or elements of formulas used to determine any of these, that are subject to company discretion and that are not guaranteed at issue. An element is considered nonguaranteed if any of the underlying nonguaranteed elements are used in its calculation.

(g) "Structured settlement annuity" means a qualified funding asset as defined in section 130(d) of the Internal Revenue Code or an annuity that would be a qualified funding asset under section 130(d) of the Internal Revenue Code but for the fact that it is not owned by an assignee under a qualified assignment.

(2) The provisions of this section shall apply to all group and individual annuity contracts and certificates except:

(a) Registered or nonregistered variable annuities or other registered products;

(b) Immediate and deferred annuities that contain no nonguaranteed elements;

(c) Annuities used to fund:

(i) An employee pension plan that is covered by the employee retirement income security act of 1974, title 29, U.S.C. sections 1001 through 1461;

(ii) A plan described in section 401(a), 401(k) or 403(b) of the Internal Revenue Code, where the plan, for purposes of the employee retirement income security act of 1974, is established or maintained by an employer;

(iii) A governmental or church plan as defined in section 414 of the Internal Revenue Code or a deferred compensation plan of a state or local government or a tax-exempt organization pursuant to section 457 of the Internal Revenue Code; or

(iv) A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor.

(d) Structured settlement annuities.

(3) If the application for an annuity contract is taken in a face-to-face meeting, the applicant, at or before the time of application and at the time of contract delivery, shall be given both the disclosure document and the buyer's guide in the form prescribed by the director. The disclosure document shall be dated and signed by the prospective annuity owner and producer and the company shall maintain a signed copy for the a period of five (5) years after the natural life of the contract.

(4) If the application for an annuity contract is taken by means other than in a face-to-face meeting, the applicant shall be sent both the disclosure document and the buyer's guide ~~in the manner and form prescribed by the director no later than five (5) business days after the completed application is received by the insurer at the time of application and at the time of contract delivery~~. The producer and the company shall maintain a signed copy of the disclosure document for a period of five (5) years after the natural life of the contract.

(5) A solicitation for an annuity contract provided in other than a face-to-face meeting shall include a statement that the proposed applicant may contact the insurer for a free annuity buyer's guide.

~~(6) If the disclosure document and buyer's guide are not provided at or before the time of application, a free look period of not less than twenty (20) days shall be provided for the applicant to return the annuity contract without penalty. This free look period shall run concurrently with any other free look period provided in statute.~~

~~(7) At a minimum, the following information shall be included in the disclosure document required to be provided under this section in a form or forms prescribed by the director:~~

(a) The generic name of the contract, the company product name, if different, the form number and the fact that it is an annuity;

(b) The insurer's name and address;

(c) A description of the contract and its benefits, emphasizing its long-term nature and including the following examples where appropriate:

(i) The guaranteed, nonguaranteed and determinable elements of the contract, their limitations, if any, and an explanation of how they operate;

(ii) An explanation of the initial crediting rate, specifying any bonus or introductory portion, the duration of the rate and the fact that rates may change from time to time and are not guaranteed;

(iii) The periodic income options both on a guaranteed and nonguaranteed basis;

- (iv) Any value reductions caused by withdrawals from or surrender of the contract;
 - (v) How values in the contract can be accessed;
 - (vi) The death benefit, if available, and how it will be calculated;
 - (vii) A summary of the federal tax status of the contract and any penalties applicable on withdrawal of values from the contract; and
 - (viii) The impact of any rider, such as a long-term care rider.
- (d) The specific dollar amount or percentage charges and fees shall be listed with an explanation of how they apply;
 - (e) Information about the current guaranteed rate for new contracts that contains a clear notice that the rate is subject to change;
 - (f) Whenever projections for nonguaranteed elements of a contract are provided in the disclosure document, equal prominence shall be given to guaranteed elements; and
 - (g) Terms used in the disclosure document shall be defined in clear and concise language that facilitates the understanding of a typical person within the segment of the public to which the disclosure document is directed.

(87) For annuities in the payout period with changes in nonguaranteed elements and for the accumulation period of a deferred annuity, the insurer shall provide each contract owner with a report, at least annually, on the status of the contract. Such report shall contain at a minimum the following information:

- (a) The beginning and end dates of the current report period;
- (b) The accumulation and cash surrender value, if any, at the end of the previous report period and at the end of the current report period;
- (c) The total amounts, if any, that have been credited, charged to the contract value or paid during the current report period; and
- (d) The amount of outstanding loans, if any, as of the end of the current report period.

(98) The director may promulgate rules pursuant to this section including, but not limited to, more fully implementing model rules or laws developed by the national association of insurance commissioners that provide standards for the disclosure of certain minimum information in connection with the sale of annuity contracts.

(109) Nothing in this section shall be construed to create or imply a private cause of action for a violation of the provisions of this section or rules promulgated pursuant to this section.

SECTION 2. That Chapter 19, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-1942, Idaho Code, and to read as follows:

41-1942. ADVERTISEMENT OF INTEREST-INDEXED ANNUITIES. No issuer of interest-issued annuity contracts shall advertise interest-indexed annuity contracts, regardless of the advertising medium, without prior approval of such advertisement from the director. For purposes of this section, "interest-indexed annuity" means a type of annuity whose credited interest is linked to an external reference at any time during the term of the contract and shall include contracts, application forms where written application is required and is to be made a part of the contract, printed riders, endorsements, and renewal certificates.

SECTION 3. That Chapter 19, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 41-1943, Idaho Code, and to read as follows:

41-1943. STANDARDS FOR POLICY PROVISIONS FOR ANNUITIES. No annuity shall be delivered or issued for delivery in this state that contains:

(1) Surrender charges that persist past ten (10) years from the time of deposit; or

(2) Surrender charges that exceed ten percent (10%) in the first year and decrease one percent (1%) per year in subsequent years.

Approved March 24, 2020

CHAPTER 291
(H.B. No. 549)

AN ACT

RELATING TO DAYCARE FACILITIES; AMENDING SECTION 39-1105, IDAHO CODE, TO REVISE PROVISIONS REGARDING CRIMINAL HISTORY CHECKS; AMENDING SECTION 39-1106, IDAHO CODE, TO REMOVE A PROVISION REGARDING A CERTAIN CRIMINAL HISTORY CHECK; AMENDING SECTION 39-1110, IDAHO CODE, TO PROVIDE STANDARDS FOR INFANT SLEEP AREAS; AND AMENDING SECTION 39-1113, IDAHO CODE, TO PROVIDE THAT PERSONS FOUND GUILTY OF CERTAIN CRIMES SHALL BE INELIGIBLE FOR A LICENSE, TO PROVIDE FOR APPEALS OF A DENIAL, REVOCATION, OR SUSPENSION OF A LICENSE, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 39-1105, Idaho Code, be, and the same is hereby amended to read as follows:

39-1105. CRIMINAL HISTORY CHECKS. (1) ~~The department shall obtain from the owner a criminal history check on the~~ All owners, operators, and employees of a daycare facility who have direct contact with children, and ~~on~~ all other individuals thirteen (13) years of age or older who have unsupervised direct contact with children or are regularly on the premises of a daycare facility shall complete and pass a criminal history and background check in conformance with section 56-1004A, Idaho Code, at least every five (5) years. ~~The criminal history check shall include the following for all persons subject to the provisions of this section who are eighteen (18) years of age or older:~~

- ~~(a) Statewide criminal identification bureau;~~
- ~~(b) Federal bureau of investigation (FBI) criminal history;~~
- ~~(c) National crime information center; and~~
- ~~(d) Statewide child abuse registry.~~

(2) Criminal history checks on those persons under eighteen (18) years of age shall include a check of the juvenile justice records of adjudications of the magistrate division of the district court, county probation services and department records as authorized by the minor and his parent or guardian.

(3) Notwithstanding the provisions of section 39-1103, Idaho Code, which provide for exemption from the provisions of this chapter, any person who owns, operates or is employed by a private school for educational purposes for children four (4) through six (6) years of age or a private kindergarten shall comply with the provisions of this section.

SECTION 2. That Section 39-1106, Idaho Code, be, and the same is hereby amended to read as follows:

39-1106. ISSUANCE OF LICENSE -- RENEWAL. (1) Upon receipt of the application, inspection certificates and the criminal history, the department shall, upon a finding of compliance with the minimum standards set forth in this chapter, issue a basic daycare license to the applicant. The license shall be valid for two (2) years and shall be posted in a conspicuous place at the daycare facility.

(2) The department shall send a renewal application to the owner of the daycare facility no later than ninety (90) days prior to the expiration of an existing license. The owner shall submit to the department the renewal application with the required renewal fee and a criminal history check prior to the expiration of the existing license. A complete criminal history check shall be provided for any new persons requiring a criminal history check in accordance with section 39-1105, Idaho Code. ~~A limited criminal history check shall be provided for those persons eighteen (18) years of age or older who where previously checked. The limited criminal history check shall include:~~

- ~~(a) Statewide criminal identification bureau;~~
- ~~(b) National crime information center; and~~
- ~~(c) Statewide child abuse registry.~~

(3) Criminal history checks on those persons under eighteen (18) years of age shall include a check of the juvenile justice records of adjudications of the magistrate division of the district court, county probation services and department records as authorized by the minor and his parent or guardian.

(4) The department shall maintain a list of all licensees for public use.

(5) Submission of a renewal application, fee and required criminal history check shall entitle the daycare facility owner to continue daycare services, subject to action by the department pursuant to section 39-1113, Idaho Code.

SECTION 3. That Section 39-1110, Idaho Code, be, and the same is hereby amended to read as follows:

39-1110. HEALTH STANDARDS. Daycare facilities shall comply with the following health standards:

(1) Food for use in daycare facilities shall be prepared and served in a sanitary manner with sanitized utensils and on surfaces that have been cleaned, rinsed and sanitized prior to use to prevent contamination;

(2) All food that is to be served in daycare facilities shall be stored in such a manner that it is protected from potential contamination;

(3) Diaper changing shall be conducted in such a manner as to prevent the spread of communicable diseases;

(4) Sleeping and play areas, restrooms and fixtures shall be maintained in a safe, sanitary condition, and infant sleep areas shall consist of a space in which children up to age twelve (12) months may sleep alone, on their backs, and in a crib;

(5) Children and facility personnel shall be provided with individual or disposable towels for handwashing and the handwashing area shall be equipped with soap and hot and cold running water;

(6) The water supply, where the source is other than a public water system, must be approved in accordance with the rules adopted by the department;

(7) Medicines, cleaning supplies and other hazardous substances must be stored out of reach of children;

(8) Smoking or alcohol consumption is prohibited on the premises of a daycare facility during the daycare facility's hours of operation; and

(9) Representatives of health and safety inspectors shall not be denied access to a daycare facility during hours of operation for purposes of control of communicable disease or inspection.

SECTION 4. That Section 39-1113, Idaho Code, be, and the same is hereby amended to read as follows:

39-1113. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. (1) A license may be denied, suspended or revoked by the department if the department finds that the applicant or licensee does not comply with the provisions of this chapter.

(2) No person who pleads guilty to, has been found guilty of or received a withheld judgment for any offense involving neglect or any physical injury to₇ or other abuse of a child, including the following offenses or a similar provision in another jurisdiction, shall be eligible for a license under the provisions of this chapter:

- (a) Felony injury of a child, section 18-1501, Idaho Code.
- (b) The sexual abuse of a child under sixteen years of age, section 18-1506, Idaho Code.
- (c) The ritualized abuse of a child under eighteen years of age, section 18-1506A, Idaho Code.
- (d) The sexual exploitation of a child, section 18-1507, Idaho Code.
- (e) Sexual abuse of a child under the age of sixteen years, section 18-1506, Idaho Code.
- (f) Lewd conduct with a child under the age of sixteen years, section 18-1508, Idaho Code.
- (g) The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.
- (h) Murder in any degree, section 18-4001 or 18-4003, Idaho Code.
- (i) Assault with intent to murder, section 18-4015, Idaho Code.
- (j) Voluntary manslaughter, section 18-4006, Idaho Code.
- (k) Rape, section 18-6101, Idaho Code.
- (l) Incest, section 18-6602, Idaho Code.
- (m) Forcible sexual penetration by use of foreign object, section 18-6608, Idaho Code.
- (n) Abuse, neglect or exploitation of a vulnerable adult, section 18-1505, Idaho Code.
- (o) Aggravated, first degree, second degree and third degree arson, sections 18-801 through 18-805, Idaho Code.
- (p) Crimes against nature, section 18-6605, Idaho Code.
- (q) Kidnapping, sections 18-4501 through 18-4503, Idaho Code.
- (r) Mayhem, section 18-5001, Idaho Code.
- (s) Poisoning, section 18-4014 or 18-5501, Idaho Code.
- (t) Robbery, section 18-6501, Idaho Code.
- (u) Stalking in the first degree, section 18-7905, Idaho Code.
- (v) Video voyeurism, section 18-6609, Idaho Code.
- (w) Enticing of children, section 18-1509 or 18-1509A, Idaho Code.
- (x) Inducing individuals under eighteen years of age into prostitution, section 18-5609, Idaho Code.
- (y) Inducing person under eighteen years of age to patronize a prostitute, section 18-5611, Idaho Code.
- (z) Any felony punishable by death or life imprisonment.
- (aa) Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701, Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.
- (bb) Domestic violence, section 18-918(2), Idaho Code.
- (cc) Any offense requiring registration on a state sex offender registry or the national sex offender registry.
- (dd) A felony drug-related offense committed during the preceding five (5) years.

(3) No person who has pleaded guilty to, been found guilty of or received a withheld judgment for any offense involving neglect or any physical injury to₇ or other abuse of a child, including the following offenses or a

similar provision in another jurisdiction, shall be eligible for a license for a period of five (5) years under the provisions of this chapter-:

- (a) Aggravated assault, section 18-905, Idaho Code.
- (b) Aggravated battery, section 18-907(1), Idaho Code.
- (c) Burglary, section 18-1401, Idaho Code.
- (d) Felony theft, sections 18-2403 and 18-2407(1), Idaho Code.
- (e) Forgery of a financial transaction card, section 18-3123, Idaho Code.
- (f) Fraudulent use of a financial transaction card or number, section 18-3124, Idaho Code.
- (g) Forgery or counterfeiting, chapter 36, title 18, Idaho Code.
- (h) Misappropriation of personal identifying information, section 18-3126, Idaho Code.
- (i) Insurance fraud, section 41-293, Idaho Code.
- (j) Damage to or destruction of insured property, section 41-294, Idaho Code.
- (k) Public assistance fraud, section 56-227, Idaho Code.
- (l) Provider fraud, section 56-227A, Idaho Code.
- (m) Attempted strangulation, section 18-923, Idaho Code.
- (n) Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701, Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.
- (o) Misdemeanor injury to a child, section 18-1501(2), Idaho Code.

(4) A daycare facility license may be denied, suspended or revoked by the department if the department finds that the daycare facility is not in compliance with the standards provided for in this chapter or criminal activity that threatens the health or safety of a child.

(5) A daycare facility license or privilege to operate a family daycare home shall be denied or revoked if a registered sex offender resides on the premises where daycare services are provided.

(6) The denial, suspension, or revocation of a license under this chapter may be appealed to through the administrative appeals process governed by the provisions of IDAPA 16.05.03, with the opportunity for further review by the district court of the county in which the affected daycare facility is located and the appeal shall be heard de novo in the district court.

Approved March 24, 2020

CHAPTER 292
(H.B. No. 555)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1616, IDAHO CODE, TO REVISE PROVISIONS REGARDING LITERACY INTERVENTION AND TO PROVIDE FOR LITERACY INTERVENTION TOOLS AS PART OF A LITERACY INTERVENTION PROGRAM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1616, Idaho Code, be, and the same is hereby amended to read as follows:

33-1616. LITERACY INTERVENTION. (1) Each school district and public charter school shall establish an extended time literacy intervention program for students who score basic or below basic on the fall reading screening assessments or alternate reading screening assessment in kindergarten through grade 3 and submit it to the state board of education.

(2) The program shall provide:

(a) Shall provide pProven effective research-based substantial intervention and shall include phonemic awareness, decoding intervention, vocabulary, comprehension, and fluency as applicable to the student based on a formative assessment designed to, at a minimum, identify such weaknesses;

(b) May include online or digital instructional materials or programs or library resources and must include parent input and be in alignment with the Idaho comprehensive literacy plan. Online or digital materials that are part of a core literacy program are not required to be approved as described in subsection (3) of this section;

(c) A Shall include a minimum of sixty (60) hours of supplemental instruction for students in kindergarten through grade 3 who score below basic on the reading screening assessment; and

(d) A Shall include a minimum of thirty (30) hours of supplemental instruction for students in kindergarten through grade 3 who score basic on the reading screening assessment.

(3) (a) The state board of education shall select and approve adaptive learning technology literacy intervention providers through a request for proposals process to provide literacy intervention tools that are adaptive to a child's personalized learning needs for school districts and public charter schools to use as part of their literacy intervention programs for students in kindergarten through grade 3. Such a tool shall:

(i) Be an academic program focused on building age-appropriate literacy skills that, at a minimum, include phonological awareness, phonics, fluency, comprehension, and vocabulary;

(ii) Use an evidence-based early intervention model; and

(iii) Include a parental engagement and involvement component that allows parents to participate in their student's use of the tool at school or at home.

(b) A tool offered by an approved provider must be evaluated each year to determine effectiveness by an independent external evaluator in order for the provider to remain approved. The evaluation will be based on a full academic year of implementation of tools implemented with fidelity and will include, at a minimum, growth toward proficiency measures. A provider of an intervention tool described in this subsection shall not provide the reading assessment pursuant to section 33-1615, Idaho Code.

(4) Of the funds appropriated for the purpose of this section, no more than one hundred dollars (\$100) per student may be used for transportation costs.

(45) For the purpose of program reimbursement, the state department of education shall adopt reporting forms, establish reporting dates, and adopt such additional guidelines and standards as necessary to accomplish the program goals that every child will read fluently and comprehend printed text en at grade level by the end of the third grade.

(56) To ensure students receive high-quality literacy instruction and intervention, the state department of education shall provide professional development to districts and schools on best practices supporting literacy instruction as outlined in the state board of education-approved "Idaho Comprehensive Literacy Plan." Intervention program participation and effectiveness by school and district shall be presented annually to the state board, the legislature, and the governor.

(67) The state board of education shall promulgate rules implementing the provisions of this section. At a minimum, such rules shall include student trajectory growth to proficiency benchmarks and a timeline for reaching such benchmarks. The state board of education shall also adopt a timeline sufficient to assure that the literacy intervention tool described in subsection (3) of this section is available for school districts and public charter schools to effectively implement for the 2020-2021 school year.

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 24, 2020

CHAPTER 293
(H.B. No. 575)

AN ACT

RELATING TO LIQUOR STORES; AMENDING SECTION 23-313, IDAHO CODE, TO REVISE A PROVISION REGARDING LIQUOR CONSUMED ON CERTAIN PREMISES; AND AMENDING CHAPTER 3, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-314, IDAHO CODE, TO DEFINE TERMS, TO AUTHORIZE SAMPLE TASTINGS OF LIQUOR IN CERTAIN INSTANCES, TO PROVIDE CERTAIN REQUIREMENTS FOR SAMPLE TASTINGS, TO PROHIBIT CERTAIN ADVERTISING AND PROMOTION, AND TO PROVIDE THAT A RETAIL STORE SHALL NOT INCUR LIABILITY.

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

SECTION 1. That Section 23-313, Idaho Code, be, and the same is hereby amended to read as follows:

23-313. LIQUOR NOT TO BE CONSUMED ON PREMISES. No vendor, officer, clerk, servant, agent, or employee of the division employed in any state liquor store, state-owned warehouse, or distributing station, shall allow any alcoholic liquor to be consumed on the premises of such state warehouse, store, or distributing station, except for sampling purposes only, as described in section 23-314, Idaho Code. ~~nor shall any person vendor, officer, clerk, servant, agent, or employee of the division consume any such liquor on such premises.~~

SECTION 2. That Chapter 3, 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 23-314, Idaho Code, and to read as follows:

23-314. SAMPLE TASTINGS IN RETAIL STORES. (1) As used in this section:

- (a) "Distilled spirits supplier" means any manufacturer, rectifier, importer, or broker of liquor products offered for sale by the division.
- (b) "Retail store" means any state liquor store and does not include any distributing station that is authorized by the state of Idaho.

(2) A distilled spirits supplier or its representative may offer sample tastings on the premises of a retail store.

(3) A distilled spirits supplier 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) of alcoholic liquor. A sample may be mixed with another alcoholic liquor or nonalcoholic beverage.

(5) The maximum number of samples allowed shall not exceed three (3) samples per person in any twenty-four (24) hour period.

(6) Samples may be served only by persons twenty-one (21) years of age or older.

(7) In accordance with state law, alcoholic liquor shall be served only to persons who are twenty-one (21) years of age or older.

(8) Samples shall be served in a specifically identified sample area or areas within the retail store. Such area or areas shall be of a size and design such that the person conducting the tasting can observe and control persons in the area to ensure that no persons under twenty-one (21) years of age or visibly intoxicated persons possess or consume alcohol. Customers must remain in the tasting area or areas until they have finished consuming the sample. The retail store shall keep on file at the premises a floor plan identifying the tasting area or areas.

(9) 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 the distilled spirits.

(10) Any unused product must be removed from the premises by the supplier or its representative.

(11) The division must approve of the time, location, method, and items to be sampled at tastings. The distilled spirits supplier must notify the Idaho state police in advance of any tasting approved pursuant to the provisions of this section.

(12) The division may not advertise or otherwise promote to the public a tasting event permitted pursuant to the provisions of this section.

(13) It shall be the responsibility of the distilled spirits supplier to conduct a sample tasting in accordance with the provisions of this section. A retail store that hosts such a sample tasting shall not incur liability arising from a right of action directly resulting from consumption of liquor authorized by this section.

Approved March 24, 2020

CHAPTER 294
(H.B. No. 582)

AN ACT

RELATING TO CIVIL ACTIONS; AMENDING SECTION 6-1601, IDAHO CODE, TO DEFINE A TERM AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 6-1601, Idaho Code, be, and the same is hereby amended to read as follows:

6-1601. DEFINITIONS. As used in this act:

(1) "Charitable corporation or organization or charitable trust" means a corporation or organization or charitable trust including any community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation.

(2) "Claimant" means any party to a civil action making a claim for relief, legal or equitable, compensatory or noncompensatory.

(3) "Economic damages" means objectively verifiable monetary loss, including, but not limited to, out-of-pocket expenses, loss of earnings, loss of use of property, cost of replacement or repair, cost of obtaining substitute domestic services, loss of employment, medical expenses, or loss of business or employment opportunities.

(4) "Future damages" means noneconomic damages and economic damages to be incurred after entry of a judgment.

(5) "Noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental anguish, disability or disfigurement incurred by the injured party; emotional distress; loss of society and companionship; loss of consortium; or destruction or impairment of the parent-child relationship.

(6) "Nonprofit corporation or organization" means a charitable corporation or organization or charitable trust; any other corporation organized or existing under chapter 30, title 30, Idaho Code, or an equivalent provision of the law of another state; or an unincorporated association, which corporation, organization, charitable trust or unincorporated association is organized and existing exclusively for nonprofit purposes, and which:

(a) Either is tax exempt under section 501(c)(3) of the Internal Revenue Code or regularly bestows benefits to the community at large; and

(b) No part of the net income of which is distributable to its members, directors or officers.

(7) "Personal injury" means a physical injury, sickness or death suffered by an individual.

(8) "Property damage" means loss in value or in use of real or personal property, where such loss arises from physical damage to or destruction of such property.

(9) "Punitive damages" means damages awarded to a claimant, over and above what will compensate the claimant for actual personal injury and property damage, to serve the public policies of punishing a defendant for outrageous conduct and of deterring future like conduct.

(10) "Willful or reckless misconduct" means conduct in which a person makes a conscious choice as to the person's course of conduct under circumstances in which the person knows or should know that such conduct both creates an unreasonable risk of harm to another and involves a high probability that such harm will actually result.

Approved March 24, 2020

CHAPTER 295
(H.B. No. 583)

AN ACT

RELATING TO THE PROTECTION OF PUBLIC EMPLOYEES; AMENDING SECTION 6-2104, IDAHO CODE, TO REVISE A PROVISION REGARDING ADVERSE ACTION BY AN EMPLOYER AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 6-2105, IDAHO CODE, TO PROVIDE A LIMIT ON CERTAIN DAMAGES AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 6-2104, Idaho Code, be, and the same is hereby amended to read as follows:

6-2104. REPORTING OF GOVERNMENTAL WASTE OR VIOLATION OF LAW -- EMPLOYER ACTION.

(1) (a) An employer may not take adverse action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith the existence of any waste of public funds, property or manpower, or a violation or suspected violation of a law, rule or regulation adopted under the law of this state, a political subdivision of this state or the United States. Such communication shall be made at a time and in a manner ~~which~~ that gives the employer reasonable opportunity to correct the waste or violation.

(b) For purposes of paragraph (a) of this subsection, an employee communicates in good faith if there is a reasonable basis in fact for the communication. Good faith is lacking where the employee knew or reasonably ought to have known that the report is malicious, false or frivolous.

(2) (a) An employer may not take adverse action against an employee because an employee in good faith participates or ~~gives~~ communicates information in good faith in an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review concerning the existence of any waste of public funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation adopted under the law of this state, a political subdivision of this state, or the United States.

(b) For purposes of paragraph (a) of this subsection, an employee participates or gives information in good faith if there is a reasonable basis in fact for the participation or the provision of the information. Good faith is lacking where the employee knew or reasonably ought to have known that the employee's participation or the information provided by the employee is malicious, false or frivolous.

(3) An employer may not take adverse action against an employee because the employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law or a rule or regulation adopted under the authority of the laws of this state, political subdivision of this state or the United States.

(4) An employer may not implement rules or policies that unreasonably restrict an employee's ability to document the existence of any waste of public funds, property or manpower, or a violation, or suspected violation of any laws, rules or regulations.

SECTION 2. That Section 6-2105, Idaho Code, be, and the same is hereby amended to read as follows:

6-2105. REMEDIES FOR EMPLOYEE BRINGING ACTION -- PROOF REQUIRED. (1) As used in this section, "damages" means damages for injury or loss caused by each violation of this chapter, and includes court costs and reasonable attorneys' fees.

(2) An employee who alleges a violation of this chapter may bring a civil action for appropriate injunctive relief or actual damages, or both, within one hundred eighty (180) days after the occurrence of the alleged violation of this chapter.

(3) An action begun under this section may be brought in the district court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides or has his principal place of business.

(4) To prevail in an action brought under the authority of this section, the employee shall establish, by a preponderance of the evidence, that the employee has suffered an adverse action because the employee, or a person acting on his behalf, engaged or intended to engage in an activity protected under section 6-2104, Idaho Code.

(5) (a) In no action brought pursuant to this chapter shall a judgment for noneconomic damages be entered for a claimant exceeding the limitation on damages contained in section 6-1603(1), Idaho Code.

(b) The limitation contained in this subsection shall apply to the sum of noneconomic damages sustained by a claimant.

(c) Governmental entities and their employees shall not be liable for punitive damages on any claim allowed under the provisions of this section.

Approved March 24, 2020

CHAPTER 296
(H.B. No. 615)

AN ACT

RELATING TO WATER; AMENDING SECTION 42-222, IDAHO CODE, TO PROVIDE THAT A PARTY ASSERTING THAT A WATER RIGHT HAS BEEN FORFEITED HAS THE BURDEN OF PROVING THE FORFEITURE BY CLEAR AND CONVINCING EVIDENCE; AND AMENDING SECTION 42-223, IDAHO CODE, TO PROVIDE THAT CERTAIN WATER RIGHTS SHALL NOT BE LOST OR FORFEITED FOR NONUSE AND TO PROVIDE FOR THIRD-PARTY CLAIMS OF RIGHT.

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

SECTION 1. That Section 42-222, Idaho Code, be, and the same is hereby amended to read as follows:

42-222. CHANGE IN POINT OF DIVERSION, PLACE OF USE, PERIOD OF USE, OR NATURE OF USE OF WATER UNDER ESTABLISHED RIGHTS -- FORFEITURE AND EXTENSION -- APPEALS. (1) Any person, entitled to the use of water whether represented by license issued by the department of water resources, by claims to water rights by reason of diversion and application to a beneficial use as filed under the provisions of this chapter, or by decree of the court, who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water, under the right shall first make application to the department of water resources for approval of such change. Such application shall be upon forms furnished by the department and shall describe the right licensed, claimed or decreed which is to be changed and the changes which are proposed, and shall be accompanied by the statutory filing fee as in this chapter provided. Upon receipt of such application it shall be the duty of the director of the department of water resources to ex-

amine same, obtain any consent required in section 42-108, Idaho Code, and if otherwise proper to provide notice of the proposed change in a similar manner as applications under section 42-203A, Idaho Code. Such notice shall advise that anyone who desires to protest the proposed change shall file notice of protests with the department within ten (10) days of the last date of publication. Upon the receipt of any protest, accompanied by the statutory filing fee as provided in section 42-221, Idaho Code, it shall be the duty of the director of the department of water resources to investigate the same and to conduct a hearing thereon. He shall also advise the watermaster of the district in which such water is used of the proposed change and the watermaster shall notify the director of the department of water resources of his recommendation on the application, and the director of the department of water resources shall not finally determine the action on the application for change until he has received from such watermaster his recommendation thereof, which action of the watermaster shall be received and considered as other evidence. For applications proposing to change only the point of diversion or place of use of a water right in a manner that will not change the effect on the source for the right and any other hydraulically-connected sources from the effect resulting under the right as previously approved, and that will not affect the rights of other water users, the director of the department of water resources shall give only such notice to other users as he deems appropriate.

When the nature of use of the water right is to be changed to municipal purposes and some or all of the right will be held by a municipal provider to serve reasonably anticipated future needs, the municipal provider shall provide to the department sufficient information and documentation to establish that the applicant qualifies as a municipal provider and that the reasonably anticipated future needs, the service area and the planning horizon are consistent with the definitions and requirements specified in this chapter. The service area need not be described by legal description nor by description of every intended use in detail, but the area must be described with sufficient information to identify the general location where the water under the water right is to be used and the types and quantity of uses that generally will be made.

When a water right or a portion thereof to be changed is held by a municipal provider for municipal purposes, as defined in section 42-202B, Idaho Code, that portion of the right held for reasonably anticipated future needs at the time of the change shall not be changed to a place of use outside the service area, as defined in section 42-202B, Idaho Code, or to a new nature of use.

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-202B, Idaho Code, the change will not adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates, and the new use is a beneficial use, which in the case of a municipal provider shall be satisfied if the water right is necessary to serve reasonably anticipated future needs as provided in this chapter. The director may consider consumptive use, as defined in section 42-202B, Idaho Code, as a factor in determining whether a proposed change would constitute an enlargement in use of the original water right. The director shall not approve a change in the nature of use from agricultural use where such change would significantly affect the agricultural base of the local area. The transfer of the right to the use of stored water for irrigation purposes shall not constitute an enlargement

in use of the original right even though more acres may be irrigated, if no other water rights are injured thereby. A copy of the approved application for change shall be returned to the applicant and he shall be authorized upon receipt thereof to make the change and the original water right shall be presumed to have been amended by reason of such authorized change. In the event the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same and forward notice of such action to the applicant by certified mail, which decision shall be subject to judicial review as hereafter set forth. Provided however, minimum stream flow water rights may not be established under the local public interest criterion, and may only be established pursuant to chapter 15, title 42, Idaho Code.

(2) All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter; except that any right to the use of water shall not be lost through forfeiture by the failure to apply the water to beneficial use under certain circumstances as specified in section 42-223, Idaho Code. The party asserting that a water right has been forfeited has the burden of proving the forfeiture by clear and convincing evidence.

(3) Upon proper showing before the director of the department of water resources of good and sufficient reason for nonapplication to beneficial use of such water for such term of five (5) years, the director of the department of water resources is hereby authorized to grant an extension of time extending the time for forfeiture of title for nonuse thereof, to such waters for a period of not to exceed five (5) additional years.

(4) Application for an extension shall be made before the end of the five (5) year period upon forms to be furnished by the department of water resources and shall fully describe the right on which an extension of time to resume the use is requested and the reasons for such nonuse and shall be accompanied by the statutory filing fee; provided that water rights protected from forfeiture under the provisions of section 42-223, Idaho Code, are exempt from this requirement.

(a) Upon the receipt of such application it shall be the duty of the director of the department of water resources to examine the same and to provide notice of the application for an extension in the same manner as applications under section 42-203A, Idaho Code. The notice shall fully describe the right, the extension which is requested and the reason for such nonuse and shall state that any person desiring to object to the requested extension may submit a protest, accompanied by the statutory filing fee as provided in section 42-221, Idaho Code, to the director of the department of water resources within ten (10) days of the last date of publication.

(b) Upon receipt of a protest it shall be the duty of the director of the department of water resources to investigate and conduct a hearing thereon as in this chapter provided.

(c) The director of the department of water resources shall find from the evidence presented in any hearing, or from information available to the department, the reasons for such nonuse of water and where it appears to the satisfaction of the director of the department of water resources that other rights will not be impaired by granting an extension of time within which to resume the use of the water and good cause appearing for such nonuse, he may grant one (1) extension of five (5) years within which to resume such use.

(d) In his approval of the application for an extension of time under this section the director of the department of water resources shall set the date when the use of water is to be resumed. Sixty (60) days before

such date the director of the department of water resources shall forward to the applicant at his address of record a notice by certified mail setting forth the date on which the use of water is to be resumed and a form for reporting the resumption of the use of the water right. If the use of the water has not been resumed and report thereon made on or before the date set for resumption of use such right shall revert to the state and again be subject to appropriation, as provided in this section.

(e) In the event the director of the department of water resources determines that a proposed extension of time within which to resume use of a water right shall not be approved as provided in this section, he shall deny same and forward notice of such action to the applicant by certified mail, which decision shall be subject to judicial review as hereafter provided.

(5) Any person or persons feeling themselves aggrieved by the determination of the department of water resources in approving or rejecting an application to change the point of diversion, place, period of use or nature of use of water under an established right or an application for an extension of time within which to resume the use of water as provided in this section, may, if a protest was filed and a hearing held thereon, seek judicial review pursuant to section 42-1701A(4), Idaho Code. If no protest was filed and no hearing held, the applicant may request a hearing pursuant to section 42-1701A(3), Idaho Code, for the purpose of contesting the action of the director and may seek judicial review of the final order of the director following the hearing pursuant to section 42-1701A(4), Idaho Code.

SECTION 2. That Section 42-223, Idaho Code, be, and the same is hereby amended to read as follows:

42-223. EXCEPTIONS OR DEFENSES TO FORFEITURE. A right to the use of water shall not be lost by forfeiture pursuant to the provisions of section 42-222, Idaho Code, for a failure to apply the water to beneficial use under the conditions specified in any subsection of this section. The legislature does not intend through enactment of this section to diminish or impair any statutory or common law exception or defense to forfeiture existing on the date of enactment or amendment of this section, or to preclude judicial or administrative recognition of other exceptions or defenses to forfeiture recognized in Idaho case law or other provisions of the Idaho Code. No provision of this section shall be construed to imply that the legislature does not recognize the existence or validity of any common law exception or defense to forfeiture existing on the date of enactment or amendment of this section.

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

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

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

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

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

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

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

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

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

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

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

(12) No portion of any water right shall be lost or forfeited for nonuse if, after the five (5) year period of nonuse, use of the water is resumed prior to a claim of right by a third party. A third party has made a claim of right if the party has:

(a) Instituted proceedings to declare a forfeiture;

(b) Obtained a valid water right authorizing the use of such water with a priority date prior to the resumption of use; or

(c) Used the water made available by nonuse pursuant to an existing water right.

CHAPTER 297
(H.B. No. 616)

AN ACT

RELATING TO HEALTH CARE DIRECTIVES; AMENDING SECTION 39-4510, IDAHO CODE, TO PROVIDE FOR THE REGISTRATION OF A HEALTH CARE DIRECTIVE WITH THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 39-4514, IDAHO CODE, TO PROVIDE FOR THE REGISTRATION OR REVOCATION OF A DIRECTIVE WITH THE DEPARTMENT OF HEALTH AND WELFARE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4515, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE HEALTH CARE DIRECTIVE REGISTRY AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 74-106, IDAHO CODE, TO REVISE A REFERENCE TO THE HEALTH CARE DIRECTIVE REGISTRY.

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

SECTION 1. That Section 39-4510, Idaho Code, be, and the same is hereby amended to read as follows:

39-4510. LIVING WILL AND DURABLE POWER OF ATTORNEY FOR HEALTH CARE. (1) Any competent person may execute a document known as a "Living Will and Durable Power of Attorney for Health Care." Such document shall be in substantially the following form, or in another form that contains the elements set forth in this chapter. Any portions of the "Living Will and Durable Power of Attorney for Health Care" which are left blank by the person executing the document shall be deemed to be intentional and shall not invalidate the document.

LIVING WILL AND DURABLE POWER OF ATTORNEY FOR HEALTH CARE

Date of Directive:

Name of person executing Directive:

Address of person executing Directive:

A LIVING WILL

A Directive to Withhold or to Provide Treatment

1. I willfully and voluntarily make known my desire that my life shall not be prolonged artificially under the circumstances set forth below. This Directive shall only be effective if I am unable to communicate my instructions and:

- a. I have an incurable or irreversible injury, disease, illness or condition, and a medical doctor who has examined me has certified:
 - 1. That such injury, disease, illness or condition is terminal; and
 - 2. That the application of artificial life-sustaining procedures would serve only to prolong artificially my life; and
 - 3. That my death is imminent, whether or not artificial life-sustaining procedures are utilized; or
- b. I have been diagnosed as being in a persistent vegetative state.

In such event, I direct that the following marked expression of my intent be followed, and that I receive any medical treatment or care that may be required to keep me free of pain or distress.

Check one box and initial the line after such box:

..... I direct that all medical treatment, care and procedures necessary to restore my health and sustain my life be provided to me. Nutrition and hydration, whether artificial or nonartificial, shall not be withheld or withdrawn from me if I would likely die primarily from malnutrition or dehydration rather than from my injury, disease, illness or condition.

OR

..... I direct that all medical treatment, care and procedures, including artificial life-sustaining procedures, be withheld or withdrawn, except that nutrition and hydration, whether artificial or nonartificial shall not be withheld or withdrawn from me if, as a result, I would likely die primarily from malnutrition or dehydration rather than from my injury, disease, illness or condition, as follows: (If none of the following boxes are checked and initialed, then both nutrition and hydration, of any nature, whether artificial or nonartificial, shall be administered.)

Check one box and initial the line after such box:

- A. Only hydration of any nature, whether artificial or nonartificial, shall be administered;
- B. Only nutrition, of any nature, whether artificial or nonartificial, shall be administered;
- C. Both nutrition and hydration, of any nature, whether artificial or nonartificial shall be administered.

OR

..... I direct that all medical treatment, care and procedures be withheld or withdrawn, including withdrawal of the administration of artificial nutrition and hydration.

2. If I have been diagnosed as pregnant, this Directive shall have no force during the course of my pregnancy.

3. I understand the full importance of this Directive and am mentally competent to make this Directive. No participant in the making of this Directive or in its being carried into effect shall be held responsible in any way for complying with my directions.

4. Check one box and initial the line after such box:

..... I have discussed these decisions with my physician, advanced practice professional nurse or physician assistant and have also completed a Physician Orders for Scope of Treatment (POST) form that contains directions that may be more specific than, but are compatible with, this Directive. I hereby approve of those orders and incorporate them herein as if fully set forth.

OR

..... I have not completed a Physician Orders for Scope of Treatment (POST) form. If a POST form is later signed by my physician, advanced practice professional nurse or physician assistant, then this living will shall be deemed modified to be compatible with the terms of the POST form.

A DURABLE POWER OF ATTORNEY FOR HEALTH CARE

1. DESIGNATION OF HEALTH CARE AGENT. None of the following may be designated as your agent: (1) your treating health care provider; (2) a nonrelative employee of your treating health care provider; (3) an operator of a community care facility; or (4) a nonrelative employee of an operator of a community care facility. If the agent or an alternate agent designated in this Directive is my spouse, and our marriage is thereafter dissolved, such designation shall be thereupon revoked.

I do hereby designate and appoint the following individual as my attorney in fact (agent) to make health care decisions for me as authorized in this Directive. (Insert name, address and telephone number of one individual only as your agent to make health care decisions for you.)

Name of Health Care Agent:
Address of Health Care Agent:
Telephone Number of Health Care Agent:

For the purposes of this Directive, "health care decision" means consent, refusal of consent, or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose or treat an individual's physical condition.

2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE. By this portion of this Directive, I create a durable power of attorney for health care. This power of attorney shall not be affected by my subsequent incapacity. This power shall be effective only when I am unable to communicate rationally.

3. GENERAL STATEMENT OF AUTHORITY GRANTED. I hereby grant to my agent full power and authority to make health care decisions for me to the same extent that I could make such decisions for myself if I had the capacity to do so. In exercising this authority, my agent shall make health care decisions that are consistent with my desires as stated in this Directive or otherwise made known to my agent including, but not limited to, my desires concerning obtaining or refusing or withdrawing artificial life-sustaining care, treatment, services and procedures, including such desires set forth in a living will, Physician Orders for Scope of Treatment (POST) form, or similar document executed by me, if any. (If you want to limit the authority of your agent to make health care decisions for you, you can state the limitations in paragraph 4 ("Statement of Desires, Special Provisions, and Limitations") below. You can indicate your desires by including a statement of your desires in the same paragraph.)

4. STATEMENT OF DESIRES, SPECIAL PROVISIONS, AND LIMITATIONS. (Your agent must make health care decisions that are consistent with your known desires. You can, but are not required to, state your desires in the space provided below. You should consider whether you want to include a statement of your desires concerning artificial life-sustaining care, treatment, services and procedures. You can also include a statement of your desires concerning other matters relating to your health care, including a list of one or more persons whom you designate to be able to receive medical information about you and/or to be allowed to visit you in a medical institution. You can also make your desires known to your agent by discussing your desires with your agent or by some other means. If there are any types of treatment that you do not want to be used, you should state them in the space below. If you want to limit in any other way the authority given your agent by this Directive, you should state the limits in the space below. If you do not state any limits, your agent will have broad powers to make health care decisions for you,

except to the extent that there are limits provided by law.) In exercising the authority under this durable power of attorney for health care, my agent shall act consistently with my desires as stated below and is subject to the special provisions and limitations stated in my Physician Orders for Scope of Treatment (POST) form, a living will, or similar document executed by me, if any. Additional statement of desires, special provisions, and limitations:.....(You may attach additional pages or documents if you need more space to complete your statement.)

5. INSPECTION AND DISCLOSURE OF INFORMATION RELATING TO MY PHYSICAL OR MENTAL HEALTH.

A. General Grant of Power and Authority. Subject to any limitations in this Directive, my agent has the power and authority to do all of the following: (1) Request, review and receive any information, verbal or written, regarding my physical or mental health including, but not limited to, medical and hospital records; (2) Execute on my behalf any releases or other documents that may be required in order to obtain this information; (3) Consent to the disclosure of this information; and (4) Consent to the donation of any of my organs for medical purposes. (If you want to limit the authority of your agent to receive and disclose information relating to your health, you must state the limitations in paragraph 4 ("Statement of Desires, Special Provisions, and Limitations") above.)

B. HIPAA Release Authority. My agent shall be treated as I would be with respect to my rights regarding the use and disclosure of my individually identifiable health information or other medical records. This release authority applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. 1320d and 45 CFR 160 through 164. I authorize any physician, health care professional, dentist, health plan, hospital, clinic, laboratory, pharmacy, or other covered health care provider, any insurance company, and the MIB Group, Inc. (formerly the Medical Information Bureau, Inc.) or other health care clearinghouse that has provided treatment or services to me, or that has paid for or is seeking payment from me for such services, to give, disclose and release to my agent, without restriction, all of my individually identifiable health information and medical records regarding any past, present or future medical or mental health condition, including all information relating to the diagnosis of HIV/AIDS, sexually transmitted diseases, mental illness, and drug or alcohol abuse. The authority given my agent shall supersede any other agreement that I may have made with my health care providers to restrict access to or disclosure of my individually identifiable health information. The authority given my agent has no expiration date and shall expire only in the event that I revoke the authority in writing and deliver it to my health care provider.

6. SIGNING DOCUMENTS, WAIVERS AND RELEASES. Where necessary to implement the health care decisions that my agent is authorized by this Directive to make, my agent has the power and authority to execute on my behalf all of the following: (a) Documents titled, or purporting to be, a "Refusal to Permit Treatment" and/or a "Leaving Hospital Against Medical Advice"; and (b) Any necessary waiver or release from liability required by a hospital or physician.

7. DESIGNATION OF ALTERNATE AGENTS. (You are not required to designate any alternate agents but you may do so. Any alternate agent you designate will be able to make the same health care decisions as the agent you designated in paragraph 1 above, in the event that agent is unable or ineligible to act as your agent. If an alternate agent you designate is your spouse, he or she

becomes ineligible to act as your agent if your marriage is thereafter dissolved.) If the person designated as my agent in paragraph 1 is not available or becomes ineligible to act as my agent to make a health care decision for me or loses the mental capacity to make health care decisions for me, or if I revoke that person's appointment or authority to act as my agent to make health care decisions for me, then I designate and appoint the following persons to serve as my agent to make health care decisions for me as authorized in this Directive, such persons to serve in the order listed below:

A. First Alternate Agent:

Name
Address
Telephone Number

B. Second Alternate Agent:

Name
Address
Telephone Number

C. Third Alternate Agent:

Name
Address
Telephone Number

8. PRIOR DESIGNATIONS REVOKED. I revoke any prior durable power of attorney for health care.

DATE AND SIGNATURE OF PRINCIPAL. (You must date and sign this Living Will and Durable Power of Attorney for Health Care.)

I sign my name to this Statutory Form Living Will and Durable Power of Attorney for Health Care on the date set forth at the beginning of this Form at..... (City, State).....

.....
Signature

(2) A health care directive meeting the requirements of subsection (1) of this section may be registered with the ~~secretary of state department of health and welfare~~ pursuant to the provisions of section 39-4515, Idaho Code. Failure to register the health care directive shall not affect the validity of the health care directive.

SECTION 2. That Section 39-4514, Idaho Code, be, and the same is hereby amended to read as follows:

39-4514. GENERAL PROVISIONS. (1) Application. Except as specifically provided herein, sections 39-4510 through 39-4512B, Idaho Code, shall have no effect or be in any manner construed to apply to persons not executing a living will and durable power of attorney for health care, POST form or other health care directive pursuant to this chapter nor shall these sections in any manner affect the rights of any such persons or of others acting for or on behalf of such persons to give or refuse to give consent or withhold consent for any medical care; neither shall sections 39-4510 through 39-4512B, Idaho Code, be construed to affect chapter 3 or chapter 4, title 66, Idaho Code, in any manner.

(2) Euthanasia, mercy killing, or assisted suicide. This chapter does not make legal, and in no way condones, euthanasia, mercy killing, or assisted suicide or permit an affirmative or deliberate act or omission to end life, including any act or omission described in section 18-4017, Idaho Code, other than to allow the natural process of dying.

(3) Withdrawal of care. Assisted feeding or artificial nutrition and hydration may not be withdrawn or denied if its provision is directed by a competent patient in accordance with section 39-4503, Idaho Code, by a patient's health care directive under section 39-4510, Idaho Code, or by a patient's surrogate decision-maker in accordance with section 39-4504, Idaho Code. Health care necessary to sustain life or to provide appropriate comfort for a patient other than assisted feeding or artificial nutrition and hydration may not be withdrawn or denied if its provision is directed by a competent patient in accordance with section 39-4503, Idaho Code, by a patient's health care directive under section 39-4510, Idaho Code, or by a patient's surrogated surrogate decision-maker in accordance with section 39-4504, Idaho Code, unless such care would be futile care as defined in subsection (6) of this section. Except as specifically provided in chapters 3 and 4, title 66, Idaho Code, health care, assisted feeding or artificial nutrition and hydration, the denial of which is directed by a competent patient in accordance with section 39-4503, Idaho Code, by a patient's health care directive under section 39-4510, Idaho Code, or by a patient's surrogate decision-maker in accordance with section 39-4504, Idaho Code, shall be withdrawn and denied in accordance with a valid directive. This subsection does not require provision of treatment to a patient if it would require denial of the same or similar treatment to another patient.

(4) Comfort care. Persons caring for a person for whom artificial life-sustaining procedures or artificially administered nutrition and hydration are withheld or withdrawn shall provide comfort care as defined in section 39-4502, Idaho Code.

(5) Presumed consent to resuscitation. There is a presumption in favor of consent to cardiopulmonary resuscitation (CPR) unless:

- (a) CPR is contrary to the person's advance directive and/or POST;
- (b) The person's surrogate decision-maker has communicated the person's unconditional wishes not to receive CPR;
- (c) The person's surrogate decision-maker has communicated the person's conditional wishes not to receive CPR and those conditions have been met;
- (d) The person has a proper POST identification device pursuant to section 39-4502(15), Idaho Code; or
- (e) The attending health care provider has executed a DNR order consistent with the person's prior expressed wishes or the directives of the legally authorized surrogate decision-maker.

(6) Futile care. Nothing in this chapter shall be construed to require medical treatment that is medically inappropriate or futile; provided that this subsection does not authorize any violation of subsection (3) of this section. Futile care does not include comfort care. Futile care is a course of treatment:

- (a) For a patient with a terminal condition for whom, in reasonable medical judgment, death is imminent within hours or at most a few days whether or not the medical treatment is provided and that, in reasonable medical judgment, will not improve the patient's condition; or
- (b) The denial of which in reasonable medical judgment will not result in or hasten the patient's death.

(7) Existing directives and directives from other states. A health care directive executed prior to July 1, 2012, but which was in the living will, durable power of attorney for health care, DNR, or POST form pursuant to prior Idaho law at the time of execution, or in another form that contained the elements set forth in this chapter at the time of execution, shall be

deemed to be in compliance with this chapter. Health care directives or similar documents executed in another state that substantially comply with this chapter shall be deemed to be in compliance with this chapter. This section shall be liberally construed to give the effect to any authentic expression of the person's prior wishes or directives concerning his or her health care.

(8) Insurance.

(a) The making of a living will and/or durable power of attorney for health care, physician orders for scope of treatment (POST) form, or DNR order pursuant to this chapter shall not restrict, inhibit or impair in any manner the sale, procurement or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of artificial life-sustaining procedures from an insured person, notwithstanding any term of the policy to the contrary.

(b) No physician, health care facility or other health care provider and no health care service plan, insurer issuing disability insurance, self-insured employee plan, welfare benefit plan or nonprofit hospital service plan shall require any person to execute a living will and durable power of attorney for health care or physician orders for scope of treatment (POST) form, or DNR order as a condition for being insured for, or receiving, health care services.

(9) Portability and copies.

(a) A physician orders for scope of treatment (POST) form that meets the requirements of section 39-4512A, Idaho Code, shall be transferred with the person to, and be effective in, all care settings including, but not limited to, home care, ambulance or other transport, hospital, residential care facility, and hospice care. The POST form shall remain in effect until such time as there is a valid revocation pursuant to section 39-4511A, Idaho Code, or new orders are issued by a physician, APPN or PA.

(b) A photostatic, facsimile or electronic copy of a valid physician orders for scope of treatment (POST) form may be treated as an original by a health care provider or by an institution receiving or treating a person.

(10) Registration. A directive or the revocation of a directive meeting the requirements of this chapter may be registered with the ~~secretary of state~~ department of health and welfare pursuant to section 39-4515, Idaho Code. Failure to register the health care directive shall not affect the validity of the health care directive.

(11) Rulemaking authority.

(a) The department of health and welfare shall adopt those rules and protocols necessary to administer the provisions of this chapter.

(b) In the adoption of a physician orders for scope of treatment (POST) or DNR protocol, the department shall adopt standardized POST identification devices to be used statewide.

SECTION 3. That Section 39-4515, Idaho Code, be, and the same is hereby amended to read as follows:

39-4515. HEALTH CARE DIRECTIVE REGISTRY. (1) The ~~secretary of state~~ department of health and welfare shall create and maintain a health care directive registry. The health care directive registry shall be accessible through a ~~website maintained by the secretary of state~~ web-based platform. The information contained in such registry shall include: the full name of the person executing the health care directive as stated in the directive, a file identification number unique to the person executing the directive, and the date the directive was executed. The registry shall be made available

twenty-four (24) hours a day, seven (7) days a week and shall incorporate directives previously submitted to the secretary of state.

~~(2) A person may register with the secretary of state department of health and welfare a health care directive or a revocation of a health care directive by submitting the directive or revocation, completing and submitting an informational registration form as required by the secretary of state department of health and welfare, and paying the secretary of state department the fee which that the secretary of state department may require for registering a health care directive. The person may register either online or by submitting the registration form in the mail. The person who submits a document for registration pursuant to this section by mail shall provide a return address.~~

~~(3) The secretary of state department of health and welfare may charge and collect a fee not to exceed ten dollars (\$10.00) for the filing of a health care directive. All fees collected for the filing of a health care directive shall be deposited into the health care directive registry fund. No fee shall be charged for revoking a health care directive.~~

~~(4) Upon receipt of the registration form, the secretary of state shall:~~

- ~~(a) Create a digital reproduction of the health care directive or the revocation document and the informational registration form;~~
- ~~(b) Enter these digitally reproduced documents into the health care directive registry database;~~
- ~~(c) Assign each entry a unique identification file number and password;~~
- ~~(d) Return the original health care directive or revocation thereof to the person who submitted the document;~~
- ~~(e) Provide to the person who submitted the document a printed record of the information entered into the database, the identification file number under which it was entered, the password assigned to that identification file number; and~~
- ~~(f) Provide to the person who submitted the document a wallet-sized card that contains the name of the person executing the health care directive as it appears on the document, the identification file number assigned to the registration, and the password assigned to the identification file number.~~

~~(52) The registry established under this section shall be accessible only by entering the identification file number and the assigned password on the health care directive registry website.~~

~~(63) The secretary of state department of health and welfare and those granted access to the health care directive registry shall use information contained in the registry only for purposes prescribed in this section. No person granted access to the registry shall use the information for commercial solicitations or in any fraudulent or improper way. Any commercial solicitation, or fraudulent or improper use of information contained in the registry shall constitute a violation of this section and a violation of the Idaho consumer protection act.~~

~~(74) The secretary of state department of health and welfare is not required to review a health care directive or revocation thereof to ensure that the document complies with any applicable and statutory requirements. Entry of a document into the health care directive registry pursuant to this section does not create a presumption favoring the validity of the document.~~

~~(85) The secretary of state department of health and welfare shall delete a health care directive and the informational registration form from the health care directive registry when the secretary of state department of health and welfare receives:~~

- ~~(a) A revocation of Written notification to remove a health care directive signed by the maker thereof or that person's legal representative along with the identification file number and assigned password; or~~

~~(b) Verification from the bureau of health policy and vital records and health statistics of the Idaho department of health and welfare that the person who executed the health care directive is deceased. The deletion under this paragraph shall be performed not less than once every two (2) years. The bureau of health policy and vital statistics of the Idaho department of health and welfare shall share its registry of death certificates with the secretary of state in order to permit the secretary of state to fulfill its responsibilities under this paragraph.~~

~~(96) Neither the secretary of state department of health and welfare nor the state of Idaho shall be subject to civil liability for any claims or demands arising out of the administration or operation of the health care directive registry.~~

~~(107) There is hereby created in the state treasury the health care directive registry fund, the moneys of which shall be continuously appropriated, administered by the secretary of state department of health and welfare, and used to support, promote and maintain the health care directive registry. The fund shall consist of fees paid by persons registering health care directives under this section and income from investment from the fund, gifts, grants, bequests and other forms of voluntary donations. On notice from the secretary of state department of health and welfare, the state treasurer shall invest and divest moneys in the fund, and moneys earned from such investment shall be credited to the fund.~~

SECTION 4. That Section 74-106, Idaho Code, be, and the same is hereby amended to read as follows:

74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following records are exempt from disclosure:

(1) Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, including bonuses, severance packages, other compensation or vouchered and unvouchered expenses for which reimbursement was paid, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, social security number, driver's license number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. Names of applicants to classified or merit system positions shall not be disclosed to the public without the applicant's written consent. Disclosure of names as part of a background check is permitted. Names of the five (5) final applicants to all other positions shall be available to the public. If such group is less than five (5) finalists, then the entire list of applicants shall be available to the public. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.

(2) Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and nonfinancial membership records; active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff, funding agents and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered confidential under this chapter.

(3) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; business records and information submitted pursuant to sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(4) Records of a personal nature as follows:

(a) Records of personal debt filed with a public agency or independent public body corporate and politic pursuant to law;

(b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;

(c) Records of ownership of financial obligations and instruments of a public agency or independent public body corporate and politic, such as bonds, compiled by the public agency or independent public body corporate and politic pursuant to law;

(d) Records, with regard to the ownership of, or security interests in, registered public obligations;

(e) Vital statistics records; and

(f) Military records as described in and pursuant to section 65-301, Idaho Code.

(5) Information in an income or other tax return measured by items of income or sales, which is gathered by a public agency for the purpose of administering the tax, except such information to the extent disclosed in a written decision of the tax commission pursuant to a taxpayer protest of a deficiency determination by the tax commission, under the provisions of section 63-3045B, Idaho Code.

(6) Records of a personal nature related directly or indirectly to the application for and provision of statutory services rendered to persons applying for public care for people who are elderly, indigent or have mental or physical disabilities, or participation in an environmental or a public health study, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(7) Employment security information, except that a person may agree, through written, informed consent, to waive the exemption so that a third party may obtain information pertaining to the person, unless access to the information by the person is restricted by subsection (3)(a), (3)(b) or (3)(d) of section 74-113, Idaho Code. Notwithstanding the provisions of section 74-113, Idaho Code, a person may not review identifying information concerning an informant who reported to the department of labor a suspected violation by the person of the employment security law, chapter 13, title 72, Idaho Code, under an assurance of confidentiality. As used in this section and in chapter 13, title 72, Idaho Code, "employment security information" means any information descriptive of an identifiable person or persons that is received by, recorded by, prepared by, furnished to or collected by the department of labor or the industrial commission in the administration of the employment security law.

(8) Any personal records, other than names, business addresses and business phone numbers, such as parentage, race, religion, sex, height, weight, tax identification and social security numbers, financial worth or medical condition submitted to any public agency or independent public body

corporate and politic pursuant to a statutory requirement for licensing, certification, permit or bonding.

(9) Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position, private association peer review committee records authorized in title 54, Idaho Code. Any agency that has records exempt from disclosure under the provisions of this subsection shall annually make available a statistical summary of the number and types of matters considered and their disposition.

(10) The records, findings, determinations and decisions of any prelitigation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

(11) Complaints received by the board of medicine and investigations and informal proceedings, including informal proceedings of any committee of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and rules adopted thereunder.

(12) Records of the department of health and welfare or a public health district that identify a person infected with a reportable disease.

(13) Records of hospital care, medical records, including prescriptions, drug orders, records or any other prescription information that specifically identifies an individual patient, prescription records maintained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho Code, records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(14) Information collected pursuant to the directory of new hires act, chapter 16, title 72, Idaho Code.

(15) Personal information contained in motor vehicle and driver records that is exempt from disclosure under the provisions of chapter 2, title 49, Idaho Code.

(16) Records of the financial status of prisoners pursuant to subsection (2) of section 20-607, Idaho Code.

(17) Records of the Idaho state police or department of correction received or maintained pursuant to section 19-5514, Idaho Code, relating to DNA databases and databanks.

(18) Records of the department of health and welfare relating to a survey, resurvey or complaint investigation of a licensed nursing facility shall be exempt from disclosure. Such records shall, however, be subject to disclosure as public records as soon as the facility in question has received the report, and no later than the fourteenth day following the date that department of health and welfare representatives officially exit the facility pursuant to federal regulations. Provided however, that for purposes of confidentiality, no record shall be released under this section that specifically identifies any nursing facility resident.

(19) Records and information contained in the registry of immunizations against childhood diseases maintained in the department of health and welfare, including information disseminated to others from the registry by the department of health and welfare.

(20) Records of the Idaho housing and finance association (IHFA) relating to the following:

- (a) Records containing personal financial, family, health or similar personal information submitted to or otherwise obtained by the IHFA;
- (b) Records submitted to or otherwise obtained by the IHFA with regard to obtaining and servicing mortgage loans and all records relating to the review, approval or rejection by the IHFA of said loans;
- (c) Mortgage portfolio loan documents;

(d) Records of a current or former employee other than the employee's duration of employment with the association, position held and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses, of the executive director, executive officers or commissioners of the association. All other personnel information relating to an association employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, retirement plan information and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. An employee or authorized representative may inspect and copy that employee's personnel records, except for material used to screen and test for employment or material not subject to disclosure elsewhere in the Idaho public records act.

(21) Records of the department of health and welfare related to child support services in cases in which there is reasonable evidence of domestic violence, as defined in chapter 63, title 39, Idaho Code, that can be used to locate any individuals in the child support case except in response to a court order.

(22) Records of the Idaho state bar lawyer assistance program pursuant to chapter 49, title 54, Idaho Code, unless a participant in the program authorizes the release pursuant to subsection (4) of section 54-4901, Idaho Code.

(23) Records and information contained in the time sensitive emergency registry created by chapter 20, title 57, Idaho Code, together with any reports, analyses and compilations created from such information and records.

(24) Records contained in the court files, or other records prepared as part of proceedings for judicial authorization of sterilization procedures pursuant to chapter 39, title 39, Idaho Code.

(25) The physical voter registration application on file in the county clerk's office; however, a redacted copy of said application shall be made available consistent with the requirements of this section. Information from the voter registration application maintained in the statewide voter registration database, including age, will be made available except for the voter's driver's license number, date of birth and, upon a showing that the voter comes within the provisions of subsection (30) of this section or upon showing of good cause by the voter to the county clerk in consultation with the county prosecuting attorney, the physical residence address of the voter. For the purposes of this subsection, good cause shall include the protection of life and property and protection of victims of domestic violence and similar crimes.

(26) File numbers, passwords and information in the files of the health care directive registry maintained by the ~~secretary of state department of health and welfare~~ under section 39-4515, Idaho Code, are confidential and shall not be disclosed to any person other than to the person who executed the health care directive or the revocation thereof and that person's legal representatives, to the person who registered the health care directive or revocation thereof, and to physicians, hospitals, medical personnel, nursing homes, and other persons who have been granted file number and password access to the documents within that specific file.

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

- (a) If requested by a law enforcement agency, to the law enforcement agency; or
- (b) If directed by a court order, to a person identified in the order.

(28) Except as otherwise provided by law relating to the release of information to a governmental entity or law enforcement agency, any personal information including, but not limited to, names, personal and business addresses and phone numbers, sex, height, weight, date of birth, social security and driver's license numbers, or any other identifying numbers and/or information related to any Idaho fish and game licenses, permits and tags unless written consent is obtained from the affected person.

(29) Documents and records related to alternatives to discipline that are maintained by the Idaho board of veterinary medicine under the provisions of section 54-2118(1)(b), Idaho Code, provided the requirements set forth therein are met.

(30) The Idaho residential street address and telephone number of an eligible law enforcement officer and such officer's residing household member(s) as provided for in chapter 58, title 19, Idaho Code, except under the following circumstances:

- (a) If directed by a court order, to a person identified in the court order;
- (b) If requested by a law enforcement agency, to the law enforcement agency;
- (c) If requested by a financial institution or title company for business purposes, to the requesting financial institution or title company; or
- (d) If the law enforcement officer provides written permission for disclosure of such information.

(31) All information exchanged between the Idaho transportation department and insurance companies, any database created, all information contained in the verification system and all reports, responses or other information generated for the purposes of the verification system, pursuant to section 49-1234, Idaho Code.

(32) Nothing in this section shall prohibit the release of information to the state controller as the state social security administrator as provided in section 59-1101A, Idaho Code.

(33) Personal information including, but not limited to, property values, personal and business addresses, phone numbers, dates of birth, social security and driver's license numbers or any other identifying numbers or information maintained by the administrator of the unclaimed property law set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection shall prohibit the release of names, last known city of residence, property value ranges and general property information by the administrator for the purpose of reuniting unclaimed property with its owner.

(34) Any personal information collected by the secretary of state, pursuant to section 67-906(1)(b), Idaho Code, for the purpose of allowing individuals to access the statewide electronic filing system authorized in section 67-906, Idaho Code, and any notification e-mail addresses submitted as part of a lobbyist's registration under section 67-6617, Idaho Code, of an employer, client, or designated contact for the purpose of electronic notification of that employer, client, or designated contact of a report filed under section 67-6619, Idaho Code.

Approved March 24, 2020

CHAPTER 298
(H.B. No. 626)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2021; PROVIDING FOR EXPENDITURES TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2021; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2021; 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's Division of Administrators for the period July 1, 2020, through June 30, 2021:

FROM:

General Fund \$102,193,000

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2020, through June 30, 2021:

FROM:

General Fund \$102,193,000

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program's Division of Administrators the following amount to be expended from the listed fund for the period July 1, 2020, through June 30, 2021:

FROM:

Public School Income Fund \$102,193,000

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, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. 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. 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 the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(2) If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in

which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board-certified instructional staff member who earned national board certification; 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 shall be those who have been recognized as national board-certified teachers as of July 1 of each year.

(3) To determine the apportionment for pupil service staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. If the district does not employ any pupil service staff, the district's pupil service staff average salary shall equal the district's instructional staff average salary for purposes of calculating pupil service salary-based apportionment. The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(4) 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. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. The district administrative staff index shall be multiplied by the base salary of ~~thirty-seven thousand two hundred seventy-two dollars (\$37,272)~~ thirty-eight thousand seventeen dollars (\$38,017). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(5) To determine the apportionment for classified staff, multiply twenty-two thousand three hundred fifteen dollars (\$22,315) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(6) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (2), (3), (4) and (5) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

Approved March 24, 2020

CHAPTER 299
(H.B. No. 627)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2021; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2021; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2021; DIRECTING THE USE OF MONEYS FOR PROFESSIONAL DEVELOPMENT; PROVIDING REQUIREMENTS REGARDING A STUDENT BEHAVIORAL HEALTH SERVICES EVALUATION; PROVIDING REQUIREMENTS REGARDING A CAREER LADDER EVALUATION; AND DEFINING "DISTRIBUTED."

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

SECTION 1. The following amounts shall be expended for the Public Schools Educational Support Program's Division of Teachers for the period July 1, 2020, through June 30, 2021:

FROM:

| | |
|--------------------|-------------------|
| General Fund | \$1,065,509,600 |
| Federal Grant Fund | <u>11,000,000</u> |
| TOTAL | \$1,076,509,600 |

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2020, through June 30, 2021:

FROM:

| | |
|--------------|-----------------|
| General Fund | \$1,065,509,600 |
|--------------|-----------------|

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program's Division of Teachers the following amounts to be expended from the listed funds for the period July 1, 2020, through June 30, 2021:

FROM:

| | |
|---------------------------|-------------------|
| Public School Income Fund | \$1,065,509,600 |
| Federal Grant Fund | <u>11,000,000</u> |
| TOTAL | \$1,076,509,600 |

SECTION 4. PROFESSIONAL DEVELOPMENT. Of the moneys appropriated in Section 3 of this act, \$18,850,000 shall be distributed for professional development that supports instructors and pupil services staff to increase student learning, mentoring, and collaboration. Professional development efforts should be measurable, provide the instructors and pupil services staff with a clear understanding of their progress, be incorporated into their performance evaluations and, to the extent possible, be included in the school district or charter school continuous improvement plans required by Section 33-320, Idaho Code. Funding shall be distributed by a formula prescribed by the Superintendent of Public Instruction, and the Superintendent of Public Instruction shall track usage and effectiveness of professional development efforts at the state and local levels.

SECTION 5. STUDENT BEHAVIORAL HEALTH SERVICES EVALUATION. There shall be an independent, external, and comprehensive evaluation of all programs and services within the purview of the state of Idaho supporting the behavioral health needs of K-12 students. The evaluation shall include a collective analysis of all programs germane to K-12 students, teachers, educational professionals, and parents or guardians of K-12 students. The evaluation shall identify gaps in delivery of behavioral health services across the State of Idaho, including but not limited to geographic regions, school districts and charter schools, and individual school buildings. The evaluation shall identify those behavioral health services that utilize evidence-based outcomes and performance-based indicators. The results of the evaluation shall be reported to the Joint Finance-Appropriations Committee and the Senate and House education committees no later than January 15, 2021, regarding the program access and delivery, best practices utilized, uses of funds, and any other relevant matters.

SECTION 6. CAREER LADDER. The career ladder shall have an independent, external evaluation that creates baseline data and includes an analysis of the ladder's impact on teacher recruitment and retention; teacher evaluations and performance criteria; state funding allocation and actual compensation for teachers; geographical regions, including urban, suburban, and rural schools; and the utilization of local dollars, including, at a minimum, supplemental levies. The results of the evaluation shall be reported to the Joint Finance-Appropriations Committee and the Senate and House education committees no later than January 15, 2021, regarding the ladder's implementation, effectiveness, uses of funds, and any other relevant matters.

SECTION 7. DEFINITION. For the purposes of this act, "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 24, 2020

CHAPTER 300
(H.B. No. 628)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2021; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2021; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF OPERATIONS FOR FISCAL YEAR 2021; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE THE BASE SALARY FOR CLASSIFIED STAFF; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT AND DIVIDING THAT AMOUNT INTO TWO DISTRIBUTIONS; DIRECTING THE USE OF APPROPRIATION FOR INFORMATION TECHNOLOGY STAFFING COSTS; DIRECTING THE USE OF APPROPRIATION FOR CLASSROOM TECHNOLOGY, WIRELESS INFRASTRUCTURE, AND INSTRUCTIONAL MANAGEMENT SYSTEMS; DEFINING "DISTRIBUTED"; AND EXEMPTING THE APPROPRIATION FROM PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. The following amounts shall be expended for the Public Schools Educational Support Program's Division of Operations for the period July 1, 2020, through June 30, 2021:

FROM:

| | |
|---|-------------------|
| General Fund | \$685,591,900 |
| Public Schools Other Income Fund | 8,000,000 |
| Public School Endowment Earnings Reserve Fund | <u>52,586,400</u> |
| TOTAL | \$746,178,300 |

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2020, through June 30, 2021:

FROM:

| | |
|--------------|---------------|
| General Fund | \$685,591,900 |
|--------------|---------------|

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program's Division of Operations the following amount to be expended from the listed fund for the period July 1, 2020, through June 30, 2021:

FROM:

| | |
|---------------------------|---------------|
| Public School Income Fund | \$746,178,300 |
|---------------------------|---------------|

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, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. 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. 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 the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(2) If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board-certified instructional staff member who earned national board certification; 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 shall be those who have been recognized as national board-certified teachers as of July 1 of each year.

(3) To determine the apportionment for pupil service staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. If the district does not employ any pupil service staff, the district's pupil service staff average salary shall equal the district's instructional staff average salary for purposes of calculating pupil service salary-based apportionment. The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section 33-1004(3), Idaho Code. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(4) 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. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment. The district administrative staff index shall be multiplied by the base salary of thirty-seven thousand two hundred seventy-two dollars (\$37,272). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(5) To determine the apportionment for classified staff, multiply ~~twenty-two thousand three hundred fifteen dollars (\$22,315)~~ twenty-two thousand seven hundred sixty-one dollars (\$22,761) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(6) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (2), (3), (4) and (5) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 5. DISCRETIONARY FUNDS. Notwithstanding any law to the contrary, for the period July 1, 2020, through June 30, 2021, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program's Division of Operations will result in total discretionary funds of \$28,887 per support unit. The \$28,887 is further divided into two distributions: \$16,226 per support unit is to be used at the discretion of the school district or charter school and \$12,661 per support unit is to be used to offset the employer costs of health, vision, and dental insurance offered to its employees. If the distribution provided for health, vision, and dental insurance is in excess of the individual school district's or charter school's actual costs, the excess funds may then be used at the school district's or charter school's discretion. Further, the Superintendent of Public Instruction shall work with the Legislative Services Office and the Division of Financial Management to determine the information that the State Department of Education shall collect on school district and charter school health, vision, and dental insurance costs, including but not limited to actual insurance premium costs and premium percentage increases.

SECTION 6. INFORMATION TECHNOLOGY STAFFING COSTS. Of the moneys appropriated in Section 3 of this act, \$8,000,000 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 7. CLASSROOM TECHNOLOGY. Of the moneys appropriated in Section 3 of this act, \$36,500,000 shall be distributed for classroom technology, classroom technology infrastructure, wireless technology infrastructure, and instructional management systems that assist teachers and students in effective and efficient instruction or learning. Funding shall be distributed based on a formula prescribed by the Superintendent of Public Instruction. Moneys so distributed shall be used to implement and operate an instructional management system of each district's choice that meets the individual learning needs and progress of all students. An instructional management system must include individual student learning plans, monitoring of interventions, integration with a district's Student Information System (SIS), and analysis of student and classroom levels of learning. Furthermore, the Superintendent of Public Instruction shall verify that districts are using funds to purchase an instructional management system that is compliant with these standards.

SECTION 8. DEFINITION. For the purposes of this appropriation, "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 9. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. For fiscal year 2021, the State Department of Education is hereby granted the authority to transfer appropriations among the Administrators, Teachers, Operations, Children's Programs, and Facilities Divisions of the Public Schools Educational Support Program, in any amount necessary, to comply with the public school funding provisions of appropriations and Idaho Code. Additionally, appropriations may be transferred from the Central Services Division to the other divisions of the Public Schools Educational Support Program.

Approved March 24, 2020

CHAPTER 301
(H.B. No. 629)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2021; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2021; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2021; PROVIDING REQUIREMENTS REGARDING THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF TOBACCO, CIGARETTE, AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF APPROPRIATION FOR REMEDIATION; DIRECTING THE USE OF APPROPRIATION FOR ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF FUNDS FOR GIFTED AND TALENTED STUDENTS; DIRECTING A DISTRIBUTION TO PURCHASE DIGITAL CONTENT AND CURRICULUM; DIRECTING THE STATE DEPARTMENT OF EDUCATION TO COMPILE INFORMATION ON ADVANCED OPPORTUNITIES; PROVIDING A TRANSFER TO THE COMMISSION ON HISPANIC AFFAIRS; PROVIDING A TRANSFER TO IDAHO STATE POLICE; DEFINING "DISTRIBUTED"; AND PROVIDING REQUIREMENTS REGARDING LITERACY INTERVENTION PROGRAMS.

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

SECTION 1. The following amounts shall be expended for the Public Schools Educational Support Program's Division of Children's Programs for the period July 1, 2020, through June 30, 2021:

FROM:

| | |
|--|--------------------|
| General Fund | \$78,727,700 |
| Cigarette, Tobacco, and Lottery Income Taxes | 4,024,900 |
| Federal Grant Fund | <u>239,000,000</u> |
| TOTAL | \$321,752,600 |

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2020, through June 30, 2021:

FROM:

| | |
|--------------|--------------|
| General Fund | \$78,727,700 |
|--------------|--------------|

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program's Division of Children's Programs the following amounts to be expended from the listed funds for the period July 1, 2020, through June 30, 2021:

FROM:

| | |
|---------------------------|--------------------|
| Public School Income Fund | \$82,752,600 |
| Federal Grant Fund | <u>239,000,000</u> |
| TOTAL | \$321,752,600 |

SECTION 4. IDAHO DIGITAL LEARNING ACADEMY. 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, 2020, through June 30, 2021, to achieve the following:

- (1) Tuition charged by IDLA to Idaho school districts and charter schools shall not exceed \$75.00 per enrollment.
- (2) Provide remedial coursework for students failing to achieve proficiency in one (1) or more areas of Idaho's standards-based tests.
- (3) Pursuant to State Board of Education rule, IDAPA 08.02.03, provide advanced learning opportunities for students.
- (4) Pursuant to State Board of Education rule, IDAPA 08.02.03, 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. TOBACCO, CIGARETTE, AND LOTTERY DISTRIBUTION. Notwithstanding the provisions of any law to the contrary, of the moneys appropriated in Section 3 of this act, up to \$4,024,900 from available tobacco, cigarette, and lottery income tax revenue funds accruing, appropriated, or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, and 63-3067, Idaho Code, for the period July 1, 2020, through June 30, 2021, 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.

SECTION 6. REMEDIAL COURSEWORK. Of the moneys appropriated in Section 3 of this act, \$4,715,000 shall be distributed for remedial coursework for students failing to achieve proficiency on Idaho's standards-based achievement tests in dollar amounts determined by the Superintendent of Public Instruction. The Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee and the Senate and House education committees by no later than January 15, 2021, on the uses of funds and effectiveness of the programs and efforts.

SECTION 7. ENGLISH PROFICIENCY. Pursuant to Section 33-1617, Idaho Code, of the moneys appropriated in Section 3 of this act, \$4,820,000 shall be distributed for support of students in English language learner programs, as follows: (1) The Superintendent of Public Instruction shall distribute \$4,370,000 to school districts and charter schools pro rata, based on the population of English language learners under criteria established by the department. (2) The Superintendent of Public Instruction shall distribute \$450,000 for a competitive grant program to assist school districts and charter schools in which English language learners are not reaching statewide accountability interim targets or long-term goals, as defined by federal law. This amount shall be distributed annually in three-year grant cycles, contingent on appropriation and the ability of grantees to

meet program objectives. (3) The Superintendent of Public Instruction shall develop the program elements and objectives governing the use of these funds and include a program evaluation component. The purpose of these funds is to improve student English language skills to allow for better access to 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 January 15, 2021, on the program design, uses of funds, and program effectiveness.

SECTION 8. GIFTED AND TALENTED. Of the funds appropriated in Section 3 of this act, \$1,000,000 shall be distributed by the Superintendent of Public Instruction for professional training and screening for gifted and talented students and instructors. Funding will be distributed based on a formula prescribed by the Superintendent of Public Instruction that includes a base amount and an amount based on the number of identified gifted and talented students.

SECTION 9. DIGITAL CONTENT. Of the funds appropriated in Section 3 of this act, \$1,600,000 shall be distributed by the Superintendent of Public Instruction to school districts and charter schools to purchase digital content and curricula of their choice. Funding will be distributed based on a formula prescribed by the Superintendent of Public Instruction that includes a base amount and an amount based on the number of midterm support units.

SECTION 10. ADVANCED OPPORTUNITIES COURSES AND PROGRAM EVALUATION. The Superintendent of Public Instruction shall compile information concerning the numbers of students enrolling in advanced opportunities courses according to the provisions of Chapter 46, Title 33, Idaho Code, whether coursework is successfully completed, and total expenditures for fiscal year 2021. 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, 2020.

SECTION 11. PUBLIC SCHOOL INCOME FUND TRANSFER TO COMMISSION ON HISPANIC AFFAIRS. There is hereby appropriated and the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2020, or as soon thereafter as practicable, \$80,000 from the Public School Income Fund to the Commission on Hispanic Affairs Miscellaneous Revenue Fund to be used for substance abuse prevention efforts in collaboration with the State Department of Education.

SECTION 12. PUBLIC SCHOOL INCOME FUND TRANSFER TO IDAHO STATE POLICE. There is hereby appropriated and the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2020, or as soon thereafter as practicable, \$200,000 from the Public School Income Fund to the Idaho State Police Miscellaneous Revenue Fund for the purpose of increasing toxicology lab capacity in Forensic Services.

SECTION 13. DEFINITION. For the purposes of this act, "distributed" means moneys that are transferred to school districts, public charter schools, and the Idaho Digital Learning Academy, with no funds withheld for any other contract or administrative costs.

SECTION 14. LITERACY INTERVENTION PROGRAM(S) EVALUATION. The Literacy Intervention Program(s) shall continue its independent, external evaluation that includes an analysis of key performance indicators of student achievement. The results of the updated evaluation shall be reported to the Joint Finance-Appropriations Committee and the Senate and House education committees no later than January 15, 2021, on the program design; uses of funds, including what funding amounts are utilized for all-day kindergarten; program effectiveness; and any other relevant matters.

Approved March 24, 2020

CHAPTER 302
(H.B. No. 632)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2021; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2021; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; AND APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2021.

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

SECTION 1. The following amounts shall be expended for the Public Schools Educational Support Program's Division of Educational Services for the Deaf and the Blind for the period July 1, 2020, through June 30, 2021:

FROM:

| | |
|--|----------------|
| General Fund | \$11,304,200 |
| Miscellaneous Revenue Fund | 109,200 |
| School for the Deaf and the Blind Endowment Fund | 199,700 |
| Federal Grant Fund | <u>223,500</u> |
| TOTAL | \$11,836,600 |

SECTION 2. There is hereby appropriated and the State Controller shall transfer \$11,304,200 from the General Fund to the Public School Income Fund for the period July 1, 2020, through June 30, 2021.

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program's Division of Educational Services for the Deaf and the Blind the following amounts to be expended from the listed funds for the period July 1, 2020, through June 30, 2021:

FROM:

| | |
|--|----------------|
| Public School Income Fund | \$11,304,200 |
| Miscellaneous Revenue Fund | 109,200 |
| School for the Deaf and the Blind Endowment Fund | 199,700 |
| Federal Grant Fund | <u>223,500</u> |
| TOTAL | \$11,836,600 |

Approved March 24, 2020

CHAPTER 303
(H.B. No. 634)

AN ACT

RELATING TO THE APPROPRIATION TO THE SECRETARY OF STATE FOR FISCAL YEAR 2021;
APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2021; 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 Secretary of State the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | TOTAL |
|---------------------------------------|---------------------------|----------------------------------|-------------|
| I. SECRETARY OF STATE: | | | |
| FROM: | | | |
| General | | | |
| Fund | \$2,377,500 | \$1,480,800 | \$3,858,300 |
| II. COMMISSION ON UNIFORM STATE LAWS: | | | |
| FROM: | | | |
| General | | | |
| Fund | | \$53,000 | \$53,000 |
| GRAND TOTAL | \$2,377,500 | \$1,533,800 | \$3,911,300 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Secretary of State is authorized no more than thirty (30.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 24, 2020

CHAPTER 304
(H.B. No. 637)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2021.

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 Public Schools Educational Support Program's Division of Teachers \$8,315,600 from the General Fund for the period July 1, 2020, through June 30, 2021, for the purpose of teacher pay increases.

Approved March 24, 2020

CHAPTER 305
(H.B. No. 638)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2021.

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 Fish and Game for the Wildlife Program \$329,300 from the Fish and Game (Licenses) Fund to be expended for operating expenditures for the period July 1, 2020, through June 30, 2021, for the purpose of pheasant stocking.

Approved March 24, 2020

CHAPTER 306
(H.B. No. 639)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE CONTROLLER FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2021; AND AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the State Controller for the Administration Program the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2020, through June 30, 2021:

FOR:

| | |
|------------------------|----------------|
| Personnel Costs | \$198,800 |
| Operating Expenditures | <u>100,000</u> |
| TOTAL | \$298,800 |

SECTION 2. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the State Controller is hereby increased by two (2.00) for the period July 1, 2020, through June 30, 2021.

Approved March 24, 2020

CHAPTER 307
(H.B. No. 640)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2021; APPROPRIATING ADDITIONAL MONEYS TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2021; AND AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the State Appellate Public Defender for the Office of the State Appellate Public Defender Program the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2020, through June 30, 2021, for the purpose of hiring a deputy state appellate public defender:

FOR:

| | |
|------------------------|---------------|
| Personnel Costs | \$76,100 |
| Operating Expenditures | 10,300 |
| Capital Outlay | <u>71,000</u> |
| TOTAL | \$157,400 |

SECTION 2. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the State Appellate Public Defender is hereby increased by one (1.00) for the period July 1, 2020, through June 30, 2021.

Approved March 24, 2020

CHAPTER 308
(H.B. No. 643)

AN ACT

RELATING TO THE APPROPRIATION TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Attorney General the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|---|----------------|
| I. STATE LEGAL SERVICES: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$21,066,300 | \$850,300 | \$7,500 | | \$21,924,100 |
| Miscellaneous Revenue | | | | | |
| Fund | 289,100 | 28,300 | | | 317,400 |
| Consumer Protection | | | | | |
| Fund | 259,900 | 153,000 | | | 412,900 |
| Idaho Millennium Income | | | | | |
| Fund | 103,000 | 1,100 | | | 104,100 |
| Federal Grant | | | | | |
| Fund | <u>723,700</u> | <u>196,200</u> | <u>0</u> | | <u>919,900</u> |
| TOTAL | \$22,442,000 | \$1,228,900 | \$7,500 | | \$23,678,400 |
| II. INTERNET CRIMES AGAINST CHILDREN: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$917,300 | \$242,300 | \$124,700 | \$896,200 | \$2,180,500 |
| Federal Grant | | | | | |
| Fund | <u>123,600</u> | <u>153,000</u> | <u>0</u> | <u>0</u> | <u>276,600</u> |
| TOTAL | \$1,040,900 | \$395,300 | \$124,700 | \$896,200 | \$2,457,100 |
| III. SPECIAL LITIGATION: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | | \$407,900 | | | \$407,900 |
| GRAND TOTAL | \$23,482,900 | \$2,032,100 | \$132,200 | \$896,200 | \$26,543,400 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Attorney General is authorized no more than two hundred nineteen (219.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, 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. The Attorney General 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, 2020, through June 30, 2021. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 24, 2020

CHAPTER 309
(H.B. No. 644)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR FISCAL YEAR 2021; 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 2021; PROVIDING REAPPROPRIATION AUTHORITY; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; PROVIDING REQUIREMENTS FOR SYSTEMWIDE NEEDS; DIRECTING AN ADJUSTMENT FOR STUDENT TUITION AND FEES FOR FISCAL YEAR 2021; AND PROVIDING REPORTING REQUIREMENTS.

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, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|----------------------------|---------------------------|----------------------------------|--------------------------|---|--------------------|
| I. BOISE STATE UNIVERSITY: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$94,289,900 | \$9,532,500 | \$3,757,800 | | \$107,580,200 |
| Unrestricted | | | | | |
| Fund | <u>92,725,400</u> | <u>36,982,600</u> | <u>3,083,000</u> | | <u>132,791,000</u> |
| TOTAL | \$187,015,300 | \$46,515,100 | \$6,840,800 | | \$240,371,200 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|---|-------------------|
| II. IDAHO STATE UNIVERSITY: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$79,585,500 | \$1,765,000 | | | \$81,350,500 |
| Charitable Institutions Endowment Income | | | | | |
| Fund | 1,597,800 | | | | 1,597,800 |
| Normal School Endowment Income | | | | | |
| Fund | 2,667,000 | | | | 2,667,000 |
| Unrestricted | | | | | |
| Fund | <u>32,506,900</u> | <u>25,383,700</u> | <u>\$7,081,800</u> | | <u>64,972,400</u> |
| TOTAL | \$116,357,200 | \$27,148,700 | \$7,081,800 | | \$150,587,700 |
| III. UNIVERSITY OF IDAHO: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$82,419,600 | \$7,685,200 | \$3,491,500 | | \$93,596,300 |
| Agricultural College Endowment Income | | | | | |
| Fund | 940,100 | 364,600 | 246,900 | | 1,551,600 |
| Scientific School Endowment Income | | | | | |
| Fund | 3,468,500 | 555,500 | 1,396,400 | | 5,420,400 |
| University Endowment Income | | | | | |
| Fund | | 3,729,500 | 1,036,900 | | 4,766,400 |
| Unrestricted | | | | | |
| Fund | <u>66,255,500</u> | <u>21,574,000</u> | <u>0</u> | | <u>87,829,500</u> |
| TOTAL | \$153,083,700 | \$33,908,800 | \$6,171,700 | | \$193,164,200 |
| IV. LEWIS-CLARK STATE COLLEGE: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$14,806,300 | \$2,078,300 | \$425,300 | | \$17,309,900 |
| HESF Surplus Stabilization CU | | | | | |
| Fund | 531,000 | | | | 531,000 |
| Normal School Endowment Income | | | | | |
| Fund | | 2,667,000 | | | 2,667,000 |
| Unrestricted | | | | | |
| Fund | <u>14,584,000</u> | <u>2,176,500</u> | <u>20,000</u> | | <u>16,780,500</u> |
| TOTAL | \$29,921,300 | \$6,921,800 | \$445,300 | | \$37,288,400 |

| | FOR | FOR | FOR | FOR | |
|-------------------------|---------------|---------------|--------------|-------------|---------------|
| | PERSONNEL | OPERATING | CAPITAL | TRUSTEE AND | |
| | COSTS | EXPENDITURES | OUTLAY | BENEFIT | TOTAL |
| | | | | PAYMENTS | |
| V. SYSTEMWIDE PROGRAMS: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | | \$3,167,900 | | \$4,074,800 | \$7,242,700 |
| GRAND TOTAL | \$486,377,500 | \$117,662,300 | \$20,539,600 | \$4,074,800 | \$628,654,200 |

SECTION 2. 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 and the Office of the State Board of Education any unexpended and unencumbered balances appropriated or reappropriated 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 from dedicated funds for fiscal year 2020 to be used for nonrecurring expenditures for the period July 1, 2020, through June 30, 2021. The State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. 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 are 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 them for the period July 1, 2020, through June 30, 2021. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. SYSTEMWIDE NEEDS. Of the amount appropriated in Section 1, Subsection V., of this act, the following amounts may be used as follows: (1) an amount not to exceed \$902,600 may be used by the Office of the State Board of Education for systemwide needs that benefit all of the four-year institutions, including but not limited to projects to promote accountability and information transfer throughout the higher education system; and (2) an amount of approximately \$1,960,500 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.

SECTION 5. STUDENT TUITION AND FEES FOR FISCAL YEAR 2021. Notwithstanding the provisions of Section 67-3516(2), Idaho Code, the Division of Financial Management may approve the expenditure of dedicated state funds pursuant to the noncognizable process for student tuition and fees during fiscal year 2021. Each of the institution's budget requests for fiscal year 2022 shall reflect all adjustments so approved by the Division of Financial Management.

SECTION 6. REPORTING REQUIREMENTS. It is the intent of the Legislature that each institution continue with budget reduction considerations and cost containment efforts and, where possible, priority should be placed on reducing administrative overhead and the elimination of expenditures that are not integral to each institution's core instructional mission. The State Board of Education shall provide a written report to the Joint Finance-Appropriations Committee and the House and Senate Education committees detailing these budget reductions and cost containment efforts no later than January 15, 2021.

Approved March 24, 2020

CHAPTER 310
(H.B. No. 645)

AN ACT

RELATING TO THE APPROPRIATION TO THE WOLF DEPREDATION CONTROL BOARD FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE WOLF DEPREDATION CONTROL BOARD FOR FISCAL YEAR 2021; AND PROVIDING REQUIREMENTS REGARDING EXPENDITURES OF FUNDS.

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

SECTION 1. There is hereby appropriated to the Wolf Depredation Control Board \$392,000 to be expended for operating expenditures from the General Fund for the period July 1, 2020, through June 30, 2021.

SECTION 2. Amounts appropriated in Section 1 of this act shall be used solely for carrying out the provisions of Chapter 53, Title 22, Idaho Code, and only to the extent funds continuously appropriated to the Livestock Sub-account pursuant to Section 22-5305(1) (a), Idaho Code, are exhausted. General Fund moneys not so used shall revert to the General Fund.

Approved March 24, 2020

CHAPTER 311
(H.B. No. 646)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FOR AQUIFER MONITORING; TRANSFERRING MONEYS FOR AQUIFER MANAGEMENT; APPROPRIATING AND TRANSFERRING MONEYS FOR FLOOD MANAGEMENT; PROVIDING REQUIREMENTS FOR WATER QUALITY MONITORING; AND APPROPRIATING AND TRANSFERRING MONEYS FOR PRIEST LAKE USER FEES.

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, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR TRUSTEE AND BENEFIT PAYMENTS | FOR LUMP SUM | TOTAL |
|---|---------------------------|----------------------------------|---|--------------------|------------------|
| I. MANAGEMENT AND SUPPORT SERVICES: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$794,400 | \$824,800 | | | \$1,619,200 |
| Indirect Cost Recovery | | | | | |
| Fund | 299,900 | 203,600 | | | 503,500 |
| Water Administration | | | | | |
| Fund | 53,800 | 22,100 | | | 75,900 |
| Miscellaneous Revenue | | | | | |
| Fund | <u>0</u> | <u>169,000</u> | | | <u>169,000</u> |
| TOTAL | \$1,148,100 | \$1,219,500 | | | \$2,367,600 |
| II. PLANNING AND TECHNICAL SERVICES: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$2,792,700 | \$652,300 | \$908,500 | \$5,000,000 | \$9,353,500 |
| Indirect Cost Recovery | | | | | |
| Fund | | 70,100 | | | 70,100 |
| Aquifer Planning and Management | | | | | |
| Fund | 999,600 | 453,800 | | | 1,453,400 |
| Miscellaneous Revenue | | | | | |
| Fund | | 164,500 | | | 164,500 |
| Federal Grant | | | | | |
| Fund | <u>299,000</u> | <u>832,700</u> | <u>0</u> | <u>0</u> | <u>1,131,700</u> |
| TOTAL | \$4,091,300 | \$2,173,400 | \$908,500 | \$5,000,000 | \$12,173,200 |
| III. WATER MANAGEMENT: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$5,243,600 | \$2,185,600 | | | \$7,429,200 |
| Indirect Cost Recovery | | | | | |
| Fund | | 36,200 | | | 36,200 |
| Water Administration | | | | | |
| Fund | 1,303,600 | 233,000 | | | 1,536,600 |
| Miscellaneous Revenue | | | | | |
| Fund | 901,700 | 307,200 | | | 1,208,900 |
| Federal Grant | | | | | |
| Fund | <u>252,000</u> | <u>341,900</u> | | | <u>593,900</u> |
| TOTAL | \$7,700,900 | \$3,103,900 | | | \$10,804,800 |

| | FOR | FOR | FOR | FOR | |
|----------------------------------|--------------|---------------|-------------|-------------|---------------|
| | PERSONNEL | OPERATING | TRUSTEE AND | LUMP | |
| | COSTS | EXPENDITURES | BENEFIT | SUM | TOTAL |
| | | | PAYMENTS | | |
| IV. NORTHERN IDAHO ADJUDICATION: | | | | | |
| FROM: | | | | | |
| General | | | | | |
| Fund | \$359,600 | \$196,100 | | | \$555,700 |
| Northern Idaho Adjudication | | | | | |
| Fund | <u>0</u> | <u>38,000</u> | | | <u>38,000</u> |
| TOTAL | \$359,600 | \$234,100 | | | \$593,700 |
| GRAND TOTAL | \$13,299,900 | \$6,730,900 | \$908,500 | \$5,000,000 | \$25,939,300 |

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-one (151.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, 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 FOR AQUIFER MONITORING. 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 Aquifer Planning and Management Fund on July 1, 2020, or as soon thereafter as practicable for the period July 1, 2020, through June 30, 2021, to be used for aquifer monitoring, measurement, and modeling.

SECTION 4. CASH TRANSFER FOR AQUIFER MANAGEMENT. Of the amount appropriated to the Department of Water Resources in Section 1 of this act for the Planning and Technical Services Program from the General Fund for lump sum, the State Controller shall transfer \$5,000,000 to the Secondary Aquifer Planning, Management, and Implementation Fund on July 1, 2020, or as soon thereafter as practicable for the period July 1, 2020, through June 30, 2021, to be used for aquifer recharge and management.

SECTION 5. CASH TRANSFER FOR THE FLOOD MANAGEMENT PROGRAM. There is hereby appropriated and the State Controller shall transfer \$1,000,000 from the General Fund to the Water Management Account created pursuant to Section 42-1760, Idaho Code, on July 1, 2020, or as soon thereafter as practicable for the period July 1, 2020, through June 30, 2021, for water quality data collection, monitoring, modeling, flood-damaged stream channel repair, stream channel improvement, flood risk reduction, or flood prevention projects. Of these moneys, up to \$800,000 shall be administered by the Idaho Water Resource Board through a competitive, matching grant process for flood control projects. Notwithstanding the provisions of Section 42-1760(2)(b), Idaho Code, grants may be larger than \$50,000 at the discretion of the board. The selection process for these grants shall require the availability of fifty percent (50%) matching funds, and flood prevention and mitigation projects shall be given priority on a competitive statewide basis throughout Idaho. The Department of Water Resources shall support this competitive grant process using existing personnel and resources.

SECTION 6. WATER QUALITY MONITORING. Of the moneys appropriated and transferred in Section 5 of this act for water quality data collection, up to \$200,000 shall be used for monitoring, data collection, modeling, literature review, economic analysis, and other forms of data gathering and analysis in the upper Snake/Rock Creek subbasin (HUC 17040212, as provided in IDAPA 58.01.02.109.02) in support of the nutrient total maximum daily loads (TMDL) objectives. This process shall be coordinated with the Department of Environmental Quality and the United States Geological Survey.

SECTION 7. CASH TRANSFER FOR PRIEST LAKE USER FEES. There is hereby appropriated to the Department of Water Resources and the State Controller shall transfer \$410,000 from the Miscellaneous Revenue Fund to the Revolving Development Fund on July 1, 2020, or as soon thereafter as practicable for the period July 1, 2020, through June 30, 2021, to be used for the operations and management of the Priest Lake Outlet Control Structure.

Approved March 24, 2020

CHAPTER 312
(H.B. No. 650)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2021; 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 Division of Building Safety the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | TOTAL |
|---|---------------------------|----------------------------------|--------------------------|----------------|
| FROM: | | | | |
| General | | | | |
| Fund | \$216,000 | \$34,300 | | \$250,300 |
| State Regulatory | | | | |
| Fund | 10,121,800 | 2,683,700 | \$956,200 | 13,761,700 |
| Miscellaneous Revenue/ Industrial Safety | | | | |
| Fund | 677,300 | 101,400 | | 778,700 |
| Miscellaneous Revenue/ Logging | | | | |
| Fund | 459,600 | 76,400 | | 536,000 |
| Miscellaneous Revenue/ School Security Assessment | | | | |
| Fund | 245,800 | 54,200 | | 300,000 |
| Federal Grant | | | | |
| Fund | <u>238,600</u> | <u>108,800</u> | <u>0</u> | <u>347,400</u> |
| TOTAL | \$11,959,100 | \$3,058,800 | \$956,200 | \$15,974,100 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Building Safety is authorized no more than one hundred fifty-two (152.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 24, 2020

CHAPTER 313

(H.B. No. 560, As Amended in the Senate)

AN ACT

RELATING TO TAXATION; AMENDING SECTION 63-602K, IDAHO CODE, TO PROVIDE FOR THE VALUATION OF AGRICULTURAL LAND, TO PROVIDE FOR CERTAIN RATES AND PRICES, AND TO REDESIGNATE THE SECTION; AMENDING SECTION 63-509, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 63-602, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 63-602K, Idaho Code, be, and the same is hereby amended to read as follows:

~~63-602K205C. PROPERTY EXEMPT FROM TAXATION -- SPECULATIVE PORTION OF VALUE VALUATION OF AGRICULTURAL LAND.~~ (1) ~~The speculative portion of the market value of land actively devoted to agriculture is exempt from taxation its actual use value. Actual use value shall be established by capitalization of economic rent or long-term average crop rental at a capitalization rate that shall be either the rate of interest charged by lenders in the local area for agricultural property loans or by the Spokane office of the farm credit system, each averaged over the immediate past five (5) years, whichever is higher, plus the local tax rate.~~

(2) "Land actively devoted to agriculture" means that property defined by section 63-604, Idaho Code. For purposes of this section, the act of platting land actively devoted to agriculture does not, in and of itself, cause the land to lose its status as land being actively devoted to agriculture if the land otherwise qualifies for the exemption under this section.

(3) ~~"Speculative portion" shall mean that portion of the value of agricultural land which represents the excess over the actual use value of such land established by comparable sales data compared to value established by capitalization of economic rent or long-term average crop rental at a capitalization rate which shall be the rate of interest charged by the Spokane office of the farm credit system averaged over the immediate past five (5) years plus a component for the local tax rate~~ Land actively devoted to agriculture shall not be valued at its speculative value as development property until the use has changed and it is no longer actively devoted to agriculture.

(4) Rental rates, interest rates, commodity prices, and input prices or other landlord expenses typical to the county of the property being assessed shall be used.

(5) The state tax commission shall adopt rules implementing the provisions of this section which that shall provide the procedure by which it shall establish economic rent, average crop rental, and capitalization rates and for the publication of crop prices and the discount rate to be used to determine the capitalization rate shall be established.

SECTION 2. That Section 63-509, Idaho Code, be, and the same is hereby amended to read as follows:

63-509. DELIVERY OF ROLLS TO COUNTY AUDITOR -- ABSTRACTS OF ROLLS. (1) On or before the second Monday of July, the board of equalization must deliver the property rolls, with all changes, corrections and additions and exemptions from taxation entered therein, to the county auditor. It shall be the duty of the county auditor to cause to be prepared the roll for delivery to the county tax collector on or before the first Monday of November. It shall be the duty of the county auditor to cause to be prepared a total of the amount and value of each category of property and prepare an abstract of all the property entered upon the roll in the manner and form required by the state tax commission. Such forms must show, but need not be limited to, the market value for assessment purposes of all property by categories and the exemptions from taxation allowed by categories. Any abstracts needed by and prepared for the state tax commission must be delivered to the state tax commission by the fourth Monday of July. The abstracts will show the increment value as defined in section 50-2903, Idaho Code, in any revenue allocation area established pursuant to chapters 20 and 29, title 50, Idaho Code, and the value of exemptions granted pursuant to sections 63-602G, 63-602K, 63-602P, 63-602X, 63-602AA, 63-602BB and 63-602CC, Idaho Code, as well as the net taxable value for each of the categories. The abstracts shall be prepared and duly verified and must show a correct classification of all the property in accordance with the classification of such property upon the property roll, and all matters and things required to be shown upon the abstracts must be entered.

(2) The subsequent property roll shall be delivered to the county auditor as soon as possible after the first Monday in December. The county auditor shall deliver the subsequent property roll to the county tax collector without delay.

(3) The missed property roll shall be delivered to the county auditor as soon as possible, but no later than the first Monday in March of the succeeding year. The county auditor shall deliver the missed property roll to the county tax collector without delay.

(4) The county auditor must cause to be prepared abstracts of the combined subsequent and missed property rolls as prescribed in subsection (1) of this section and submit the abstracts to the state tax commission on or before the first Monday in March of the succeeding year.

SECTION 3. That Section 63-602, Idaho Code, be, and the same is hereby amended to read as follows:

63-602. PROPERTY EXEMPT FROM TAXATION. (1) Property shall be exempt from taxation as provided in titles 21, 22, 25, 26, 31, 33, 39, 41, 42, 49, 50, 67 and 70, Idaho Code, and in chapters 6, 24, 30, 35 and 45, title 63, Idaho Code; provided, that no deduction shall be made in assessment of shares of capital stock of any corporation or association for exemptions claimed under this section, and provided further, that the term "full cash value" wherever used in this act shall mean the actual assessed value of the property as to which an exemption is claimed.

(2) The use of the words "exclusive" or "exclusively" in this chapter shall mean used exclusively for any one (1) or more, or any combination, of the exempt purposes provided hereunder and property used for more than one (1) exempt purpose, pursuant to the provisions of sections 63-602A through 63-60200, Idaho Code, shall be exempt from taxation hereunder as long as the property is used exclusively for one (1) or more or any combination of the exempt purposes provided hereunder.

(3) All exemptions from property taxation claimed shall be approved annually by the board of county commissioners or unless otherwise provided:

(a) Exemptions pursuant to sections 63-602A, 63-602F, 63-602I, 63-602J, ~~63-602K for land of more than five (5) contiguous acres,~~ 63-602L(1), 63-602M, 63-602R, 63-602S, 63-602U, 63-602V, 63-602W, 63-602Z, 63-602DD(1), 63-602EE, 63-602OO, 63-2431, 63-3502, 63-3502A and 63-3502B, Idaho Code, do not require application or approval by the board of county commissioners. For all other exemptions in title 63, Idaho Code, the process of applying is as specified in the exemption statutes or, if no process is specified and application is necessary to identify the property eligible for the exemption, annual application is required. Exemptions in other titles require no application.

(b) For exemptions that require an application, provided such exemptions are for property otherwise subject to assessment by the county assessor, the application must be made to the county commissioners by April 15 and the taxpayer and county assessor must be notified of any decision by May 15, unless otherwise provided by law. The decision of the county commissioners and any subsequent assessment notices sent to the taxpayer may be appealed to the county board of equalization pursuant to sections 63-501 and 63-501A, Idaho Code.

(c) For exemptions that require an application, provided such exemptions are for property otherwise subject to assessment by the state tax commission, application for exemption shall be included with the annual operator's statement as required pursuant to section 63-404, Idaho Code. Notice of the decision and its effect on the assessment will be provided in accordance with procedures specified in chapter 4, title 63, Idaho Code. Appeals shall be made to the state tax commission in accordance with section 63-407, Idaho Code.

(4) An owner of property that is intended for a tax-exempt purpose may apply to the board of county commissioners for a provisional property tax exemption, pursuant to section 63-1305C, Idaho Code.

Approved March 25, 2020

CHAPTER 314

(H.B. No. 457, As Amended)

AN ACT

RELATING TO SEXUAL OFFENDER REGISTRATION NOTIFICATION AND COMMUNITY RIGHT-TO-KNOW ACT; AMENDING SECTION 18-8329, IDAHO CODE, TO PROVIDE FOR THE PROHIBITION OF SEX OFFENDERS FROM DAYCARE FACILITIES AND GROUNDS, TO DEFINE TERMS, TO PROVIDE AN EXCEPTION FOR PERSONS RESIDING AT CERTAIN SHELTERS OR FACILITIES, AND TO MAKE TECHNICAL CORRECTIONS.

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

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

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

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

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

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

(d) Reside within five hundred (500) feet of the property on which a school or daycare is located, measured from the nearest point of the exterior wall of the offender's dwelling unit to the school's or daycare's property line, provided however, that this paragraph ~~(d)~~ shall not apply if such person's residence was established prior to July 1, 2006, for a school, and prior to July 1, 2020, for a daycare in existence on that date. This paragraph shall not apply to such person whose residence is established prior to the establishment of a daycare within five hundred (500) feet of his dwelling unit.

(e) For purposes of this chapter, "school" means any public or private school. "Daycare" means any licensed daycare as defined in chapter 11, title 39, Idaho Code.

The posted notices required in this subsection ~~(1)~~ shall be at least one hundred (100) square inches, shall make reference to section 18-8329, Idaho Code, shall include the term "registered sex offender" and shall be placed at all public entrances to the property.

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

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

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

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

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

~~(e) Stays at a homeless shelter or resides at a recovery facility if such shelter or facility has been approved for sex offenders by the county sheriff or municipal police chief; or~~

~~(f) Contacts the school district or daycare office annually and prior to his first visit of a school year and has obtained written permission from the district or daycare to be on the school or daycare grounds or upon other property posted with a notice that the property is used by a school or daycare. For the purposes of this section, "contacts the school district or daycare office" shall include mail, facsimile machine, or by computer using the internet. The provisions of this subsection are required for an individual who:~~

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

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

~~(iii) Is temporarily on school or daycare grounds, during school hours, for the purpose of making a mail, food, or other delivery.~~

(3) The provisions of subsection (1) (d) of this section shall not apply when the person:

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

(b) Stays at a homeless shelter or resides at a recovery facility, if such shelter or facility has been approved for sex offenders by the county sheriff or municipal police chief.

(4) Nothing in this section shall prevent a school district or daycare from adopting more stringent safety and security requirements for employees and nonemployees while they are in district or daycare facilities and/or on district or daycare properties. If adopting more stringent safety and security requirements, the school district or daycare shall provide the requirements to any individual listed in subsection (2) (fd) (i) through (iii) by mail, facsimile machine, or by computer using the internet.

Approved March 25, 2020

CHAPTER 315
(H.B. No. 516)

AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO REVISE A CERTAIN EXCEPTION AND TO REMOVE SURPLUS VERBIAGE.

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

SECTION 1. That Section 18-3302, Idaho Code, be, and the same is hereby amended to read as follows:

18-3302. CONCEALED WEAPONS. (1) The legislature hereby finds that the people of Idaho have reserved for themselves the right to keep and bear arms while granting the legislature the authority to regulate the carrying of weapons concealed. The provisions of this chapter regulating the carrying of weapons must be strictly construed so as to give maximum scope to the rights retained by the people.

(2) As used in this chapter:

(a) "Concealed weapon" means any deadly weapon carried on or about the person in a manner not discernible by ordinary observation;

(b) "Deadly weapon" means:

(i) Any dirk, dirk knife, bowie knife, dagger or firearm;

(ii) Any other weapon, device, instrument, material or substance that is designed and manufactured to be readily capable of causing death or serious bodily injury; or

(iii) Any other weapon, device, instrument, material or substance that is intended by the person to be readily capable of causing death or serious bodily injury.

(c) The term "deadly weapon" does not include:

(i) Any knife, cleaver or other instrument that is intended by the person to be used in the processing, preparation or eating of food;

(ii) Any knife with a blade six (6) inches or less; or

(iii) Any taser, stun-gun, pepper spray or mace;

(d) "Firearm" means any weapon that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;

- (e) "Loaded" means:
- (i) For a firearm capable of using fixed ammunition, that live ammunition is present in:
 1. The chamber or chambers of the firearm;
 2. Any internal magazine of the firearm; or
 3. A detachable magazine inserted in the firearm;
 - (ii) For a firearm that is not capable of using fixed ammunition, that the firearm contains:
 1. A propellant charge; and
 2. A priming cap or primer cap.
- (3) No person shall carry concealed weapons on or about his person without a license to carry concealed weapons, except:
- (a) In the person's place of abode or fixed place of business;
 - (b) On property in which the person has any ownership or leasehold interest;
 - (c) On private property where the person has permission to carry concealed weapons from any person with an ownership or leasehold interest;
 - (d) Outside the limits of or confines of any city, if the person is eighteen (18) years of age or older and is not otherwise disqualified from being issued a license under subsection (11) of this section.
- (4) Subsection (3) of this section shall not apply to restrict or prohibit the carrying or possession of:
- (a) Any deadly weapon located in plain view;
 - (b) Any lawfully possessed shotgun or rifle;
 - (c) Any deadly weapon concealed in a motor vehicle;
 - (d) A firearm that is not loaded and is secured in a case;
 - (e) A firearm that is disassembled or permanently altered such that it is not readily operable; and
 - (f) Any deadly weapon concealed by a person who is:
 - (i) Over eighteen (18) years of age;
 - (ii) A ~~resident~~ citizen of Idaho the United States or a current member of the armed forces of the United States; and
 - (iii) Is not disqualified from being issued a license under paragraphs (b) through (n) of subsection (11) of this section. ~~(a)~~
- (5) The requirement to secure a license to carry concealed weapons under this section shall not apply to the following persons:
- (a) Officials of a city, county or the state of Idaho;
 - (b) Any publicly elected Idaho official;
 - (c) Members of the armed forces of the United States or of the national guard when in performance of official duties;
 - (d) Criminal investigators of the attorney general's office and criminal investigators of a prosecuting attorney's office, prosecutors and their deputies;
 - (e) Any peace officer as defined in section 19-5101(d), Idaho Code, in good standing;
 - (f) Retired peace officers or detention deputies with at least ten (10) years of service with the state or a political subdivision as a peace officer or detention deputy and who have been certified by the peace officer standards and training council;
 - (g) Any person who has physical possession of his valid license or permit authorizing him to carry concealed weapons from another state; and
 - (h) Any person who has physical possession of a valid license or permit from a local law enforcement agency or court of the United States authorizing him to carry concealed weapons.

(6) The sheriff of the county of the applicant's residence or, if the applicant has obtained a protection order pursuant to chapter 63, title 39, Idaho Code, the sheriff of a county where the applicant is temporarily residing may issue a temporary emergency license for good cause pending review of an application made under subsection (7) of this section. Temporary emergency licenses must be easily distinguishable from regular licenses. A temporary emergency license shall be valid for not more than ninety (90) days.

(7) The sheriff of a county, on behalf of the state of Idaho, must, within ninety (90) days after the filing of a license application by any person who is not disqualified as provided herein from possessing or receiving a firearm under state or federal law, issue a license to the person to carry concealed weapons on his person within this state. Such license shall be valid for five (5) years from the date of issuance.

(8) The sheriff must make license applications readily available at the office of the sheriff, at other public offices in his or her jurisdiction and on the website of the Idaho state police. The license application shall be in a form to be prescribed by the director of the Idaho state police and must meet the following requirements:

(a) The license application shall require the applicant's name, address, description, signature, date of birth, place of birth, military status, citizenship and the driver's license number or state identification card number if used for identification in applying for the license. Provided however, that if the applicant is not a United States citizen and is legally in the United States, the application must also require any alien or admission number issued to the applicant by United States immigration and customs enforcement or any successor agency;

(b) The license application may ask the applicant to disclose his social security number but must indicate that disclosure of the applicant's social security number is optional; and

(c) The license application must contain a warning that substantially reads as follows:

CAUTION: Federal law and state law on the possession of weapons and firearms differ. If you are prohibited by federal law from possessing a weapon or a firearm, you may be prosecuted in federal court. A state permit is not a defense to a federal prosecution.

(9) The sheriff may require the applicant to demonstrate familiarity with a firearm and must accept any one (1) of the following as evidence of the applicant's familiarity with a firearm:

(a) Completion of any hunter education or hunter safety course approved by the department of fish and game or a similar agency of another state;

(b) Completion of any national rifle association firearms safety or training course or any national rifle association hunter education course or any equivalent course;

(c) Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, community college, college, university or private or public institution or organization or firearms training school, utilizing instructors certified by the national rifle association or the Idaho state police;

(d) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or offered for any division or subdivision of a law enforcement agency or security enforcement agency;

- (e) Evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;
- (f) A current license to carry concealed weapons pursuant to this section, unless the license has been revoked for cause;
- (g) Completion of any firearms training or safety course or class conducted by a state-certified or national rifle association-certified firearms instructor; or
- (h) Other training that the sheriff deems appropriate.

(10) Any person applying for original issuance of a license to carry concealed weapons must submit his fingerprints with the completed license application. Within five (5) days after the filing of an application, the sheriff must forward the applicant's completed license application and fingerprints to the Idaho state police. The Idaho state police must conduct a national fingerprint-based records check, an inquiry through the national instant criminal background check system and a check of any applicable state database, including a check for any mental health records for conditions or commitments that would disqualify a person from possessing a firearm under state or federal law, and return the results to the sheriff within sixty (60) days. If the applicant is not a United States citizen, an immigration alien query must also be conducted through United States immigration and customs enforcement or any successor agency. The sheriff shall not issue a license before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria listed in subsection (11) of this section. The sheriff may deny a license to carry concealed weapons to an alien if background information is not attainable or verifiable.

(11) A license to carry concealed weapons shall not be issued to any person who:

- (a) Is under twenty-one (21) years of age, except as otherwise provided in this section;
- (b) Is formally charged with a crime punishable by imprisonment for a term exceeding one (1) year;
- (c) Has been adjudicated guilty in any court of a crime punishable by imprisonment for a term exceeding one (1) year;
- (d) Is a fugitive from justice;
- (e) Is an unlawful user of marijuana or any depressant, stimulant or narcotic drug, or any controlled substance as defined in 21 U.S.C. 802;
- (f) Is currently suffering from or has been adjudicated as having suffered from any of the following conditions, based on substantial evidence:
 - (i) Lacking mental capacity as defined in section 18-210, Idaho Code;
 - (ii) Mentally ill as defined in section 66-317, Idaho Code;
 - (iii) Gravely disabled as defined in section 66-317, Idaho Code;or
 - (iv) An incapacitated person as defined in section 15-5-101, Idaho Code;
- (g) Has been discharged from the armed forces under dishonorable conditions;
- (h) Has received a withheld judgment or suspended sentence for a crime punishable by imprisonment for a term exceeding one (1) year, unless the person has successfully completed probation;

(i) Has received a period of probation after having been adjudicated guilty of, or received a withheld judgment for, a misdemeanor offense that has as an element the intentional use, attempted use or threatened use of physical force against the person or property of another, unless the person has successfully completed probation;

(j) Is an alien illegally in the United States;

(k) Is a person who having been a citizen of the United States has renounced his or her citizenship;

(l) Is free on bond or personal recognizance pending trial, appeal or sentencing for a crime that would disqualify him from obtaining a concealed weapons license;

(m) Is subject to a protection order issued under chapter 63, title 39, Idaho Code, that restrains the person from harassing, stalking or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; or

(n) Is for any other reason ineligible to own, possess or receive a firearm under the provisions of Idaho or federal law.

(12) In making a determination in relation to an applicant's eligibility under subsection (11) of this section, the sheriff shall not consider:

(a) A conviction, guilty plea or adjudication that has been nullified by expungement, pardon, setting aside or other comparable procedure by the jurisdiction where the conviction, guilty plea or adjudication occurred or in respect of which conviction, guilty plea or adjudication the applicant's civil right to bear arms either specifically or in combination with other civil rights has been restored under operation of law or legal process; or

(b) Except as provided for in subsection (11) (f) of this section, an adjudication of mental defect, incapacity or illness or an involuntary commitment to a mental institution if the applicant's civil right to bear arms has been restored under operation of law or legal process.

(13) A license to carry concealed weapons must be in a form substantially similar to that of the Idaho driver's license and must meet the following specifications:

(a) The license must provide the licensee's name, address, date of birth and the driver's license number or state identification card number if used for identification in applying for the license;

(b) The license must bear the licensee's signature and picture; and

(c) The license must provide the date of issuance and the date on which the license expires.

(14) Upon issuing a license under the provisions of this section, the sheriff must notify the Idaho state police within three (3) business days on a form or in a manner prescribed by the Idaho state police. Information relating to an applicant or licensee received or maintained pursuant to this section by the sheriff or Idaho state police is confidential and exempt from disclosure under section 74-105, Idaho Code.

(15) The fee for original issuance of a license shall be twenty dollars (\$20.00), which the sheriff must retain for the purpose of performing the duties required in this section. The sheriff may collect the actual cost of any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department, and the actual cost of materials for the license lawfully required by any state agency or department, which costs must be paid to the state. The sheriff must provide the applicant with a copy of the results of the fingerprint-based records check upon request of the applicant.

(16) The fee for renewal of the license shall be fifteen dollars (\$15.00), which the sheriff must retain for the purpose of performing the duties required in this section. The sheriff may collect the actual cost of any additional fees necessary to cover the processing costs lawfully required by any state or federal agency or department, and the actual cost of materials for the license lawfully required by any state agency or department, which costs must be paid to the state.

(17) Every license that is not, as provided by law, suspended, revoked or disqualified in this state shall be renewable at any time during the ninety (90) day period before its expiration or within ninety (90) days after the expiration date. The sheriff must mail renewal notices ninety (90) days prior to the expiration date of the license. The sheriff shall require the licensee applying for renewal to complete an application. The sheriff must submit the application to the Idaho state police for a records check of state and national databases. The Idaho state police must conduct the records check and return the results to the sheriff within thirty (30) days. The sheriff shall not issue a renewal before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria provided in this section. A renewal license shall be valid for a period of five (5) years. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license must pay a late renewal penalty of ten dollars (\$10.00) in addition to the renewal fee unless waived by the sheriff, except that any licensee serving on active duty in the armed forces of the United States during the renewal period shall not be required to pay a late renewal penalty upon renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license. After one hundred eighty-one (181) days, the licensee must submit an initial application for a license and pay the fees prescribed in subsection (15) of this section. The renewal fee and any penalty shall be paid to the sheriff for the purpose of enforcing the provisions of this chapter. Upon renewing a license under the provisions of this section, the sheriff must notify the Idaho state police within five (5) days on a form or in a manner prescribed by the Idaho state police.

(18) No city, county or other political subdivision of this state shall modify or add to the requirements of this section, nor shall a city, county or political subdivision ask the applicant to voluntarily submit any information not required in this section. A civil action may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section. The civil action may be brought in the county in which the application was made or in Ada county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of this section must be awarded costs, including reasonable attorney's fees incurred in connection with the legal action.

(19) A county sheriff, deputy sheriff or county employee who issues a license to carry a concealed weapon under this section shall not incur any civil or criminal liability as the result of the performance of his duties in compliance with this section.

(20) The sheriff of a county shall issue a license to carry a concealed weapon to those individuals between the ages of eighteen (18) and twenty-one (21) years who, except for the age requirement contained in section 18-3302K(4), Idaho Code, would otherwise meet the requirements for issuance of a license under section 18-3302K, Idaho Code. Licenses issued to individuals between the ages of eighteen (18) and twenty-one (21) years under this subsection shall be easily distinguishable from licenses issued pursuant to subsection (7) of this section. A license issued pursuant to this subsection after July 1, 2016, shall expire on the twenty-first birthday of the licensee. A licensee, upon attaining the age of twenty-one (21) years, shall be allowed to renew the license under the procedure contained in

section 18-3302K(9), Idaho Code. Such renewal license shall be issued as an enhanced license pursuant to the provisions of section 18-3302K, Idaho Code.

(21) A person carrying a concealed weapon in violation of the provisions of this section shall be guilty of a misdemeanor.

(22) The sheriff of the county where the license was issued or the sheriff of the county where the person resides shall have the power to revoke a license subsequent to a hearing in accordance with the provisions of chapter 52, title 67, Idaho Code, for any of the following reasons:

(a) Fraud or intentional misrepresentation in the obtaining of a license;

(b) Misuse of a license, including lending or giving a license to another person, duplicating a license or using a license with the intent to unlawfully cause harm to a person or property;

(c) The doing of an act or existence of a condition that would have been grounds for the denial of the license by the sheriff;

(d) The violation of any of the terms of this section; or

(e) The applicant is adjudicated guilty of or receives a withheld judgment for a crime that would have disqualified him from initially receiving a license.

(23) A person twenty-one (21) years of age or older who presents a valid license to carry concealed weapons is exempt from any requirement to undergo a records check at the time of purchase or transfer of a firearm from a federally licensed firearms dealer. Provided however, a temporary emergency license issued pursuant to subsection (6) of this section shall not exempt the holder of the license from any records check requirement.

(24) The attorney general must contact the appropriate officials in other states for the purpose of establishing, to the extent possible, recognition and reciprocity of the license to carry concealed weapons by other states, whether by formal agreement or otherwise. The Idaho state police must keep a copy and maintain a record of all such agreements and reciprocity recognitions, which must be made available to the public.

(25) Nothing in subsection (3) or (4) of this section shall be construed to limit the existing rights of a private property owner, private tenant, private employer or private business entity.

(26) The provisions of this section are hereby declared to be severable and if any provision of this section 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 remaining portions of this section.

Approved March 25, 2020

CHAPTER 316
(S.B. No. 1409)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE PUBLIC CHARTER SCHOOL AUTHORIZERS FUND; PROVIDING REQUIREMENTS REGARDING ANNUAL REPORTING OF PAYMENTS TO THE IDAHO STATE BUILDING AUTHORITY; PROVIDING REQUIREMENTS REGARDING EXTERNAL PROGRAM EVALUATIONS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE OPPORTUNITY SCHOLARSHIP PROGRAM FUND; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|------------------------------------|---------------------------|----------------------------------|---|----------------|
| I. OSBE ADMINISTRATION: | | | | |
| FROM: | | | | |
| General | | | | |
| Fund | \$2,920,200 | \$757,600 | \$1,475,000 | \$5,152,800 |
| Indirect Cost Recovery | | | | |
| Fund | 33,400 | 83,900 | | 117,300 |
| Public Charter School Authorizers | | | | |
| Fund | | 1,100 | | 1,100 |
| Miscellaneous Revenue | | | | |
| Fund | 151,100 | 6,682,900 | 50,000 | 6,884,000 |
| Federal Grant | | | | |
| Fund | <u>161,800</u> | <u>340,300</u> | <u>0</u> | <u>502,100</u> |
| TOTAL | \$3,266,500 | \$7,865,800 | \$1,525,000 | \$12,657,300 |
| | | | | |
| II. IT AND DATA MANAGEMENT: | | | | |
| FROM: | | | | |
| General | | | | |
| Fund | \$1,871,200 | \$798,600 | | \$2,669,800 |
| Public Instruction | | | | |
| Fund | <u>0</u> | <u>15,000</u> | | <u>15,000</u> |
| TOTAL | \$1,871,200 | \$813,600 | | \$2,684,800 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR TRUSTEE AND BENEFIT PAYMENTS | TOTAL |
|-----------------------------------|---------------------------|----------------------------------|---|----------------|
| III. CHARTER SCHOOL COMMISSION: | | | | |
| FROM: | | | | |
| General | | | | |
| Fund | \$124,000 | \$47,600 | | \$171,600 |
| Public Charter School Authorizers | | | | |
| Fund | <u>265,000</u> | <u>96,200</u> | | <u>361,200</u> |
| TOTAL | \$389,000 | \$143,800 | | \$532,800 |
| GRAND TOTAL | \$5,526,700 | \$8,823,200 | \$1,525,000 | \$15,874,900 |

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 fifty-three and twenty-five hundredths (53.25) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY FOR THE PUBLIC CHARTER SCHOOL AUTHORIZERS FUND. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances appropriated or reappropriated to the Office of the State Board of Education from the Public Charter School Authorizers Fund for fiscal year 2020 to be used for nonrecurring expenditures for the period July 1, 2020, through June 30, 2021. The State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. ANNUAL PAYMENTS TO THE IDAHO STATE BUILDING AUTHORITY. The State Board of Education shall provide an annual update to the Joint Finance-Appropriations Committee of all sublease rent payments made and any amount due and outstanding related to Senate Concurrent Resolution No. 105, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature.

SECTION 5. EXTERNAL PROGRAM EVALUATION. Notwithstanding the provisions of Section 33-4303, Idaho Code, of the amount appropriated in Section 1 of this act for independent external program evaluations, up to \$53,400 from the Opportunity Scholarship Program Account shall be used to conduct evaluations for the literacy intervention program(s), career ladder, and student behavioral health services. The results of the evaluations shall be reported to the Joint Finance-Appropriations Committee and the Senate and House education committees no later than January 15, 2021, on the program design, use of funds, program effectiveness, and other relevant matters.

SECTION 6. REAPPROPRIATION AUTHORITY FOR THE OPPORTUNITY SCHOLARSHIP PROGRAM FUND. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances appropriated or reappropriated to the Office of the State Board of Education from the Opportunity Scholarship Program Fund for fiscal year 2020 to be used for nonrecurring expenditures related to external program evaluations for the period July 1, 2020, through June 30, 2021. The State Controller shall confirm the reappro-

priation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 7. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. The Office of the State Board of Education 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 the Office of the State Board of Education Administration Program and the IT and Data Management Program for the period July 1, 2020, through June 30, 2021. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 25, 2020

CHAPTER 317

(S.B. No. 1350, As Amended in the House)

AN ACT

RELATING TO BALLOT INITIATIVES; AMENDING SECTION 34-1802, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TIME FOR GATHERING SIGNATURES; AMENDING SECTION 34-1804, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR A PROPOSED FUNDING SOURCE AND FOR THE PREPARATION OF A FISCAL IMPACT STATEMENT SUMMARY; AMENDING CHAPTER 18, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1812, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR A FISCAL IMPACT STATEMENT FOR EACH STATEWIDE BALLOT INITIATIVE; AMENDING SECTION 34-1812C, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE INFORMATION THAT SHALL BE INCLUDED IN A VOTER'S PAMPHLET AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Section 34-1802, Idaho Code, be, and the same is hereby amended to read as follows:

34-1802. INITIATIVE PETITIONS -- TIME FOR GATHERING SIGNATURES -- TIME FOR SUBMISSION OF SIGNATURES TO THE COUNTY CLERK -- TIME FOR FILING. (1) Except as provided in section 34-1804, Idaho Code, petitions for an initiative shall be circulated and signatures obtained beginning upon the date that the petitioners receive both the fiscal impact statement and the official ballot title from the secretary of state and extending eighteen (18) months from that date, or April 30 of the year of the next general election, whichever occurs earlier. The last day for circulating petitions and obtaining signatures shall be the last day of April in the year an election on the initiative will be held.

(2) The person or persons or organization or organizations under whose authority the measure is to be initiated shall submit the petitions containing signatures to the county clerk for verification pursuant to the provisions of section 34-1807, Idaho Code. The signatures required shall be submitted to the county clerk not later than the close of business on the first day of May in the year an election on the initiative will be held, or eighteen (18) months from the date the petitioner receives the official ballot title from the secretary of state, whichever is earlier.

(3) The county clerk shall, within sixty (60) calendar days of the deadline for the submission of the signatures, verify the signatures contained in the petitions, but in no event shall the time extend beyond the last day of June in the year an election on the initiative will be held.

(4) Initiative petitions with the requisite number of signatures attached shall be filed with the secretary of state not less than four (4) months before the election at which they are to be voted upon.

SECTION 2. That Section 34-1804, Idaho Code, be, and the same is hereby amended to read as follows:

34-1804. INITIAL FILING OF BALLOT MEASURE -- PRINTING OF PETITION AND SIGNATURE SHEETS -- PROPOSED FUNDING AND FISCAL INFORMATION. (1) Before or at the time of beginning to circulate any petition for the referendum to the people on any act passed by the state legislature of the state of Idaho, or for any law proposed by the initiative, the person or persons or organization or organizations under whose authority the measure is to be referred or initiated shall send or deliver to the secretary of state a copy of such petition duly signed by at least twenty (20) qualified electors of the state, which shall be filed by said officer in his office, and who shall immediately transmit a copy of the petition to the attorney general for the issuance of the certificate of review as provided in section 34-1809, Idaho Code.

(2) In the case of an initiative petition, the person or persons or organization or organizations under whose authority the measure is to be initiated shall propose a funding source for the cost of implementing the measure. The proposed funding source information shall accompany a copy of the initiative when the petition is initially filed with the secretary of state under subsection (1) of this section, and whenever the petition is circulated for signatures, but the proposed funding source information shall not formally be part of the initiative and shall have no binding effect. Upon receipt of the petition and the proposed funding source information, the secretary of state shall immediately transmit a copy of the petition and proposed funding source information to the division of financial management so that it may issue a statement of fiscal impact as provided in section 34-1812, Idaho Code. The provisions of this subsection shall not apply to a city or county ballot initiative.

(3) All petitions for the initiative and for the referendum and sheets for signatures shall be printed on a good quality of bond or ledger paper in the form and manner as approved by the secretary of state. To every sheet of petitioners' signatures shall be attached a full and correct copy of the measure so proposed by initiative petition and a copy of the fiscal impact statement summary for the initiative, if applicable; but such petition may be filed by the secretary of state in numbered sections for convenience in handling. Every sheet of petitioners' signatures upon referendum petitions shall be attached to a full and correct copy of the measure on which the referendum is demanded, and may be filed in numbered sections in like manner as initiative petitions. Not more than twenty (20) signatures on one (1) sheet shall be counted. Each signature sheet shall contain signatures of qualified electors from only one (1) county.

SECTION 3. That Chapter 18, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-1812, Idaho Code, and to read as follows:

34-1812. FISCAL IMPACT STATEMENTS. (1) After receiving a copy of an initiative petition from the secretary of state as provided in section 34-1804, Idaho Code, the division of financial management, in consultation with any other appropriate state or local agency, shall prepare an unbiased, good faith statement of the fiscal impact of the law proposed by the initia-

tive. The division of financial management shall complete the fiscal impact statement and file it with the secretary of state's office within twenty (20) working days of having received the initiative petition from the secretary of state's office. The secretary of state shall immediately transmit a copy of the fiscal impact statement to the person or persons who filed the initiative petition pursuant to section 34-1804, Idaho Code.

(2) A fiscal impact statement shall describe any projected increase or decrease in revenues, costs, expenditures, or indebtedness that the state or local governments will experience if the ballot measure is approved by the voters. The fiscal impact statement shall include both immediate expected fiscal impacts and an estimate of any state or local government long-term financial implications. A fiscal impact statement must be written in clear and concise language and shall avoid legal and technical terms whenever possible. Where appropriate, a fiscal impact statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context.

(3) A fiscal impact statement must include both a summary of the fiscal impact statement, not to exceed one hundred (100) words, and a more detailed statement of fiscal impact that includes the assumptions that were made to develop the fiscal impact. When collecting signatures, a signature gatherer shall offer a copy of the fiscal impact statement summary, along with a copy of the initiative and the sponsor's proposed funding source information, to the elector for review before signing. The fiscal impact statement summary and the sponsor's proposed funding source information shall also be published in the state voters' pamphlet and on the official ballot. The fiscal impact statement summary, the detailed fiscal impact statement, and the sponsor's proposed funding source information shall be made available to the public on the secretary of state's website no later than August 1.

(4) The provisions of this section shall not apply to a city or county ballot initiative.

SECTION 4. That Section 34-1812C, Idaho Code, be, and the same is hereby amended to read as follows:

34-1812C. VOTERS' PAMPHLET. (1) Not later than September 25 before any regular general election at which an initiative or referendum measure is to be submitted to the people, the secretary of state shall cause to be printed a voters' pamphlet which shall contain the following:

- (a) A complete copy of the title and text of each measure with the number and form in which the ballot title thereof will be printed on the official ballot;
- (b) A copy of the fiscal impact statement summary for a state measure;
- (c) A copy of the sponsor's proposed funding source information for a state measure; and
- (d) A copy of the arguments and rebuttals for and against each state measure.

(2) The secretary of state shall mail or distribute a copy of the voters' pamphlet to every household in the state. Sufficient copies of the voters' pamphlet shall also be sent to each county clerk. The county clerk and the secretary of state shall make copies of the voters' pamphlet available upon request.

(3) The voters' pamphlet shall be printed according to the following specifications:

- (a) The pages of the pamphlet shall be not smaller than 6 x 9 inches in size;
- (b) It shall be printed in clear, readable type, no less than 10-point, except that the text of any measure may be set forth in no less than 7-point type;

(c) It shall be printed on a quality and weight of paper ~~which~~ that, in the judgment of the secretary of state, best serves the voters;

(d) If the material described in subsections ~~(a) and (b)~~ (1) of this section is combined in a single publication with constitutional amendments, the entire publication shall be treated as a legal notice.

SECTION 5. SEVERABILITY. The provisions of this act are hereby declared to be severable, and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

Approved March 26, 2020

CHAPTER 318
(H.B. No. 538)

AN ACT

RELATING TO TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES; AMENDING SECTION 39-5701, IDAHO CODE, TO REVISE LEGISLATIVE FINDINGS AND INTENT; AMENDING SECTION 39-5702, IDAHO CODE, TO REVISE DEFINITIONS AND TO REMOVE A DEFINITION; AMENDING SECTION 39-5703, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-5704, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-5705, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-5706, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROHIBIT CERTAIN SALES OR DISTRIBUTION ON AND AFTER A CERTAIN DATE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-5707, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-5708, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-5709, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-5710, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-5711, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-5714, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-5715, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE FOR CERTAIN VERIFICATION TECHNOLOGY, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-5717, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 39-5717A, IDAHO CODE, RELATING TO SHIPPING REQUIREMENTS FOR ELECTRONIC CIGARETTES; AMENDING SECTION 39-5718, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING THE HEADING FOR CHAPTER 57, TITLE 39, IDAHO CODE; AMENDING SECTION 39-8421, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 39-8423, IDAHO CODE, TO REMOVE A REFERENCE TO A CERTAIN ACT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-8424, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 56-227F, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 39-5701, Idaho Code, be, and the same is hereby amended to read as follows:

39-5701. LEGISLATIVE FINDINGS AND INTENT. The prevention of youth access to tobacco products and electronic smoking devices within the state of Idaho is hereby declared to be a state goal to promote the general health and welfare of Idaho's young people. Twenty-seven percent (27%) of Idaho's youth currently smoke and almost twenty-seven percent (27%) of boys in Idaho use chewing tobacco which is significantly higher than the national average.

~~Tobacco is the number one killer in Idaho causing more deaths by far than alcohol, illegal drugs, car crashes, homicides, suicides, fires and AIDS combined. According to the center for disease control and prevention (CDC), twenty-four thousand three hundred ninety-four (24,394) children in Idaho currently under eighteen (18) years of age will die prematurely from tobacco-related disease. Tobacco costs the state over two hundred forty million dollars (\$240,000,000) each year and is the single most preventable cause of death and disability in Idaho.~~

~~Furthermore, tobacco is usually the first drug used by young people who go on to use alcohol and other illegal drugs. A study from the CDC shows that teens who smoke are three (3) times more likely than nonsmokers to use alcohol, eight (8) times more likely to use marijuana, and twenty-two (22) times more likely to use cocaine.~~

~~Most minors buy their own tobacco products or steal from self-service displays. Additionally, vending machines also create easy access for minors and a report from the CDC shows that even when vending machines are restricted to "adult areas" such as bars, children still succeed in purchasing cigarettes from vending machines.~~

Tobacco use is the leading cause of preventable death in Idaho, and nicotine is a highly addictive, potentially harmful substance. Both present an urgent public health challenge. New and emerging tobacco products and electronic nicotine delivery devices like electronic cigarettes are linked to an increase in youth use of tobacco and nicotine products, are connected to the use of traditional tobacco products like cigarettes, and are associated with increased addiction in youth users. Therefore, it is this state's policy to prevent the illegal sale, theft, and easy access of tobacco products and electronic smoking devices to minors, and to prohibit the possession, distribution, and use of tobacco products and electronic smoking devices by minors, and to punish those who disregard this law otherwise discourage and prevent the possession, use, and trafficking in tobacco products and electronic smoking devices by minors.

SECTION 2. That Section 39-5702, Idaho Code, be, and the same is hereby amended to read as follows:

39-5702. DEFINITIONS. The terms used in this chapter are defined as follows:

(1) "Business" means any company, partnership, firm, sole proprietorship, association, corporation, organization, or other legal entity, or a representative of the foregoing entities.

(2) "Delivery sale" means to distribute tobacco products or electronic cigarettes smoking devices to a consumer in a state where either:

(a) ~~the~~ individual submits the order for such sale by means of a telephonic or other method of voice transmission, data transfer via computer networks, including the internet and other online services, or facsimile, or the mails; or

(b) ~~the~~ tobacco products or electronic cigarettes smoking devices are delivered by use of the mails or a delivery service.

(3) "Delivery service" means any person who is engaged in the commercial delivery of letters, packages or other containers.

(4) "Department" means the state department of health and welfare or its duly authorized representative.

(5) "Distribute" means to give, deliver, sell, offer to give, offer to deliver, offer to sell or cause any person to do the same or hire any person to do the same.

(6) ~~"Electronic cigarette" means any device that can provide an inhaled dose of nicotine by delivering a vaporized solution. "Electronic cigarette" includes the components of an electronic cigarette including, but not limited to, liquid nicotine.~~

~~(7) "Minor" means a person under eighteen (18) years of age.~~

(87) "Minor exempt permit" means a permittee location whose revenues from the sale of alcoholic beverages for on-site consumption comprises at least fifty-five percent (55%) of total revenues, or whose products and services are primarily obscene, pornographic, profane, or sexually oriented, is exempt from inspections assisted by a minor, if minors are not allowed in the location and such prohibition is posted clearly on all entrance doors.

(98) "Permit" means a permit issued by the department for the sale or distribution of tobacco products or electronic smoking devices.

(109) "Permittee" means the holder of a valid permit for the sale or distribution of tobacco products or electronic smoking devices.

(110) "Photographic identification" means state, district, territorial, possession, provincial, national or other equivalent government driver's license, identification card or military card, in all cases bearing a photograph and a date of birth, or a valid passport.

(121) "Random unannounced inspection" means an inspection of retail outlets by a law enforcement agency or by the department, with or without the assistance of a minor, to monitor compliance of this chapter.

(132) "Seller" means the person who physically sells or distributes tobacco products or electronic cigarettes smoking devices.

(143) (a) "Tobacco product or electronic smoking device" means:

(i) Any substance that contains containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, cigarettes, cigars, pipes, snuff, smoking or chewing tobacco, snus, tobacco papers, or smokeless tobacco;

(ii) Any electronic smoking device that may be used to deliver an aerosolized or a vaporized substance to the person inhaling from the device, including but not limited to an electronic cigarette, an electronic cigar, an electronic pipe, a vape pen, or an electronic hookah, or any component, part, or accessory of such a device, or any substance intended to be aerosolized or vaporized during use of the device, whether or not the substance contains nicotine, or any heated or lighted device intended to be used for inhalation; or

(iii) Any components, parts, or accessories of a tobacco product or an electronic smoking device, whether or not they contain tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, and pipes, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, electronic hookah, or vape pen, or under any other product name or descriptor.

(b) The term "tobacco product or electronic smoking device" does not include drugs, devices, or combinations of products authorized for sale by the United States food and drug administration as those terms are defined in the federal food, drug, and cosmetic act.

(154) "Vending machine" means any mechanical, electronic, or other similar device which, upon the insertion of tokens, money or any other form of payment, dispenses tobacco products or electronic cigarettes smoking devices.

(165) "Vendor-assisted sales" means any sale or distribution in which the customer has no access to the product except through the assistance of the seller.

(176) "Without a permit" means a business that has failed to obtain a permit or a business whose permit is suspended or revoked.

SECTION 3. That Section 39-5703, Idaho Code, be, and the same is hereby amended to read as follows:

39-5703. POSSESSION, DISTRIBUTION, OR USE BY A MINOR. (1) It shall be unlawful for a minor to possess, receive, purchase, use, or consume tobacco products or electronic cigarettes smoking devices or to attempt any of the foregoing.

(2) It shall be unlawful for a minor to sell or distribute tobacco products or electronic cigarettes smoking devices or to attempt either of the foregoing.

(3) It shall be unlawful for a minor to provide false identification, or make any false statement regarding their age in an attempt to obtain tobacco products or electronic cigarettes smoking devices.

(4) A minor who is assisting with a random unannounced inspection in accordance with this chapter shall not be in violation of this chapter.

(5) A minor may possess but not sell or distribute tobacco products or electronic cigarettes smoking devices in the course of employment, for duties such as stocking shelves or carrying purchases to customers' vehicles.

(6) Penalties for violations by a minor. A violation of subsection (1) of this section by a minor shall constitute an infraction and shall be punishable by a fine of seventeen dollars and fifty cents (\$17.50). The first violation of subsection (2) or (3) of this section by a minor shall constitute an infraction and shall be punishable by a fine of two hundred dollars (\$200). A subsequent violation of subsection (2) or (3) of this section by a minor shall constitute a misdemeanor and shall be punishable by imprisonment in an appropriate facility not exceeding thirty (30) days, a fine not exceeding three hundred dollars (\$300), or both such fine and imprisonment. The court may, in addition to the penalties provided herein in this section, require the minor and the minor's parents or legal guardian to attend tobacco product or electronic smoking device awareness programs or to perform community service in programs related to tobacco product or electronic smoking device awareness.

SECTION 4. That Section 39-5704, Idaho Code, be, and the same is hereby amended to read as follows:

39-5704. PERMITTING OF TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES RETAILERS. (1) It shall be unlawful to sell or distribute or offer tobacco products or electronic smoking devices for sale or distribution at retail or to possess tobacco products or electronic smoking devices with the intention of selling at retail without having first obtained a tobacco product or electronic smoking device permit from the department, which shall be the only retail tobacco product or electronic smoking device permit or license required. Provided however, this section shall not be deemed to require a wholesaler or manufacturer's representative or their employees who, in the course of their employment, stock shelves and replenish tobacco products or electronic smoking devices at a permittee's place of business to obtain a permit.

(2) The department shall administer the permitting of tobacco product or electronic smoking device retailers and shall be authorized to ensure compliance with this chapter. The department may promulgate rules in compliance with chapter 52, title 67, Idaho Code, regarding permitting of tobacco product or electronic smoking device retailers, inspections, and

compliance checks, effective training, and employment practices under this chapter.

(3) Permits shall be issued annually ~~for no charge~~ for each business location to ensure compliance with the requirements of this chapter. A copy of this chapter, rules adopted by the department, appropriate signage required by this chapter, and any materials deemed necessary shall be provided with each permit issued.

(4) A separate permit must be obtained for each place of business and is nontransferable to another person, business, or location.

(5) Permittees may display the permit in a prominent location.

(6) A permittee may display a sign in each location within a place of business where tobacco products or electronic smoking devices are sold or distributed. A sign may be clearly visible to the customer and the seller and shall state: "STATE LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES TO PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS. PROOF OF AGE REQUIRED. ANYONE WHO SELLS OR DISTRIBUTES TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES TO A MINOR IS SUBJECT TO STRICT FINES AND PENALTIES. MINORS ARE SUBJECT TO FINES AND PENALTIES."

(7) Permittees are responsible to educate employees as to the requirements of this chapter.

(8) It shall be unlawful for the permittee to allow employees who are minors to sell or distribute tobacco products or electronic smoking devices. Exception: Employees who are minors may possess but not sell or distribute tobacco products or electronic smoking devices in the course of employment, for such duties as stocking shelves or carrying purchases to customers' vehicles.

SECTION 5. That Section 39-5705, Idaho Code, be, and the same is hereby amended to read as follows:

39-5705. SALE OR DISTRIBUTION OF TOBACCO PRODUCTS AND OR ELECTRONIC CIGARETTES SMOKING DEVICES TO A MINOR. (1) It shall be unlawful to sell, distribute, or offer tobacco products or electronic cigarettes smoking devices to a minor.

(2) It shall be an affirmative defense that the seller of a tobacco product or an electronic cigarette smoking device to a minor in violation of this section had requested, examined, and reasonably relied upon a photographic identification from such person establishing that the person's age as is at least eighteen (18) years of age prior to selling such person a tobacco product or an electronic cigarette smoking device. The failure of a seller to request and examine photographic identification from a person under eighteen (18) years of age prior to the sale of a tobacco product or an electronic cigarette smoking device to such person shall be construed against the seller and form a conclusive basis for the seller's violation of this section.

SECTION 6. That Section 39-5706, Idaho Code, be, and the same is hereby amended to read as follows:

39-5706. VENDOR-ASSISTED SALES. (1) It shall be unlawful to sell or distribute tobacco products or electronic cigarettes smoking devices by any means other than vendor-assisted sales where the customer has no access to the product except through the assistance of the seller.

(2) On and after January 1, 2020, it shall be unlawful to sell or distribute tobacco products or electronic smoking devices from a vending machines or self-service displays.

~~(3) On and after January 1, 2013, it shall be unlawful to sell or distribute electronic cigarettes from a vending machine.~~

~~(4) It shall be unlawful to sell or distribute tobacco products or electronic cigarettes from self-service displays.~~

(53) Stores with tobacco products or electronic smoking devices comprising at least seventy-five percent (75%) of total merchandise are exempt from requiring vendor-assisted sales, if minors are not allowed in the store and such prohibition is posted clearly on all entrance doors.

SECTION 7. That Section 39-5707, Idaho Code, be, and the same is hereby amended to read as follows:

39-5707. OPENED PACKAGES AND SAMPLES. (1) It shall be unlawful to sell or distribute tobacco products or electronic smoking devices for commercial purposes other than in the federally required sealed package provided by the manufacturer with all the required warning labels and health warnings.

(2) It shall be unlawful to sell or distribute tobacco products or electronic smoking devices for free or below the cost of such products to the sellers or distributors of the products for commercial or promotional purposes to members of the general public in public places or at public events.

SECTION 8. That Section 39-5708, Idaho Code, be, and the same is hereby amended to read as follows:

39-5708. CIVIL PENALTIES FOR VIOLATIONS OF PERMIT -- ~~CIVIL PENALTY FOR VIOLATIONS RELATING TO ELECTRONIC CIGARETTES~~. (1) Any permittee who fails to comply with any part of this chapter or any current state or local law or rule or regulation regarding the sale or distribution of tobacco products or electronic smoking devices shall be subject to a civil penalty as provided in this section or have their permit suspended, pursuant to compliance with the contested case provisions of the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, or both.

(2) If a seller who is not a permittee violates section 39-5705, Idaho Code, and sells or distributes tobacco products or electronic smoking devices to a minor, then the seller shall be fined one hundred dollars (\$100).

(3) In the case of a first violation, the permittee shall be notified in writing of penalties to be levied for further violations.

(4) In the case of a second violation, the permittee shall be fined two hundred dollars (\$200) and shall be notified in writing of penalties to be levied for further violations. For a violation of section 39-5705, Idaho Code, the permittee shall not be fined if the permittee can show that a training program was in place for the employee and that the permittee has a form signed by that employee on file stating that they the employee understands the tobacco product or electronic smoking device laws dealing with minors and the unlawful purchase of tobacco products or electronic smoking devices, but the permittee shall be notified in writing of penalties to be levied for any further violations. If no such training is in place, the permittee shall be fined two hundred dollars (\$200).

(5) In the case of a third violation in a two (2) year period, the permittee shall be fined two hundred dollars (\$200) and the permit may be suspended for up to seven (7) days. If the violation is by an employee, at the same location, who was involved in any previous citation for violation, the permittee shall be fined four hundred dollars (\$400). Effective training and employment practices by the permittee, as determined by the department, shall be a mitigating factor in determining permit suspension. Tobacco product or electronic smoking device retailers must remove all tobacco products or electronic smoking devices from all areas accessible to or visible to the public while the permit is suspended.

(6) In the case of four (4) or more violations within a two (2) year period, the permittee shall be fined four hundred dollars (\$400) and the permit shall be revoked until such time that the permittee demonstrates an effective training plan to the department, but in no case shall the revocation be for less than thirty (30) days. Tobacco product or electronic smoking device retailers must remove all tobacco products or electronic smoking devices from all areas accessible to or visible to the public while the permit is revoked.

(7) All moneys collected for violations pursuant to this section shall be remitted to the prevention of minors' access to tobacco products or electronic smoking devices fund created in section 39-5711, Idaho Code.

SECTION 9. That Section 39-5709, Idaho Code, be, and the same is hereby amended to read as follows:

39-5709. CRIMINAL PENALTIES FOR VIOLATIONS WITHOUT A PERMIT. Sale or distribution of tobacco products or electronic smoking devices, or any violation of this chapter, without a permit is considered by the state of Idaho as an effort to subvert the state's public purpose to prevent minor's access to tobacco products or electronic smoking devices.

(1) The sale or distribution of tobacco products or electronic smoking devices without a permit shall constitute a misdemeanor punishable by imprisonment not exceeding six (6) months in the county jail, a fine of three hundred dollars (\$300), or by both such fine and imprisonment. If the sale or distribution of tobacco products or electronic smoking devices was to a minor, the fine shall be no less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000). The provisions of this section shall not be applicable to an employee of the business engaged in the sale of tobacco products or electronic smoking devices if the sale occurred during the course of such employment and the seller does not have an ownership interest in the business.

(2) In addition to the penalties set forth in subsection (1) of this section, the court may impose an additional fine of one thousand dollars (\$1,000) per day beginning the day following the date of citation as long as the illegal tobacco products or electronic smoking devices sales or distribution continues. The first seven (7) days of additional fines may be suspended, provided that the business or seller is able to prove that the business or seller has applied for the permit within seven (7) days of the citation.

SECTION 10. That Section 39-5710, Idaho Code, be, and the same is hereby amended to read as follows:

39-5710. CONDUCT OF ENFORCEMENT ACTIONS. (1) It is the intent of the legislature that law enforcement agencies, the attorney general, and the department shall enforce this chapter and rules promulgated pursuant thereto in a manner that can reasonably be expected to significantly reduce the extent to which tobacco products and electronic cigarettes smoking devices are sold or distributed to minors.

(2) Law enforcement agencies may conduct random, unannounced inspections at locations where tobacco products or electronic cigarettes smoking devices are sold or distributed to ensure compliance with this chapter. A copy of all citations issued under this chapter shall be submitted to the department.

(3) The department shall conduct at least one (1) random, unannounced inspection per year at all locations where tobacco products or electronic smoking devices are sold or distributed at retail to ensure compliance with this chapter. The department shall conduct inspections for minor exempt permittees without the assistance of a minor. The department shall conduct

inspections for all other permittees with the assistance of a minor. Each year, the department shall conduct random unannounced inspections equal to the number of permittees multiplied by the violation percentage rate reported for the previous year multiplied by a factor of ten (10). Local law enforcement agencies are encouraged to contract with the department to perform these required inspections.

(4) Minors may assist with random, unannounced inspections with the written consent of a parent or legal guardian. When assisting with these inspections, minors shall not provide false identification, nor make any false statement regarding their age.

(5) Citizens may file a written complaint of noncompliance of this chapter with the department, or with a law enforcement agency. Permit holders under 26 U.S.C. section 5712, may file written complaints relating to delivery sales to the department or the attorney general's offices. Complaints shall be investigated and the proper enforcement actions taken.

(6) Within a reasonable time, not later than two (2) business days after an inspection has occurred, a representative of the business inspected shall be informed in writing of the results of the inspection.

(7) The attorney general or his designee, or any person who holds a permit under 26 U.S.C. section 5712, may bring an action in district court in Idaho to prevent or restrain violations of this chapter by any person or by any person controlling such person.

SECTION 11. That Section 39-5711, Idaho Code, be, and the same is hereby amended to read as follows:

39-5711. FUNDING AND CREATION OF PREVENTION OF MINORS' ACCESS TO TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES FUND. There is hereby created the prevention of minors' access to tobacco products or electronic smoking devices fund in the state treasury. Moneys in the fund shall be used to fund the administration, inspections and enforcement of this chapter. Moneys in the fund may be expended only pursuant to appropriation. The fund shall consist of:

(1) The current federal funds that are available for inspections or for the prevention of minors' access to tobacco products or electronic smoking devices shall be utilized by the department;

(2) The fines from the civil penalties pursuant to section 39-5708, Idaho Code; and

(3) Moneys from any other source.

SECTION 12. That Section 39-5714, Idaho Code, be, and the same is hereby amended to read as follows:

39-5714. REQUIREMENTS FOR DELIVERY SALES. (1) No permittee shall make a delivery sale of tobacco products or electronic smoking devices to any individual who is under age eighteen (18) years in this state. ~~No seller shall make a delivery sale of electronic cigarettes to any minor in this state.~~

(2) Each permittee taking a delivery sale order shall comply with: the age verification requirements set forth in section 39-5715, Idaho Code; the disclosure and notice requirements set forth in section 39-5716, Idaho Code; the shipping requirements set forth in section 39-5717, Idaho Code; the registration and reporting requirements set forth in section 39-5718, Idaho Code; all tax collection requirements provided by title 63, Idaho Code; and all other laws of the state of Idaho generally applicable to sales of tobacco products or electronic smoking devices that occur entirely within Idaho, including, but not limited to, those laws imposing excise taxes, sales and use taxes, licensing and tax stamping requirements, and escrow or other payment obligations.

SECTION 13. That Section 39-5715, Idaho Code, be, and the same is hereby amended to read as follows:

39-5715. AGE VERIFICATION REQUIREMENTS. (1) No permittee shall mail or ship tobacco products or electronic smoking devices in connection with a delivery sale order unless, before mailing or shipping such tobacco products or electronic smoking devices, the permittee accepting the delivery sale order first obtains from the prospective customer a certification that includes proof of age that the purchaser is at least eighteen (18) years old, the credit or debit card used for payment has been issued in the purchaser's name, and the address to which the cigarettes tobacco products or electronic smoking devices are being shipped matches the credit card company's address for the cardholder or employs technology that requires and authenticates independent, third-party age and identity verification services, comparing data against third-party sources.

~~(2) No seller shall mail or ship an electronic cigarette in connection with a delivery sale order unless, before mailing or shipping such electronic cigarette, the seller accepting the delivery sale order first obtains from the prospective customer a certification that includes proof of age that the purchaser is at least eighteen (18) years old, the credit or debit card used for payment has been issued in the purchaser's name and the address to which the electronic cigarette is being shipped matches the credit or debit card company's address for the cardholder.~~

SECTION 14. That Section 39-5717, Idaho Code, be, and the same is hereby amended to read as follows:

39-5717. SHIPPING REQUIREMENTS -- TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES. Each permittee who mails or ships tobacco products or electronic smoking devices in connection with a delivery sale order shall include as part of the shipping documents a clear and conspicuous statement providing as follows:

"TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES: IDAHO LAW PROHIBITS SHIPPING TO INDIVIDUALS UNDER THE AGE OF EIGHTEEN YEARS, AND REQUIRES THE PAYMENT OF TAXES PURSUANT TO CHAPTER 25, TITLE 63, IDAHO CODE. PERSONS VIOLATING THIS MAY BE CIVILLY AND CRIMINALLY LIABLE."

Anyone delivering any such container distributes tobacco products or electronic smoking devices as defined in section 39-5702(5), Idaho Code, and is subject to the terms and requirements of this chapter. If a permittee taking a delivery sale order also delivers the tobacco products or electronic smoking devices without using a third-party delivery service, the permittee shall comply with all the requirements of vendor-assisted sales as defined in section 39-5702(165), Idaho Code.

SECTION 15. That Section 39-5717A, Idaho Code, be, and the same is hereby repealed.

SECTION 16. That Section 39-5718, Idaho Code, be, and the same is hereby amended to read as follows:

39-5718. REGISTRATION AND REPORTING REQUIREMENTS. (1) Prior to making delivery sales or shipping tobacco products or electronic smoking devices in connection with any such sales, every business shall obtain a permit from the department and file with the state tax commission a statement setting forth the seller's permittee's name, trade name, and the address of the business's principal place of business and any other place of business.

(2) ~~Not~~ No later than the tenth day of each calendar month, each permittee that has made a delivery sale or shipped or delivered tobacco products or electronic smoking devices in connection with any such sale during the previous calendar month shall file with the department and the state tax commission a memorandum or a copy of the invoice ~~which~~ that provides for each and every such delivery sale:

(a) The name and address of the individual to whom the delivery sale was made;

(b) The brand or brands of the tobacco products or electronic smoking devices that were sold in such delivery sale; and

(c) The quantity of tobacco products or electronic smoking devices that were sold in such delivery sale.

(3) Any tobacco products or electronic smoking devices sold or attempted to be sold in a delivery sale that does not meet the requirements of this chapter shall be forfeited to the state of Idaho.

SECTION 17. That the Heading for Chapter 57, Title 39, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 57

PREVENTION OF MINORS' ACCESS TO TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES

SECTION 18. That Section 39-8421, Idaho Code, be, and the same is hereby amended to read as follows:

39-8421. DEFINITIONS. As used in sections 39-8420 through 39-8425, Idaho Code:

(1) The definitions set forth in section 39-8402, Idaho Code, of the Idaho tobacco master settlement agreement complementary act, and in this section, apply to sections 39-8420 through 39-8425, Idaho Code.

(2) "Cigarette rolling machine" means any machine or device that has the capability to produce at least one hundred fifty (150) cigarettes in less than thirty (30) minutes.

(3) "Cigarette rolling machine operator" means any person who owns or leases or otherwise has available for use a cigarette rolling machine and makes such a machine available for use by another person in a commercial setting in order to manufacture a cigarette. No person shall be deemed a cigarette rolling machine operator based solely upon that person's manufacture, sale, enabling, disabling, or repair of a cigarette rolling machine.

(4) "Minor" has the same meaning as that term is defined in section 39-5702(6), Idaho Code, ~~of the Idaho prevention of minors' access to tobacco act.~~

(5) "Person" means natural persons, corporations both foreign and domestic, trusts, partnerships both limited and general, incorporated or unincorporated associations, companies, business entities, and any other legal entity, or any other group associated in fact although not a legal entity.

(6) "Tobacco products" ~~has the same meaning as that term is defined in section 39-5702(13), Idaho Code, of the Idaho prevention of minors' access to tobacco act~~ means any substance that contains tobacco, including but not limited to cigarettes, cigars, pipes, snuff, smoking tobacco, tobacco papers, or smokeless tobacco.

SECTION 19. That Section 39-8423, Idaho Code, be, and the same is hereby amended to read as follows:

39-8423. REQUIREMENTS FOR CERTIFICATION. (1) Before a cigarette rolling machine operator may be certified by the attorney general, the operator shall certify, under penalty of perjury, that:

(a) All tobacco to be used in the operator's cigarette rolling machine, regardless of the tobacco's label or description thereof, will only be of a brand family and of a tobacco product manufacturer listed on the directory maintained by the attorney general pursuant to section 39-8403, Idaho Code, of the Idaho tobacco master settlement agreement complementary act;

(b) All applicable state tobacco taxes have been paid, as required by the cigarette and tobacco products tax act, chapter 25, title 63, Idaho Code, for the tobacco to be used in the operator's cigarette rolling machine;

(c) The operator has obtained, and has a current permit issued, pursuant to section 39-5704, Idaho Code, ~~of the Idaho prevention of minors' access to tobacco act;~~

(d) All cigarette tubes used in the operator's cigarette rolling machine shall be constructed of paper of a type determined by the attorney general, pursuant to regulations to be promulgated by the attorney general, to reduce the likely ignition propensity of cigarettes to be made with such tubes;

(e) (i) At any location where the operator has a cigarette rolling machine, seventy-five percent (75%) of the revenues of the operator's total merchandise sales at that location are comprised of tobacco products; or

(ii) The location where the cigarette rolling machine is situated prohibits minors from entering the premises;

(f) The operator will not sell cigarettes or make a cigarette rolling machine available for use, in any quantity less than twenty (20) cigarettes per transaction, except for samples prepared in connection with the purchase or prospective purchase of tobacco and consumed or destroyed at the premises where the cigarette rolling machine is located; and

(g) The operator will not accept or allow its cigarette rolling machine to be used to manufacture cigarettes with tobacco that was not first purchased or obtained from the operator and for which the operator will timely and properly report to the attorney general as set forth in subsection (2) of this section.

(2) After being certified, the cigarette rolling machine operator shall annually certify, under penalty of perjury, to the provisions set forth in subsection (1) of this section. Additionally, the operator shall quarterly report to the attorney general on a form prescribed by the attorney general:

(a) The number of cigarettes that the operator's cigarette rolling machine manufactured during that quarter;

(b) The brand families, the tobacco product manufacturer of each brand family, and the ounces of tobacco of each such brand family that were used in the operator's cigarette rolling machine to manufacture cigarettes during the quarter; and

(c) The person or persons from whom the operator purchased or obtained the tobacco that the operator's machine used to manufacture cigarettes.

(3) The cigarette rolling machine operator's annual certification shall be due to the attorney general no later than the thirtieth day of April each year.

(4) All tobacco certified under subsection (1) (a) of this section shall be deemed to be "roll-your-own" tobacco for purposes of section 39-7802(d), Idaho Code, of the Idaho tobacco master settlement agreement act.

(5) A cigarette rolling machine operator shall not be required to comply with the provisions of ~~section 39-8423(1)(d), Idaho Code,~~ subsection (1)(d) of this section until the attorney general has promulgated rules implementing this subsection, pursuant to section 39-8425, Idaho Code, and the effective date provided for such rules has passed.

SECTION 20. That Section 39-8424, Idaho Code, be, and the same is hereby amended to read as follows:

39-8424. VIOLATIONS -- ATTORNEY GENERAL AND DISTRICT COURT AUTHORITY -- REVOCATION OF CERTIFICATION. (1) Any person who violates any provision of this act, or any certification provided by the attorney general, is subject to the imposition of a civil penalty by the district court in the amount set forth in section 39-8406(1), Idaho Code. The attorney general and the district courts shall have the same authority in enforcing and carrying out the provisions of this section as is granted the attorney general and district courts under sections 39-8406 and 39-8407, Idaho Code, of the Idaho tobacco master settlement agreement complementary act.

(2) In addition to the authority set forth in subsection (1) of this section:

(a) The district court shall have the authority to revoke the cigarette rolling machine operator's ~~tobacco~~ permit issued by the department of health and welfare, pursuant to ~~the Idaho prevention of minors' access to tobacco act~~ chapter 57, title 39, Idaho Code, for a period of at least three (3) months but up to one (1) year.

(b) (i) The attorney general may suspend or revoke a cigarette rolling machine operator's certification for violation of any provisions of this act or the operator's certification or any rule adopted by the attorney general pursuant to this act.

(ii) A determination by the attorney general to deny a certification application or to suspend or revoke a cigarette rolling machine operator's certification shall be subject to review in the manner prescribed by Idaho's administrative procedure act, chapter 52, title 67, Idaho Code. In instances where a certification is suspended or revoked, the cigarette rolling machine operator may not thereafter use or make the machine available for use and shall have ten (10) days after receiving actual notice that its certification has been suspended or revoked to remove the machine from the operator's commercial premises. If the operator fails to remove the cigarette rolling machine within this time period, the machine shall be deemed contraband and subject to seizure and forfeiture. During the period in which the operator's certification has been suspended or revoked, the operator may store the machine at a storage site ~~so~~ as long as the machine is not used by or available to persons for use to manufacture cigarettes.

(3) No person who manufactures a cigarette using a cigarette rolling machine shall sell or offer that cigarette for sale in this state. This prohibition shall not apply to any person holding a federal license as a cigarette manufacturer.

(4) Unless expressly provided, the remedies or penalties provided by this act are cumulative to each other and to the remedies or penalties available under all other laws of this state.

SECTION 21. That Section 56-227F, Idaho Code, be, and the same is hereby amended to read as follows:

56-227F. PUBLIC ASSISTANCE BENEFIT CARDS -- PROHIBITED USES. (1) Any recipient of public assistance is prohibited from using public assistance benefit cards or cash obtained with public assistance benefit cards:

- (a) For the purpose of participating in any of the activities described under chapters 38 and 49, title 18, Idaho Code, or authorized pursuant to any state-tribal gaming compact under section 67-429A, Idaho Code;
- (b) For the purpose of pari-mutuel betting authorized under chapter 25, title 54, Idaho Code;
- (c) To purchase lottery tickets or shares authorized under chapter 74, title 67, Idaho Code;
- (d) For the purpose of participating in or purchasing tattoo, branding or body piercing services as defined in section 18-1523, Idaho Code;
- (e) To purchase cigarettes as defined in section 39-7802(d), Idaho Code, or tobacco products or electronic smoking devices as defined in section 39-5702(13), Idaho Code;
- (f) To purchase any items regulated under title 23, Idaho Code;
- (g) For the purpose of adult entertainment at venues with performances that contain sexually oriented material where minors under the age of eighteen (18) years are prohibited; or
- (h) For the purpose of purchasing or participating in any activities in any location listed in subsection (2) of this section.

(2) The following businesses are required to comply with the provisions of this section:

- (a) Any establishment or business licensed under chapter 9, title 23, Idaho Code;
- (b) State liquor stores defined under section 23-902, Idaho Code, with the exception of special distributors as referenced in chapter 3, title 23, Idaho Code;
- (c) Any business or agency that issues or underwrites bail bonds as defined in section 41-1038(3), Idaho Code;
- (d) Gambling establishments licensed under Idaho law;
- (e) Any business or establishment that offers tattoo, body piercing or branding services as defined in section 18-1523, Idaho Code;
- (f) Adult entertainment venues with performances that contain sexually oriented material where minors under the age of eighteen (18) years are prohibited; and
- (g) Any establishment where persons under the age of eighteen (18) years are not permitted.

(3) The department shall notify any business determined to be in violation of the provisions of subsection (2) of this section and the licensing authority of any such business, if applicable, that such business has continued to allow the use of a public assistance benefit card in violation of subsection (2) of this section. The department may require the Idaho quest electronic benefits transfer (EBT) card business identification number (BIN) be disabled at any business found to be in violation of subsection (2) of this section. Any business in violation of subsection (2) of this section may also be required to deny all public assistance cash transactions made with an Idaho quest EBT card at any automated teller machine (ATM) located in their establishment. All costs associated with disabling the BIN and ATM will be the responsibility of such business owner.

(4) Only the recipient, an eligible member of the recipient's household or the recipient's authorized representative may use a public assistance benefit card or the benefit, and such use shall only be for the respective benefit program purposes. The recipient shall not sell, attempt to sell, exchange or donate a public assistance benefit card or any benefits to any other person or entity.

(5) A violation of subsection (1) or (4) of this section by a recipient constitutes a misdemeanor.

(a) The department shall notify all recipients of public assistance benefit cards that any violation of subsection (1) or (4) of this section could result in legal proceedings and forfeiture of all cash public assistance.

(b) Whenever the department has confirmed that a person has violated subsection (1) or (4) of this section, the department shall notify the person in writing that the violation could result in legal proceedings and forfeiture of all cash public assistance.

(6) As used in this section, "public assistance" or "public assistance benefit" means benefits provided to a recipient pursuant to the temporary assistance for families in Idaho (TAFI) program on an Idaho quest EBT card account.

(7) This section shall be enforced by the director of the department of health and welfare in cooperation with local law enforcement and prosecuting agencies.

Approved March 26, 2020

CHAPTER 319
(S.B. No. 1294)

AN ACT

RELATING TO DOMESTIC CERVIDAE; AMENDING SECTION 25-3708, IDAHO CODE, TO REVISE PROVISIONS REGARDING FEE.

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

SECTION 1. That Section 25-3708, Idaho Code, be, and the same is hereby amended to read as follows:

25-3708. FEES. (1) There is hereby imposed, on domestic cervidae, a fee, as determined by the director, not to exceed ten dollars (\$10.00) per head per year and shall be due on January 1 of each year. Such fee shall apply to all domestic cervidae present at the farm or ranch as of December 31 and ~~all domestic cervidae that die or have been harvested on the farm or ranch during the same calendar year.~~

(2) There is hereby imposed, on all domestic cervidae imported from outside of the state, a fee of ten dollars (\$10.00) per head payable by December 31 of the year of import.

(3) There is hereby imposed, on all domestic cervidae exported outside of the state, a fee of ten dollars (\$10.00) per head payable by December 31 of the year of export.

(4) There is hereby imposed, on all domestic cervidae whose ownership is transferred from one (1) producer to another within the state, a fee of ten dollars (\$10.00) per head paid by the seller payable by December 31 of the year of transfer.

(5) The department shall accept payment of fees by cash and check and shall also facilitate the payment of fees by debit and credit card through electronic and telephonic means, as available.

(6) Fees imposed by the provisions of subsections (2), (3) and (4) of this section shall not apply to domestic cervidae destined to an approved slaughter establishment.

(7) The fee shall be used by the Idaho state department of agriculture, division of animal industries, solely for the prevention, control and eradication of diseases of domestic cervidae, the inspection of domestic cervidae and domestic cervidae farms or ranches, and administration of the domestic cervidae program. All moneys collected under this provision shall be deposited in the livestock disease control and tuberculosis indemnity fund and used for the domestic cervidae program.

Approved March 26, 2020

CHAPTER 320
(H.B. No. 420)

AN ACT

RELATING TO CONTRACTOR REGISTRATION; AMENDING SECTION 54-5211, IDAHO CODE, TO PROVIDE FOR INACTIVE REGISTRATION AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-5215, IDAHO CODE, TO REMOVE A PROVISION REGARDING GROSS NEGLIGENCE AND RECKLESS CONDUCT.

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

SECTION 1. That Section 54-5211, Idaho Code, be, and the same is hereby amended to read as follows:

54-5211. REGISTRATION -- INACTIVE STATUS -- RENEWAL. (1) A registration shall be issued for a period of not less than one (1) year nor more than five (5) years, as determined by the board. Each registration shall set forth its expiration date on the face of the certificate. No less than thirty (30) days prior to the expiration of such registration, the board shall notify a registered contractor that such registration is set to expire.

(2) A registered contractor in this state who is not engaging in business as a contractor as defined in this chapter may be issued an inactive registration. The registered contractor must submit the fee set by board rule and a written request for an inactive registration. Each inactive registration shall be issued for a period of one (1) year. A registered contractor holding an inactive registration may not engage in business as a contractor in this state and does not need to keep current insurance coverage as required by this chapter. A registered contractor wishing to convert an inactive registration to an active registration must pay the fee as defined by board rule and provide proof of current insurance coverage as required by this chapter.

(3) Reinstatement of a lapsed registration shall require the payment of a renewal fee and reinstatement fee in accordance with the administrative rules adopted by the board. The failure of any registered contractor to renew his registration as required herein and by the administrative rules of the board shall not deprive such person of the right to renewal upon subsequent application for registration and payment of the required board fees.

SECTION 2. That Section 54-5215, Idaho Code, be, and the same is hereby amended to read as follows:

54-5215. AUTHORITY TO INVESTIGATE AND DISCIPLINE -- SUSPENSION OR REVOCATION OF REGISTRATION. (1) The board may investigate any person engaged in contracting within the state of Idaho or any person believed to have acted as a contractor without being duly registered as required by this chapter. Upon receipt of a written complaint from a person who claims to have been injured or defrauded by such person, or upon information received by the board, the board shall perform an investigation of the facts alleged against such

person. If the board investigation reveals that the facts alleged or received are sufficient to proceed with a formal action, the board may authorize the filing of an administrative complaint against such person and may seek injunctive relief prohibiting such person from engaging in construction.

(2) The board shall have the authority to issue informal letters of reprimand, suspend or revoke a registration, impose a civil penalty in an amount not to exceed one thousand dollars (\$1,000) or to issue a formal reprimand against any registered contractor if, after an opportunity for a hearing, the board determines that:

(a) A contractor has violated any of the provisions of this chapter including, but not limited to, failure to keep current or provide insurance coverage as required by this chapter;

(b) A contractor has violated any of the provisions of chapter 6, title 48, Idaho Code, relating to consumer protection including, but not limited to, making fraudulent misrepresentations to consumers;

(c) A contractor employed fraud or deception, made a misrepresentation or misstatement, or employed any unlawful means in applying for or securing registration as a contractor;

(d) A contractor employed fraud or deception, made a misrepresentation or misstatement, or employed any unlawful means in applying for or securing a building permit or other permits for construction of any type;

(e) A contractor failed to pay the required fee for registration as provided in this chapter;

(f) A contractor has been convicted of or has engaged in conduct constituting a violation of public laws, ordinances or rules of this state, or any subdivision thereof, relevant to contracting, reflecting on the registered contractor's ability or qualifications to continue contracting for other persons, and making the registered contractor a threat to the public safety, health or well-being;

(g) A contractor has engaged in any other conduct whether of the same or a different character than hereinabove specified which constitutes dishonest or dishonorable dealings;

~~(h) A contractor was grossly negligent or reckless in his conduct in the performance of construction. For purposes of this chapter, conduct is grossly negligent or reckless if, when taken as a whole, it is conduct which substantially fails to meet the generally accepted standard of care in the practice of construction in Idaho;~~

~~(i) A contractor had a license, registration or certification revoked, suspended or refused by this or another state, territory, incorporated municipality, county, alternative form of local government, or other municipal or political corporation or subdivision of this or another state, or omitted such information from any application to the board, or failed to divulge such information when requested by the board;~~

~~(j) A contractor has been adjudged mentally incompetent by a court of competent jurisdiction; or~~

~~(k) A contractor interfered with an investigation or disciplinary proceeding by a willful misrepresentation of facts or by the use of threats or harassment against any person to prevent such person from providing evidence in a disciplinary proceeding, investigation or other legal action instituted in accordance with this chapter.~~

(3) A contractor whose registration has been revoked or suspended shall be required to return his certificate of registration within the time determined by the board or, upon a failure to do so, shall be liable for civil penalties as set by the board but not to exceed fifty dollars (\$50.00) per day for each day the certificate is not returned after the expiration of the period allowed.

(4) The suspension or revocation of a registration shall be considered a contested case as provided for in chapter 52, title 67, Idaho Code, and shall be subject to the provisions of that chapter as well as the administrative rules adopted by the board governing contested cases.

(5) The assessment of attorney's fees and costs incurred in the investigation and prosecution or defense of a person under this section shall be governed by the provisions of section 12-117(5), Idaho Code.

Approved March 26, 2020

CHAPTER 321
(H.B. No. 431)

AN ACT

RELATING TO CHARITABLE ORGANIZATIONS; AMENDING TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 19, TITLE 48, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT, TO DEFINE TERMS, TO PROVIDE THAT RIGHTS AND POWERS OF THE COURTS SHALL NOT BE IMPAIRED, TO PROVIDE THAT CERTAIN PERSONS SHALL BE EXCLUDED, TO PROVIDE FOR CERTAIN UNLAWFUL ACTS AND FOR EXCEPTIONS, TO PROVIDE FOR THE SALE OR TRANSFER OF CHARITABLE ASSETS, TO PROVIDE FOR INVESTIGATORY AUTHORITY OF THE ATTORNEY GENERAL, TO PROVIDE FOR VOLUNTARY COMPLIANCE AND A CONSENT JUDGMENT IN CERTAIN INSTANCES, TO AUTHORIZE CERTAIN PROCEEDINGS BY THE ATTORNEY GENERAL, TO PROVIDE FOR SERVICE OF NOTICE, TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS, TO PROVIDE FOR THE DISPOSITION OF CERTAIN PENALTIES AND FEES RECOVERED, AND TO PROVIDE FOR THE CONVEYANCE OF RECOVERED CHARITABLE ASSETS AND FOR RESTITUTION RECOVERED; AND AMENDING SECTION 67-1401, IDAHO CODE, TO REVISE A CERTAIN DUTY OF THE ATTORNEY GENERAL AND TO MAKE A TECHNICAL CORRECTION.

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 19, Title 48, Idaho Code, and to read as follows:

CHAPTER 19
IDAHO CHARITABLE ASSETS PROTECTION ACT

48-1901. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Charitable Assets Protection Act."

48-1902. LEGISLATIVE FINDINGS AND INTENT. (1) The state of Idaho is home to thousands of charitable organizations that, collectively, hold billions of dollars in charitable assets. Charitable organizations have a legal duty to use their charitable assets according to the charitable purposes designated in their governing documents. The legislature is aware, however, that misuse or misappropriation of charitable assets occurs to the harm of the charitable purposes for which they were donated and the communities that were intended to be benefitted by the charitable donation.

(2) The attorney general, as the state of Idaho's chief legal officer, has a legal duty to ensure that charitable assets are used for their intended purposes.

(3) The current law governing the attorney general's authority over charitable organizations holding charitable assets does not adequately define the attorney general's duties and enforcement authorities. Further, Idaho law has not effectively defined the attorney general's authority

to address a person's unlawful misuse or misappropriation of charitable assets.

(4) Therefore, through this chapter, it is the legislature's intent to:

(a) Define the attorney general's duties to protect charitable assets from misuse or misappropriation and to provide the attorney general with the necessary authority and enforcement tools to protect charitable assets; and

(b) Provide a procedure for notifying the attorney general before certain charitable organizations dissolve, convert to a noncharitable organization, terminate, or otherwise dispose of their charitable assets.

(5) The provisions of this chapter are remedial and shall be construed and applied liberally to accomplish the purposes provided for in this section and to protect Idaho charitable assets.

48-1903. DEFINITIONS. As used in this chapter:

(1) "Accountable person" means a director, officer, executive, manager, trustee, agent, or employee of a charitable organization.

(2) "Attorney general" means the attorney general of the state of Idaho or the attorney general's designee.

(3) "Charitable asset" means any interest in real or personal property and any other article, commodity, or thing of value that is impressed with a charitable purpose but does not include private assets held in a split-interest trust, as described in section 4947(a) (2) of the Internal Revenue Code, as referenced in section 63-3004, Idaho Code.

(4) "Charitable organization" means a person who holds charitable assets regardless of the legal form.

(5) "Charitable purpose" means the relief of poverty, the advancement of knowledge, education, or religion, or the promotion of health, the environment, civic or patriotic matters, or any other purpose, the achievement of which is beneficial to the community.

(6) "Person" has the same meaning as that term is defined in section 15-1-201(34), Idaho Code.

48-1904. COURTS NOT IMPAIRED -- CONFLICT OF LAWS. Nothing in this chapter shall impair the rights and powers of the courts of this state with respect to any charitable organization.

48-1905. PERSONS EXCLUDED. The provisions of this chapter shall not apply to:

(1) A state or federally chartered bank, savings bank, savings and loan association, thrift institution, trust company, or credit union; or

(2) An individual who is acting within the scope of his position and duties as a director, officer, executive, manager, or employee of a person described in subsection (1) of this section.

48-1906. UNLAWFUL ACTS. (1) It is unlawful for an accountable person or charitable organization to knowingly use, or allow to be used, the charitable organization's charitable assets in a manner that is inconsistent with:

(a) Law applicable to the charitable asset;

(b) The restrictions contained in a gift instrument regarding the charitable assets; provided, however, that nothing in this section shall prevent a person from seeking a release or modifying the charitable purposes or restrictions contained in a gift instrument, pursuant to section 33-5006, Idaho Code, or other applicable Idaho law; or

(c) The charitable purpose of the charitable organization that holds the charitable asset.

(2) An accountable person is not liable under this section if the accountable person:

- (a) Discharged his duties as an accountable person in compliance with the standards of conduct set forth in sections 30-30-618 and 30-30-623, Idaho Code, irrespective of whether the accountable person would otherwise be subject to the provisions of such sections;
- (b) Acted in compliance with the applicable trust instrument and that trust instrument complies with Idaho law;
- (c) Qualifies for immunity under section 6-1605, Idaho Code; or
- (d) Acted in compliance with a court order regarding a matter for which the attorney general received timely notice as provided by applicable law, thereby providing the attorney general time to file any objection and be heard by the court regarding the matter.

48-1907. SALE OR TRANSFER OF CHARITABLE ASSETS. (1) A charitable organization that holds, or within the preceding twelve (12) months received or at any time held, charitable assets with a fair market value in the aggregate exceeding ten thousand dollars (\$10,000) shall provide written notice to the attorney general of the charitable organization's intent to dissolve, convert to a noncharitable organization, terminate, or dispose of all of its charitable assets. In addition, a charitable organization that holds, or within the preceding twelve (12) months received or at any time held, charitable assets with a fair market value in the aggregate exceeding ten thousand dollars (\$10,000) shall provide written notice to the attorney general of the charitable organization's intent to dispose of substantially all of its charitable assets if such charitable organization has no reasonable expectation it will hold charitable assets with a fair market value in the aggregate exceeding ten thousand dollars (\$10,000) in the next twenty-four (24) months.

(2) This section shall not apply to a charitable organization that is subject to the provisions of:

- (a) Chapter 15, title 48, Idaho Code, where notice is timely provided to the attorney general, as provided therein; or
- (b) Section 68-1204, Idaho Code, where notice is timely provided to the attorney general, as provided therein.

(3) Written notice to the attorney general under this section must include, at a minimum, the following:

- (a) Legal names and mailing addresses of the directors and officers of the charitable organization;
- (b) A description of the charitable assets and the charitable purpose of the assets; and
- (c) A copy or summary of the plan of dissolution, conversion to a non-charitable organization, or termination and disposal of the charitable organization's charitable assets.

(4) Subject to subsection (8) of this section, no charitable assets shall be disposed of, transferred, or conveyed by a charitable organization subject to this section until at least thirty (30) days after it has given notice required by this section to the attorney general or until the attorney general has consented in writing to the actions set forth in the charitable organization's written notice or indicated in writing that he will take no action with respect to the proposed dissolution, conversion, or termination and disposal of the charitable organization's charitable assets, whichever is earlier.

(5) Failure to comply with the notice requirements of this section subjects the charitable organization's accountable persons to liability as provided by this chapter.

(6) A charitable organization that has provided notice under subsections (1) and (3) of this section and has not received a written response from the attorney general after thirty (30) days of giving such notice may proceed with the proposed dissolution, conversion to a noncharitable organization, or termination and disposal of charitable assets and be deemed in compliance with subsections (1) and (3) of this section.

(7) Within ninety (90) days of completion of the proposed dissolution, conversion to a noncharitable organization, or termination and disposal of all or substantially all of its charitable assets, the charitable organization's board shall deliver to the attorney general a list of who received the assets. The list shall include the address of each person who received the assets and indicate what assets each received.

(8) If the attorney general opposes, in writing, a proposed dissolution, conversion to a noncharitable organization, or termination and disposal of all or substantially all of a charitable organization's charitable assets, as set forth in the charitable organization's notice under subsections (1) and (3) of this section, the charitable organization may not proceed forward with the actions proposed in its written notice for at least fourteen (14) days after the attorney general's written response has been issued to allow the attorney general, in his discretion, to file suit seeking to block the charitable organization's proposed dissolution, conversion to a noncharitable organization, or termination and disposal of its charitable assets, or otherwise to resolve the matter with the affected parties pursuant to section 48-1909, Idaho Code.

(9) If the attorney general files a lawsuit seeking to block a charitable organization's proposed dissolution, conversion to a noncharitable organization, or termination and disposal of charitable trust assets, the district court shall review, de novo, the charitable organization's proposal to determine if it is in compliance with charitable trust law. If the attorney general does not file a lawsuit within the fourteen (14) days provided in this section, the charitable organization may proceed with the proposed dissolution, conversion to a noncharitable organization, or termination and disposal of charitable assets and be deemed in compliance with subsections (1) and (3) of this section.

48-1908. INVESTIGATORY AUTHORITY OF ATTORNEY GENERAL. Whenever the attorney general has reason to believe that an accountable person or charitable organization has violated or is violating the provisions of section 48-1906, 48-1907, or 48-1909, Idaho Code, the attorney general may:

(1) Serve investigative demands using the same procedures and in the same manner as described in section 48-611, Idaho Code;

(2) Issue subpoenas and conduct hearings using the same procedures and in the same manner as described in section 48-612, Idaho Code;

(3) Apply to the district court for compliance orders using the same procedures and in the same manner as described in section 48-614, Idaho Code; and

(4) Retain certified fraud examiners, accountants, appraisers, and other experts to assist the attorney general with the attorney general's investigation.

48-1909. VOLUNTARY COMPLIANCE -- CONSENT JUDGMENT -- DISTRICT COURT APPROVAL. (1) In lieu of initiating or continuing an investigation or action or proceeding under this chapter, the attorney general may accept an assurance of voluntary compliance or consent judgment from a person who the attorney general has reason to believe violated or is violating the provisions of section 48-1906 or 48-1907, Idaho Code.

(2) Such assurance of voluntary compliance or consent decree shall comply with the provisions of section 48-610, Idaho Code, for assurances of voluntary compliance and section 48-606(4), Idaho Code, for consent judgments and have the same effect as set forth in those provisions with the addition that such assurances of voluntary compliance and consent judgments may also include provisions that require the person signing the document to report to the attorney general concerning the charitable assets or charitable organization or to perform specific acts relating to the charitable organization.

(3) Matters closed pursuant to this section may at any time be reopened by the attorney general for further proceedings in the public interest pursuant to the procedures set forth in section 48-1910, Idaho Code.

48-1910. PROCEEDINGS BY ATTORNEY GENERAL. (1) Whenever the attorney general has reason to believe that a person violated or is violating the provisions of section 48-1906, Idaho Code, the attorney general, acting in the public interest, may bring an action in the name of the state against such person:

(a) To enjoin any action that constitutes a violation of this chapter by issuance of a temporary restraining order or preliminary or permanent injunction, upon the giving of appropriate notice to the alleged violator as provided in the Idaho rules of civil procedure;

(b) To obtain appointment of a master, receiver, or escrow agent to gather, account for, and oversee the charitable assets of the alleged violator and prevent further the dissipation of such assets;

(c) To remove the alleged violator from his position as an accountable person of the charitable organization;

(d) To terminate a charitable organization and liquidate its charitable assets in accordance with its governing instrument or applicable law;

(e) To recover from the alleged violator damages or restitution of any charitable assets misappropriated, lost, or diverted in violation of section 48-1906, Idaho Code;

(f) To recover from the alleged violator civil penalties of up to fifty thousand dollars (\$50,000), as determined by the district court;

(g) To obtain specific performance from the alleged violator;

(h) To recover from the alleged violator the attorney general's reasonable expenses, investigative costs, and attorney's fees; and

(i) To obtain other appropriate relief.

(2) Whenever the attorney general has reason to believe that a charitable organization violated or is violating the provisions of section 48-1907, Idaho Code, the attorney general, acting in the public interest, may bring an action in the name of the state against such organization and any agents of the organization:

(a) To enjoin any action dissolving the charitable organization, or the dissolving, converting to a noncharitable organization, terminating, or disposing of all or substantially all of the charitable organization's charitable assets by issuance of a temporary restraining order or preliminary or permanent injunction, upon the giving of appropriate notice to the alleged violator as provided in the Idaho rules of civil procedure;

(b) To obtain appointment of a master, receiver, or escrow agent to gather, account for, and oversee charitable assets whenever it shall appear that all or substantially all of the charitable organization's charitable assets may be dissolved, converted, terminated, or disposed of during the course of the proceedings;

(c) To terminate a charitable organization and liquidate its charitable assets in accordance with its governing instrument or applicable law;

(d) In cases where the charitable organization's accountable person or persons knew of and intended to violate the notice provisions of section 48-1907, Idaho Code, to recover from the charitable organization's accountable persons civil penalties of up to five thousand dollars (\$5,000), as determined by the district court; and

(e) To obtain other appropriate relief.

(3) The action may be brought in the district court of the county in which the alleged violator resides or, with consent of the parties, may be brought in the district court of Ada county. The action may be brought in any district court in this state if the alleged violator resides outside of the state.

48-1911. SERVICE OF NOTICE. Service of any notice, demand, or subpoena under this chapter shall be made pursuant to section 48-613, Idaho Code.

48-1912. VIOLATION OF INJUNCTION, CONSENT JUDGMENT, OR ORDER -- CIVIL PENALTY. Any person who violates the terms of a consent judgment entered pursuant to section 48-1909, Idaho Code, or an injunction issued or an order or judgment entered pursuant to section 48-1910, Idaho Code, shall forfeit and pay to the state a civil penalty of no more than ten thousand dollars (\$10,000) per violation, the amount of the penalty to be determined by the district court issuing such order, consent judgment, judgment, or injunction. For the purposes of this section, the district court issuing such order, consent judgment, judgment, or injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for recovery of civil penalties.

48-1913. PENALTIES AND FEES RECOVERED -- DISPOSITION. Any civil penalties, costs, or attorney's fees sued for and recovered by the attorney general under this chapter shall be remitted to the consumer protection fund created in section 48-606, Idaho Code, and shall be used for the furtherance of the attorney general's duties and activities under the provisions of this chapter, pursuant to legislative appropriation.

48-1914. CHARITABLE ASSETS RECOVERED -- CY PRES -- RESTITUTION RECOVERED. (1) Any charitable assets sued for and recovered by the attorney general under this chapter shall be conveyed:

(a) To the injured charitable organization to restore its misappropriated, lost, or diverted charitable assets; or

(b) To any charitable organization with a similar charitable purpose as that of the charitable organization from which the charitable assets were recovered, pursuant to a court-approved cy pres distribution.

(2) Any restitution sued for and recovered by the attorney general under this chapter shall be deposited and held in the state treasury until such time as the attorney general directs that payment be made to a person to reimburse for any actual damages he incurred as a direct result of a violation of this chapter.

SECTION 2. 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~~ enforce the Idaho charitable solicitation act, chapter 12, title 48, Idaho Code; the Idaho nonprofit hospital sale or conversion act, chapter 15, title 48, Idaho Code; to supervise charitable organizations, as such term is defined in section 48-1903(4), Idaho Code; and to enforce whenever necessary any noncompliance or departure from the general charitable 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~~ organizations as set forth and provided in chapter 19, title 48, Idaho Code.

(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.

(18) 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.

CHAPTER 322
(H.B. No. 512)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-5206, IDAHO CODE, TO PROVIDE FOR WEIGHTING IN A PUBLIC CHARTER SCHOOL'S LOTTERY FOR CERTAIN DISADVANTAGED STUDENTS.

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

SECTION 1. That Section 33-5206, Idaho Code, be, and the same is hereby amended to read as follows:

33-5206. REQUIREMENTS AND PROHIBITIONS OF A PUBLIC CHARTER SCHOOL. (1) In addition to any other requirements imposed in this chapter, a public charter school shall be nonsectarian in its programs, affiliations, admission policies, employment practices, and all other operations, shall not charge tuition, levy taxes or issue bonds, and shall not discriminate against any student on any basis prohibited by the federal or state constitution or any federal, state or local law. Public charter schools shall comply with the federal individuals with disabilities education act. Admission to a public charter school shall not be determined according to the place of residence of the student, or of the student's parent or guardian within the district, except that a new replication or conversion public charter school established under the provisions of this chapter shall adopt and maintain a policy giving admission preference to students who reside within the contiguous and compact primary attendance area of that public charter school.

(2) No board of trustees shall require any employee of the school district to be involuntarily assigned to work in a public charter school.

(3) Certified teachers in a public charter school shall be considered public school teachers. Educational experience shall accrue for service in a public charter school and such experience shall be counted by any school district for any teacher who has been employed in a public charter school. The staff of the public charter school shall be considered a separate unit for the purposes of collective bargaining.

(4) Employment of charter school teachers and administrators shall be on written contract conditioned upon a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder. Administrators may be certified pursuant to the requirements set forth in chapter 12, title 33, Idaho Code, pertaining to traditional public schools, or may hold a charter school administrator certificate. An applicant is eligible for a charter school administrator certificate if the applicant:

- (a) Holds a bachelor's degree from an accredited four (4) year institution;
- (b) Submits to a criminal history check as described in section 33-130, Idaho Code;
- (c) Completes a course consisting of a minimum of three (3) semester credits in the statewide framework for teacher evaluations, which shall include a laboratory component;
- (d) Submits a letter from a charter school board of directors stating that the board of directors has carefully considered the applicant's candidacy, has chosen to hire the applicant, and is committed to overseeing the applicant's performance; and

- (e) Has one (1) or more of the following:
- (i) Five (5) or more years of experience administering a public charter school;
 - (ii) A post-baccalaureate degree and a minimum of five (5) years of experience in school administration, public administration, business administration, or military administration;
 - (iii) Successful completion of a nationally recognized charter school leaders fellowship; or
 - (iv) Five (5) or more years of teaching experience and a commitment from an administrator at a charter school in academic, operational, and financial good standing according to its authorizer's most recent review to mentor the applicant for a minimum of one (1) year.

A charter school administrator certificate shall be valid for five (5) years and renewable thereafter. Administrators shall be subject to oversight by the professional standards commission. Certificates may be revoked pursuant to the provisions of section 33-1208, Idaho Code. Issuance of a certificate to any applicant may be refused for such reason as would have constituted grounds for revocation.

(5) No board of trustees shall require any student enrolled in the school district to attend a public charter school.

(6) Authorized chartering entities may establish reasonable pre-opening requirements or conditions to monitor the start-up progress of newly approved public charter schools and ensure that they are prepared to open smoothly on the date agreed, and to ensure that each school meets all building, health, safety, insurance and other legal requirements for school opening.

(7) Each public charter school shall annually submit the audit of its fiscal operations to the authorized chartering entity.

(8) A public charter school or the authorized chartering entity may enter into negotiations to revise a charter or performance certificate at any time. If a public charter school petitions to revise its charter or performance certificate, the authorized chartering entity's review of the revised petition shall be limited in scope solely to the proposed revisions. Except for public charter schools authorized by a school district board of trustees, when a non-virtual public charter school submits a proposed charter revision to its authorized chartering entity and such revision includes a proposal to increase such public charter school's approved student enrollment cap by ten percent (10%) or more, the authorized chartering entity shall hold a public hearing on such petition. The authorized chartering entity shall provide the board of the local school district in which the public charter school is physically located notice in writing of such hearing no later than thirty (30) days prior to the hearing. The public hearing shall include any oral or written comments that an authorized representative of the school district in which the public charter school is physically located may provide regarding the impact of the proposed charter revision upon the school district. Such public hearing shall also include any oral or written comments that any petitioner may provide regarding the impact of the proposed charter revision upon such school district.

(9) When a charter is nonrenewed pursuant to the provisions of section 33-5209B, Idaho Code, revoked pursuant to section 33-5209C, Idaho Code, or the board of directors of the public charter school terminates the charter, the assets of the public charter school remaining after all debts of the public charter school have been satisfied must be returned to the authorized chartering entity for distribution in accordance with applicable law.

(10) Public charter schools may contract with educational services providers subject to the following provisions:

(a) Educational services providers, whether for-profit or nonprofit, shall be third-party entities separate from the public charter schools with which they contract. Educational services providers shall not be considered governmental entities.

(b) No more than one-third (1/3) of the public charter school's board membership may be comprised of nonprofit educational services provider representatives. Nonprofit educational services provider representatives may not be employees of the public charter school or the educational services provider and may not hold office as president or treasurer on the public charter school's board. For-profit educational services providers may not have representatives on the public charter school's board of directors.

(c) Public charter school board of director members shall annually disclose any existing and potential conflicts of interest, pecuniary or otherwise, with affiliated educational services providers.

(d) Charter holders shall retain responsibility for academic, fiscal and organizational operations and outcomes of the school and may not relinquish this responsibility to any other entity.

(e) Contracts must ensure that school boards retain the right to terminate the contract for failure to meet defined performance standards.

(f) Contracts must ensure that assets purchased by educational services providers on behalf of the school, using public funds, shall remain assets of the school. The provisions of this paragraph shall not prevent educational services providers from acquiring assets using revenue acquired through management fees.

(g) Charter holders shall consult legal counsel independent of the party with whom they are contracting for purposes of reviewing the school's management contract and facility lease or purchase agreements to ensure compliance with applicable state and federal law, including requirements that state entities not enter into contracts that obligate them beyond the terms of any appropriation of funds by the state legislature.

(h) Charter holders must ensure that their facility contracts are separate from any and all management contracts.

(i) Prior to approval of the charter petition indicating the school board's intention to contract with an educational services provider, authorized chartering entities shall conduct a thorough evaluation of the academic, financial and organizational outcomes of other schools that have contracted with the educational services provider and evidence of the educational services provider's capacity to successfully grow the public charter school while maintaining quality management and instruction in existing schools.

(11) Admission procedures, including provision for overenrollment, shall provide that the initial admission procedures for a new public charter school or replication public charter school will be determined by lottery or other random method, except as otherwise provided herein.

(a) If initial capacity is insufficient to enroll all pupils who submit a timely application, then the admission procedures may provide that preference shall be given in the following order: first, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; second, to siblings of pupils already selected by the lottery or other random method; third, to pupils seeking to transfer from another Idaho public charter school at which they have been enrolled for at least one (1) year, provided that this admission preference shall be subject to an existing written agreement for such preference between the subject charter schools; fourth, to students residing within the

primary attendance area of the public charter school; and fifth, by an equitable selection process such as a lottery or other random method. If so stated in its petition, a public charter school may weight the school's lottery to preference admission for the following educationally disadvantaged students: students living at or below one hundred eighty-five percent (185%) of the federal poverty level, students who are homeless or in foster care, children with disabilities as defined in section 33-2001, Idaho Code, students with limited English proficiency, and students who are at-risk as defined in section 33-1001, Idaho Code. If so stated in its petition, a new public charter school or replication public charter school may include the children of full-time employees of the public charter school within the first priority group subject to the limitations therein. Otherwise, such children shall be included in the highest priority group for which they would otherwise be eligible.

(b) If capacity is insufficient to enroll all pupils who submit a timely application for subsequent school terms, then the admission procedures may provide that preference shall be given in the following order: first, to pupils returning to the public charter school in the second or any subsequent year of its operation; second, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; third, to siblings of pupils already enrolled in the public charter school; fourth, to pupils seeking to transfer from another Idaho public charter school at which they have been enrolled for at least one (1) year, provided that this admission preference shall be subject to an existing written agreement for such preference between the subject charter schools; fifth, to students residing within the primary attendance area of the public charter school; and sixth, by an equitable selection process such as a lottery or other random method. There shall be no carryover from year to year of the list maintained to fill vacancies. A new lottery shall be conducted each year to fill vacancies that become available. If so stated in its petition, a public charter school may weight the school's lottery to preference admission for the following educationally disadvantaged students: students living at or below one hundred eighty-five percent (185%) of the federal poverty level, students who are homeless or in foster care, children with disabilities as defined in section 33-2001, Idaho Code, students with limited English proficiency, and students who are at-risk as defined in section 33-1001, Idaho Code. If so stated in its petition, a public charter school may include the following children within the second priority group subject to the limitations therein:

(i) The children of full-time employees of the public charter school; and

(ii) Children who attended the public charter school within the previous three (3) school years, but who withdrew as a result of the relocation of a parent or guardian due to an academic sabbatical, employer or military transfer or reassignment.

Otherwise, such children shall be included in the highest priority group for which they would otherwise be eligible.

(12) Public charter schools shall comply with section 33-119, Idaho Code, as it applies to secondary school accreditation.

(13) Public charter school students shall be tested with the same standardized tests as other Idaho public school students.

CHAPTER 323
(H.B. No. 545)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-409, IDAHO CODE, TO PROVIDE FOR GAME TAGS FOR SWAN AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 36-416, IDAHO CODE, TO PROVIDE FEES FOR SPORT TAGS FOR SWAN.

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

SECTION 1. That Section 36-409, Idaho Code, be, and the same is hereby amended to read as follows:

36-409. GAME TAGS -- PERMITS -- FEES -- PENALTY. (a) Resident Game Tags. A resident who has obtained authorization to hunt, as provided in section 36-401, Idaho Code, or has purchased or obtained a license to hunt, as provided in section 36-406, Idaho Code, upon payment of the fees provided herein in this chapter shall be eligible to receive a resident game tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, black bear, grizzly bear, wolf, sandhill crane, swan, or turkey in accordance with the laws of this state and rules promulgated by the commission; provided further, that any person who holds a senior resident combination license or any person who holds a junior combination or hunting license or any disabled American veteran who holds a disabled combination license, may be issued a black bear, deer, elk, or turkey tag for a fee as specified in section 36-416, Idaho Code; provided further, that resident game tags may be issued only to those persons who meet residency requirements of section 36-202(s), Idaho Code. In the event an emergency is declared to open a season to protect private property as provided in section 36-106(e)6.(B), Idaho Code, the affected landowner or his designee shall be eligible to receive a resident deer, elk or antelope tag without charge; provided further, that resident game tags may be issued only to persons who qualify as residents pursuant to section 36-202, Idaho Code.

(b) Nonresident Game Tags. A nonresident who has purchased a license to hunt, as provided in section 36-407(a) or (k), Idaho Code, or has obtained a license to hunt, as provided in section 36-406(e), Idaho Code, or a resident who has purchased or obtained a license or authorization to hunt, as provided in section 36-401 or 36-406, Idaho Code, upon payment of the fees provided herein in this chapter, shall be eligible to receive a nonresident tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, black bear, grizzly bear, wolf, sandhill crane, swan, or turkey in accordance with the laws of this state and rules promulgated by the commission; provided further, that a nonresident who has purchased a license to hunt, as provided in section 36-407(k) and (l), Idaho Code, shall be eligible to receive a junior mentored or disabled American veteran deer, elk, black bear, or turkey tag for a fee as specified in section 36-416, Idaho Code.

(c) Game Tags Required. The appropriate tag must be had for the hunting or taking of each and every one of the aforementioned wildlife. The commission shall promulgate rules to allow exception from tag possession to take wildlife for a disabled hunter companion who is assisting a hunter possessing the appropriate tag and a valid disabled combination license or a disabled archery permit or a disabled hunt motor vehicle permit or who is a disabled veteran participating in a hunt as provided in section 36-408(7), Idaho Code. Provided, that the commission may promulgate rules to allow a nonresident deer or elk tag to be used to hunt and kill either a black bear, a wolf, or a mountain lion during the open season for deer or elk in that area, unit or zone as may be specified by the commission. All of said tags are to bear and have serial numbers.

(d) Game Tag to Be Validated and Attached to Carcass. As soon as any person kills any wildlife for which a tag is required, said tag, belonging to him, must be validated and attached to said wildlife in a manner provided by commission rule.

(e) Archery Permits. In addition to meeting the license and tag requirements provided in this chapter, any person participating in any controlled or general game season that has been specifically designated as an archery hunt must have in his possession an archery hunt permit, which may be purchased for a fee as specified in section 36-416, Idaho Code.

(f) Muzzleloader Permit. In addition to meeting the license and tag requirements provided in this chapter, any person participating in any controlled or general game season that has been specifically designated as a muzzleloader hunt must have in his possession a muzzleloader permit, which may be purchased for a fee as specified in section 36-416, Idaho Code.

(g) Hound Hunter Permit -- Resident -- Nonresident. Any person using a dog for the purpose of hunting or for taking, as defined in section 36-202, Idaho Code, big game or furbearing animals must have in his possession a valid hound hunter permit, which may be purchased by resident and nonresident license holders for a fee as specified in section 36-416, Idaho Code.

(h) Nonresident Bird of Prey Capture Permit. The commission may, under rules as it may prescribe, issue a nonresident bird of prey capture permit. This capture permit may be purchased by any licensed nonresident falconer for capturing birds of prey in Idaho. The fee for the permit shall be as specified in section 36-416, Idaho Code, and the permit shall be issued under the condition that the nonresident's home state allows reciprocal raptor capturing privileges for Idaho falconers.

(i) Wildlife Management Area (WMA) Upland Game Bird Permit. The commission may, under rules as it may prescribe, issue a wildlife management area upland game bird permit that must be purchased by all persons over seventeen (17) years of age prior to hunting stocked upland game birds on state wildlife management areas designated by the commission. The fee for the permit shall be as specified in section 36-416, Idaho Code.

(j) Black Bear Baiting Permit. The commission may, under rules as it may prescribe, issue a black bear baiting permit. Any person placing or using bait as may be allowed by rule for the purpose of attracting black bear must have in his possession a valid black bear baiting permit, which may be purchased by a license holder for a fee as specified in section 36-416, Idaho Code.

(k) Migratory Bird Harvest Information Program Permit. The commission may, as provided by federal laws or regulations and under rules as it may prescribe, issue a migratory bird harvest information program permit that must be purchased by all persons prior to hunting migratory game birds as required by federal law or regulations. The fee for the permit shall be as specified in section 36-416, Idaho Code.

(l) Dog Field Trial Permit. The commission may, under rules as it may prescribe, issue a dog field trial permit to any person using birds for dog field trials or training as may be allowed by rule. The permit may be purchased for a fee as specified in section 36-416, Idaho Code.

(m) Idaho Nursing Home Facility Resident Fishing Permit. The commission may, under rules as it may prescribe, issue an Idaho nursing home facility resident fishing permit that must be purchased by an Idaho nursing home facility to allow residents of its facility to fish during the open season. Facilities eligible to purchase this permit are: intermediate care facilities providing twenty-four (24) hour skilled nursing care, assisted living facilities providing twenty-four (24) hour extensive assistance, and skilled nursing facilities providing twenty-four (24) hour skilled nursing. By purchasing this permit, the facility assumes full responsibility for and control over the facility residents while using the permit. All laws, rules and proclamations apply to the use of this permit and it is the responsibility of the facility to assure compliance with all laws, rules and proclamations. In case of a violation, the facility shall be held accountable and any citations shall be issued to the facility. The permit may be purchased for a fee as specified in section 36-416, Idaho Code.

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 | \$ 37.00 | \$ 238.25 |
| Hunting License | 14.00 | N/A |
| Hunting License with 3 Day Fishing License | N/A | 153.00 |
| Fishing License | 28.75 | 96.50 |
| Sr. Combination License (65 and Older) | 12.00 | N/A |
| Sportsman's Pak License | 135.00 | N/A |
| Jr. Combination License | 18.00 | N/A |
| Jr. Hunting License | 6.50 | N/A |
| Jr. Mentored Hunting License or Disabled American Veteran Hunting License with 3 Day Fishing License | N/A | 30.00 |
| Jr. Fishing License | 14.25 | 20.00 |
| Disabled Combination License | 4.00 | N/A |
| Disabled Fishing License | 4.00 | N/A |
| Military Furlough Combination License | 18.75 | N/A |
| Military Furlough Fishing License | 18.75 | 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 | 11.75 | 13.25 |
| Consecutive Day Fishing | | |
| License | 6.00 | 7.00 |
| 3 Day Fishing with Salmon/Steelhead | | |
| Permit | N/A | 35.75 |
| Nongame Hunting License | N/A | 33.75 |
| Jr. Trapping License | 6.50 | N/A |
| Trapping License | 28.00 | 300.00 |
| (b) Sport Tags | | |
| Deer Tag | \$ 23.00 | \$ 300.00 |
| Controlled Hunt Deer Tag | 23.00 | 300.00 |
| Jr. or Sr. or Disabled American Veteran Deer Tag | 10.75 | N/A |
| Jr. Mentored or Disabled American Veteran Deer Tag | N/A | 22.00 |
| Elk A Tag | 35.00 | 415.00 |
| Elk B Tag | 35.00 | 415.00 |
| Controlled Hunt Elk Tag | 35.00 | 415.00 |
| Jr. or Sr. or Disabled American Veteran Elk Tag | 17.00 | N/A |
| Jr. Mentored or Disabled American Veteran Elk Tag | N/A | 38.00 |
| Black Bear Tag | 12.00 | 184.25 |
| Jr. or Sr. or Disabled American Veteran Black Bear Tag | 6.00 | N/A |
| Jr. Mentored or Disabled American Veteran Black Bear Tag | N/A | 22.00 |
| Turkey Tag | 21.00 | 78.25 |
| Jr. or Sr. or Disabled American Veteran Turkey Tag | 10.75 | N/A |
| Jr. Mentored or Disabled American Veteran Turkey Tag | N/A | 18.00 |
| Mountain Lion Tag | 12.00 | 184.25 |
| Gray Wolf Tag | 12.00 | 184.25 |
| Pronghorn Antelope Tag | 34.75 | 310.00 |
| Moose Tag | 198.00 | 2,100.00 |
| Bighorn Sheep Tag | 198.00 | 2,100.00 |
| Mountain Goat Tag | 198.00 | 2,100.00 |
| Grizzly Bear Tag | 198.00 | 2,100.00 |
| Sandhill Crane Tag | 21.00 | 65.75 |
| Swan Tag | 21.00 | 65.75 |

For purposes of this subsection, disabled American veteran tags provided to nonresidents shall be limited to holders of a nonresident disabled American veterans hunting license.

(c) Sport Permits

| | | |
|--|----------|----------|
| Bear Baiting Permit | \$ 13.25 | \$ 30.00 |
| Hound Hunter Permit | 13.25 | 168.00 |
| WMA Upland Game Bird Permit | 27.00 | 50.00 |
| Archery Permit | 17.75 | 18.25 |
| Muzzleloader Permit | 17.75 | 18.25 |
| Salmon Permit | 13.50 | 24.00 |
| Steelhead Permit | 13.50 | 24.00 |
| Federal Migratory Bird Harvest Info. Permit | 1.00 | 3.00 |
| Disabled Archery Permit | 0.00 | 0.00 |
| 2-Pole Fishing Permit | 13.25 | 13.75 |
| Turkey Controlled Hunt Permit | 6.00 | 6.00 |
| Sage/Sharptail Grouse Permit | 4.00 | 4.00 |
| Disabled Hunt Motor Vehicle Permit | 0.00 | 0.00 |

(d) Commercial Licenses and Permits

| | | |
|---|---------|----------|
| Raptor Captive Breeding Permit | \$78.75 | \$ 94.50 |
| Falconry Permit | 78.75 | N/A |
| Falconry Capture Permit | 18.50 | 168.00 |
| Peregrine Capture Permit | 30.00 | 200.00 |
| 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 | 32.00 | 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 Moose, Sheep, Goat, Grizzly Bear | 15.00 | 40.00 |
| 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 |

Approved March 26, 2020

CHAPTER 324
(H.B. No. 576)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-4802, IDAHO CODE, TO REVISE LEGISLATIVE FINDINGS; AND AMENDING SECTION 33-4804, IDAHO CODE, TO ESTABLISH THE PUBLIC SCHOOL DIGITAL CONTENT AND CURRICULUM FUND, TO PROVIDE FOR DISTRIBUTIONS FROM THE FUND, AND TO SPECIFY REQUIREMENTS FOR ADDITIONAL DISTRIBUTIONS.

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

SECTION 1. That Section 33-4802, Idaho Code, be, and the same is hereby amended to read as follows:

33-4802. FINDINGS. The legislature hereby finds, determines, and declares that the state of Idaho recognizes the importance of applying technology to meet the public need for an improved, thorough, and seamless public education system for elementary and secondary education, education of the hearing or visually impaired, postsecondary and higher education, and public libraries. The legislature has funded technology infrastructure to enable the state's public schools to have the necessary technology that supports student learning, but many districts are unable to maximize the technology infrastructure at the classroom level by adding digital content and curriculum.

SECTION 2. That Section 33-4804, Idaho Code, be, and the same is hereby amended to read as follows:

33-4804. PUBLIC SCHOOL ~~TECHNOLOGY GRANTS~~ DIGITAL CONTENT AND CURRICULUM FUND. (1) There is hereby established in the state treasury the public school technology grant program digital content and curriculum fund, to be implemented administered by the state department of education, which shall make available grants moneys in the fund, subject to appropriation, for schools to provide Idaho classrooms, including classrooms at the Idaho bureau of educational services for the deaf and the blind, with the equipment and resources necessary to integrate information age technology with instruction and to further connect those classrooms with external telecommunications services. Grant applications shall include a project plan that describes proposed equipment and software purchases; how the proposed equipment and software will be used effectively in the classroom; provision for training teachers to make optimal use of the technology; and provision for local matching funds as prescribed digital content and curriculum that directly impact student achievement and improve performance. Curriculum programs shall be designed to enhance outcomes for students in career technical education, character education, enrichment activities, reading and mathematics, and activities that increase grade-to-grade promotion and enhance career and college readiness. Moneys from the fund may also be spent on academic text support systems that include authentic fiction and nonfiction books, provide reader supports, provide teaching tools, and promote parent engagement. Moneys in the fund shall consist of legislative appropriations and are continuously appropriated for the purposes identified in this section. Any interest earned on idle moneys in the fund shall be returned to the fund.

(2) Subject to availability, moneys in the fund shall be distributed at the request of a local education agency (LEA) and shall be based on the amount requested. A single request must not exceed fifty thousand dollars (\$50,000). Distributions from the fund shall be made on a first-come, first-served basis to LEAs that meet the criteria outlined in this subsection. If an LEA meets such criteria but a distribution cannot be made due to lack of available moneys, such LEA's request shall be prioritized, in the order received, once moneys become available. Two (2) or more LEAs may jointly request a distribution. To qualify for funding, an LEA must:

(a) Have technology infrastructure in place to facilitate usage of the digital content and curriculum; and

(b) Submit an explanation for how the distribution will be used to improve performance and enhance student achievement. Explanations should include:

(i) The amount of moneys requested;

(ii) The type of content or curriculum to be purchased;

(iii) How the purchase will assist the LEA in meeting its identified measurable targets from its continuous improvement plan as described in section 33-320, Idaho Code; and

(iv) How progress toward those targets will be measured.

(3) Additional distributions shall be granted to an LEA only if, after the initial distribution, the LEA has met or is making demonstrable progress toward its measurable targets.

Approved March 26, 2020

CHAPTER 325
(H.B. No. 599)

AN ACT

RELATING TO TEACHERS; AMENDING SECTION 33-1207A, IDAHO CODE, TO PROVIDE FOR NONPUBLIC TEACHER PREPARATION PROGRAMS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1207A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1207A. TEACHER PREPARATION. (1) Higher Education Institutions. The state board shall review teacher preparation programs at the institutions of higher education under its supervision and shall assure that the course offerings and graduation requirements are consistent with the state board-approved, research-based "Idaho Comprehensive Literacy Plan." To ensure compliance with this requirement, the board may allocate funds, subject to appropriation, to the higher education institutions that have teacher preparation programs.

The higher education institutions shall be responsible for the preservice assessment measures for all kindergarten through grade 12 teacher preparation programs. The assessment must include a demonstration of teaching skills and knowledge congruent with current research on best reading practices. The assessment may consist of multiple measures, in alignment with best practices, for the demonstration of these skills. Each institution shall report annually to the state board of education the number of preservice teachers who have passed the assessment. The state board of education shall then compile the statewide results and report to the legislature and the governor.

(2) Nonpublic Teacher Preparation Programs.

(a) The state board shall grant teaching certificates to graduates of all already board-approved nonpublic teacher preparation programs that require their graduates to satisfy the following:

(i) Hold a bachelor's degree from an accredited four (4) year institution;

(ii) Submit to a criminal history check as described in section 33-130, Idaho Code;

(iii) Pass the required content training in the area or areas in which the graduate seeks to be endorsed. The content training must be in substantive alignment with knowledge or equivalent standards set forth in the initial standards for teacher certification, if any; and

(iv) Pass pedagogical training in substantive alignment with knowledge or equivalent standards set forth in the core standards of the initial standards for teacher certification, if any.

(b) Teaching certificates granted pursuant to this subsection shall be equivalent to certificates granted to graduates of teacher preparation programs at public higher education institutions. Interim certificates shall be made available to graduates of programs without a student teaching or clinical component and standard certificates subsequently shall be made available upon satisfaction of state board of education mentoring requirements and other state statutory requirements pertaining to all teachers. All performance requirements shall be considered satisfied by completion of state board mentoring requirements. Reviews of nonpublic teacher preparation programs shall be limited to verification of the criteria set forth in this subsection.

(3) For all Idaho teachers working on interim certificates, alternate routes or coming from out of state, completion of a state-approved reading instruction course shall be a onetime requirement for full certification.

(34) The board of trustees of every school district shall include, in its plan for in-service training, coursework covering reading skills development, including diagnostic tools to review and adjust instruction continuously, and the ability to identify students who need special help in reading. The district plan for in-service training in reading skills shall be submitted to the state department of education for review and approval, in a format specified by the department.

(45) A board-approved nontraditional educator preparation program that has a contract with a local education agency or consortium thereof to recruit, select, train, and retain teachers to teach in public schools that struggle to recruit and retain teachers may obtain funding from the state department of education, subject to appropriation or other available funds, provided that the program shall match no less than one hundred percent (100%) of any cost to the state for implementation. The board-approved program must have a documented history of recruiting, training, and retaining high-quality teachers who achieve above-average academic growth from students in Idaho and other states. The nontraditional educator preparation program may apply to the state department of education for available funding at the time one (1) or more teachers recruited by the program enters into an employment contract with a local education agency (LEA). The amount of funding per teacher provided by the department to the program shall not exceed twenty-five percent (25%) of each teacher's annual salary for each year the program is providing services in support of the teacher. Such funding is limited to two (2) academic years per teacher. In order for the program to obtain funding from the department:

(a) The program and the LEA shall provide to the department verification of each teacher's fulfillment of the annual employment contract; and

(b) The program and the LEA shall provide verification that the LEA is providing funding to the program for recruiting and training each teacher in an amount equal to at least ten percent (10%) of the amount the department is providing to the program.

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, 2020

CHAPTER 326
(S.B. No. 1292)

AN ACT

RELATING TO MOTORCYCLES; AMENDING CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1431, IDAHO CODE, TO PROVIDE THAT LAW ENFORCEMENT SHALL NOT ENGAGE IN MOTORCYCLE PROFILING, TO DEFINE A TERM, AND TO PROVIDE THAT NO CAUSE OF ACTION SHALL BE CREATED.

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

SECTION 1. That Chapter 14, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1431, Idaho Code, and to read as follows:

49-1431. MOTORCYCLE PROFILING. (1) No state or local law enforcement agent or law enforcement agency shall engage in motorcycle profiling.

(2) For purposes of this section, "motorcycle profiling" means the arbitrary use of the fact that a person rides a motorcycle or wears motorcycle-related paraphernalia as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle under the constitution of the United States or the constitution of the state of Idaho.

(3) Nothing in this section shall be construed to create a cause of action against any individual, the state of Idaho, any counties or cities of the state, or any law enforcement entity within the state.

Approved March 26, 2020

CHAPTER 327
(S.B. No. 1379, As Amended)

AN ACT

RELATING TO RULES OF THE ROAD; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-675, IDAHO CODE, TO PROVIDE FOR LEGISLATIVE INTENT AND TO AUTHORIZE JOINT EXERCISE OF POWERS AGREEMENTS BETWEEN SPECIFIED AGENCIES; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-676, IDAHO CODE, TO PROVIDE THAT CERTAIN VEHICLES SHALL BE SUBJECT TO INSPECTION FOR DYED FUEL IN SPECIFIED CIRCUMSTANCES; AMENDING SECTION 63-2425, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PROHIBITION OF CERTAIN FUELS ON A HIGHWAY; AMENDING SECTION 63-2460, IDAHO CODE, TO REVISE A PROVISION REGARDING CIVIL PENALTIES; AND AMENDING SECTION 40-510, IDAHO CODE, TO PROVIDE CERTAIN INSPECTION AUTHORITY AT PORTS OF ENTRY OR CHECKING STATIONS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Chapter 6, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-675, Idaho Code, and to read as follows:

49-675. LEGISLATIVE INTENT. The Idaho transportation department and the Idaho state police are authorized to enter into one (1) or more joint exercise of powers agreements pursuant to sections 67-2328 through 67-2333, Idaho Code, as deemed necessary to implement the provisions of this act. The purpose of this legislation is to provide a practical inspection method to ensure regulation with a minimum amount of disruption.

SECTION 2. That Chapter 6, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-676, Idaho Code, and to read as follows:

49-676. DYED FUEL -- INSPECTION. (1) The provisions of this section shall be carried out through the use of existing state law enforcement and Idaho transportation department resources.

(2) When stopped at a fixed or portable check station or when otherwise lawfully stopped as described in this section, any commercial diesel-powered motor vehicle that is within either of the definitions provided in section 49-123(2) (d) or (2) (e), Idaho Code, and that has a gross vehicle weight in excess of twenty-six thousand (26,000) pounds may be subject to visual inspection for dyed fuel in the diesel fuel tanks mounted to such vehicle when the operator is requested to submit to such inspection:

(a) By any Idaho state police officer, when so requested as a secondary action when the operator of the motor vehicle has been detained for a suspected violation of another law;

(b) By any Idaho state police officer at a fixed or portable check station established by the Idaho transportation department pursuant to the provisions of section 40-510, Idaho Code; or

(c) By an authorized employee of the Idaho transportation department on duty at a fixed or portable check station established by the Idaho transportation department pursuant to the provisions of section 40-510, Idaho Code.

(3) Neither the Idaho state police nor the Idaho transportation department shall set up random inspection stations for the purpose of testing for dyed diesel.

(4) No state agency shall report any violation of section 63-2425, Idaho Code, to any agency of the federal government.

(5) Inspection authority as provided in subsection (2) of this section shall be limited solely to the motor vehicle inspected and shall not serve as reasonable suspicion for any state agency to thereafter inspect other motor vehicles, facilities, or property of the motor vehicle's owner beyond the scope of subsection (2) of this section. Inspection authority shall not apply to portable fuel tanks or slip tanks that may be in the motor vehicle being inspected or to any bulk storage tanks.

(6) If dyed fuel is discovered pursuant to an inspection authorized by this section, a citation shall be issued to the operator of the vehicle. The applicable penalty shall be as provided for in section 63-2460(2), Idaho Code, except that the penalty for a refusal of inspection shall be one thousand dollars (\$1,000). No additional fines or penalties shall be imposed. The operator of the vehicle shall be responsible for any penalty pursuant to this section. All penalties collected shall be remitted to the state treasurer and placed in the highway distribution account.

(7) The provisions of this section shall not apply in the event of a disaster or emergency declared by the governor under chapter 10, title 46, Idaho Code, or by the president of the United States under the provisions of the disaster relief act of 1974, 42 U.S.C. 5121 et seq., if the use of dyed fuel is necessary to assist with such disaster or emergency.

(8) For purposes of this section, "dyed fuel" means diesel fuel that has been dyed or marked at a refinery or terminal under the provisions of 26 U.S.C. 4082 and regulations adopted thereunder or under the clean air act and regulations adopted thereunder on which the tax under section 63-2402, Idaho Code, has not been paid.

(9) For purposes of this section, "highways" shall have the same meaning as provided in section 63-2401, Idaho Code.

(10) By January 1, 2021, the Idaho transportation department and the Idaho state police shall enter into one (1) or more joint exercise of powers agreements pursuant to sections 67-2328 through 67-2333, Idaho Code, as necessary to implement the provisions of this section.

(11) Prior to conducting any inspections under the authority of this section, the Idaho state police and the Idaho transportation department, in collaboration with private groups, trade associations, and other dyed fuel user groups, shall provide outreach and education on the use of dyed fuels in Idaho for a period of six (6) months from the effective date of this section.

(12) The provisions of this section and associated funding shall be evaluated by the legislature following a period of five (5) years after the effective date of this section.

SECTION 3. That Section 63-2425, Idaho Code, be, and the same is hereby amended to read as follows:

63-2425. DYED FUEL AND OTHER UNTAXED FUEL PROHIBITED FOR USE ON A HIGHWAY. (1) Except as provided in subsections (2) and (5) of this section, no person shall operate a motor vehicle on a highway in this state if the fuel supply tanks of the vehicle contain diesel fuel which that has been dyed or marked at a refinery or terminal under the provisions of 26 U.S.C. section 4082 and regulations adopted thereunder, or under the clean air act and regulations adopted thereunder, or if the tanks contain other motor fuel on which the tax under section 63-2402, Idaho Code, has not been paid.

(2) The following vehicles may use dyed fuel on the highway but are subject to the tax under section 63-2402, Idaho Code, unless exempt under other provisions of this chapter:

(a) State and local government vehicles; and

(b) Any vehicles which that may use dyed fuel on the highway under the provisions of 26 U.S.C. section 4082 or regulations adopted thereunder.

(3) For the purposes of enforcement of this section, Idaho state police officers or employees of the Idaho transportation department may conduct a visual observation of fuel to detect the presence of dye. If dye is observed, such officers or employees shall take a photograph of the dyed fuel. Such photographs shall be preserved as evidence.

(4) In the event of a change of ownership or other disposal of a motor vehicle authorized to use dyed fuel on the highway pursuant to subsection (2) of this section but that no longer falls within the provisions of that subsection, the motor vehicle's owner, before selling or disposing of such vehicle, shall remove the dyed fuel from the vehicle's fuel tanks and certify that such dyed fuel has been removed.

(5) Incidental use or crossing of public roads or highways by vehicles intended primarily for off-highway use, including as provided for in section 49-110(3), Idaho Code, with respect to an implement of husbandry, shall not be considered a violation of this section.

SECTION 4. That Section 63-2460, Idaho Code, be, and the same is hereby amended to read as follows:

63-2460. PENALTIES. (1) Any person who violates any provision of this chapter or who violates any provision of Idaho law relating to the assessment and collection of any unpaid tax or fee associated with this chapter is guilty of a misdemeanor, unless the violation is declared a felony by any other law of this state. Any person so convicted of a misdemeanor shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000). Each day that an unlicensed person engages in the activities of a licensed distributor constitutes a separate violation.

(2) (a) In addition to Notwithstanding the provisions of subsection (1) of this section, any person operating a vehicle licensed or required to be licensed on a highway in this state with diesel fuel in violation of section 63-2425, Idaho Code, will be subject to the following:

(ai) Upon the first violation, a civil penalty in the amount of two hundred fifty dollars (\$250);

(bii) Upon the second violation, a civil penalty in the amount of five hundred dollars (\$500); and

(eiii) Upon the third or subsequent violation, a civil penalty in the amount of one thousand dollars (\$1,000) for each such violation.

(b) Except for the penalties set forth in paragraph (a) of this subsection, no additional fines or penalties shall be imposed.

(3) The commission may assess the penalties set forth in subsection (2) of this section as deficiencies in tax pursuant to sections 63-2434 and 63-3045, Idaho Code.

(4) Penalties are cumulative and each violation of the provisions of this chapter is subject to a separate penalty. The penalties provided for in this section shall be in addition to any other penalty imposed by any other provision of Idaho law.

SECTION 5. That Section 40-510, Idaho Code, be, and the same is hereby amended to read as follows:

40-510. PORTS OF ENTRY OR CHECKING STATIONS ESTABLISHED -- MOTOR VEHICLE INVESTIGATOR ACTIVITIES -- AUTHORITY OF THE BOARD TO EMPLOY INDIVIDUALS. (1) To augment and help make more efficient and effective the enforcement of certain laws of the state of Idaho, the Idaho transportation department is hereby authorized and directed to establish from time to time temporary or permanent ports of entry or checking stations upon any highways in the state of Idaho, at such places as the Idaho transportation department shall deem necessary and advisable.

(2) The board is authorized to appoint and employ individuals who shall have limited peace officer authority for the enforcement of such motor vehicle-related laws as are herein specified:

- (a) Sections 18-3906 and 18-8001, Idaho Code;
- (b) Sections 25-1105 and 25-1182(2), Idaho Code;
- (c) Sections 40-510 through 40-512, Idaho Code;
- (d) Chapters 1 through 5, 9, 10, 15 through 19, 22 and 24, title 49, sections 49-619, 49-660, 49-1407, 49-1418 and 49-1427 through 49-1430, Idaho Code;
- (e) Authorized use of motor fuel on the highways and international fuel tax agreement (IFTA) provisions of chapter 24, title 63, Idaho Code; and
- (f) Section 67-2901A, Idaho Code; and
- (g) Sections 49-676 and 63-2425, Idaho Code.

(3) Motor vehicle investigators shall have the authority to access confidential vehicle identification number information.

(4) Any employee so appointed shall have the authority to issue misdemeanor traffic citations in accordance with the provisions of section 49-1409, Idaho Code, and infraction citations in accordance with the provisions of chapter 15, title 49, Idaho Code.

(5) No employee of the department shall carry or use a firearm of any type in the performance of his duties unless specifically authorized in writing by the director of the Idaho state police to do so.

(6) The board is authorized to extend the authority as provided in this section to authorized employees of contiguous states upon approval of a bilateral agreement according to the provisions of section 40-317, Idaho Code.

Approved March 26, 2020

CHAPTER 328

(S.B. No. 1330, As Amended)

AN ACT

RELATING TO EXTENDED EMPLOYMENT SERVICES; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 62, TITLE 33, IDAHO CODE, TO DEFINE TERMS, TO ESTABLISH AN EXTENDED EMPLOYMENT SERVICES PROGRAM, TO PROVIDE ELIGIBILITY REQUIREMENTS AND TO PROVIDE FOR PERIODIC REVIEW OF ELIGIBILITY, TO PROVIDE FOR COVERED SERVICES AND AN INDIVIDUAL PROGRAM PLAN, TO ESTABLISH PROVISIONS REGARDING PROVIDERS OF EXTENDED EMPLOYMENT SERVICES, AND TO PROVIDE FOR PROGRAM IMPLEMENTATION.

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

SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 62, Title 33, Idaho Code, and to read as follows:

CHAPTER 62

EXTENDED EMPLOYMENT SERVICES PROGRAM

33-6201. DEFINITIONS. As used in this chapter:

- (1) "Board" means the state board of education.
- (2) "Disability" means a developmental disability as defined in 45 CFR 1325.3 or a learning disability, mental illness, or traumatic brain injury as defined in board rule.
- (3) "Division" means the division of vocational rehabilitation.

(4) "Extended employment services" or "EES" means long-term maintenance services that assist participants in maintaining employment or gaining employment skills in preparation for community employment or that provide assistance to adult participants within an industry or a business setting or a community rehabilitation program intended to maintain paid employment. Extended employment services include individual supported employment, group community-based supported employment, and work services.

(5) "Group community-based supported employment" means self-employment or paid employment that is:

(a) For a group of no more than eight (8) participants who are paid at least minimum wage and who, because of their disabilities, need ongoing support to maintain employment;

(b) Conducted in a variety of community and industry settings where the participants have opportunities to interact with coworkers or others without known paid work supports at least to the extent that those opportunities typically exist in that work setting;

(c) Supported by training and supervision needed to maintain that employment; and

(d) Not conducted in the work services area of a provider.

(6) "Individual community-supported employment" means self-employment or paid employment:

(a) For which a participant is paid a competitive wage;

(b) For which the participant, because of the participant's disability, needs ongoing support to maintain the employment;

(c) That is conducted in a community or industry setting where persons without known paid work supports are employed; and

(d) Is supported by authorized activities needed to sustain paid work by persons with disabilities, including but not limited to supervision, training, and transportation.

(7) "Individual program plan" means a plan for extended employment services appropriate for an individual participant based on the participant's needs and personal goals.

(8) "Participant" means a person eligible for and enrolled in the extended employment services program established pursuant to section 33-6202, Idaho Code.

(9) "Program" means the extended employment services program established pursuant to section 33-6202, Idaho Code.

(10) "Provider" means a community rehabilitation program services provider approved by the division to provide extended employment services.

(11) "Work services" means activities, typically conducted on provider premises, intended to assist participants in understanding the value and demands of work and developing functional capacities that increase or maintain the skill sets of participants to achieve and maintain employment.

33-6202. PROGRAM ESTABLISHED. (1) There is hereby established in the board an extended employment services (EES) program for the purpose of increasing employment opportunities for program participants. The program shall be administered by the division. Extended employment services offered under the program are separate and apart from any federal program but may be collaborative with and supportive of federal programs. Administrative costs charged to the EES program shall be limited, subject to federal indirect cost rate matching requirements, and subject to audit and review.

(2) Program services shall be:

(a) Provided when eligible individuals do not have access to comparable services or have fully utilized comparable services for which they are eligible; and

(b) Separate and apart from and delivered subsequent to vocational rehabilitation services as defined in 29 U.S.C. 705(40), provided by the division.

33-6203. ELIGIBILITY. (1) A person is eligible to participate in the program if the person:

- (a) Has a disability that constitutes a barrier to maintaining paid employment without long-term vocational support;
- (b) Is sixteen (16) years of age or older; and
- (c) Is an Idaho resident.

(2) The division may periodically review a participant's eligibility and service level need for the program.

33-6204. COVERED SERVICES -- INDIVIDUAL PROGRAM PLAN. (1) Subject to available funding, the program shall provide the following services to participants, as appropriate:

- (a) Individual community-supported employment;
- (b) Group community-based supported employment; and
- (c) Work services.

(2) The services provided to a participant shall be based on the participant's individual program plan, as developed according to board rule.

33-6205. EES PROVIDERS -- REQUIREMENTS -- REVOCATION OF APPROVAL -- AGREEMENT REVIEW. (1) The division shall approve any person or entity before such person or entity may provide extended employment services under the program. The division shall enter an agreement with each program provider. The agreement shall specify:

- (a) Requirements for the provider;
- (b) Services to be offered by the provider;
- (c) Scope of work under the agreement;
- (d) Service fees; and
- (e) Other terms, conditions, and provisions as determined by the division and agreed to by the provider.

(2) The division may terminate or revoke the approval status and discontinue authorizing or purchasing services from providers for actions in violation of the agreement or rules promulgated by the board.

(3) A provider agreement shall be reviewed annually and is subject to revision as required by the division in cooperation with providers.

33-6206. PROGRAM IMPLEMENTATION. The board is hereby authorized to take such actions as are necessary to implement the provisions of this chapter, including promulgation of necessary rules.

Approved March 26, 2020

CHAPTER 329

(S.B. No. 1343, As Amended in the House)

AN ACT

RELATING TO BICYCLISTS AND MOUNTAIN OPERATORS; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 33, TITLE 6, IDAHO CODE, TO PROVIDE LEGISLATIVE PURPOSE, TO DEFINE TERMS, TO PROVIDE THAT MOUNTAIN OPERATORS, PASSENGERS, AND BICYCLISTS SHALL HAVE CERTAIN DUTIES, AND TO PROVIDE THAT MOUNTAIN OPERATORS, PASSENGERS, AND BICYCLISTS SHALL HAVE CERTAIN LIABILITIES.

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

SECTION 1. That Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 33, Title 6, Idaho Code, and to read as follows:

CHAPTER 33

RESPONSIBILITIES AND LIABILITIES OF BICYCLISTS AND MOUNTAIN OPERATORS

6-3301. LEGISLATIVE PURPOSE. The legislature finds that the sport of bicycling is practiced by a large number of citizens of this state at mountain areas and also attracts a large number of nonresidents, significantly contributing to the economy of Idaho. Since it is recognized that there are inherent risks in the sport of bicycling that should be understood by each bicyclist and that are essentially impossible to eliminate by the mountain operators, it is the purpose of this chapter to define those areas of responsibility and affirmative acts for which mountain operators shall be liable for loss, damage, or injury and to define those risks that the bicyclist expressly assumes and for which there can be no recovery. Nothing in this chapter shall impact other defenses that may be raised by mountain operators against claims asserted by bicyclist.

6-3302. DEFINITIONS. The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section.

(1) "Aerial passenger tramway" means any device operated by a mountain operator used to transport passengers by single or double reversible tramway; chairlift or gondola lift; T-bar lift, J-bar lift, platter lift, or similar device; a fiber rope or wire rope tow, or a conveyor that is subject to regulations adopted by the proper authority.

(2) "Bicyclist" means any person present at a mountain area under the control of a mountain operator for the purpose of engaging in activities, including but not limited to bicycling downhill or uphill, jumping on a bicycle or any other cycling device, or who is using any mountain area. "Bicyclist" does not include a person using an aerial passenger tramway.

(3) "Mountain area" means the property owned, leased, or authorized under a special use permit and under the control of the mountain operator within the state of Idaho.

(4) "Mountain operator" means any person, partnership, corporation, or other commercial entity, and its agents, officers, employees, or representatives, who has operational responsibility for nonwinter activities at any mountain area and the use of an aerial passenger tramway during spring, summer, and fall.

(5) "Passenger" means any person who is lawfully using an aerial passenger tramway or is waiting to embark or has recently disembarked from an aerial passenger tramway and is in its immediate vicinity.

6-3303. DUTIES OF MOUNTAIN OPERATORS WITH RESPECT TO MOUNTAIN AREAS. Every mountain operator shall have the following duties with respect to operation of a mountain area:

(1) To maintain one (1) or more trail boards at prominent locations at each mountain area displaying that area's network of trails;

(2) To post a sign at the bottom of all aerial passenger tramways that advises the passengers to seek advice if not familiar with riding the aerial passenger tramway; and

(3) To not intentionally or negligently cause injury to any person; provided, that except for the duties of the operator set forth in this section and in section 6-3304, Idaho Code, the mountain operator shall have no duty to eliminate, alter, control, or lessen the risks inherent in the sport of bicycling that include but are not limited to those described in section 6-3306, Idaho Code.

6-3304. DUTIES OF MOUNTAIN OPERATORS WITH RESPECT TO AERIAL PASSENGER TRAMWAYS. Every mountain operator shall have the duty to construct, operate, maintain, and repair any aerial passenger tramway in accordance with the American national standards safety requirements for aerial passenger tramways.

6-3305. DUTIES OF PASSENGERS. Every passenger shall have the duty to not:

(1) Board or embark upon or disembark from an aerial passenger tramway except at an area designated for such purpose;

(2) Drop, throw, or expel any object from an aerial passenger tramway;

(3) Perform any act that interferes with the running or operation of an aerial passenger tramway;

(4) Use any aerial passenger tramway if the passenger does not have the ability to use it safely without instruction, until the passenger has requested and received sufficient instruction to permit safe usage;

(5) Embark on an aerial passenger tramway without the authority of the mountain operator; or

(6) Use any aerial passenger tramway without engaging such safety or restraining devices as may be provided.

6-3306. DUTIES OF BICYCLISTS. (1) It is recognized that bicycling as a recreational sport is hazardous, regardless of all feasible safety measures that can be taken.

(2) Each bicyclist expressly assumes the risk of and legal responsibility for any injury to person or property that results from participation in the sport of bicycling, including any injury caused by but not limited to the following: uneven or slippery trail and feature conditions, varying slopes and terrain, bumps, stumps, trees, roots, forest growth, cliffs, rock and rock drops, loose gravel and dirt, wet surfaces, holes and potholes, downed timber, debris, depressions, other bicycles, dark tunnels, jumps, dirt and wood features and other constructed features, lift loading and unloading, padded and nonpadded barriers, paved surfaces, collisions with vehicles owned or operated by individuals or entities other than the mountain operator, other bicyclists, pedestrians, wildlife, objects or heavy equipment, and mechanical or other failure of rental or personal equipment not including equipment rented out by the mountain operator.

(3) Each bicyclist shall have the sole individual responsibility for knowing the range of his own ability to negotiate any trail, and it shall be the duty of each bicyclist to bicycle within the limits of the bicyclist's own ability, to maintain reasonable control of speed and course at all times while bicycling, to heed all posted warnings and safety requirements, to bicycle only on a bicycling area designated by the mountain operator, and to refrain from acting in a manner that may cause or contribute to the injury of anyone. The responsibility for collisions by any bicyclist while actually bicycling, with any person, shall be solely that of the individual or individuals involved in such collision and not that of the mountain operator.

(4) No person shall place any object in the mountain area or on the uphill track of any aerial passenger tramway that may cause a passenger or bicyclist to fall; cross the track of any T-bar lift, J-bar lift, platter lift or similar device, a fiber rope or wire rope tow, and a conveyor, except at a designated location; or depart when involved in a bicycling accident from the scene of the accident without leaving personal identification, including name and address, before notifying the proper authorities or obtaining assistance when that person knows that any other person involved in the accident is in need of medical or other assistance.

6-3307. LIABILITY OF MOUNTAIN OPERATORS. Any mountain operator shall be liable for loss or damages caused by its failure to follow the duties set forth in sections 6-3303 and 6-3304, Idaho Code, where the violation of duty is causally related to the loss or damage suffered. The mountain operator shall not be liable to any passenger or bicyclist acting in violation of its duties as set forth in sections 6-3305 and 6-3306, Idaho Code, where the violation of duty is causally related to the loss or damage suffered; nor shall a mountain operator be liable for any injury or damage to a person who is not legally entitled to be in the mountain area, or for any loss or damages caused by any object dropped, thrown, or expelled by a passenger from an aerial passenger tramway.

6-3308. LIABILITY OF PASSENGERS. Any passenger shall be liable for loss or damages resulting from violations of the duties set forth in section 6-3305, Idaho Code, and shall not be able to recover from the mountain operator for any losses or damages where the violation of duty is causally related to the loss or damage suffered.

6-3309. LIABILITY OF BICYCLISTS. Any bicyclist shall be liable for loss or damages resulting from violations of the duties set forth in section 6-3306, Idaho Code, and shall not be able to recover from the mountain operator for any losses or damages where the violation of duty is causally related to the loss or damage suffered.

Approved March 26, 2020

CHAPTER 330
(H.B. No. 435)

AN ACT

RELATING TO ADOPTION; AMENDING SECTION 16-1504, IDAHO CODE, TO CLARIFY THE CONSENT NECESSARY FOR THE ADOPTION OF AN ADULT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 7-1107, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-5-207, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 16-1513, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-2007, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 16-2008, IDAHO CODE, 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 16-1504, Idaho Code, be, and the same is hereby amended to read as follows:

16-1504. NECESSARY CONSENT TO ADOPTION. (1) Consent to adoption of a child is required from:

- (a) The adoptee, if he is more than twelve (12) years of age, unless he does not have the mental capacity to consent;
 - (b) Both parents or the surviving parent of an adoptee who was conceived or born within a marriage, ~~unless the adoptee is eighteen (18) years of age or older;~~
 - (c) The mother of an adoptee born outside of marriage;
 - (d) Any biological parent who has been adjudicated to be the child's biological father by a court of competent jurisdiction prior to the mother's execution of consent;
 - (e) An unmarried biological father of an adoptee only if the requirements and conditions of subsection (23) (a) or (b) of this section have been proven;
 - (f) Any legally appointed custodian or guardian of the adoptee;
 - (g) ~~The guardian or conservator of an incapacitated adult, if one has been appointed;~~
 - ~~(h) The adoptee's spouse, if any;~~
 - (ih) An unmarried biological father who has filed a voluntary acknowledgment of paternity with the vital statistics unit of the department of health and welfare pursuant to section 7-1106, Idaho Code; and
 - (ji) The father of an illegitimate child who has adopted the child by acknowledgment.
- (2) Consent to adoption of an adult is required from:
- (a) The adoptee, or the guardian or conservator of an incapacitated adoptee, if a guardian or conservator has been appointed; and
 - (b) The adoptee's spouse, if any.
- (3) In accordance with subsection (1) of this section, the consent of an unmarried biological father is necessary only if the father has strictly complied with all requirements of this section.

- (a) (i) With regard to a child who is placed with adoptive parents more than six (6) months after birth, an unmarried biological father shall have developed a substantial relationship with the child, taken some measure of responsibility for the child and the child's future, and demonstrated a full commitment to the responsibilities of parenthood by financial support of the child, of a fair and reasonable sum and in accordance with the father's ability, when not prevented from doing so by the person or authorized agency having lawful custody of the child, and either:
1. Visiting the child at least monthly when physically and financially able to do so, and when not prevented from doing so by the person or authorized agency having lawful custody of the child; or
 2. ~~Have~~ Having regular communication with the child or with the person or agency having the care or custody of the child, when physically and financially unable to visit the child, and when not prevented from doing so by the person or authorized agency having lawful custody of the child.
- (ii) The subjective intent of an unmarried biological father, whether expressed or otherwise, unsupported by evidence of acts specified in this subsection shall not preclude a determination that the father failed to meet any one (1) or more of the requirements of this subsection.
- (iii) An unmarried biological father who openly lived with the child for a period of six (6) months within the one (1) year period after the birth of the child and immediately preceding placement of the child with adoptive parents, and who openly held himself out to be the father of the child during that period, shall be deemed to have developed a substantial relationship with the child and to have otherwise met all of the requirements of this subsection.
- (b) With regard to a child who is under six (6) months of age at the time he is placed with adoptive parents, an unmarried biological father shall have manifested a full commitment to his parental responsibilities by performing all of the acts described in this subsection and prior to the date of the filing of any proceeding to terminate the parental rights of the birth mother; the filing of any proceeding to adopt the child; or the execution of a consent to terminate the birth mother's parental rights under the provisions of section 16-2005(4), Idaho Code, whichever occurs first. The father shall have strictly complied with all of the requirements of this subsection by:
- (i) Filing proceedings to establish paternity under section 7-1111, Idaho Code, and filing with that court a sworn affidavit stating that he is fully able and willing to have full custody of the child, setting forth his plans for the care of the child, and agreeing to a court order of child support and the payment of expenses incurred in connection with the mother's pregnancy and the child's birth;
 - (ii) Filing a notice of the proceedings to establish his paternity of the child with the vital statistics unit of the department of health and welfare pursuant to section 16-1513, Idaho Code; and
 - (iii) If he had actual knowledge of the pregnancy, paying a fair and reasonable amount of the expenses incurred in connection with the mother's pregnancy and the child's birth, in accordance with his means, and when not prevented from doing so by the person or authorized agency having lawful custody of the child.

(34) An unmarried biological father whose consent is required under subsection (1) or (23) of this section may nevertheless lose his right to consent if the court determines, in accordance with the requirements and procedures of the termination of parent and child relationship act, sections 16-2001 through 16-2015, Idaho Code, that his rights should be terminated, based on the petition of any party as set forth in section 16-2004, Idaho Code.

(45) In any adoption proceeding pertaining to a child born out of wedlock, if there is no showing that an unmarried biological father has consented to or waived his rights regarding a proposed adoption, the petitioner shall file with the court a certificate from the vital statistics unit of the department of health and welfare, signed by the state registrar of vital statistics, stating that a diligent search has been made of the registry of notices from putative fathers, of a child born out of wedlock, and that the putative father involved has not filed notice of the proceedings to establish his paternity, or, if a filing is found, stating the name of the putative father and the time and date of filing. That certificate shall be filed with the court prior to the entrance of the final decree of adoption.

(56) An unmarried biological father who does not fully and strictly comply with each of the conditions provided in this section is deemed to have waived and surrendered any right in relation to the child, including the right to notice of any judicial proceeding in connection with the adoption of the child, or for termination of parental rights and his consent to the adoption of the child is not required unless he proves, by clear and convincing evidence, all of the following:

(a) It was not possible for him, prior to the filing of a proceeding to terminate parental rights of the birth mother; the filing of any proceeding to adopt the child; or the execution of a consent to terminate the birth mother's parental rights under the provisions of section 16-2005(4), Idaho Code, whichever occurs first, to:

(i) Commence proceedings to establish paternity of his child in accordance with section 7-1111, Idaho Code; and

(ii) File notice of the filing of proceedings to establish his paternity of the child with the vital statistics unit of the department of health and welfare in accordance with section 16-1513, Idaho Code;

(b) His failure to timely file notice of the filing of proceedings to establish his paternity of the child with the vital statistics unit of the department of health and welfare in accordance with section 16-1513, Idaho Code, and his failure to commence timely proceedings to establish paternity of his child in accordance with section 7-1111, Idaho Code, was were through no fault of his own; and

(c) He filed notice of the filing of proceedings to establish paternity of his child in accordance with section 7-1111, Idaho Code, with the vital statistics unit of the department of health and welfare in accordance with section 16-1513, Idaho Code, and filed proceedings to establish his paternity of the child within ten (10) days after the birth of the child. Lack of knowledge of the pregnancy is not an acceptable reason for his failure to timely file notice of the commencement of proceedings or for his failure to commence timely proceedings.

(67) A minor parent has the power to consent to the adoption of his or her child. That consent is valid and has the same force and effect as a consent executed by an adult parent. A minor parent, having executed a consent, cannot revoke that consent upon reaching the age of majority or otherwise becoming emancipated.

(78) No consent shall be required of, nor notice given to, any person whose parental relationship to such child shall have been terminated in accordance with the provisions of either chapter 16 or 20, title 16, Idaho Code, or by a court of competent jurisdiction of a sister state under like proceedings, or in any other manner authorized by the laws of a sister state. Where a voluntary child placement agency licensed by the state in which it does business is authorized to place a child for adoption and to consent to such child's adoption under the laws of such state, the consent of such agency to the adoption of such child in a proceeding within the state of Idaho shall be valid and no further consents or notices shall be required.

(89) The legislature finds that an unmarried biological father who resides in another state may not, in every circumstance, be reasonably presumed to know of, and strictly comply with, the requirements of this chapter. Therefore, when all of the following requirements have been met, that unmarried biological father may contest an adoption prior to finalization of the decree of adoption and assert his interest in the child:

(a) The unmarried biological father resides and has resided in another state where the unmarried mother was also located or resided;

(b) The mother left that state without notifying or informing the unmarried biological father that she could be located in the state of Idaho;

(c) The unmarried biological father has, through every reasonable means, attempted to locate the mother but does not know or have reason to know that the mother is residing in the state of Idaho; and

(d) The unmarried biological father has complied with the most stringent and complete requirements of the state where the mother previously resided or was located in order to protect and preserve his parental interest and rights in the child in cases of adoption.

(910) An unmarried biological father may, under the provisions of section 7-1107, Idaho Code, file a proceeding to establish his paternity prior to the birth of the child; however, such paternity proceeding must be filed prior to the date of the filing of any proceeding to terminate parental rights of the birth mother; the filing of any proceeding to adopt the child; or the execution of a consent to terminate the birth mother's parental rights under the provisions of section 16-2005(4), Idaho Code, whichever occurs first.

SECTION 2. That Section 7-1107, Idaho Code, be, and the same is hereby amended to read as follows:

7-1107. LIMITATION OF ACTION. (1) Except as provided in section 16-1504(910), Idaho Code, a proceeding to establish paternity of the child under the provisions of this chapter may be instituted either before or after the birth of the child but must be instituted before the child reaches the age of majority as defined in section 32-101, Idaho Code.

(2) This section shall apply retroactively, and is for the benefit of any dependent child, whether conceived or born before or after the effective date of this act, and regardless of the past or current marital status of the parents.

SECTION 3. That Section 15-5-207, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-207. COURT APPOINTMENT OF GUARDIAN OF MINOR -- PROCEDURE. (1) Proceedings for the appointment of a guardian or co-guardians may be initiated by the following persons:

(a) Any relative of the minor;

(b) The minor if he is fourteen (14) or more years of age;

(c) Any person who comes within section 15-5-213(1), Idaho Code; or

(d) Any person interested in the welfare of the minor.

(2) Notice of the time and place of hearing of a petition under this section is to be given by the petitioner in the manner prescribed by section 15-1-401, Idaho Code, to:

(a) The minor, if he is fourteen (14) or more years of age;

(b) The person who has had the principal care and custody of the minor during the sixty (60) days preceding the date of the petition;

(c) Any person who comes within section 15-5-213(1), Idaho Code; and

(d) Any living parent of the minor; provided however, that the court may waive notice to a living parent of the minor who is, or is alleged to be, the father of the minor if:

(i) The father was never married to the mother of the minor and has failed to register his paternity as provided in section 16-1504(45), Idaho Code; or

(ii) The court has been shown to its satisfaction circumstances that would allow the entry of an order of termination of parental rights pursuant to section 16-2005, Idaho Code, even though termination of parental rights is not being sought as to such father.

(3) (a) As an alternative to appointing one (1) guardian for a minor, the court may appoint no more than two (2) persons as co-guardians for a minor if the court finds:

(i) The appointment of co-guardians will best serve the interests of the minor; and

(ii) The persons to be appointed as co-guardians will work together cooperatively to serve the best interests of the minor.

(b) If the court appoints co-guardians, the court shall also determine whether the guardians:

(i) May act independently;

(ii) May act independently but must act jointly in specified matters; or

(iii) Must act jointly.

This determination by the court must be stated in the order of appointment and in the letters of guardianship.

(4) If the court finds, upon hearing, that a qualified person seeks appointment, venue is proper, the required notices have been given, the requirements of section 15-5-204, Idaho Code, have been met, and the welfare and best interests of the minor will be served by the requested appointment, it shall make the appointment. In other cases the court may dismiss the proceedings, or make any other disposition of the matter that will best serve the interest of the minor.

(5) Prior to the appointment of a guardian:

(a) The court may appoint a temporary guardian for the minor if it finds by a preponderance of evidence that:

(i) A petition for guardianship under this section has been filed, but a guardian has not yet been appointed;

(ii) The appointment is necessary to protect the minor's health, safety or welfare until the petition can be heard; and

(iii) No other person appears to have the ability, authority and willingness to act.

(b) A temporary guardian may be appointed without notice or hearing if the minor is in the physical custody of the petitioner or proposed temporary guardian and the court finds from a statement made under oath that the minor may be immediately and substantially harmed before notice can be given or a hearing held.

(c) Notice of the appointment of a temporary guardian must be given to those designated in subsection (2) of this section within seventy-two (72) hours after the appointment. The notice must inform interested persons of the right to request a hearing. The court must hold a hearing on the appropriateness of the appointment within ten (10) days after request by an interested person. In all cases, either a hearing on the temporary guardianship or on the petition for guardianship itself must be held within ninety (90) days of the filing of any petition for guardianship of a minor.

(d) The temporary guardian's authority may not exceed six (6) months unless extended for good cause. The powers of the temporary guardian shall be limited to those necessary to protect the immediate health, safety or welfare of the minor until a hearing may be held and must include the care and custody of the minor.

(e) A temporary guardian must make reports as the court requires.

(6) When a minor is under guardianship:

(a) The court may appoint a temporary guardian if it finds:

(i) Substantial evidence that the previously appointed guardian is not performing the guardian's duties; and

(ii) The appointment of a temporary guardian is necessary to protect the minor's health, safety or welfare.

(b) A temporary guardian may be appointed without notice or hearing if the court finds from a statement made under oath that the minor may be immediately and substantially harmed before notice can be given or a hearing held.

(c) Notice of the appointment of a temporary guardian must be given to those designated in subsection (2) of this section within seventy-two (72) hours after the appointment. The notice must inform interested persons of the right to request a hearing. The court shall hold a hearing on the appropriateness of the appointment within ten (10) days after request by an interested person.

(d) The authority of a previously appointed guardian is suspended as long as a temporary guardian has authority. The court must hold a hearing before the expiration of the temporary guardian's authority and may enter any appropriate order. The temporary guardian's authority may not exceed six (6) months unless extended for good cause.

(e) A temporary guardian must make reports as the court requires.

(7) The court shall appoint an attorney to represent the minor if the court determines that the minor possesses sufficient maturity to direct the attorney. If the court finds that the minor is not mature enough to direct an attorney, the court shall appoint a guardian ad litem for the minor. The court may decline to appoint an attorney or guardian ad litem if it finds in writing that such appointment is not necessary to serve the best interests of the minor or if the Idaho department of health and welfare has legal custody of the child.

(8) Letters of guardianship must indicate whether the guardian was appointed by will or by court order.

SECTION 4. That Section 16-1513, Idaho Code, be, and the same is hereby amended to read as follows:

16-1513. REGISTRATION OF NOTICE AND FILING OF PATERNITY PROCEEDINGS. (1) A person who is the father or claims to be the father of a child born out of wedlock may claim rights pertaining to his paternity of the child by commencing proceedings to establish paternity under section 7-1111, Idaho Code, and by filing with the vital statistics unit of the department of health and welfare notice of his filing of proceedings to establish his paternity of the child born out of wedlock. The vital statistics unit of the department of health and welfare shall provide forms for the purpose of filing the notice of filing of paternity proceedings, and the forms shall be made available through the vital statistics unit of the Idaho department of health and welfare and in the office of the county clerk in every county of this state. The forms shall include a written notification that filing pursuant to this section shall not satisfy the requirements of chapter 82, title 39, Idaho Code, and the notification shall also include the following statements:

(a) A parent may make a claim of parental rights of an abandoned child, abandoned pursuant to the provisions of chapter 82, title 39, Idaho Code, as provided by section 39-8206, Idaho Code, by filing a notice of claim of parental rights with the vital statistics unit of the department of health and welfare on a form as prescribed and provided by the vital statistics unit of the department of health and welfare;

(b) The vital statistics unit of the department of health and welfare shall maintain a separate registry for claims to abandoned children, abandoned pursuant to the provisions of chapter 82, title 39, Idaho Code;

(c) The department shall provide forms for the purpose of filing a claim of parental rights of an abandoned child, abandoned pursuant to the provisions of chapter 82, title 39, Idaho Code, and the forms shall be made available through the vital statistics unit of the Idaho department of health and welfare and in the office of the county clerk in every county of this state;

(d) To be valid, a claim of parental rights of an abandoned child, abandoned pursuant to the provisions of chapter 82, title 39, Idaho Code, must be filed before an order terminating parental rights is entered by the court. A parent that fails to file a claim of parental rights prior to entry of an order terminating their parental rights is deemed to have abandoned the child and waived and surrendered any right in relation to the child, including the right to notice of any judicial proceeding in connection with the termination of parental rights or adoption of the child;

(e) Registration of notice of filing of paternity proceedings pursuant to chapter 15, title 16, Idaho Code, shall not satisfy the requirements of chapter 82, title 39, Idaho Code. To register a parental claim to an abandoned child, abandoned pursuant to the provisions of chapter 82, title 39, Idaho Code, an individual must file an abandoned child registry claim with the vital statistics unit of the department of health and welfare and comply with all other provisions of chapter 82, title 39, Idaho Code, in the time and manner prescribed, in order to preserve parental rights to the child.

When filing a notice of the filing of paternity proceedings, a person who claims to be the father of a child born out of wedlock shall file with the vital statistics unit of the department of health and welfare the completed form prescribed by the vital statistics unit of the department of health and welfare. Said form will be filled out completely, signed by the person claiming paternity, and witnessed before a notary public.

(2) The notice of the filing of paternity proceedings may be filed prior to the birth of the child, but must be filed prior to the date of the filing of any proceeding to terminate the parental rights of the birth mother. The notice of the filing of paternity proceedings shall be signed by the person filing the notice and shall include his name and address, the name and last address of the mother, and either the birth date of the child or the probable month and year of the expected birth of the child. The vital statistics unit of the department of health and welfare shall maintain a central registry for this purpose that shall be subject to disclosure according to chapter 1, title 74, Idaho Code. The department shall record the date and time the notice of the filing of proceedings is filed with the department. The notice shall be deemed to be duly filed with the department as of the date and time recorded on the notice by the department.

(3) If the unmarried biological father does not know the county in which the birth mother resides, he may initiate his action in any county, subject to a change in venue.

(4) Except as provided in section 16-1504(56), Idaho Code, any father of a child born out of wedlock who fails to file and register his notice of the commencement of paternity proceedings pursuant to section 7-1111, Idaho Code, prior to the date of the filing of any proceeding to terminate the parental rights of the birth mother; the filing of any proceeding to adopt the child; or the execution of a consent to terminate the birth mother's parental rights under the provisions of section 16-2005(4), Idaho Code, whichever occurs first, is deemed to have waived and surrendered any right in relation to the child and of any notice to proceedings for adoption of the child or for termination of parental rights of the birth mother. His consent to the adoption of the child shall not be required and he shall be barred from thereafter bringing or maintaining any action to establish his paternity of the child. Failure of such filing or registration shall constitute an abandonment of said child and shall constitute an irrevocable implied consent in any adoption or termination proceeding.

(5) The filing and registration of an unrevoked notice of the commencement of paternity proceedings by a putative father shall constitute prima facie evidence of the fact of his paternity in any contested proceeding under chapter 11, title 7, Idaho Code. The filing of a notice of the commencement of paternity proceedings shall not be a bar to an action for termination of his parental rights under chapter 20, title 16, Idaho Code.

(6) An unmarried biological father of a child born out of wedlock who has filed and registered a notice of the filing of paternity proceedings may at any time revoke notice of intent to claim paternity previously filed. Upon receipt of written revocation, the effect shall be as if no notice of the filing of paternity proceedings had been filed or registered.

(7) In any adoption proceeding pertaining to a child born out of wedlock, if there is no showing that the putative father has consented to the adoption, a certificate shall be obtained from the vital statistics unit of the department of health and welfare, signed by the state registrar of vital statistics, which certificate shall state that a diligent search has been made of the registry of notices from putative fathers, and that no filing has been found pertaining to the father of the child in question, or if a filing is found, stating the name of the putative father and the time and date of filing. That certificate shall be filed with the court prior to entry of a final decree of adoption.

(8) Identities of putative fathers can only be released pursuant to procedures contained in chapter 1, title 74, Idaho Code.

(9) To cover the cost of implementing and maintaining said central registry, the vital statistics unit of the department of health and welfare shall charge a filing fee of ten dollars (\$10.00) at the time the putative father files his notice of his commencement of proceedings. The department shall also charge a reasonable fee to cover all costs incurred in a search

of the Idaho putative father registry and for furnishing a certificate in accordance with the provisions of this section and section 16-1504, Idaho Code. It is the intent of the legislature that the fee shall cover all direct and indirect costs incurred pursuant to this section and section 16-1504, Idaho Code. The department shall annually review the fees and expenses incurred pursuant to administering the provisions of this section and section 16-1504, Idaho Code.

(10) Consistent with its authority denoted in the vital statistics act, section 39-242(c), Idaho Code, the board of health and welfare shall adopt, amend and repeal rules for the purpose of carrying out the provisions of this section.

(11) The department shall produce and distribute, within the limits of continuing annual appropriations duly made available to the department by the legislature for such purposes, a pamphlet or publication informing the public about the Idaho putative father registry, printed in English and Spanish. The pamphlet shall indicate the procedures to be followed in order to receive notice of any proceeding for the adoption of a child that an unmarried biological father claims to have fathered and of any proceeding for termination of his parental rights, voluntary acknowledgment of paternity, the consequences of acknowledgment of paternity, the consequences of failure to acknowledge paternity and the address of the Idaho putative father registry. Within the limits of continuing annual appropriations duly made available to the department by the legislature for such purposes, such pamphlets or publications shall be made available for distribution to the public at all offices of the department of health and welfare. Upon request, the department shall also provide such pamphlets or publications to hospitals, libraries, medical clinics, schools, colleges, universities, providers of child-related services and children's agencies licensed in the state of Idaho or advertising services in the state of Idaho.

(12) Within the limits of continuing annual appropriations duly made available to the department by the legislature for such purposes, each county clerk, branch office of the department of motor vehicles, all offices of the department of health and welfare, hospitals and local health districts shall post in a conspicuous place a notice that informs the public about the purpose and operation of the Idaho putative father registry. The notice must include information regarding the following:

- (a) Where to obtain a registration form;
- (b) Where to register;
- (c) The procedures to follow in order to file proceedings to establish paternity of a child born out of wedlock;
- (d) The consequences of a voluntary acknowledgment of paternity; and
- (e) The consequences of failure to acknowledge paternity.

(13) The department shall host on the department's web page a public service announcement (PSA) informing the public about the Idaho putative father registry, printed in English and Spanish. The PSA shall indicate the procedures to be followed in order to receive notice of any proceeding for the adoption of a child that an unmarried biological father claims to have fathered and of any proceeding for termination of his parental rights, voluntary acknowledgment of paternity, the consequences of acknowledgment of paternity, the consequences of failure to acknowledge paternity and the address of the Idaho putative father registry.

(14) Failure to post a proper notice under the provisions of this section does not relieve a putative father of the obligation to file notice of the filing of proceedings to establish his paternity pursuant to this section or to commence proceedings to establish paternity pursuant to section 7-1111, Idaho Code, prior to the filing of any proceeding to terminate parental rights of the birth mother.

(15) A person who knowingly or intentionally falsely files or registers as a putative father is guilty of a misdemeanor.

SECTION 5. That Section 16-2007, Idaho Code, be, and the same is hereby amended to read as follows:

16-2007. NOTICE -- WAIVER -- GUARDIAN AD LITEM. (1) After a petition has been filed, the court shall set the time and place for hearing. The petitioner shall give notice to any person entitled to notice under section 16-1505, Idaho Code, the authorized agency having legal custody of the child and the guardian ad litem of the child and of a parent. The petitioner shall give notice to the Idaho department of health and welfare if the petition for termination was not filed in conjunction with a petition for adoption or by an adoption agency licensed by the state of Idaho.

(2) Notice shall be given by personal service on the parents or guardian. Where reasonable efforts to effect personal service have been unsuccessful or are impossible because the whereabouts of parties entitled to notice are not known or reasonably ascertainable, the court shall order service by registered or certified mail to the last known address of the person to be notified and by publication once a week for three (3) successive weeks in a newspaper or newspapers to be designated by the court as most likely to give notice to the person to be served. The hearing shall take place no sooner than ten (10) days after service of notice, or where service is by registered or certified mail and publication, the hearing shall take place no sooner than ten (10) days after the date of last publication.

(3) Notice and appearance may be waived by a parent in writing and witnessed by a district judge or magistrate of a district court, or equivalent judicial officer of the state, where a person waiving notice and appearance resides or is present, whether within or without the county, and shall be substantially in the following form:

IN THE DISTRICT COURT OF THE.... JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF....

In the Matter of the termination)
of the parental rights to)
.....)
.....)
(a) minor child(ren)

I (we), the undersigned, being the.... of...., do hereby waive my (our) right to notice and my (our) right to appear in any action seeking termination of my (our) parental rights. I (we) understand that by waiving notice and appearance my (our) parental right(s), to the said...., who was born...., unto...., may be completely and forever terminated, including all legal rights, privileges, duties and obligations, including all rights of inheritance to and from the said...., and I (we) do hereby expressly waive my (our) right(s) to notice of or appearance in any such action.

DATED:....., 20..
.....

STATE OF IDAHO)
) ss.
COUNTY OF....)

On this.... day of...., 20.., before me, the undersigned...., (Judge or Magistrate) of the District Court of the.... Judicial District of the state of Idaho, in and for the county of...., personally appeared...., known to me (or proved to me on the oath of....) to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she, they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

.....
(District Judge or Magistrate)

(4) The court shall accept a waiver of notice and appearance executed in another state if:

(a) It is witnessed by a magistrate or district judge of the state where signed; or

(b) The court receives an affidavit or a certificate from a court of comparable jurisdiction stating that the waiver of notice and appearance was executed in accordance with the laws of the state in which it was executed, or the court is satisfied by other showing that the waiver of notice and appearance was executed in accordance with the laws of the state in which it was executed.

(5) When the termination of the parent and child relationship is sought and the parent is determined to be incompetent to participate in the proceeding, the court shall appoint a guardian ad litem for the alleged incompetent parent. The court may in any other case appoint a guardian ad litem, as may be deemed necessary or desirable, for any party. Except as provided in section 16-1504(56), Idaho Code, where a putative father has failed to timely commence proceedings to establish paternity under section 7-1111, Idaho Code, or has failed to timely file notice of his filing of proceedings to establish his paternity of his child born out of wedlock under section 16-1513, Idaho Code, with the vital statistics unit of the department of health and welfare, notice under this section is not required unless such putative father is one of those persons specifically set forth in section 16-1505(1), Idaho Code.

(6) If a parent fails to file a claim of parental rights pursuant to the provisions of chapter 82, title 39, Idaho Code, for a child left with a safe haven pursuant thereto, prior to entry of an order terminating their parental rights, that parent is deemed to have abandoned the child and waived and surrendered any right in relation to the child, including the right to notice of any judicial proceeding in connection with the termination of parental rights.

SECTION 6. That Section 16-2008, Idaho Code, be, and the same is hereby amended to read as follows:

16-2008. INVESTIGATION PRIOR TO DISPOSITION. (1) If a petition for adoption is not filed in conjunction with a petition for termination, or the petition for termination was not filed by a children's adoption agency licensed by the state of Idaho upon the filing of a petition for termination, the court shall direct the department of health and welfare, bureau of child support services, to submit a written financial analysis report within thirty (30) days from date of notification, detailing the amount of any unreimbursed public assistance moneys paid by the state of Idaho on behalf of the child. The financial analysis shall include recommendations regarding repayment of unreimbursed public assistance and provisions for future support for the child and the reasons therefor.

(2) Upon the filing of a petition, the court may direct, in all cases where written consent to termination has not been given as provided in this chapter, that an investigation be made by the department of health and welfare, division of family and community services, or a licensed children's adoption agency, and that a report in writing of such study be submitted to the court prior to the hearing, except that where the department of health and welfare or a licensed children's adoption agency is a petitioner, either in its own right or on behalf of a parent, a report in writing of the investigation made by such agency shall accompany the petition. The department of health and welfare or the licensed children's adoption agency shall have thirty (30) days from notification by the court during which it shall complete and submit its investigation unless an extension of time is granted by the court upon application by the agency. The court may order additional investigation as it deems necessary. The social study shall include the circumstances of the petition, the investigation, the present condition of the

child and parents, proposed plans for the child, and such other facts as may be pertinent to the parent and child relationship, and the report submitted shall include a recommendation and the reasons therefor as to whether or not the parent and child relationship should be terminated. If the parent has a disability as defined in this chapter, the parent shall have the right, as a part of the social study, to provide information regarding the manner in which the use of adaptive equipment or supportive services will enable the parent to carry out the responsibilities of parenting the child. The person performing the social investigation shall advise the parent of such right and shall consider all such information in any findings or recommendations. The social study shall be conducted by, or with the assistance of, an individual with expertise in the use of such equipment and services. Nothing in this section shall be construed to create any new or additional obligations on state or local governments to purchase or provide adaptive equipment or supportive services for parents with disabilities. Where the parent is a minor, if the report does not include a statement of contact with the parents of said minor, the reasons therefor shall be set forth. The purpose of the investigation is to aid the court in making disposition of the petition and shall be considered by the court prior thereto.

(3) Except as provided in section 16-1504(56), Idaho Code, no social study or investigation as provided for in subsection (2) of this section shall be directed by the court with respect to the putative father who has failed to timely commence proceedings to establish paternity under section 7-1111, Idaho Code, or who has failed to timely file notice of his filing of proceedings to establish his paternity of his child born out of wedlock under section 16-1513, Idaho Code, with the vital statistics unit of the department of health and welfare, unless such putative father is one ~~(1)~~ of those persons specifically set forth in section 16-1505(1), Idaho Code.

Approved March 30, 2020

CHAPTER 331

(H.B. No. 440, As Amended in the Senate)

AN ACT

RELATING TO DISCRIMINATION IN PUBLIC EMPLOYMENT, PUBLIC EDUCATION, AND PUBLIC CONTRACTS; AMENDING CHAPTER 59, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5909A, IDAHO CODE, TO PROVIDE THAT THE STATE SHALL NOT DISCRIMINATE IN CERTAIN INSTANCES, TO PROVIDE APPLICABILITY, TO PROVIDE CERTAIN EXCEPTIONS, TO DEFINE A TERM, TO PROVIDE FOR REMEDIES, TO PROVIDE THAT CERTAIN ACTIONS SHALL NOT BE PROHIBITED, AND TO PROVIDE SEVERABILITY; AMENDING CHAPTER 28, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2802A, IDAHO CODE, TO PROHIBIT DISCRIMINATION IN PROCUREMENT; AMENDING SECTION 67-2809, IDAHO CODE, TO PROHIBIT DISCRIMINATION IN PROCUREMENT; AND AMENDING SECTION 67-9210, IDAHO CODE, TO PROHIBIT DISCRIMINATION IN PROCUREMENT.

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

SECTION 1. That Chapter 59, 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 67-5909A, Idaho Code, and to read as follows:

67-5909A. ACTS PROHIBITED -- PUBLIC EMPLOYMENT -- PUBLIC EDUCATION. (1) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment or public education.

(2) The provisions of this section shall apply only to action taken after the effective date of this section.

(3) Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment or public education.

(4) Nothing in this section shall be interpreted as invalidating any court order or consent decree that is in force as of the effective date of this section.

(5) For the purposes of this section, "state" shall include but not necessarily be limited to the state itself, any city, county, city and county, public university or community college, school district, special district, or any other political subdivision or governmental instrumentality of or within the state.

(6) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of this chapter; provided, however, that any remedies available for violations of this section regarding public contracts shall be determined as otherwise provided by state law.

(7) Nothing in this section shall be interpreted as prohibiting action that must be taken to establish or maintain eligibility for any federal program where ineligibility would result in a loss of federal funds to the state.

(8) If any part or parts of this section are found to be in conflict with the United States Constitution, the section shall be implemented to the maximum extent that the United States Constitution permits. Any provision held invalid shall be severable from the remaining portions of this section.

SECTION 2. That Chapter 28, 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 67-2802A, Idaho Code, and to read as follows:

67-2802A. DISCRIMINATION IN PROCUREMENT PROHIBITED. Political subdivisions of the state of Idaho in their procurements governed by this chapter shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin unless permitted by an exception described in section 67-5909A, Idaho Code.

SECTION 3. That Section 67-2809, Idaho Code, be, and the same is hereby amended to read as follows:

67-2809. LEGISLATIVE INTENT -- PUBLIC WORKS -- AGREEMENTS -- SAVINGS -- SEVERABILITY. (1) It is the intent of the legislature to provide for the efficient and cost-effective procurement of goods and services by political subdivisions as market participants.

(2) Notwithstanding any other provision found in chapter 10, title 44, Idaho Code, chapter 28, title 67, Idaho Code, and chapter 57, title 67, Idaho Code, the following shall apply:

(a) This act shall be known as the "Open Access to Work Act."

(b) For purposes of this section, the following terms have the following meanings:

(i) "Political subdivision" means the state of Idaho, or any county, city, school district, sewer district, fire district or any other taxing subdivision or district of any public or quasi-public corporation of the state, or any agency thereof, or with any other public board, body, commission, department or agency, or officer or representative thereof;

- (ii) "Public works" shall have the same meaning as that provided for "public works construction" in section 54-1901, Idaho Code.
- (c) (i) Except as provided in subsection (2) (c) (ii) of this section or as required by federal or state law, the state or any political subdivision that contracts for the construction, alteration, equipping, furnishing, maintenance, repair or improvement of public works shall not require that a contractor, subcontractor, material supplier or carrier engaged in the construction, alteration, equipping, furnishing, maintenance, repair or improvement of public works pay its employees:
1. A predetermined amount of wages or wage rate; or
 2. A type, amount or rate of employee benefits.
- (ii) Subsection (2) (c) (i) of this section shall not apply when federal law requires the payment of prevailing or minimum wages to persons working on projects funded in whole or in part by federal funds.
- (d) The state or any political subdivision that contracts for the construction, alteration, equipping, furnishing, maintenance, repair or improvement of public works or obligates funds pursuant to such a contract shall ensure that neither the awarding governmental entity nor any construction manager acting on the governmental entity's behalf shall:
- (i) In its bid documents, specifications, project agreements or other controlling documents for a public works construction contract, require or prohibit bidders, offerors, contractors, subcontractors or material suppliers to enter into or adhere to pre-hire agreements, project labor agreements, collective bargaining agreements or any other agreement with one (1) or more labor organizations on the same or other related construction projects; ~~or~~
 - (ii) Discriminate against, or treat differently, bidders, offerors, contractors, subcontractors or material suppliers for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one (1) or more labor organizations on the same or other related construction projects; ~~or~~
 - (iii) Discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin unless permitted by an exception described in section 67-5909A, Idaho Code.

Nothing in subsection (2) (d) of this section shall prohibit bidders, offerors, contractors, subcontractors or material suppliers from voluntarily entering into agreements described in subparagraph (i) of this paragraph.

(e) Any interested party, which shall include a bidder, offeror, contractor, subcontractor or taxpayer, shall have standing to challenge any bid award, specification, project agreement, controlling document, grant or cooperative agreement that violates the provisions of this section, and such interested party shall be awarded costs and attorney's fees in the event that such challenge prevails.

(f) The provisions of this section apply to any contract executed after the effective date of this act.

(3) This act does not prohibit or interfere with the rights of employers or other parties to enter into agreements or engage in any other activity protected by the national labor relations act, 29 U.S.C. section 151, et seq.

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

SECTION 4. That Section 67-9210, Idaho Code, be, and the same is hereby amended to read as follows:

67-9210. AWARD OF CONTRACT. (1) The administrator shall award contracts to, and place orders for property with, the lowest responsible bidder. Qualifications for responsibility shall be prescribed by rule.

(2) Where both the bids and quality of property offered are the same, preference shall be given to property of local and domestic production and manufacture or from bidders having a significant Idaho economic presence as defined in section 67-2349, Idaho Code. In connection with the award of any contract for the placement of any order for state printing, binding, engraving or stationery work, the provisions of sections 60-101 and 60-103, Idaho Code, shall apply to the extent that the same may be inconsistent with any requirements contained in this section.

(3) In awarding contracts, the administrator shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin unless permitted by an exception described in section 67-5909A, Idaho Code.

Approved March 30, 2020

CHAPTER 332
(H.B. No. 442)

AN ACT

RELATING TO SALES TAX; AMENDING SECTION 63-3622GG, IDAHO CODE, TO PROVIDE A SALES AND USE TAX EXEMPTION FOR CERTAIN AIRCRAFT, MATERIALS, AND PARTS AND TO MAKE TECHNICAL CORRECTIONS.

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

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

63-3622GG. AIRCRAFT. There is exempted from the taxes imposed by this chapter:

(1) The sale, lease, purchase, or use of aircraft primarily used to provide passenger or freight services for hire as a common carrier only if:

(a) The person operates the aircraft under the authority of the laws of this state, the United States or any foreign government; and

(b) The aircraft is used to provide services indiscriminately to the public; and

(c) The aircraft itself transports the person or property from one (1) location on the ground or water to another.

(2) The sale, lease, purchase or use of aircraft primarily used for air ambulance services.

(3) The sale, lease or purchase of aircraft for use outside this state by nonresidents, even though delivery be made within this state, but only when:

(a) The aircraft will be taken from the point of delivery to a point outside this state;

(b) The aircraft will not be used in this state more than ninety (90) days in any twelve (12) month period.

(4) Repair and replacement materials and parts installed in or affixed or applied to, or sold, leased or purchased to be installed in or affixed or applied to, aircraft in connection with the remodeling, repair or maintenance of aircraft described under subsections (1), (2), and (5), and (6) of this section and industry standard, federal aviation administration (FAA) approved materials, parts and components installed on non-resident nonresident privately owned aircraft by qualified employees of an FAA-approved Idaho repair station are exempt. Tools and equipment utilized in performing such remodeling, repair or maintenance are not exempt.

(5) The sale, lease, purchase or use of fixed-wing aircraft primarily used as an air tactical group supervisor platform under contract with a governmental entity for wildfire activity.

(6) The sale, lease, purchase, or use of aircraft primarily used for agricultural spraying, dusting, seeding, livestock and predatory animal control, or forest and wildlife conservation.

Approved March 30, 2020

CHAPTER 333

(H.B. No. 500, As Amended in the Senate)

AN ACT

RELATING TO THE FAIRNESS IN WOMEN'S SPORTS ACT; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 62, TITLE 33, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSE, TO PROVIDE FOR THE DESIGNATION OF ATHLETIC TEAMS, TO PROVIDE PROTECTION FOR EDUCATIONAL INSTITUTIONS, TO PROVIDE FOR A CAUSE OF ACTION, AND TO PROVIDE SEVERABILITY.

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

SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 62, Title 33, Idaho Code, and to read as follows:

CHAPTER 62

FAIRNESS IN WOMEN'S SPORTS ACT

33-6201. SHORT TITLE. This chapter shall be known and may be cited as the "Fairness in Women's Sports Act."

33-6202. LEGISLATIVE FINDINGS AND PURPOSE. (1) The legislature finds that there are "inherent differences between men and women," and that these differences "remain cause for celebration, but not for denigration of the members of either sex or for artificial constraints on an individual's opportunity," United States v. Virginia, 518 U.S. 515, 533 (1996);

(2) These "inherent differences" range from chromosomal and hormonal differences to physiological differences;

(3) Men generally have "denser, stronger bones, tendons, and ligaments" and "larger hearts, greater lung volume per body mass, a higher red blood cell count, and higher haemoglobin," Neel Burton, The Battle of the Sexes, Psychology Today (July 2, 2012);

(4) Men also have higher natural levels of testosterone, which affects traits such as hemoglobin levels, body fat content, the storage and use of carbohydrates, and the development of type 2 muscle fibers, all of which result in men being able to generate higher speed and power during physical activity, Doriane Lambelet Coleman, *Sex in Sport*, 80 *Law and Contemporary Problems* 63, 74 (2017) (quoting Gina Kolata, *Men, Women and Speed. 2 Words: Got Testosterone?*, *N.Y. Times* (Aug. 21, 2008));

(5) The biological differences between females and males, especially as it relates to natural levels of testosterone, "explain the male and female secondary sex characteristics which develop during puberty and have life-long effects, including those most important for success in sport: categorically different strength, speed, and endurance," Doriane Lambelet Coleman and Wickliffe Shreve, "Comparing Athletic Performances: The Best Elite Women to Boys and Men," *Duke Law Center for Sports Law and Policy*;

(6) While classifications based on sex are generally disfavored, the Supreme Court has recognized that "sex classifications may be used to compensate women for particular economic disabilities [they have] suffered, to promote equal employment opportunity, [and] to advance full development of the talent and capacities of our Nation's people," *United States v. Virginia*, 518 U.S. 515, 533 (1996);

(7) One place where sex classifications allow for the "full development of the talent and capacities of our Nation's people" is in the context of sports and athletics;

(8) Courts have recognized that the inherent, physiological differences between males and females result in different athletic capabilities. See e.g. *Kleczek v. Rhode Island Interscholastic League, Inc.*, 612 A.2d 734, 738 (R.I. 1992) ("Because of innate physiological differences, boys and girls are not similarly situated as they enter athletic competition."); *Petrie v. Ill. High Sch. Ass'n*, 394 N.E.2d 855, 861 (Ill. App. Ct. 1979) (noting that "high school boys [generally possess physiological advantages over] their girl counterparts" and that those advantages give them an unfair lead over girls in some sports like "high school track");

(9) A recent study of female and male Olympic performances since 1983 found that, although athletes from both sexes improved over the time span, the "gender gap" between female and male performances remained stable. "These suggest that women's performances at the high level will never match those of men." Valerie Thibault et al., *Women and men in sport performance: The gender gap has not evolved since 1983*, 9 *Journal of Sports Science and Medicine* 214, 219 (2010);

(10) As Duke Law professor and All-American track athlete Doriane Coleman, tennis champion Martina Navratilova, and Olympic track gold medalist Sanya Richards-Ross recently wrote: "The evidence is unequivocal that starting in puberty, in every sport except sailing, shooting, and riding, there will always be significant numbers of boys and men who would beat the best girls and women in head-to-head competition. Claims to the contrary are simply a denial of science," Doriane Coleman, Martina Navratilova, et al., *Pass the Equality Act, But Don't Abandon Title IX*, *Washington Post* (Apr. 29, 2019);

(11) The benefits that natural testosterone provides to male athletes is not diminished through the use of puberty blockers and cross-sex hormones. A recent study on the impact of such treatments found that even "after 12 months of hormonal therapy," a man who identifies as a woman and is taking cross-sex hormones "had an absolute advantage" over female athletes and "will still likely have performance benefits" over women, Tommy Lundberg et al., "Muscle strength, size and composition following 12 months of gender-affirming treatment in transgender individuals: retained advantage for the transwomen," *Karolinksa Institutet* (Sept. 26, 2019); and

(12) Having separate sex-specific teams furthers efforts to promote sex equality. Sex-specific teams accomplish this by providing opportunities for female athletes to demonstrate their skill, strength, and athletic abilities while also providing them with opportunities to obtain recognition and accolades, college scholarships, and the numerous other long-term benefits that flow from success in athletic endeavors.

33-6203. DESIGNATION OF ATHLETIC TEAMS. (1) Interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by a public primary or secondary school, a public institution of higher education, or any school or institution whose students or teams compete against a public school or institution of higher education shall be expressly designated as one (1) of the following based on biological sex:

- (a) Males, men, or boys;
- (b) Females, women, or girls; or
- (c) Coed or mixed.

(2) Athletic teams or sports designated for females, women, or girls shall not be open to students of the male sex.

(3) A dispute regarding a student's sex shall be resolved by the school or institution by requesting that the student provide a health examination and consent form or other statement signed by the student's personal health care provider that shall verify the student's biological sex. The health care provider may verify the student's biological sex as part of a routine sports physical examination relying only on one (1) or more of the following: the student's reproductive anatomy, genetic makeup, or normal endogenously produced testosterone levels. The state board of education shall promulgate rules for schools and institutions to follow regarding the receipt and timely resolution of such disputes consistent with this subsection.

33-6204. PROTECTION FOR EDUCATIONAL INSTITUTIONS. A government entity, any licensing or accrediting organization, or any athletic association or organization shall not entertain a complaint, open an investigation, or take any other adverse action against a school or an institution of higher education for maintaining separate interscholastic, intercollegiate, intramural, or club athletic teams or sports for students of the female sex.

33-6205. CAUSE OF ACTION. (1) Any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of this chapter shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the school or institution of higher education.

(2) Any student who is subject to retaliation or other adverse action by a school, institution of higher education, or athletic association or organization as a result of reporting a violation of this chapter to an employee or representative of the school, institution, or athletic association or organization, or to any state or federal agency with oversight of schools or institutions of higher education in the state, shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the school, institution, or athletic association or organization.

(3) Any school or institution of higher education that suffers any direct or indirect harm as a result of a violation of this chapter shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the government entity, licensing or accrediting organization, or athletic association or organization.

(4) All civil actions must be initiated within two (2) years after the harm occurred. Persons or organizations who prevail on a claim brought pursuant to this section shall be entitled to monetary damages, including for any psychological, emotional, and physical harm suffered, reasonable attorney's fees and costs, and any other appropriate relief.

33-6206. SEVERABILITY. The provisions of this chapter are hereby declared to be severable and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.

Approved March 30, 2020

CHAPTER 334
(H.B. No. 509)

AN ACT

RELATING TO VITAL STATISTICS; AMENDING SECTION 39-240, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 2, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-245A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CERTAIN FACTS INCLUDED IN AND AMENDMENTS TO BIRTH CERTIFICATES; AND AMENDING CHAPTER 2, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-279, IDAHO CODE, TO PROVIDE SEVERABILITY.

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

SECTION 1. That Section 39-240, Idaho Code, be, and the same is hereby amended to read as follows:

39-240. SHORT TITLE -- LEGISLATIVE FINDINGS. (1) This act shall be known and may be cited as the "Idaho Vital Statistics Act."

(2) The legislature finds:

(a) As early as 1632, government officials began tracking vital statistics, specifically births, deaths, and marriages;

(b) Today, state and local vital records offices record over eleven million (11,000,000) vital events annually in the United States;

(c) Material facts included in vital records include the date of birth, the individual's sex, the location of birth, the parents' identities, and the date of death;

(d) The purpose of documenting factual information on vital records is to help the government fulfill one of its most basic duties: protecting the health and safety of its citizens;

(e) Numerous courts have recognized that the purpose of vital records is to maintain an accurate database of factual information regarding births, deaths, and other vital events in a given jurisdiction. See Sea v. U.S. Citizenship & Immigration Servs., 2015 WL 5092509, at *4 (D. Minn. Aug. 28, 2015) ("The public does have an interest in having accurate records on vital statistics..."); Ampadu v. U.S. Citizenship & Immigration Servs., Dist. Dir., 944 F. Supp. 2d 648, 655 (C.D. Ill. 2013) (acknowledging "the public's interest in having accurate records on vital statistics"); Boiko v. Holder, 2013 WL 709047, at

*2 (D. Colo. Feb. 26, 2013) ("[T]he government, and the public at large, would appear to benefit from having the most accurate vital statistics records possible."); J.R. v. Utah, 261 F. Supp. 2d 1268, 1294 (D. Utah 2002) ("The State also has a significant interest in the accuracy of the records it keeps, particularly vital records like birth certificates.");

(f) According to the national research council committee on national statistics, factual information contained in vital records is used to help diagnose and solve problems that impact national health, including tracking and diagnosing disparities in mortality rates based on age and sex, identifying factors that account for the significant differences in life expectancy between males and females, measuring and seeking solutions to socioeconomic inequalities in health based on sex and age, and studying infant death rates based on sex, location, birth weight, and other information collected from vital records;

(g) Factual information from vital records is also necessary for national security. It is used to identify potential disease epidemics, such as the zika virus, that may disproportionately impact one sex over the other; expose covert bioterrorist attacks, such as determining whether a sudden increase in certain symptoms in a population is due to random chance or should be further investigated; and identify criminals and terrorists, where vital records can be used to uncover fraudulently obtained driver's licenses or passports; and

(h) Allowing individuals to alter their vital records, including birth certificates, based upon subjective feelings or experiences undermines the government's interest in having accurate vital records.

SECTION 2. That Chapter 2, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-245A, Idaho Code, and to read as follows:

39-245A. CERTIFICATES OF BIRTH -- MATERIAL FACTS INCLUDED -- AMENDMENTS.

(1) (a) The legislature finds that:

(i) There is a compelling interest in maintaining accurate, quantitative, biology-based material facts on Idaho certificates of birth that provide material facts fundamental to the performance of government functions that secure the public health and safety, including but not limited to identifying public health trends, assessing risks, conducting criminal investigations, and helping individuals determine their biological lineage, citizenship, or susceptibility to genetic disorders;

(ii) The equal protection clause of the fourteenth amendment to the United States constitution prohibits purposeful discrimination, not facially neutral laws of general applicability, such as a biology-based definition of sex that has been consistently applied since our nation's founding;

(iii) Decades of court opinion have upheld the argument that biological distinctions between male and female are a matter of scientific fact, and biological sex is an objectively defined category that has obvious, immutable, and distinguishable characteristics;

(iv) Identification of biological sex on a birth certificate impacts the health and safety of all individuals. For example, the society for evidence based gender medicine has declared that the conflation of sex and gender in health care is alarming, subjects hundreds of thousands of individuals to the risk of unintended medical harm, and will greatly impede medical research;

(v) Vital statistics are defined in section 39-241(21), Idaho Code, as data, being the plural of datum, which is a known fact;

(vi) Idaho certificates of birth are of an evidentiary character and prima facie evidence of the facts recited therein, according to section 39-274, Idaho Code;

(vii) Age and sex, unlike the names of natural parents whose rights have been terminated, are legally applicable facts fundamental to the performance of public and private policies and contracts;

(viii) The failure to maintain accurate, quantitative vital statistics and legal definitions upon which the government and others may with confidence rely constitutes a breach of the public trust; and

(ix) The government has a compelling interest in maintaining the public trust and confidence and a duty to fulfill, to the best of its ability, those functions that rely on accurate vital statistics.

(b) Based on the findings in paragraph (a) of this subsection, the legislature directs that an Idaho certificate of birth shall document specific quantitative, material facts at the time of birth, as provided in subsection (2) of this section.

(2) Any certificate of birth issued under the provisions of this chapter shall include the following quantitative statistics and material facts specific to that birth: time of birth, date of birth, sex, birth weight, birth length, and place of birth.

(3) For purposes of this chapter, "sex" means the immutable biological and physiological characteristics, specifically the chromosomes and internal and external reproductive anatomy, genetically determined at conception and generally recognizable at birth, that define an individual as male or female.

(4) The quantitative statistics and material facts identified in subsection (2) of this section may be amended within one (1) year of the filing of the certificate by submitting to the registrar a notarized affidavit of correction that:

(a) Is on a form prescribed by the registrar;

(b) Is signed by:

(i) The parents identified on the certificate of birth; or

(ii) The child's legal guardian;

(c) Is signed by the physician or other person in attendance who provided the medical information and certified to the facts of birth; and

(d) Declares that the information contained on the certificate of birth incorrectly represents a material fact at the time of birth.

After one (1) year, the quantitative statistics and material facts identified in subsection (2) of this section may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the party challenging the acknowledgment.

(5) In those instances in which an individual suffers from a physiological disorder of sexual development and the individual's biological sex cannot be recognized at birth as male or female based upon externally observable reproductive anatomy, the physician shall make a presumptive determination of the individual's sex, which may thereafter be amended based on the appropriate combination of genetic analysis and evaluation of the individual's naturally occurring internal and external reproductive anatomy as provided in section (4) of this section.

(6) Notwithstanding any provision of this section to the contrary, a hospital may correct a birth certificate for a clerical or data entry error at any time by submitting a notarized affidavit on a form specified by the registrar with any appropriate supporting documentation.

SECTION 3. That Chapter 2, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-279, Idaho Code, and to read as follows:

39-279. SEVERABILITY. The provisions of this chapter are hereby declared to be severable, and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.

Approved March 30, 2020

CHAPTER 335
(H.B. No. 521)

AN ACT

RELATING TO TAXATION; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622VV, IDAHO CODE, TO PROVIDE A SALES AND USE TAX EXEMPTION; AND AMENDING SECTION 63-301A, IDAHO CODE, TO EXCLUDE ITEMS THAT QUALIFY FOR A CERTAIN EXEMPTION FROM THE AMOUNT OF TAXABLE MARKET VALUE OF NEW CONSTRUCTION.

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

SECTION 1. That Chapter 36, 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 63-3622VV, Idaho Code, and to read as follows:

63-3622VV. IDAHO INFORMATION TECHNOLOGY EQUIPMENT. (1) On and after July 1, 2020, there is exempted from the taxes imposed by this chapter the purchase or use of eligible server equipment and new data center facilities, as defined in this section. The exemption provided in this section shall be available only to qualifying business entities and contractors installing eligible server equipment or building new data center facilities for qualifying business entities. The exemption provided in this section shall not be available for property that has been the subject of business incentives granted to a taxpayer or its affiliates, pursuant to the Idaho reimbursement incentive act, sections 67-4737 through 67-4744, Idaho Code.

(2) As used in this section:

(a) "Business entity" means a separate legal entity or separately operated segment of business that exists for the primary purpose of engaging in a commercial activity for profit and whose sole purpose is the operation of a data center. For the purposes of this section, a separately operated segment of business is a segment of a business for which separate records are maintained and that is operated by an employee or employees whose primary employment responsibility is to operate the business segment.

(b) "Cabling" means a fiber or copper cable used in data centers to connect information sources to a server or storage device.

(c) "Capital investment" means real or tangible personal property that is purchased for use in Idaho and is used by a business entity for the purpose of operating a data center.

(d) "Chiller" means a cooling system used in data centers to remove heat from an element and deposit it into another element.

(e) "Commencement of operations" means the date on which a certificate of occupancy is issued for a data center.

(f) "Data center" means a facility comprised of one (1) or more buildings in Idaho that is used to house eligible server equipment for the transmission and storage of data where the facility has the following characteristics:

- (i) Uninterruptible power supplies, generator power, or both;
- (ii) Sophisticated fire suppression and prevention systems; and
- (iii) Enhanced physical security and restricted access.

(g) "Eligible server equipment" means new server equipment acquired by a qualifying business entity as described in this subsection that is maintained and operated in a data center located in Idaho for the sole purpose of data transmission and storage services, providing data and transaction processing services, information technology services, or computer collocation services. "Eligible server equipment" includes servers, rack servers, chillers, storage devices, generators, cabling, and enabling software integral to or installed on such equipment.

(h) "Generator" means an engine used in data centers to convert mechanical energy into electricity.

(i) "New data center facilities" means buildings or structural components of buildings, including equipment, materials, and fixtures thereof, that are used in or intended for use primarily as a data center in Idaho.

(j) "New jobs" means new jobs created in Idaho that are nonseasonal, full-time jobs that collectively pay an average weekly wage that equals or exceeds the average weekly wage for the county where the data center is located, as determined by the most recent report of the United States bureau of labor statistics. A job that merely changes locations within the state of Idaho shall not be considered a new job under this section. New jobs must exceed the business entity's highest number of full-time employees in Idaho during the twenty-four (24) months immediately preceding the commencement of operations of the data center.

(k) "Qualifying business entity" means a business entity that certifies to the state tax commission that it will make capital investments in one (1) or more data centers after July 1, 2020, in amounts of at least two hundred fifty million dollars (\$250,000,000) in the aggregate within the first five (5) years after commencement of construction and that it will create and maintain at least thirty (30) new jobs at the data center within two (2) calendar years after the commencement of operations. Such business entities shall be entitled to a provisional exemption pursuant to this section during the period in which they make capital investments in data center property. If a business entity fails to meet the investment and job creation requirements provided within the time periods required in this section, it shall pay sales or use taxes that would have been due if not for the granting of the provisional exemption. If a business entity meets the investment and job creation requirements provided within the time periods required in this section, its provisional exemption shall become final without further action, and thereafter the exemption shall also apply to all additional purchases of eligible server equipment and purchases associated with constructing new data center facilities.

(l) "Rack server" means a computer in a data center dedicated to use as a server and designed to be installed in a framework called a rack.

(m) "Server" means a computer or computer program used in data centers that manages access to a centralized resource or service in a network.

(n) "Storage device" means a piece of computer equipment on which information can be stored and that is used in data centers.

(3) The state tax commission may promulgate rules to administer and enforce the provisions of this section, including the promulgation of rules relating to the provision of information necessary to certify that the taxpayer satisfies the criteria for a qualifying business entity. For the purpose of carrying out its duties to administer and enforce the provisions of this section, the state tax commission shall have the powers and duties provided by sections 63-217, 63-3038, 63-3039, 63-3042 through 63-3067, 63-3068, 63-3071, and 63-3074 through 63-3078, Idaho Code.

SECTION 2. That Section 63-301A, Idaho Code, be, and the same is hereby amended to read as follows:

63-301A. NEW CONSTRUCTION ROLL. (1) The county assessor shall prepare a new construction roll, which shall be in addition to the property roll, which new construction roll shall show:

- (a) The name of the taxpayer;
- (b) The description of the new construction, suitably detailed to meet the requirements of the individual county;
- (c) A description of the land and its change in use, suitably detailed to meet the needs of the individual county;
- (d) The amount of taxable market value added to the property on the current year's property roll that is directly the result of new construction or a change in use of the land or both;
- (e) The amount of taxable market value added as provided in subsection (3) (g) of this section as a result of dissolution of any revenue allocation area;
- (f) The amount of taxable market value to be deducted to reflect the adjustments required in paragraphs (f) (i), (f) (ii), (f) (iii) and (f) (iv) of this subsection:
 - (i) Any board of tax appeals or court-ordered value change, if property has a taxable value lower than that shown on any new construction roll in any one (1) of the immediate five (5) tax years preceding the current tax year;
 - (ii) Any reduction in value resulting from correction of value improperly included on any previous new construction roll as a result of double or otherwise erroneous assessment;
 - (iii) Any reduction in value, in any one (1) of the immediate five (5) tax years preceding the current tax year, resulting from a change of land use classification;
 - (iv) Any reduction in value resulting from the exemption provided in section 63-602W(4), Idaho Code, in any one (1) of the immediate five (5) tax years preceding the current tax year.

(2) As soon as possible, but in any event by no later than the first Monday in June, the new construction roll shall be certified to the county auditor and a listing showing the amount of value on the new construction roll in each taxing district or unit be forwarded to the state tax commission on or before the fourth Monday in July. Provided however, the value shown in subsection (3) (f) of this section shall be reported to the appropriate county auditor by the state tax commission by the third Monday in July and the value sent by the county auditor to each taxing district. The value established pursuant to subsection (3) (f) of this section is subject to correction by the state tax commission until the first Monday in September and any such corrections shall be sent to the appropriate county auditor, who shall notify any affected taxing districts.

(3) The value shown on the new construction roll shall include the taxable market value increase from:

- (a) Construction of any new structure that previously did not exist; or
- (b) Additions or alterations to existing nonresidential structures; or

- (c) Installation of new or used manufactured housing that did not previously exist within the county; or
- (d) Change of land use classification; or
- (e) Property newly taxable as a result of loss of the exemption provided by section 63-602W(3) or (4), Idaho Code; or
- (f) The construction of any improvement or installation of any equipment used for or in conjunction with the generation of electricity and the addition of any improvement or equipment intended to be so used, except property that has a value allocated or apportioned pursuant to section 63-405, Idaho Code, or that is owned by a cooperative or municipality as those terms are defined in section 61-332A, Idaho Code, or that is owned by a public utility as that term is defined in section 61-332A, Idaho Code, owning any other property that is allocated or apportioned. No replacement equipment or improvements may be included; or
- (g) Provided such increases do not include increases already reported on the new construction roll as permitted in paragraphs (j) and (k) of this subsection, increases in value over the base value of property on the base assessment roll within an urban renewal revenue allocation area that has been terminated pursuant to section 50-2909(4), Idaho Code, to the extent that this increment exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, the entire increment value. Notwithstanding other provisions of this section, the new construction roll shall not include new construction located within an urban renewal district's revenue allocation area, except as provided in this paragraph; or
- (h) New construction, in any one (1) of the immediate five (5) tax years preceding the current tax year, allowable but never included on a new construction roll, provided however, that, for such property, the value on the new construction roll shall reflect the taxable value that would have been included on the new construction roll for the first year in which the property should have been included.
- (i) Formerly exempt improvements on state college or state university-owned land for student dining, housing, or other education-related purposes approved by the state board of education and board of regents of the university of Idaho as proper for the operation of such state college or university provided however, such improvements were never included on any previous new construction roll.
- (j) Increases in base value when due to previously determined increment value added to the base value as required in sections 50-2903 and 50-2903A, Idaho Code, due to a modification of the urban renewal plan. In this case, the amount added to the new construction roll will equal the amount by which the increment value in the year immediately preceding the year in which the base value adjustment described in this subsection occurs exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, the entire increment value.
- (k) Increases in base value when due to previously determined increment value added to the base value as a result of a de-annexation within a revenue allocation area as defined in section 50-2903, Idaho Code. In this case, the amount added to the new construction roll will equal the amount by which the increment value in the year immediately preceding the year in which the de-annexation described in this subsection occurs exceeds the incremental value as of December 31, 2006, or, for revenue allocation areas formed after December 31, 2006, the entire increment value within the area subject to the de-annexation.

(4) The amount of taxable market value of new construction shall be the change in net taxable market value that is attributable directly to new construction or a change in use of the land or loss of the exemption provided by section 63-602W(3) or (4), Idaho Code. It shall not include any change in value of existing property that is due to external market forces such as general or localized inflation, except as provided in subsection (3) (g) of this section.

(5) The amount of taxable market value of new construction shall not include any new construction of property that has been granted a provisional property tax exemption, pursuant to section 63-1305C, Idaho Code. A property owner may apply to the board of county commissioners, if an application is required pursuant to section 63-602, Idaho Code, for an exemption from property tax at the time the initial building permits are applied for or at the time construction of the property has begun, whichever is earlier, or at any time thereafter.

(6) The amount of taxable market value of new construction shall not include any new construction of property for which an exemption from sales and use tax has been granted pursuant to section 63-3622VV, Idaho Code.

Approved March 30, 2020

CHAPTER 336
(H.B. No. 548)

AN ACT

RELATING TO INITIATIVES AND REFERENDUMS; AMENDING SECTION 34-1801A, IDAHO CODE, TO PROVIDE FOR CERTAIN INITIATIVE PETITION REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1803B, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE REMOVAL OF A SIGNATURE FROM A PETITION; AMENDING SECTION 34-1813, IDAHO CODE, TO REVISE PROVISIONS REGARDING EFFECTIVE DATES OF INITIATIVE AND REFERENDUM MEASURES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6612, IDAHO CODE, TO PROVIDE FOR THE DISCLOSURE OF PAYMENTS MADE TO SIGNATURE GATHERERS; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Section 34-1801A, Idaho Code, be, and the same is hereby amended to read as follows:

34-1801A. PETITION. (1) An initiative petition shall embrace only one (1) subject and matters properly connected with it.

(2) The following shall be substantially the form of petition for any law proposed by the initiative:

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a qualified elector.

INITIATIVE PETITION

To the Honorable . . . , Secretary of State of the State of Idaho:

We, the undersigned citizens and qualified electors of the State of Idaho, respectfully demand that the following proposed law (setting out full text of measure proposed) shall be submitted to the qualified electors of the State of Idaho, for their approval or rejection at the regular general election, to be held on the . . . day of . . . , A.D. . . . , and each for himself says: I have personally signed this petition; I am a qualified elector of the State of Idaho; my residence and legislative district are correctly written after my name.

| Signature | Printed | Residence | City | Date | Legislative |
|-----------|---------|-----------|------|------|-------------|
| | Name | Street | | | District |
| | | and | | | Official |
| | | Number | | | Use Only |

(Here follow no more than twenty numbered lines for signatures.)

(3) The petition for referendum on any act passed by the state legislature of the state of Idaho shall be in substantially the same form with appropriate title and changes, setting out in full the text of the act of the legislature to be referred to the people for their approval or rejection.

SECTION 2. That Section 34-1803B, Idaho Code, be, and the same is hereby amended to read as follows:

34-1803B. INITIATIVE AND REFERENDUM PETITIONS -- REMOVAL OF SIGNATURES. (1) The signer of any initiative or referendum petition may remove his or her own name from the petition by crossing out, obliterating or otherwise defacing his or her own signature at any time prior to the time when the petition is presented to the county clerk for signature verification.

(2) The signer of any initiative or referendum petition may have his or her name removed from the petition at any time after presentation of the petition to the county clerk but prior to verification of the signature, by presenting in writing or submitting electronically to the county clerk a signed statement that the signer desires to have his name removed from the petition. The statement shall contain sufficient information to clearly identify the signer. The county clerk shall immediately strike the signer's name from the petition, and adjust the total of certified signatures on the petition accordingly. The statement shall be attached to, and become a part of the initiative or referendum petition.

(3) Each signature page of an initiative or referendum petition shall state that any person signing a petition may remove his signature pursuant to this section.

SECTION 3. That Section 34-1813, Idaho Code, be, and the same is hereby amended to read as follows:

34-1813. COUNTING, CANVASSING AND RETURN OF VOTES -- EFFECTIVE DATES. (1) The votes on measures and questions shall be counted, canvassed, and returned by the regular boards of judges, clerks, and officers, as votes for candidates are counted, canvassed, and returned, and the abstract made by the several county auditors of votes on measures shall be returned to the secretary of state on separate abstract sheets in the manner provided for abstract of votes for state and county officers. It shall be the duty of the secretary of state, in the presence of the governor, to proceed within thirty (30) days after the election, and sooner if the returns be all received, to

canvass the votes given for each measure, and the governor shall forthwith issue his proclamation, giving the whole number of votes cast in the state for and against such measure and question, and declaring such measures as are approved by a majority of those voted thereon to be in full force and effect as the law of the state of Idaho from the date of said proclamation, ~~provided,~~ that if for any referendum measure. The effective date for an initiative measure shall be governed by the provisions of subsection (2) of this section. If two (2) or more measures shall be approved at said election which are known to conflict with each other or to contain conflicting provisions, he shall also proclaim which is paramount in accordance with the provisions of sections 34-1801-- through 34-1822, Idaho Code.

(2) (a) A statewide initiative may contain an effective date, if passed, that shall be no earlier than July 1 of the year following the vote on the ballot initiative. If no effective date is specified in the petition, the effective date of a statewide initiative that has been approved by the electorate shall be July 1 of the following year.

(b) A city or county initiative may contain an effective date, if passed, that may be earlier than July 1 of the year following the vote on the ballot initiative, but no earlier than the mayor's proclamation as provided in section 34-1801B, Idaho Code, or the proclamation by the board of county commissioners, as provided in section 34-1801C, Idaho Code. If no effective date is specified in the petition, the effective date of a city or county initiative that has been approved by the electorate shall be July 1 of the following year.

SECTION 4. That Chapter 66, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-6612, Idaho Code, and to read as follows:

67-6612. DISCLOSURE OF PAYMENTS MADE TO SIGNATURE GATHERERS. (1) Any person who pays or provides other valuable consideration in an aggregate amount of one hundred dollars (\$100) or more to another person or persons, in exchange for their actions or intended actions of gathering signatures on a ballot initiative petition or referendum, shall file a statement of the expenditure with the secretary of state.

(2) The provisions of this section shall apply beginning on the date that the ballot initiative or referendum petitioners receive from the secretary of state the official ballot title for which the person is paying to have signatures gathered and shall continue for as long as the filer makes payments to a signature gatherer or gatherers.

(3) Statements shall be filed on or before the twentieth day of the month following the month during which the payments to the signature gatherers were made.

(4) The statement shall contain the following information:

(a) The name and address of any signature gatherer to whom a payment in excess of fifty dollars (\$50.00) has been made during the reported month; and

(b) The total sum of all payments made to signature gatherers in the aggregate during the reported month.

(5) In addition to the statements filed under subsection (3) of this section, any person who pays a signature gatherer or gatherers the aggregate amount of one thousand dollars (\$1,000) or more during the fourteen (14) days prior to the election shall file a notice of the expenditures with the secretary of state not more than forty-eight (48) hours from the time of the expenditure. The notice shall include the information required under subsection (4) of this section.

SECTION 5. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

Approved March 30, 2020

CHAPTER 337
(H.B. No. 578)

AN ACT

RELATING TO HEALTH; AMENDING CHAPTER 45, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4516, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING LIFE-SUSTAINING TREATMENT FOR UNEMANCIPATED MINORS.

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

SECTION 1. That Chapter 45, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-4516, Idaho Code, and to read as follows:

39-4516. LIFE-SUSTAINING TREATMENT FOR UNEMANCIPATED MINORS. (1) This section shall be known and may be cited as "Simon's Law."

(2) As used in this section:

(a) "Order not to resuscitate" means a physician's order that resuscitative measures shall not be provided to a person under a physician's care in the event the person is found to have cardiopulmonary cessation. "Order not to resuscitate" shall include but is not limited to physician orders written as "do not resuscitate," "do not allow resuscitation," "do not allow resuscitative measures," "DNAR," "DNR," "allow natural death," or "AND";

(b) "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent health care provider who is knowledgeable about a patient's case and the treatment possibilities with respect to the medical conditions involved; and

(c) "Unemancipated minor" means a minor who is not married or is not in active military service.

(3) An order not to resuscitate, an order to withhold artificial life-sustaining procedures, an order to withhold artificial nutrition and hydration, and a similar physician's order shall not be instituted, either orally or in writing, unless at least one (1) parent or legal guardian of an unemancipated minor who is a patient or resident of a hospital or health care facility under whose care the unemancipated minor has been admitted has first been notified of the physician's intent to institute such an order, and reasonable attempts have been made to notify any other parent or legal guardian, provided such parent or guardian is reasonably available and has custodial or visitation rights. Such notification must be provided both orally and in writing to at least one (1) parent or legal guardian of the unemancipated minor patient unless, in the physician's reasonable medical judgment, the urgency of the decision requires reliance on only providing the information orally. Such notification must also include informing the parent or legal guardian of the forty-eight (48) hour provision in subsection (5) of this section. Unless the parent or legal guardian agrees with the implementation of the following orders, an order not to resuscitate, an order to withhold artificial life-sustaining procedures, an order to withhold artificial nutrition and hydration, or a similar physician's

order shall not be instituted, either orally or in writing, until at least forty-eight (48) hours after oral and written notice have been provided to at least one (1) parent or legal guardian in accordance with this section. The provision of such notification must be contemporaneously recorded in the patient's medical record, specifying by whom and to whom the notification was given, the date and time of its provision, and whether it was provided in writing as well. When only one (1) parent or guardian has been notified, the nature of reasonable attempts to inform another parent or guardian, or the reason why such attempts were not made, must also be contemporaneously recorded in the unemancipated minor patient's medical record.

(4) The requirements of subsection (3) of this section shall not apply after seventy-two (72) hours of diligent efforts have been made by the health care provider, without success, to contact and notify at least one (1) known parent or legal guardian of the unemancipated minor patient of the intent to implement an order not to resuscitate, an order to withhold artificial life-sustaining procedures, an order to withhold artificial nutrition and hydration, or a similar physician's order.

(5) Within forty-eight (48) hours of being notified of the intent to institute an order not to resuscitate, an order to withhold artificial life-sustaining procedures, an order to withhold artificial nutrition and hydration, or a similar physician's order according to subsection (3) of this section, a parent or legal guardian shall be entitled to request a transfer of the unemancipated minor patient or resident to another facility or discharge. If a transfer is requested by a parent or legal guardian, the hospital or health care facility under whose care the unemancipated minor is admitted must continue provision of artificial life-sustaining procedures and life-sustaining artificial nutrition and hydration for a minimum of fifteen (15) days after the transfer request has been made known and make every reasonable effort to assist the requesting parent or legal guardian in the transfer process. The hospital or health care facility's duties and financial obligations regarding transfer shall be governed by existing state law, applicable rules or regulations, hospital policy, and relevant third-party payment contracts.

(6) If a transfer cannot be arranged and executed within fifteen (15) days from the parent's or guardian's request to transfer, an order not to resuscitate, an order to withhold artificial life-sustaining procedures, an order to withhold artificial nutrition and hydration, or a similar physician's order may be instituted.

(7) Nothing in this section shall be construed to limit the rights pursuant to section 39-4503, 39-4504, 39-4509, or 39-4510, Idaho Code.

Approved March 30, 2020

CHAPTER 338
(H.B. No. 601)

AN ACT

RELATING TO THE PUBLIC RECORDS ACT; AMENDING SECTION 74-101, IDAHO CODE, TO PROVIDE AN EXCEPTION; AMENDING SECTION 74-102, IDAHO CODE, TO PROVIDE THAT A PUBLIC RECORD REQUEST SHALL SPECIFICALLY DESCRIBE RECORDS SOUGHT; AMENDING SECTION 74-107, IDAHO CODE, TO PROVIDE FOR CERTAIN TAX COMMISSION RECORDS, CERTAIN RECORDS REGARDING UNCLAIMED PROPERTY AUDITS, AND CERTAIN RECORDS REGARDING THE IDAHO PETROLEUM CLEAN WATER TRUST FUND; AND AMENDING SECTION 74-109, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN LEGISLATIVE RECORDS EXEMPT FROM DISCLOSURE AND TO REMOVE PROVISIONS REGARDING CERTAIN RECORDS.

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

SECTION 1. That Section 74-101, Idaho Code, be, and the same is hereby amended to read as follows:

74-101. DEFINITIONS. As used in this chapter:

(1) "Applicant" means any person formally seeking a paid or volunteer position with a public agency. "Applicant" does not include any person seeking appointment to a position normally filled by election.

(2) "Copy" means transcribing by handwriting, photocopying, duplicating machine and reproducing by any other means so long as the public record is not altered or damaged.

(3) "Custodian" means the person or persons having personal custody and control of the public records in question.

(4) "Independent public body corporate and politic" means the Idaho housing and finance association as created in chapter 62, title 67, Idaho Code.

(5) "Inspect" means the right to listen, view and make notes of public records as long as the public record is not altered or damaged.

(6) "Investigatory record" means information with respect to an identifiable person, group of persons or entities compiled by a public agency or independent public body corporate and politic pursuant to its statutory authority in the course of investigating a specific act, omission, failure to act, or other conduct over which the public agency or independent public body corporate and politic has regulatory authority or law enforcement authority.

(7) "Law enforcement agency" means any state or local agency given law enforcement powers or which has authority to investigate, enforce, prosecute or punish violations of state or federal criminal statutes, ordinances or regulations.

(8) "Local agency" means a county, city, school district, municipal corporation, district, public health district, political subdivision, or any agency thereof, or any committee of a local agency, or any combination thereof.

(9) "Person" means any natural person, corporation, partnership, firm, association, joint venture, state or local agency or any other recognized legal entity.

(10) "Prisoner" means a person who has been convicted of a crime and is either incarcerated or on parole for that crime or who is being held in custody for trial or sentencing.

(11) "Public agency" means any state or local agency as defined in this section.

(12) "Public official" means any state, county, local district, independent public body corporate and politic or governmental official or employee, whether elected, appointed or hired.

(13) "Public record" includes, but is not limited to, any writing containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics. Provided, however, that personal notes created by a public official solely for his own use shall not be a public record as long as such personal notes are not shared with any other person or entity.

(14) "Requester" means the person requesting examination and/or copying of public records pursuant to section 74-102, Idaho Code.

(15) "State agency" means every state officer, department, division, bureau, commission and board or any committee of a state agency including those in the legislative or judicial branch, except the state militia and the Idaho state historical society library and archives.

(16) "Writing" includes, but is not limited to, handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums or other documents.

SECTION 2. That Section 74-102, Idaho Code, be, and the same is hereby amended to read as follows:

74-102. PUBLIC RECORDS -- RIGHT TO EXAMINE. (1) Every person has a right to examine and take a copy of any public record of this state and there is a presumption that all public records in Idaho are open at all reasonable times for inspection except as otherwise expressly provided by statute.

(2) The right to copy public records shall include the right to make photographs or photographic or other copies while the records are in the possession of the custodian of the records using equipment provided by the public agency or independent public body corporate and politic or using equipment designated by the custodian.

(3) Additionally, the custodian of any public record shall give the person, on demand, a certified copy of it if the record is of a nature permitting such copying or shall furnish reasonable opportunity to inspect or copy such record.

(4) A public agency or independent public body corporate and politic may require that a request for public records be submitted to it in a writing that specifically describes the subject matter and records sought, including a specific date range for when the records sought were created. The requesting party shall be as specific as possible when requesting records. A request shall describe records sought in sufficient detail to enable the public body to locate such records with reasonable effort. A request shall also provides the requester's name, mailing address, e-mail address and telephone number. A request for public records and delivery of the public records may be made by electronic mail.

(5) The custodian shall make no inquiry of any person who requests a public record, except:

(a) To verify the identity of the requester in accordance with section 74-113, Idaho Code; or

(b) To ensure that the requested record or information will not be used for purposes of a mailing or telephone list prohibited by section 74-120, Idaho Code, or as otherwise provided by law; or

(c) As required for purposes of protecting personal information from disclosure under chapter 2, title 49, Idaho Code, and federal law.

(6) The custodian shall not review, examine or scrutinize any copy, photograph or memoranda in the possession of any such person and shall extend to the person all reasonable comfort and facility for the full exercise of the right granted under this act.

(7) Nothing herein contained shall prevent the custodian from maintaining such vigilance as is required to prevent alteration of any public record while it is being examined.

(8) Examination of public records under the authority of this section must be conducted during regular office or working hours unless the custodian shall authorize examination of records in other than regular office or working hours. In this event, the persons designated to represent the custodian during such examination shall be entitled to reasonable compensation to be paid to them by the public agency or independent public body corporate and politic having custody of such records, out of funds provided in advance by the person examining such records, at other than regular office or working hours.

(9) The public agency or independent public body corporate and politic may provide the requester information to help the requester narrow the scope of the request or to help the requester make the request more specific when the response to the request is likely to be voluminous or require payment as provided in subsection (10) of this section.

(10) (a) Except for fees that are authorized or prescribed under other provisions of Idaho law, no fee shall be charged for the first two (2) hours of labor in responding to a request for public records, or for copying the first one hundred (100) pages of paper records that are requested.

(b) A public agency or independent public body corporate and politic or public official may establish fees to recover the actual labor and copying costs associated with locating and copying documents if:

(i) The request is for more than one hundred (100) pages of paper records; or

(ii) The request includes records from which nonpublic information must be deleted; or

(iii) The actual labor associated with responding to requests for public records in compliance with the provisions of this chapter exceeds two (2) person hours.

(c) A public agency or independent public body corporate and politic or public official may establish a copying fee schedule. The fee may not exceed the actual cost to the agency of copying the record if another fee is not otherwise provided by law.

(d) For providing a duplicate of a computer tape, computer disc, microfilm or similar or analogous record system containing public record information, a public agency or independent public body corporate and politic or public official may charge a fee, uniform to all persons that does not exceed the sum of the following:

(i) The agency's direct cost of copying the information in that form;

(ii) The standard cost, if any, for selling the same information in the form of a publication;

(iii) The agency's cost of conversion, or the cost of conversion charged by a third party, if the existing electronic record is converted to another electronic form.

(e) Fees shall not exceed reasonable labor costs necessarily incurred in responding to a public records request. Fees, if charged, shall reflect the personnel and quantity of time that are reasonably necessary to process a request. Fees for labor costs shall be charged at the per hour pay rate of the lowest paid administrative staff employee or public official of the public agency or independent public body corporate and politic who is necessary and qualified to process the request. If

a request requires redactions to be made by an attorney who is employed by the public agency or independent public body corporate and politic, the rate charged shall be no more than the per hour rate of the lowest paid attorney within the public agency or independent public body corporate and politic who is necessary and qualified to process the public records request. If a request is submitted to a public agency or independent public body corporate and politic that does not have an attorney on staff, and requires redactions by an attorney, the rate shall be no more than the usual and customary rate of the attorney who is retained by the public agency or independent public body corporate and politic for that purpose.

(f) The public agency or independent public body corporate and politic shall not charge any cost or fee for copies or labor when the requester demonstrates that the requester's examination and/or copying of public records:

(i) Is likely to contribute significantly to the public's understanding of the operations or activities of the government;

(ii) Is not primarily in the individual interest of the requester including, but not limited to, the requester's interest in litigation in which the requester is or may become a party; and

(iii) Will not occur if fees are charged because the requester has insufficient financial resources to pay such fees.

(g) Statements of fees by a public agency or independent public body corporate and politic shall be itemized to show the per page costs for copies, and hourly rates of employees and attorneys involved in responding to the request, and the actual time spent on the public records request. No lump sum costs shall be assigned to any public records request.

(11) A requester may not file multiple requests for public records solely to avoid payment of fees. When a public agency or independent public body corporate and politic reasonably believes that one (1) or more requesters is segregating a request into a series of requests to avoid payment of fees authorized pursuant to this section, the public agency or independent public body corporate and politic may aggregate such requests and charge the appropriate fees. The public agency or independent public body corporate and politic may consider the time period in which the requests have been made in its determination to aggregate the related requests. A public agency or independent public body corporate and politic shall not aggregate multiple requests on unrelated subjects from one (1) requester.

(12) The custodian may require advance payment of fees authorized by this section. Any money received by the public agency or independent public body corporate and politic shall be credited to the account for which the expense being reimbursed was or will be charged, and such funds may be expended by the agency as part of its appropriation from that fund. Any portion of an advance payment in excess of the actual costs of labor and copying incurred by the agency in responding to the request shall be returned to the requester.

(13) A public agency or independent public body corporate and politic shall not prevent the examination or copying of a public record by contracting with a nongovernmental body to perform any of its duties or functions.

(14) Nothing contained herein shall prevent a public agency or independent public body corporate and politic from disclosing statistical information that is descriptive of an identifiable person or persons, unless prohibited by law.

(15) Nothing contained herein shall prevent a public agency or independent public body corporate and politic from providing a copy of a public record in electronic form if the record is available in electronic form and if the person specifically requests an electronic copy.

(16) A public agency, elected official or independent public body corporate and politic shall designate a custodian or custodians for all public records, which includes any public official having custody of, control of, or authorized access to public records and also includes all delegates of such officials, employees or representatives.

SECTION 3. That Section 74-107, Idaho Code, be, and the same is hereby amended to read as follows:

74-107. RECORDS EXEMPT FROM DISCLOSURE -- TRADE SECRETS, PRODUCTION RECORDS, APPRAISALS, BIDS, PROPRIETARY INFORMATION, TAX COMMISSION, UNCLAIMED PROPERTY, PETROLEUM CLEAN WATER TRUST FUND. The following records are exempt from disclosure:

(1) Trade secrets including those contained in response to public agency or independent public body corporate and politic requests for proposal, requests for clarification, requests for information and similar requests. "Trade secrets" as used in this section means information, including a formula, pattern, compilation, program, computer program, device, method, technique, process, or unpublished or in-progress research that:

(a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and

(b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(2) Production records, housing production, rental and financing records, sale or purchase records, catch records, mortgage portfolio loan documents, or similar business records of a private concern or enterprise required by law to be submitted to or inspected by a public agency or submitted to or otherwise obtained by an independent public body corporate and politic. Nothing in this subsection shall limit the use which can be made of such information for regulatory purposes or its admissibility in any enforcement proceeding.

(3) Records relating to the appraisal of real property, timber or mineral rights prior to its acquisition, sale or lease by a public agency or independent public body corporate and politic.

(4) Any estimate prepared by a public agency or independent public body corporate and politic that details the cost of a public project until such time as disclosed or bids are opened, or upon award of the contract for construction of the public project.

(5) Examination, operating or condition reports and all documents relating thereto, prepared by or supplied to any public agency or independent public body corporate and politic responsible for the regulation or supervision of financial institutions including, but not limited to, banks, savings and loan associations, regulated lenders, business and industrial development corporations, credit unions, and insurance companies, or for the regulation or supervision of the issuance of securities.

(6) Records gathered by a local agency or the Idaho department of commerce, as described in chapter 47, title 67, Idaho Code, for the specific purpose of assisting a person to locate, maintain, invest in, or expand business operations in the state of Idaho.

(7) Shipping and marketing records of commodity commissions used to evaluate marketing and advertising strategies and the names and addresses of growers and shippers maintained by commodity commissions.

(8) Financial statements and business information and reports submitted by a legal entity to a port district organized under title 70, Idaho Code, in connection with a business agreement, or with a development proposal or with a financing application for any industrial, manufacturing, or other business activity within a port district.

(9) Names and addresses of seed companies, seed crop growers, seed crop consignees, locations of seed crop fields, variety name and acreage by variety. Upon the request of the owner of the proprietary variety, this information shall be released to the owner. Provided however, that if a seed crop has been identified as diseased or has been otherwise identified by the Idaho department of agriculture, other state departments of agriculture, or the United States department of agriculture to represent a threat to that particular seed or commercial crop industry or to individual growers, information as to test results, location, acreage involved and disease symptoms of that particular seed crop, for that growing season, shall be available for public inspection and copying. This exemption shall not supersede the provisions of section 22-436, Idaho Code, nor shall this exemption apply to information regarding specific property locations subject to an open burning of crop residue pursuant to section 39-114, Idaho Code, names of persons responsible for the open burn, acreage and crop type to be burned, and time frames for burning.

(10) Information obtained from books, records and accounts required in chapter 47, title 22, Idaho Code, to be maintained by the Idaho oilseed commission and pertaining to the individual production records of oilseed growers.

(11) Records of any risk retention or self-insurance program prepared in anticipation of litigation or for analysis of or settlement of potential or actual money damage claims against a public entity and its employees or against the industrial special indemnity fund except as otherwise discoverable under the Idaho or federal rules of civil procedure. These records shall include, but are not limited to, claims evaluations, investigatory records, computerized reports of losses, case reserves, internal documents and correspondence relating thereto. At the time any claim is concluded, only statistical data and actual amounts paid in settlement shall be deemed a public record unless otherwise ordered to be sealed by a court of competent jurisdiction. Provided however, nothing in this subsection is intended to limit the attorney-client privilege or attorney work product privilege otherwise available to any public agency or independent public body corporate and politic.

(12) Records of laboratory test results provided by or retained by the Idaho food quality assurance laboratory. Nothing in this subsection shall limit the use which can be made, or availability of such information if used, for regulatory purposes or its admissibility in any enforcement proceeding.

(13) Reports required to be filed under chapter 13, title 62, Idaho Code, identifying electrical or natural or manufactured gas consumption data for an individual customer or account.

(14) Voluntarily prepared environmental audits, and voluntary disclosures of information submitted on or before December 31, 1997, to an environmental agency, which are claimed to be confidential business information.

(15) Computer programs developed or purchased by or for any public agency or independent public body corporate and politic for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program. Computer program does not include:

(a) The original data including, but not limited to, numbers, text, voice, graphics and images;

(b) Analysis, compilation and other manipulated forms of the original data produced by use of the program; or

(c) The mathematical or statistical formulas that would be used if the manipulated forms of the original data were to be produced manually.

(16) Active investigative records and trademark usage audits of the Idaho potato commission specifically relating to the enforcement of chapter 12, title 22, Idaho Code, until the commencement of formal proceedings as provided by rules of the commission; purchase and sales information submitted to the Idaho potato commission during a trademark usage audit, and investigation or enforcement proceedings. Inactive investigatory records shall be disclosed unless the disclosure would violate the standards set forth in subsection (1) (a) through (f) of section 74-124, Idaho Code. Nothing in this subsection shall limit the use which can be made, or availability of such information if used, for regulatory purposes or its admissibility in any enforcement proceeding.

(17) All records copied or obtained by the director of the department of agriculture or his designee as a result of an inspection pursuant to section 25-3806, Idaho Code, except:

(a) Records otherwise deemed to be public records not exempt from disclosure pursuant to this chapter; and

(b) Inspection reports, determinations of compliance or noncompliance and all other records created by the director or his designee pursuant to section 25-3806, Idaho Code.

(18) All data and information collected by the division of animal industries or the state brand board pursuant to the provisions of section 25-207B, Idaho Code, or rules promulgated thereunder.

(19) Records disclosed to a county official by the state tax commission pursuant to subsection (4) (c) of section 63-3029B, Idaho Code.

(20) Records, data, information and materials collected, developed, generated, ascertained or discovered during the course of academic research at public institutions of higher education if the disclosure of such could reasonably affect the conduct or outcome of the research, or the ability of the public institution of higher education to patent or copyright the research or protect intellectual property.

(21) Records, data, information and materials collected or utilized during the course of academic research at public institutions of higher education provided by any person or entity other than the public institution of higher education or a public agency.

(22) The exemptions from disclosure provided in subsections (20) and (21) of this section shall apply only until the academic research is publicly released, copyrighted or patented, or until the academic research is completed or terminated. At such time, the records, data, information, and materials shall be subject to public disclosure unless: (a) another exemption in this chapter applies; (b) such information was provided to the institution subject to a written agreement of confidentiality; or (c) public disclosure would pose a danger to persons or property.

(23) The exemptions from disclosure provided in subsections (20) and (21) of this section do not include basic information about a particular research project that is otherwise subject to public disclosure, such as the nature of the academic research, the name of the researcher, and the amount and source of the funding provided for the project.

(24) Records of a county assessor, the state tax commission, a county board of equalization or the state board of tax appeals containing the following information: (i) lists of personal property required to be filed pursuant to section 63-302, Idaho Code, and operating statements required to be filed pursuant to section 63-404, Idaho Code; and (ii) confidential commercial or financial information including trade secrets. Except with re-

spect to lists of personal property required to be filed pursuant to section 63-302, Idaho Code, and the operator statements required to be filed pursuant to section 63-404, Idaho Code, it shall be the responsibility of the taxpayer to give notice of its claim to exemption by stamping or marking each page or the first page of each portion of documents so claimed. No records that are exempt pursuant to this subsection shall be disclosed without the consent of the taxpayer except as follows:

(a) To any officer, employee or authorized representative of the state or the United States, under a continuing claim of confidentiality, as necessary to carry out the provisions of state or federal law or when relevant to any proceeding thereunder.

(b) In the publication of statistics or reports as long as the statistics or reports do not reasonably lead to the identification of the specific taxpayer or information submitted by taxpayers exempt pursuant to this subsection.

(c) To the board of tax appeals or the district court as evidence or otherwise in connection with an appeal of the taxpayer's property tax assessment, but only if the board or the court, as applicable, has entered a protective order specifying that the taxpayer information may not be disclosed by any person conducting or participating in the action or proceeding, except as authorized by the board or the court in accordance with applicable law.

(d) Nothing in this subsection shall prevent disclosure of the following information:

- (i) Name and mailing address of the property owner;
- (ii) A parcel number;
- (iii) A legal description of real property;
- (iv) The square footage and acreage of real property;
- (v) The assessed value of taxable property;
- (vi) The tax district and the tax rate; and
- (vii) The total property tax assessed.

(25) Results of laboratory tests which have no known adverse impacts to human health conducted by the Idaho state department of agriculture animal health laboratory, related to diagnosis of animal diseases of individual animals or herds, on samples submitted by veterinarians or animal owners unless:

(a) The laboratory test results indicate the presence of a state or federally reportable or regulated disease in animals;

(b) The release of the test results is required by state or federal law; or

(c) The test result is identified as representing a threat to animal or human health or to the livestock industry by the Idaho state department of agriculture or the United States department of agriculture. Nothing in this subsection shall limit the use which can be made, or availability of such information if used, for regulatory purposes or its admissibility in any enforcement proceeding, or the duty of any person to report contagious or infectious diseases as required by state or federal law.

(26) Results of laboratory tests conducted by the Idaho state department of agriculture seed laboratory on samples submitted by seed producers or seed companies. Nothing in this subsection shall limit the use which can be made, or availability of such information pursuant to the provisions of subsections (9) and (10) of section 22-418, Idaho Code.

(27) For policies that are owned by private persons, and not by a public agency of the state of Idaho, records of policies, endorsements, affidavits and any records that discuss policies, endorsements and affidavits that may be required to be filed with or by a surplus line association pursuant to chapter 12, title 41, Idaho Code.

(28) Individual financial statements of a postsecondary educational institution or a proprietary school submitted to the state board of education, its director or a representative thereof, for the purpose of registering the postsecondary educational institution or proprietary school pursuant to section 33-2402 or 33-2403, Idaho Code, or provided pursuant to an administrative rule of the board adopted pursuant to such sections.

(29) Information submitted by insurance companies pursuant to section 41-612(17), Idaho Code.

(30) Documents, materials or other information submitted to the director of the department of insurance as provided in chapter 64, title 41, Idaho Code.

(31) Reports, information and other materials exempted by chapter 63, title 41, Idaho Code.

(32) Records that identify the method by which the Idaho state tax commission selects tax returns for audit review.

(33) Records that identify the method by which the administrator of the unclaimed property law set forth in chapter 5, title 14, Idaho Code, selects reports for audit review or conducts audit review of such reports and the identity of individuals or entities under audit.

(34) Underwriting and claims records of the Idaho petroleum clean water trust fund obtained pursuant to section 41-4905, 41-4909, 41-4911A, 41-4912, or 41-4912A, Idaho Code. Provided, however, that this subsection shall not prevent the Idaho petroleum clean water trust fund's submittal to the Idaho department of environmental quality or other regulatory agencies of information necessary to satisfy an insured's corrective action requirement under applicable federal or state standards in the event of a release into the environment from a petroleum storage tank; and provided further that nothing in this subsection shall prevent the Idaho petroleum clean water trust fund from providing auditing, reporting, or actuarial information as otherwise required of it pursuant to section 41-4919, 41-4925A, 41-4928, 41-4930, 41-4932, 41-4937, or 41-4938, Idaho Code.

SECTION 4. That Section 74-109, Idaho Code, be, and the same is hereby amended to read as follows:

74-109. RECORDS EXEMPT FROM DISCLOSURE -- DRAFT LEGISLATION AND SUPPORTING MATERIALS, TAX COMMISSION, UNCLAIMED PROPERTY, PETROLEUM CLEAN WATER TRUST FUND, RESEARCH, PERSONAL COMMUNICATIONS, PERSONALLY IDENTIFYING INFORMATION, WORK PAPERS, AND DRAFT REDISTRICTING PLANS. The following records are exempt from disclosure:

(1) Records consisting of draft legislation and documents specifically related to such draft legislation or research requests submitted to the legislative services office by a member of the Idaho legislature for the purpose of placing such draft legislation into a form suitable for introduction as official proposed legislation of the legislature of the state of Idaho, unless the individual legislator having submitted or requested such records or research agrees to waive the provisions of confidentiality provided by this subsection, including requests for research or analysis submitted to the legislative services office by a member of the Idaho legislature and any documents related to such request.

~~(2) All papers, physical and electronic records and correspondence or other supporting materials comprising the work papers in the possession of the legislative services office or the director of legislative performance evaluations prior to release of the related final audit and all other records or materials in the possession of the legislative services office or the director of legislative performance evaluations that would otherwise be confidential or exempt from disclosure~~ Records consisting of personal communication by a member of the Idaho legislature or between members of the Idaho legislature that does not relate to the conduct or administration of the public's business.

~~(3) Personally identifying information relating to a private citizen contained in a writing to or from a member of the Idaho legislature. As used in this subsection, "private citizen" does not include a lobbyist registered with the office of the secretary of state, a public official, or an individual who is communicating on behalf of an organization. As used in this subsection, "public official" has the same meaning as in section 74-101(12), Idaho Code, except that it does not include elected or appointed members of the Idaho legislature and legislative staff.~~

~~(4) Records consisting of or that are related to the work papers in the possession of the director of legislative performance evaluations prior to the release of the final performance evaluation.~~

~~(5) Records consisting of or that are related to the work papers in the possession of the division of legislative audits prior to release of the related final audit.~~

~~(6) Records consisting of draft congressional and legislative redistricting plans and documents specifically related to such draft redistricting plans or research requests submitted to the commission staff by a member of the commission for reapportionment for the purpose of placing such draft redistricting plan into form suitable for presentation to the full membership of the commission, unless the individual commission member having submitted or requested such plans or research agrees to waive the provisions of confidentiality provided by this subsection.~~

~~(4) Records that identify the method by which the Idaho state tax commission selects tax returns for audit review.~~

~~(5) Records that identify the method by which the administrator of the unclaimed property law set forth in chapter 5, title 14, Idaho Code, selects reports for audit review or conducts audit review of such reports and the identity of individuals or entities under audit.~~

~~(6) Underwriting and claims records of the Idaho petroleum clean water trust fund obtained pursuant to section 41-4905, 41-4909, 41-4911A, 41-4912 or 41-4912A, Idaho Code. Provided however, that this subsection shall not prevent the Idaho petroleum clean water trust fund's submittal to the Idaho department of environmental quality, or other regulatory agencies of information necessary to satisfy an insured's corrective action requirement under applicable federal or state standards in the event of a release into the environment from a petroleum storage tank; and provided further that nothing in this subsection shall prevent the Idaho petroleum clean water trust fund from providing auditing, reporting, or actuarial information as otherwise required of it pursuant to section 41-4919, 41-4925A, 41-4928, 41-4930, 41-4932, 41-4937 or 41-4938, Idaho Code.~~

CHAPTER 339
(H.B. No. 651)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AMENDING SECTION 63-102, IDAHO CODE, TO INCREASE THE SALARIES OF THE STATE TAX COMMISSIONERS; AND PROVIDING FOR A MANAGEMENT REVIEW.

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, 2020, through June 30, 2021:

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|---------------|
| I. GENERAL SERVICES: | | | | |
| FROM: | | | | |
| General | | | | |
| Fund | \$4,665,200 | \$6,635,400 | | \$11,300,600 |
| Multistate Tax Compact | | | | |
| Fund | 108,800 | 584,900 | \$42,800 | 736,500 |
| Administration and Accounting | | | | |
| Fund | 37,100 | 28,400 | 2,500 | 68,000 |
| Administration Services for Transportation | | | | |
| Fund | 526,100 | 791,600 | 109,400 | 1,427,100 |
| Seminars and Publications | | | | |
| Fund | <u>0</u> | <u>19,100</u> | <u>0</u> | <u>19,100</u> |
| TOTAL | \$5,337,200 | \$8,059,400 | \$154,700 | \$13,551,300 |
| | | | | |
| II. AUDIT DIVISION: | | | | |
| FROM: | | | | |
| General | | | | |
| Fund | \$8,071,800 | \$823,600 | | \$8,895,400 |
| Multistate Tax Compact | | | | |
| Fund | 1,685,400 | 493,700 | | 2,179,100 |
| Administration and Accounting | | | | |
| Fund | 15,200 | 24,400 | | 39,600 |
| Administration Services for Transportation | | | | |
| Fund | 1,857,400 | 345,500 | | 2,202,900 |
| Federal Grant | | | | |
| Fund | <u>0</u> | <u>8,000</u> | | <u>8,000</u> |
| TOTAL | \$11,629,800 | \$1,695,200 | | \$13,325,000 |

| | FOR PERSONNEL COSTS | FOR OPERATING EXPENDITURES | FOR CAPITAL OUTLAY | TOTAL |
|--|---------------------------|----------------------------------|--------------------------|----------------|
| III. COLLECTION DIVISION: | | | | |
| FROM: | | | | |
| General | | | | |
| Fund | \$6,736,200 | \$831,500 | | \$7,567,700 |
| Administration Services for Transportation | | | | |
| Fund | <u>205,600</u> | <u>27,500</u> | | <u>233,100</u> |
| TOTAL | \$6,941,800 | \$859,000 | | \$7,800,800 |
| IV. REVENUE OPERATIONS: | | | | |
| FROM: | | | | |
| General | | | | |
| Fund | \$4,287,200 | \$1,469,900 | | \$5,757,100 |
| Multistate Tax Compact | | | | |
| Fund | | 4,000 | | 4,000 |
| Administration and Accounting | | | | |
| Fund | 87,600 | 17,100 | | 104,700 |
| Administration Services for Transportation | | | | |
| Fund | 685,400 | 254,300 | \$2,300 | 942,000 |
| Seminars and Publications | | | | |
| Fund | <u>0</u> | <u>26,400</u> | <u>0</u> | <u>26,400</u> |
| TOTAL | \$5,060,200 | \$1,771,700 | \$2,300 | \$6,834,200 |
| V. PROPERTY TAX: | | | | |
| FROM: | | | | |
| General | | | | |
| Fund | \$3,463,800 | \$327,400 | | \$3,791,200 |
| Seminars and Publications | | | | |
| Fund | <u>0</u> | <u>171,000</u> | <u>\$10,300</u> | <u>181,300</u> |
| TOTAL | \$3,463,800 | \$498,400 | \$10,300 | \$3,972,500 |
| GRAND TOTAL | \$32,432,800 | \$12,883,700 | \$167,300 | \$45,483,800 |

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Tax Commission is authorized no more than four hundred forty-eight (448.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. 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, 2019~~20~~, the annual salary for members of the state tax commission shall be one hundred ~~two~~ four thousand ~~forty-nine~~ ninety dollars (~~\$102,049~~104,090).

(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 4. MANAGEMENT REVIEW. In accordance with Section 67-702(1)(c), Idaho Code, the Audit Division of the Legislative Services Office shall perform a management review of the Idaho State Tax Commission for the period July 1, 2019, through June 30, 2020. The review will evaluate compliance with Section 63-809, Idaho Code, to determine whether the Idaho State Tax Commission has carefully examined the statements furnished to it, as provided in Section 63-808, Idaho Code, and if it has notified the county commissioners of each county of the approval of all previously certified levies on or before the fourth Monday in October. Additionally, the review will include determining whether the Idaho State Tax Commission properly notified the county commissioners of each county and the governing authorities of any city, school district, or any other taxing district or municipality no later than the fourth Monday of October if it appeared that the county commissioners or governing authorities had fixed a levy or certified a property tax budget increase that exceeded any limitation provided by law; and, if it appeared that the county commissioners of any county have fixed a levy for any purpose or purposes not authorized by law, or in excess of the maximum permitted by law for any purpose or purposes, whether the Idaho State Tax Commission properly notified the Attorney General.

Approved March 30, 2020

CHAPTER 340

(H.B. No. 461, As Amended in the Senate)

AN ACT

RELATING TO FORCIBLE ENTRY AND UNLAWFUL DETAINER; AMENDING SECTION 6-303, IDAHO CODE, TO PROVIDE NOTICE OF A CERTAIN ACTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 6-311C, IDAHO CODE, TO REVISE A FORM OF EXECUTION; AND AMENDING SECTION 6-316, IDAHO CODE, TO PROVIDE FOR CERTAIN PROCEDURES UPON A FINDING IN FAVOR OF A LANDLORD AND TO PROVIDE THAT A COURT MAY AWARD CERTAIN COSTS AND EXPENSES.

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

SECTION 1. That Section 6-303, Idaho Code, be, and the same is hereby amended to read as follows:

6-303. UNLAWFUL DETAINER DEFINED. A tenant of real property, for a term less than life, is guilty of an unlawful detainer:

1. When he continues in possession, in person or by subtenant, of the property, or any part thereof, after the expiration of the term for which it is let to him, without the permission of his landlord, or the successor in estate of his landlord, if any there be; but in case of a tenancy at will, it must first be terminated by notice, as prescribed in the civil code.

2. Where he continues in possession, in person or by subtenant, without permission of his landlord, or the successor in estate of his landlord, if any there be, after default in the payment of rent, pursuant to the lease or agreement under which the property is held, and three (3) days' notice, in writing, requiring its payment, stating the amount which is due, or possession of the property, shall have been served upon him, and if there be a subtenant in actual occupation of the premises, also upon such subtenant. Such notice shall also notify the tenant that if a court enters judgment against him, then he will have seventy-two (72) hours, if he is a residential tenant, and seven (7) days, or longer if granted by the court, if he is a commercial tenant or a tenant with a tract of land five (5) acres or more, to remove his belongings from the premises before the landlord may remove and dispose of such property pursuant to section 6-316, Idaho Code. Such notice may be served at any time within one (1) year after the rent becomes due. In all cases of tenancy upon agricultural lands, where the tenant has held over and retained possession for more than sixty (60) days after the expiration of his term without any demand of possession or notice to quit by the landlord, or the successor in estate of his landlord, if any there be, he shall be deemed to be holding by permission of the landlord, or the successor in estate of his landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during said year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of a tenant to hold for another year.

3. Where he continues in possession in person, or by subtenants, after a neglect or failure to perform other conditions or covenants of the lease or agreement under which the property is held, including any covenant not to assign or sublet, than the one for payment of rent, and three (3) days' notice, in writing, requiring the performance of such conditions or covenants, or the possession of the property, shall have been served upon him, and if there be a subtenant in actual occupation of the premises, also upon such subtenant. Within three (3) days after the service of the notice, the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform the conditions or covenants of the lease, or pay the stipulated rent,

as the case may be, and thereby save the lease from forfeiture: provided, if the covenants and conditions of the lease, violated by the lessee, ~~can not~~ cannot afterward be performed, then no notice, as last prescribed herein, need be given to said lessee or his subtenant demanding the performance of the violated covenant or conditions of the lease. A tenant may take proceedings similar to those prescribed in this chapter, to obtain possession of premises let to an undertenant, in case of his unlawful detention of the premises underlet to him.

4. A tenant or subtenant, assigning or subletting, or committing waste upon, the demised premises contrary to the covenants of his lease, thereby terminates the lease, and the landlord, or his successor in estate, shall, upon service of three (3) days' notice to quit upon the person or persons in possession, be entitled to restitution of possession of such demised premises under the provisions of this chapter.

5. If any person is, or has been, engaged in the unlawful delivery, production or use of a controlled substance on the premises of the leased property during the term for which the premises are let to the tenant. For purposes of this chapter, the terms "delivery," "production," and "controlled substance" shall be defined as set forth in section 37-2701, Idaho Code.

SECTION 2. That Section 6-311C, Idaho Code, be, and the same is hereby amended to read as follows:

6-311C. FORM OF EXECUTION. The execution, should judgment of restitution be rendered, may be in the following form:

STATE OF IDAHO)

ss.

County of)

TO THE SHERIFF OR ANY CONSTABLE OF THE COUNTY:

WHEREAS, a certain action for the possession of the following described premises, to-wit:

.....
.....
lately tried before the above entitled court, wherein was plaintiff and was defendant, judgment was rendered on the day of, A.D.,, that the plaintiff have restitution of the premises, and also that he recover the costs and disbursements in the sum of \$;

In the name of the State of Idaho, you are, therefore, hereby commanded to cause the defendant and his goods and chattels to be forthwith removed from the premises and the plaintiff is to have restitution of the same. In the event the goods and chattels are not promptly removed thereafter by the defendant you are, the plaintiff is authorized and empowered to cause remove the same to be removed to a safe place for storage. You are also commanded to levy on the goods and chattels of the defendant, and pay the costs and disbursements, aforesaid, and all accruing costs, and to pursuant to Section 6-316(2), Idaho Code. Upon returning premises to the plaintiff, the sheriff will make legal service and due return of this writ.

WITNESS My hand and official seal (if issued out of a court of record) this day of, A.D.,

.....
Clerk of the District Court

SECTION 3. That Section 6-316, Idaho Code, be, and the same is hereby amended to read as follows:

6-316. JUDGMENT -- RESTITUTION. (1) If, upon the trial, the verdict of the jury, or, if the case be tried without a jury, the finding of the court, be in favor of the plaintiff and against the defendant, judgment shall be entered for the restitution of the premises; and if the proceeding be for an unlawful detainer after neglect or failure to perform the conditions or covenants of the lease or agreement under which the property is held, or after default in the payment of rent or based upon a finding that a landlord had reasonable grounds to believe that a person is, or has been, engaged in the unlawful distribution, production, or use of a controlled substance on the leased premises during the term for which the premises are let to the tenant, the judgment shall also declare the forfeiture of such lease or agreement. The jury, or the court, if the proceeding be tried without a jury, shall also assess the damages occasioned to the plaintiff by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved on the trial, and find the amount of any rent due, if the alleged unlawful detainer be after default in the payment of rent or, after default, based upon a finding that a landlord had reasonable grounds to believe that a person is, or has been, engaged in the unlawful distribution, production, or use of a controlled substance on the leased premises during the term for which the premises are let to the tenant, and the judgment shall be rendered against the defendant guilty of the forcible entry, or forcible or unlawful detainer, for the amount of the damages thus assessed, and of the rent found due. When the proceeding is for an unlawful detainer after default in payment of rent where the tract of land is larger than five (5) acres, and the lease or agreement under which the rent is payable has not by its terms expired, execution upon the judgment shall not be issued until the expiration of five (5) days after the entry of the judgment, within which time the tenant, or any subtenant, or any mortgagee of the term, or other party interested in its continuance, may pay into court, for the landlord, the amount found due as rent, with interest thereon, and the amount of the damages found by the jury or the court for the unlawful detainer, and the costs of the proceeding, and thereupon the judgment shall be satisfied and the tenant be restored to his estate; but if payment as here provided be not made within the five (5) days, the judgment may be enforced for its full amount, and for the possession of the premises. In all other cases the judgment may be enforced immediately.

(2) If, upon the trial, the verdict of the jury or, if the case is tried without a jury, the finding of the court is in favor of the landlord and for the possession of the premises, a residential tenant shall have seventy-two (72) hours to remove his belongings from the premises, and a commercial tenant or a tenant with a tract of land five (5) acres or more shall have seven (7) days to remove his belongings from the premises; provided however, that upon a finding of good cause shown, a court may grant a commercial tenant longer than seven (7) days to remove his belongings. The landlord or his agents may deliver a writ of restitution or provide the sheriff with a copy of the writ of restitution and request that the sheriff deliver the writ. If requested by the landlord or his agents, the sheriff shall deliver a writ of restitution in a form as provided in section 6-311C, Idaho Code. After the time required for a tenant to remove his belongings under this subsection and three (3) days after the finding of the court, the sheriff shall restore possession of the premises to the plaintiff by causing immediate removal of the tenant, and the landlord or his agents may, subject to any security interests under chapter 9, title 28, Idaho Code, remove and dispose of all remaining property of the tenant, including any motor vehicle that may be removed pursuant to section 49-1806, Idaho Code, that remains on or about the premises without any further compensation or consideration to the tenant.

Upon a finding of good cause shown, the court may award to the landlord reasonable costs and expenses not otherwise provided for in this chapter for the removal of property pursuant to this subsection and for restoration of the premises.

Approved March 30, 2020

CHAPTER 341
(H.B. No. 547)

AN ACT

RELATING TO MINERAL RIGHTS; AMENDING SECTION 47-703, IDAHO CODE, TO REVISE PROVISIONS REGARDING LOCATOR WORK AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-704, IDAHO CODE, TO REVISE PROVISIONS REGARDING LEASES OF MINERAL RIGHTS IN STATE LANDS AND TO PROVIDE FOR TERMS AND CONDITIONS OF CERTAIN MINERAL LEASES; AMENDING SECTION 47-707, IDAHO CODE, TO REVISE PROVISIONS REGARDING FORFEITURE OF LEASES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 47-703, Idaho Code, be, and the same is hereby amended to read as follows:

47-703. EXPLORATION LOCATIONS ON STATE LANDS. (1) Location for exploration purposes may be made upon lands belonging to the state of Idaho in which the mineral rights are reserved or belong to the state, including the beds of all navigable rivers in the state of Idaho and all portions of said navigable rivers between the natural or ordinary high water marks, providing that no exploration location may be made on any lands for which a mineral lease application has been made and is pending as provided in section 47-704, Idaho Code; providing further, that no exploration location may be made for salable minerals as that term is used in section 47-701, Idaho Code.

(2) Such locations when made upon surveyed land shall conform to legal subdivisions. When made upon the beds of navigable rivers, they shall not exceed one-half (1/2) river mile. When made on surveyed land, they shall not exceed twenty (20) acres except that when made upon surveyed land designated as a lot, they may equal one-half (1/2) of said lot. Descriptions of locations made on the beds of navigable rivers, the boundaries of which shall have been meandered, shall be described as near as may be with the lotting of the fractional subdivisions bordering upon the navigable rivers, and the description of the location shall be so accurately drawn and tied to the government corners that the ground may be accurately located and so described that the location may be accurately platted upon the books of the state board of land commissioners.

(3) The discoverer of a mineral deposit, or a person desiring to prospect for mineral shall immediately post conspicuously on each twenty (20) acre tract or fraction thereof, or each one-half (1/2) river mile, that he desires to locate, an exploration certificate of location declaring that he has made such discovery, or/and declaring that he desires to prospect for mineral, together with the date of such discovery or declaration. Said certificate shall be in such form as the board may prescribe. The locator shall be allowed twenty (20) days from such date to file an exact copy of exploration certificate of location with the state board of land commissioners and pay the appropriate fees. Said certificate shall designate the legal subdivisions located, and shall be recorded in the office of said board as of the date of filing, and an entry of such location shall be made upon the plat and tract books.

(4) The locator shall be entitled to hold said location for a period of two (2) years from the first of the month following the date of recording and by performing one hundred dollars (\$100) worth of work during each year for each location.

(5) Work, within the meaning of this section ~~chapter~~ shall consist of tunnels, shafts, or other mining excavations or development, including drilling by conventional methods and pits or shafts sunk to determine the value of the gravels. Work shall not include roads, trails, buildings, machinery, or other surface improvement. All such work may be done at one (1) place on the location or at as many places as the locator may desire, and in case two (2) or more locations are under the same ownership, then said work may be performed on any one (1) or more locations. Work so performed as annual assessment, where performed for the benefit of a group contiguous and under common ownership, shall be such that it shall be of material benefit to each and every location forming the contiguous group.

(6) Written proof that such work has been done shall be filed with the state board of land commissioners, on such forms and in such manner as they it shall prescribe. Such procedure shall empower the locator to retain possession of and prospect said location for a period of two (2) years, at the end of which time he shall be required to take a lease upon such terms as may be agreed upon by the state board of land commissioners. Provided, that the right granted under this section to prospect for mineral and to make locations shall not extend to lands in the possession of a purchaser under contract of sale from the state.

SECTION 2. That Section 47-704, Idaho Code, be, and the same is hereby amended to read as follows:

47-704. LEASES OF MINERAL RIGHTS IN STATE LANDS. (1) The state board of land commissioners may lease in tracts ~~not exceeding six hundred forty (640) acres~~ of sizes as the board may deem fair for prospecting, exploration, and mining purposes, ~~and of mineral deposits,~~ except for leases for oil, gas and other hydrocarbons, that may be contained in any portion of the unsold lands of the state or that may be contained in state lands sold with a reservation of mineral deposits or that belong to the state of Idaho by reason of being situate between the high water marks of navigable rivers of the state, for such annual rental, not less than one dollar (\$1.00) per acre per annum, and for such royalty upon the product as the board may deem fair and in the interest of the state, except in the case of state oil and gas leases wherein the royalty to the state shall be not less than twelve and one-half ~~per cent~~ percent (12 1/2%), and provided that the minimum royalty shall not be less than two and one-half ~~per cent~~ percent (2 1/2%). ~~The rental paid for any year shall be deducted from the royalties as they accrue for that year and not more than market conditions.~~

(2) All mineral leases, except leases for oil, gas, and other hydrocarbons, and geothermal resources of state school lands and for lands belonging to the state of Idaho, ~~other than school lands,~~ shall be for a term of ~~ten (10) up to twenty (20) years,~~ and so long thereafter as shall be continued if any of the following provisions are met:

(a) Precious metals, minerals, salable minerals, mineral concentrates, mineral products, and or ores, or any of them, are produced in paying quantities, or as much longer thereafter as;

(b) The lessee has negotiated and remitted a prepaid royalty no less than five dollars (\$5.00) per acre per year;

(c) The lessee in good faith shall conducts exploration, prospecting, work, or mining operations thereon;

(d) The mineral lease is undergoing a regulatory approval process for exploration, prospecting, or mining; or

(e) The lessee conducts work on land adjacent or near the leased premises as a single mining operation, including construction of infrastructure associated with mining. together with the right to use and occupy so much of the surface of said land as may be required for all purposes reasonably incident to the prospecting for, exploration for, development of, production, refining, processing and marketing of said precious metals, minerals, salable minerals, and ores produced from said lands, including the right to construct and maintain thereon all works, buildings, plants, waterways, roads, communication lines, reservoirs, tanks or other structures necessary to the full enjoyment thereon for the purpose of the lease.

(3) Provided, that the leaseholder of any mineral lease except leases for oil, gas, and other hydrocarbons, and geothermal resources heretofore or hereafter issued, upon the expiration of the initial lease and all renewals thereof, shall be given the preferential right to renew such lease or renewal leases under such readjustment of the terms and conditions as the board may determine to be necessary in the interest of the state.

(4) All applications received, whether by mail or by personal delivery over the counter, shall be immediately stamped with the date and hour of filing. Simultaneous filings result when two (2) or more applications are received for the same lands during the same hour of the same day. Simultaneous filings shall be resolved by competitive bidding. This provision does not apply to applications received from an applicant having a preferential right under ~~subsection (5) of this section~~. In the absence of a simultaneous filing, and except for lands and resources which may be designated for competitive bidding, right of priority to a mineral lease shall be determined by the first qualified applicant who shall file a completed, signed application on the form of the department of lands or exact copy thereof between the hours of ~~eight~~ 8:00 a.m. and ~~five~~ 5:00 p.m. during any business day, together with the application fee set by the board.

(5) Applications for mineral leases shall be made under oath in such form as the board may prescribe, and the applicant shall describe the land, specify the particular mineral or minerals, and give such additional information as may be required by the rules and regulations of the board. If the applicant for a lease has previously filed a certificate of location, as provided in section 47-703, Idaho Code, upon any part of the land desired to be leased, such application shall be given a preferential right to the land covered by his location; that no lands upon which a mineral location has been duly made and recorded as provided in section 47-703, Idaho Code, shall be leased for mining purposes during the two (2) year periods to any applicant except the person having made such location; provided, however, that no locations may be made for oil and gas deposits or lands, or geothermal resources.

(6) Any motorized exploration as defined in section 47-703, Idaho Code, on the lands between the ordinary high water marks of any navigable river of the state shall be prohibited except upon written approval by the board and submission of a bond to the department in the form and amount set by the board; and, if applicable, an operator shall also comply with the Idaho dredge and placer mining protection act, chapter 13, title 47, Idaho Code; provided, that in all instances an operator shall comply with the stream protection act, and all other applicable laws and rules of the state.

(7) Upon receipt by the state board of land commissioners of an application to lease any lands which may belong to the state of Idaho by reason of being situate between the high water marks of navigable rivers of the state, the board shall cause, at the expense of the applicant, a notice of such application to be published once a week for two (2) issues in a newspaper of general circulation in the county or counties in which said lands described in said application are situated. The board or its authorized representative shall hold a public hearing on the application, if requested in writ-

ing, no later than thirty (30) days after the last published notice by ten (10) persons whose lawful rights to use the waters applied for may be injured thereby, or by an association presenting a petition with signatures of not less than ten (10) such aggrieved parties; provided that the board may order a public hearing in the first instance. The board shall consider fully all written and oral submissions respecting the application.

(8) Provided, however, that the state board of land commissioners shall send notice of any such application for leasing the bed of navigable rivers to the director of the department of water resources, who, if the director thinks advisable, shall at the expense of the applicant make an investigation. If said investigation shows that the rights of interested parties may be jeopardized by the issuance of the proposed lease, the director shall give notice of such applications to parties affected thereby. If it shall appear to the state board of land commissioners that the leasing of any lands between the high water marks of any navigable river will be injurious to the rights of any person or persons having the right to the use of the waters thereof, for irrigation, power, or any other lawful purpose, the state board of land commissioners shall deny such application.

(9) Mineral leases granted according to this section, including but not limited to leases that have been awarded but not executed, shall comply with the following terms and conditions:

(a) After granting of a lease, no fees or payments shall be charged to lessees except for royalty payments, including prepaid and production, and rent per acre per annum.

(b) Rent per acre per annum may be indexed for inflation, but no more than three percent (3%) per annum. The rental paid shall be deducted from the royalties as they accrue for the life of the lease.

(c) No more than one (1) lease may be issued for the same mineral on the same land.

(d) Only one (1) lessee may hold multiple mineral leases on the same land.

(e) In the event of an exchange or sale involving leased lands, the purchaser shall accept and be assigned to perform the exact terms and conditions set forth in the lease as the lessor.

(f) The leaseholder demonstrates a mineral resource is present on the public lands using industry standard to estimate or project a mineral resource that is likely viable for future mineral development. The board shall recognize its role as a partner on behalf of state lands and provide confidentiality to the leaseholders regarding resource estimates that may be reported. If the leaseholder determines in the future to drop any mineral lease, the board may use this information for public consumption to encourage and support mineral development on those leases.

(g) No less than one hundred eighty (180) days prior to the expiration date of the mineral lease, lease terms and conditions shall be fairly modified and readjusted if needed. If an agreement cannot be reached, the lessor and lessee shall engage in good faith mediation. The lease shall remain in full force and effect during the mediation.

SECTION 3. That Section 47-707, Idaho Code, be, and the same is hereby amended to read as follows:

47-707. FORFEITURE OF LEASES. All leases of mineral deposits shall be conditional upon payment of the rental in advance annually, and upon the payment of the royalty provided for in the lease, ~~and such other provisions as may be provided by the board,~~ and upon the violation of any of the conditions of the lease, the board may at its option, after thirty (30) days' notice by registered mail, cancel the lease. Upon failure or refusal of the lessee to accept the readjustment of terms and conditions determined by the board at the end of any lease period, such failure or refusal shall work a forfeiture of the preferential right of the lessee. A forfeiture of such lease, and all rights of the lessee thereunder, may be declared by the state board of land commissioners for a violation of any of the terms or conditions of said lease or of any rule or regulation of said board with respect thereto or of any of the provisions of this chapter.

SECTION 4. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 5. 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 24, 2020

HOUSE JOINT RESOLUTION

(H. J. R. No. 4)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 2, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE MEMBERSHIP OF THE SENATE AND HOUSE OF REPRESENTATIVES, TO PROVIDE THAT THE SENATE SHALL CONSIST OF THIRTY-FIVE MEMBERS; PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE APPORTIONMENT OF THE LEGISLATURE, TO PROVIDE THAT THE MEMBERS OF THE LEGISLATURE SHALL BE APPORTIONED TO THIRTY-FIVE LEGISLATIVE DISTRICTS; 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 Section 2, Article III, of the Constitution of the State of Idaho be amended to read as follows:

Section 2. MEMBERSHIP OF HOUSE AND SENATE. (1) Following the decennial census of 1990 2020 and in each legislature thereafter, the senate shall consist of ~~not less than thirty nor more than thirty-five~~ members. The legislature may fix the number of members of the house of representatives at not more than two times as many representatives as there are senators. The senators and representatives shall be chosen by the electors of the respective counties or districts into which the state may, from time to time, be divided by law.

(2) Whenever there is reason to reapportion the legislature or to provide for new congressional district boundaries in the state, or both, because of a new federal census or because of a decision of a court of competent jurisdiction, a commission for reapportionment shall be formed on order of the secretary of state. The commission shall be composed of six members. The leaders of the two largest political parties of each house of the legislature shall each designate one member and the state chairmen of the two largest political parties, determined by the vote cast for governor in the last gubernatorial election, shall each designate one member. In the event any appointing authority does not select the members

within fifteen calendar days following the secretary of state's order to form the commission, such members shall be appointed by the Supreme Court. No member of the commission may be an elected or appointed official in the state of Idaho at the time of designation or selection.

(3) The legislature shall enact laws providing for the implementation of the provisions of this section, including terms of commission members, the method of filling vacancies on the commission, additional qualifications for commissioners and additional standards to govern the commission. The legislature shall appropriate funds to enable the commission to carry out its duties.

(4) Within ninety days after the commission has been organized or the necessary census data are available, whichever is later, the commission shall file a proposed plan for apportioning the senate and house of representatives of the legislature with the office of the secretary of state. At the same time, and with the same effect, the commission shall prepare and file a plan for congressional districts. Any final action of the commission on a proposed plan shall be approved by a vote of two-thirds of the members of the commission. All deliberations of the commission shall be open to the public.

(5) The legislative districts created by the commission shall be in effect for all elections held after the plan is filed and until a new plan is required and filed, unless amended by court order. The Supreme Court shall have original jurisdiction over actions involving challenges to legislative apportionment.

(6) A member of the commission shall be precluded from serving in either house of the legislature for five years following such member's service on the commission.

SECTION 2. That Section 4, Article III, of the Constitution of the State of Idaho be amended to read as follows:

Section 4. APPORTIONMENT OF LEGISLATURE. The members of the legislature following the decennial census of 1990 2020 and each legislature thereafter shall be apportioned to ~~not less than thirty nor more than thirty-five~~ legislative districts of the state ~~as may be provided by law~~.

SECTION 3. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 2, Article III, of the Constitution of the State of Idaho be amended to require that the Senate shall consist of thirty-five members; and shall Section 4, Article III, of the Constitution of the State of Idaho, be amended to require that the Legislature shall be apportioned to thirty-five legislative districts?"

SECTION 4. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 5. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Adopted by the House February 18, 2020

Adopted by the Senate March 4, 2020

SENATE JOINT MEMORIALS

(S.J.M. No. 107)

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 GOVERNOR OF THE STATE OF IDAHO, THE DIRECTOR OF THE IDAHO DEPARTMENT OF COMMERCE, THE DIRECTOR OF THE IDAHO STATE DEPARTMENT OF AGRICULTURE, AND THE DIRECTOR-GENERAL OF THE TAIPEI ECONOMIC AND CULTURAL OFFICE IN SEATTLE, WASHINGTON.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Republic of China (Taiwan), the United States, and in particular the State of Idaho share a historical and close relationship marked by the common value of democracy, human rights, and rule of law; and

WHEREAS, Taiwan and Idaho established a close sister statehood in 1984 and have fostered close relations through strong and bilateral trade, educational and cultural exchange, scientific and technological interest, and tourism; and

WHEREAS, Taiwan was the second-largest export market of Idaho goods in 2018, with an estimated \$675 million in sales, including semiconductors, computers and capital equipment, and agricultural products; and

WHEREAS, the U.S. Department of Commerce reports that Taiwanese entities invested nearly \$11.3 billion in 2017 in the United States, of which \$115 million went to research and development projects and \$967 million helped to expand U.S. exports, supporting more than 14,000 American jobs; and

WHEREAS, in 2019, the United States and Taiwan commemorated the 40th anniversary of the Taiwan Relations Act, the spirit of which is to ensure ongoing interaction of both sides; and

WHEREAS, in 2018, the U.S. Congress passed, and President Donald Trump signed into law, the Taiwan Travel Act to enhance mutual governmental communications and visits; and

WHEREAS, past exchanges between Taiwan and Idaho have included several legislative and governmental delegations from Idaho to Taiwan; and

WHEREAS, Idaho welcomes all opportunities for an even closer economic and cultural relationship with Taiwan and supports increased trade and investment through bilateral free and fair trade agreement, support of the United States-Taiwan Global Cooperation and Training Framework building programs for regional experts in the areas of public health, empowerment of women, energy efficiency, and e-commerce; and

WHEREAS, Idaho recognizes Taiwan's contribution to a broad range of global issues, including humanitarian assistance, disaster relief, safeguarding of cybersecurity, anti-terrorism initiatives, and fights against transnational crime.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State of Idaho reaffirms its commitment to the strong and deepening relationship between the State of Idaho and the Republic of China (Taiwan) and supports Taiwan's meaningful participation in appropriate international organizations.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States, the Governor of the State of Idaho, the Director of the Idaho Department of Commerce, the Director of the Idaho State Department of Agriculture, and the Director-General of the Taipei Economic and Cultural Office in Seattle, Washington.

Adopted by the Senate January 31, 2020

Adopted by the House March 11, 2020

(S.J.M. No. 110)

A JOINT MEMORIAL

TO THE SENATE AND THE 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-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Legislature of the State of Idaho recognizes the Columbia-Snake River System as part of the United States Marine Highway network; and

WHEREAS, the Columbia-Snake River System and its tributaries, collectively and in its entirety, is a multiuse system providing navigation, transportation, fish and wildlife habitat, recreation, hydropower generation, flood control, and irrigation to the citizens and industry of the Pacific Northwest; and

WHEREAS, the Columbia-Snake River System and its tributaries, functioning collectively and in its entirety, provide a vital contribution to the state's economic well-being and to the quality of life of our citizens; and

WHEREAS, the State of Idaho reasserts and confirms sovereign control over all water resources within the state; and

WHEREAS, the decline of anadromous fish is due to many factors, including increased predation, unfavorable ocean conditions, and harvest; and

WHEREAS, due to the efforts of the state, Nez Perce Tribe, and Idaho water users in entering into the 2004 Snake River Water Rights Agreement, up to 487,000 acre feet of Idaho's water is used for flow augmentation for salmon and steelhead in the lower Snake and Columbia Rivers, with water being released through a willing buyer, willing seller arrangement. The 2004 agreement provides protections to Idaho water users in the form of a 30-year biological opinion and provides economic benefits to water users participating in the flow augmentation program; and

WHEREAS, agricultural and industrial applications of water have a legal priority within the state; and

WHEREAS, the Port of Lewiston, Idaho's only seaport, is part of the collective Columbia-Snake River System and is an asset to the State of Idaho and an asset to the Inland Northwest region, providing global competitiveness and connectivity for regional products, economic development investment, and multimodal transportation; and

WHEREAS, the Columbia-Snake River System acts as a top wheat export gateway in the United States, with approximately 10 percent of all United States wheat exports barged through the four dams on the Snake River and about 50 percent of all Idaho-grown wheat barged from Lewiston to Portland and then onto export markets around the world; and

WHEREAS, barging is the most fuel-efficient, environmentally friendly mode of transportation; and

WHEREAS, hydropower is the most efficient, environmentally favorable form of electrical generation, with the combined lower four Snake River dams producing 1,000 megawatts of carbon-free, renewable energy annually and 3,000 megawatts for peak power emergencies, providing electricity to 22 rural Idaho utilities serving more than 137,000 Idahoans; and

WHEREAS, the Legislature of the State of Idaho believes that any actions to degrade the functionality, in whole or in part, to remove or breach dams on the Columbia-Snake River System or its tributaries, or to take water from the state for anadromous fish enhancement efforts would inflict on the citizenry of the state a loss in economic and trade opportunities, a loss of recharge waters for the state's aquifers, a loss of navigation and transportation, an increased risk of floods, an increase in electrical rates, a shortfall in power generation, a loss of recreational opportunities, and a threatened quality of life for Idaho citizens.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Idaho opposes the removal or breaching of the dams on the Columbia-Snake River System and its tributaries, has sovereignty of its water resources, prohibits contributions of water from Idaho's reservoirs for flow augmentation except those expressly authorized by state law, contends that efforts for further recovery of anadromous fish must be based on sound science, and supports maintenance and multiple-use benefits of the Columbia-Snake River System. Additionally, the Idaho Legislature recognizes and supports the international competitiveness, multimodal transportation, and economic development benefits provided by the Port of Lewiston.

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 to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 26, 2020

Adopted by the House March 11, 2020

HOUSE JOINT MEMORIALS

(H. J. M. No. 11)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF AGRICULTURE, THE SECRETARY OF THE INTERIOR, THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, AND 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-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the 43rd state in the United States was named the "Gem State" because of the fertile mountains and the profound history mining has played in Idaho and the settlement of the American West; and

WHEREAS, the State of Idaho has regions that specialize in specific ore, with southeastern Idaho being one of the world's largest reserves of phosphate and having the ideal ecosystem to produce this specific mineral; and

WHEREAS, the supply of phosphate produced at the Itafos Conda facility located north of Soda Springs, Idaho, is used to fertilize millions of acres of land across Idaho, the United States, and the world by assisting in the conversion of other nutrients needed to help crops grow; and

WHEREAS, Itafos Conda is committed to returning the area that is mined back to its original landscape; and

WHEREAS, Itafos Conda plays a vital role in providing economic stability to the region through high-paying jobs, taxes, direct and indirect economic impacts, donations, and community sponsorships; and

WHEREAS, once permitted, Itafos Conda's Husky 1/North Dry Ridge project will significantly benefit Idaho's economy by employing a total of 500 employees, bringing in \$180 million to the local economy, totaling \$335 million statewide, and \$3.5 to \$5.5 million in federal royalty payments, with an additional \$27 million in state and local taxes for a total economic impact in the range of \$367 million per year; and

WHEREAS, the United States' dependency on foreign minerals has doubled in the last 20 years, and southeastern Idaho possesses one of the world's largest phosphate ore deposits. The Itafos Conda facility would be one of only a few domestic sources of phosphate, a critical nutrient in the production of agricultural crops; and

WHEREAS, modern regulations require that companies like Itafos Conda set aside adequate financial assurances to cover the cost of environmental restoration, ensuring that reclamation is completed; and

WHEREAS, Itafos Conda is committed to being good stewards to the environment and dedicated members of the community where the plant resides as well as surrounding communities during the life of this project and beyond.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho supports actions by the Bureau of Land Management and other federal agencies, in partnership with agencies of the great State of Idaho and Caribou County, to move forward to approve the Itafos Conda project in a timely and cost-effective manner to permit the development of the site.

BE IT FURTHER RESOLVED that we believe in Itafos Conda's commitment to mining in a way that will serve as a model for modern mining practices.

BE IT FURTHER RESOLVED that the federal government agencies should commit adequate, experienced, and knowledgeable personnel and sufficient financial resources to complete the National Environmental Policy Act (NEPA) analysis and issue the Notice to Proceed.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of Agriculture, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House January 30, 2020

Adopted by the Senate February 18, 2020

(H.J.M. No. 12)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND 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-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Centers for Disease Control and Prevention estimates that from August 2017 through August 2018 more than 48,000 people in the United States died from an opioid overdose, with synthetic opioids (excluding methadone) contributing to a record 31,900 overdose deaths. While drug overdose deaths from methadone, semisynthetic opioids, and heroin have decreased in recent months, overdose deaths from synthetic opioids have continued to increase; and

WHEREAS, the People's Republic of China is the world's largest producer of illicit fentanyl, fentanyl analogues, and their immediate precursors. From the People's Republic of China, those substances are shipped primarily through express consignment carriers or international mail directly to the United States, or, alternatively, shipped directly to transnational criminal organizations in Mexico, Canada, and the Caribbean; and

WHEREAS, in 2015, Mexican heroin accounted for 93% of the total weight of heroin seized in the United States, transported to the United States by transnational criminal organizations that maintain territorial influence over large regions in Mexico and remain the greatest criminal drug threat to the United States; and

WHEREAS, insufficient regulation of synthetic opioid production and export and insufficient law enforcement efforts to combat opioid trafficking in the People's Republic of China and Mexico continue to contribute to a flood of opioids into the United States; and

WHEREAS, Congress recently passed, and the President of the United States signed, the Fentanyl Sanctions Act, as part of the National Defense Authorization Act for fiscal year 2020, Public Law 116-92, with the entire delegation representing Idaho voting in favor; and

WHEREAS, the Fentanyl Sanctions Act enacts bipartisan ideas to impose direct sanctions on: (1) foreign manufacturers that knowingly provide synthetic opioids to traffickers and other transnational criminal organizations; and (2) financial institutions that aid the manufacturers. These traffickers and criminal organizations mix fentanyl with other drugs and smuggle these dangerous substances into the United States.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature expresses gratitude to the President of the United States and the United States Congress, especially the delegation representing the State of Idaho, for working together to enact legislation that imposes sanctions on: (1) foreign manufacturers that knowingly provide synthetic opioids to traffickers and other transnational criminal organizations; and (2) financial institutions that aid the manufacturers.

BE IT FURTHER RESOLVED that the President of the United States is respectfully requested to continue diplomatic efforts with partners and allies to establish multilateral sanctions against foreign opioid traffickers.

BE IT FURTHER RESOLVED that the President of the United States is respectfully requested to use any lawful powers he has to publicly identify foreign suppliers and traffickers of opioids, impose sanctions on them to cripple their operations, deny their access to markets in the United States, and freeze their assets and block transactions with financial institutions in the United States to protect Idahoans and all Americans from this scourge.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 14, 2020

Adopted by the Senate February 26, 2020

(H. J. M. No. 13)

A JOINT MEMORIAL

TO THE SENATE AND THE 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-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, each day in the United States, more than 130 people die after an opioid overdose; and

WHEREAS, in 2017, more than 47,000 Americans died from an opioid overdose, representing almost 70% of drug overdose deaths; and

WHEREAS, drug overdose is now the leading cause of accidental death in the United States; and

WHEREAS, as of 2017, it was estimated that 1.7 million Americans have substance use disorders relating to prescription opioids; and

WHEREAS, rural areas have been disproportionately affected by the opioid crisis, with the rate of overdose deaths increasing 325% since 1999, compared to a 198% increase for urban areas; and

WHEREAS, in 2017, 70.3 opioid prescriptions were written for every 100 persons in Idaho; and

WHEREAS, research shows that medication-assisted treatment (MAT) is more effective for treating people with opioid use disorder than non-MAT methods; and

WHEREAS, MAT is most successful when used as an element in "whole person treatment," which also includes appropriate behavioral health interventions such as cognitive behavioral therapy; and

WHEREAS, buprenorphine (Suboxone) is one medication approved for use in MAT; and

WHEREAS, despite the efficacy of MAT, only a third of those with opioid use disorder have access to this kind of treatment; and

WHEREAS, one reason for the lack of access to MAT is the common misconception that drug addiction is best treated using methods other than medication, even though brain chemistry is often altered by the misuse of opioids and can require medication intervention; and

WHEREAS, another critical reason for the lack of access to MAT is a federal law limiting the authority to prescribe buprenorphine. Currently, only about 5% of physicians in the United States, and 414 practitioners in Idaho, may prescribe buprenorphine, many of whom do not practice in rural areas; and

WHEREAS, the number of health care practitioners currently able to prescribe buprenorphine is not sufficient to reach everyone who would benefit from this treatment; and

WHEREAS, it is the belief of the Legislature that any practitioner who may legally prescribe opioids should also be able to prescribe medication treatment for opioid use disorder, because the treatment should be as available as the problem is widespread.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Congress of the United States is requested to take action necessary to make buprenorphine accessible to the patients who need it. Congress is specifically requested to amend 21 U.S.C. 823 and other provisions of federal law as necessary to provide that any health care practitioner with authority to prescribe opioids should likewise have the authority to prescribe drugs or combinations of drugs appropriate for use in medication-assisted therapy, including buprenorphine.

BE IT FURTHER RESOLVED that the congressional delegation representing the State of Idaho in Congress is requested to sponsor and support the legislation necessary to make these amendments.

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 to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 21, 2020

Adopted by the Senate March 2, 2020

(H.J.M. No. 14)

A JOINT MEMORIAL

TO THE SENATE AND THE 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-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Idaho Legislature recognizes the profound role mining has played in the settlement of Idaho, its contemporary role, and the role it will play in our future; and

WHEREAS, Idaho, the forty-third state in the Union, was named the "Gem State" because of the immense role played by mining in the settlement of Idaho; and

WHEREAS, the Great Seal of the State of Idaho contains the symbolic representation of the miner because of the historical importance of mining in Idaho; and

WHEREAS, Idaho has diverse geologic and mineral resources within its boundaries, including world-class deposits of silver, phosphate, and cobalt as well as numerous and robust deposits of gold, molybdenum, antimony, rare earth elements, thorium, lead, copper, zinc, and numerous other minerals and gems; and

WHEREAS, the Idaho state song "Here We Have Idaho" references Idaho's vast resources of silver and gold; and

WHEREAS, mining in Idaho has shaped the state's political boundaries, built cities, and supplied the nation with minerals necessary for today's modern lifestyle; and

WHEREAS, the discovery of gold along Canal Gulch near Pierce, Idaho, in 1860 set off one of the largest migrations in American history; and

WHEREAS, the significant discovery of gold in the Boise Basin led to the founding of Boise City as a supply outpost for the Boise and Owyhee mining districts, thereby leading to the establishment of Boise as the capital of Idaho; and

WHEREAS, one hundred years after the discovery of silver in the world-renowned Coeur d'Alene mining district, the one billionth ounce of silver was produced there, as well as vast amounts of lead, zinc, and copper; and

WHEREAS, Idaho's world-class phosphate district plays a significant role in advancing the agricultural needs within our state and nation; and

WHEREAS, the Idaho Legislature recognizes the prevalent role mining plays in our modern lives and will play in our future; and

WHEREAS, Idaho's mining industry has played a significant role in national defense by providing the raw materials necessary to defend our nation in times of conflict; and

WHEREAS, the Idaho Legislature recognizes the vital part the mining industry plays in providing economic stability to the region, especially rural economies, through high-paying jobs, taxes, direct and indirect economic impacts, donations, and community sponsorships; and

WHEREAS, mining and mine processing provide more than 10,000 direct and indirect jobs throughout Idaho, with a payroll of \$570 million, a total tax contribution of \$88 million, and an economic impact of almost \$1 billion to the gross state product; and

WHEREAS, the mining industry is dedicated to modern mining practices that promote the responsible extraction of minerals while being protective of the environment and emphasize land restoration as mine life progresses; and

WHEREAS, the Idaho Legislature recognizes the importance of domestically sourced minerals for national independence and defense, as it buffers reliance on imported minerals; and

WHEREAS, the Idaho Legislature recognizes the necessity and use of mined minerals in virtually every aspect of our modern lives, including computer chips, telephones, automobiles, medical devices, electricity, roads and bridges, public infrastructure, recreation, freight, buildings and dwellings, health and beauty products, recreational equipment, and renewable energy; and

WHEREAS, the Idaho Legislature recognizes the invaluable future the mining industry plays not only in Idaho but also the entire United States of America; and

WHEREAS, the Idaho Legislature recognizes the work that the Bureau of Land Management, the United States Forest Service, and other federal agencies are doing to simplify the permitting process for infrastructure and mining projects.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho supports the actions of the Bureau of Land Management and other federal agencies, in partnership with state agencies, to move forward and recognize the importance of mining in the history, development, and future of the Gem State.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of Agriculture, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 28, 2020

Adopted by the Senate March 11, 2020

(H. J. M. No. 15)

A JOINT MEMORIAL

TO THE SENATE AND THE 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 PRESIDENT OF THE UNITED STATES, AND TO THE COUNCIL OF ENVIRONMENTAL QUALITY.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, on January 1, 1970, President Richard Nixon signed the National Environmental Policy Act (NEPA) into law. NEPA created the Council of Environmental Quality (CEQ) within the Executive Office of the President. CEQ oversees implementation of NEPA and recommends policies to the President that promote and improve our nation's goals for environmental quality; and

WHEREAS, NEPA regulations apply to a wide range of vital projects for states such as roads, bridges, traditional and renewable energy projects, transmission lines, timber, mining, grazing, and broadband development just to name a few; and

WHEREAS, NEPA is a procedural statute that requires federal agencies to analyze the impacts of major federal actions and does not mandate substantive outcomes; and

WHEREAS, there are different levels of NEPA review depending on the significance of the project, including a categorical exclusion, environmental assessment (EA), and environmental impact statement (EIS); and

WHEREAS, the spirit and intent behind the adoption of NEPA 50 years ago has been eroded. A 2018 report issued by CEQ stated that the average EIS takes nearly 5 years to complete and exceeds 600 pages in length. The average EIS for a transportation project under the Federal Highway Administration takes well over 7 years; and

WHEREAS, too often NEPA is used as a tool to slow or halt meaningful projects. Agencies are now preparing NEPA documents in preparation of litigation, which increases the time and costs associated with federal projects; and

WHEREAS, in 1978, CEQ issued regulations, set forth in 40 CFR 1500-1508, to guide federal implementation of NEPA. These regulations have not been substantively updated in over 40 years; and

WHEREAS, on April 10, 2019, President Trump issued the Executive Order on Promoting Energy Infrastructure and Economic Growth, which called for "efficient permitting processes and procedures that employ a single point of accountability, avoid duplicative and redundant studies and reviews, and establish clear and reasonable timetables"; and

WHEREAS, on January 10, 2020, the Trump Administration, through CEQ, published a set of proposed reforms aimed at reducing paperwork and inefficiencies related to the NEPA process, while still safeguarding the environment; and

WHEREAS, the proposed reforms would enhance coordination with states, localities, and tribes and would better utilize existing studies, data, and analyses prepared by the states; and

WHEREAS, the proposed reforms would set presumptive time and page limits for NEPA review documents; and

WHEREAS, the proposed reforms would cut down on federal red tape helping to deploy critical projects to advance economic development in a timely manner; and

WHEREAS, NEPA reform has long-standing bipartisan support. The Obama Administration signed into law a reform designating a lead federal agency for certain construction projects that include several different federal decision makers known as the Fixing America's Surface Transportation (FAST) Act; and

WHEREAS, the current NEPA process, including project analysis and subsequent litigation, has oppressed the State of Idaho and caused severe negative economic impacts on our citizens.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we support the effort by the Trump Administration, through the Executive Office of the President, to modernize and simplify the NEPA regulations in order to streamline the review process without changing environmental standards.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Council of Environmental Quality, the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 9, 2020

Adopted by the Senate March 18, 2020

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 118)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ESTABLISHING MARCH 14 AS IDAHO WOMEN'S DAY, TO ACKNOWLEDGE THE INFLUENCE, IMPACT, AND IMPORTANCE OF WOMEN IN IDAHO'S PAST, PRESENT, AND FUTURE.

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

WHEREAS, on March 14, 1891, Idaho's first State Legislature passed Senate Bill No. 103, "An Act Providing A Great Seal For the State of Idaho," thereby adopting for official use Ms. Emma Edwards Green's rendering of the Idaho State Seal, the only state seal ever designed by a woman; and

WHEREAS, the imagery of the Great Seal of the State of Idaho depicts a woman and a man as equal representatives of Idaho's unlimited potential. It suggests that women represent the ideals of justice and liberty and that they maintain equity in the state's bounties; and

WHEREAS, the Idaho State Legislature and Governor of the State of Idaho approved the design five years before the Idaho State Legislature passed legislation in 1896 granting women the right to vote, more than twenty years before the 1920 ratification of the Nineteenth Amendment to the U.S. Constitution; and

WHEREAS, August 18, 2020, marks the centennial passage of the Nineteenth Amendment, granting women the right to vote throughout the United States of America. The centennial of the Nineteenth Amendment is a proper time to honor and recognize women leaders of our past and present who, through their skill, conviction, empathy, and determination, have had significant positive impacts on Idahoans, personally and professionally; and

WHEREAS, it is in the State of Idaho's interest to foster women leaders of the future and advance their leadership in business and politics; and

WHEREAS, celebration of the centennial of the Nineteenth Amendment will help encourage women to exercise their right to vote and understand the history of the struggle to secure women's suffrage.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we establish March 14 as Idaho Women's Day, to acknowledge the influence, impact, and importance of women in Idaho's past, present, and future.

Adopted by the Senate January 29, 2020

Adopted by the House February 5, 2020

(S.C.R. No. 119)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DESIGNATING NOVEMBER 7 IN 2020 AND IN EACH SUCCEEDING YEAR AS VICTIMS OF COMMUNISM MEMORIAL DAY.

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

WHEREAS, the year 2017 marked 100 years since the Bolshevik Revolution in Russia resulting in the world's first communist regime under Vladimir Lenin, which led to decades of oppression and violence under communist regimes throughout the world; and

WHEREAS, based on the philosophy of Karl Marx, communism has proven incompatible with the ideals of liberty, prosperity, and dignity of human life and has given rise to such infamous totalitarian dictators as Joseph Stalin, Mao Zedong, Ho Chi Minh, Pol Pot, Nicolae Ceaușescu, the Castro brothers, and the Kim dynasty; and

WHEREAS, President Donald Trump declared November 7, 2017, a National Day for the Victims of Communism, condemning communism as a political philosophy "incompatible with liberty, prosperity, and the dignity of human life"; and

WHEREAS, the bipartisan U.S. Congressional Caucus for the Victims of Communism stated publicly in 2018 that "Marx's defenders often say he cannot be held accountable for what communist regimes did long after his life and death; but Marxist dictators who massacred their own people were applying communist ideology to political practice"; and

WHEREAS, communist regimes worldwide have killed more than 100 million people and subjected countless others to the worst and widest-spread human rights abuses known to history, with victims representing many different ethnicities, creeds, and backgrounds; and

WHEREAS, through false promises of equality and liberation, communist regimes have as a matter of government policy robbed their own citizens of the rights of freedom of religion, freedom of speech, and freedom of association through coercion, brutality, and fear; and

WHEREAS, many victims of communism were persecuted as political prisoners for speaking out against these regimes, and others were killed in genocidal state-sponsored purges; and

WHEREAS, in addition to violating basic human rights, communist regimes have suppressed freedom of conscience, cultural life, and self-determination movements in more than 40 nations; and

WHEREAS, the Victims of Communism Memorial Foundation in Washington, D.C., is a nonprofit organization, authorized by unanimous act of the United States Congress that educates people about the ideology, history, and legacy of communism and honors the people who have suffered and died under communist regimes.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that November 7 in 2020 and in each succeeding year be designated as Victims of Communism Memorial Day.

BE IT FURTHER RESOLVED that the Secretary of the Senate transmit a copy of this resolution to the Victims of Communism Memorial Foundation so that members of the organization may be apprised of the state's action on this matter and further cause the resolution to be posted on the Legislature's website.

Adopted by the Senate January 31, 2020

Adopted by the House February 7, 2020

(S.C.R. No. 120)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION RESEARCH ALTERNATIVES TO THE TENTH GRADE IDAHO STANDARDS ACHIEVEMENT TEST.

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

WHEREAS, the federal government requires an assessment aligned to state content standards to measure student academic performance in grades 3 through 8 and once in high school; and

WHEREAS, Idaho currently uses the Idaho Standards Achievement Test (ISAT) to fulfill federal requirements; and

WHEREAS, many high school students have little motivation to do well on the ISAT, making the test data of little value as a measure of student learning; and

WHEREAS, federal requirements allow for more state flexibility, including replacing the ISAT with other tests such as the SAT; and

WHEREAS, Idaho already gives the SAT to all high school juniors; and

WHEREAS, students have more incentive to do well on the SAT, which would result in better data to understand student learning.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature requests that the State Board of Education and the State Department of Education work together to research options to stop administering the grade 10 ISAT and replace it with another assessment, such as the SAT.

Adopted by the Senate February 6, 2020

Adopted by the House February 24, 2020

(S.C.R. No. 122)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE STATE DEPARTMENT OF EDUCATION AND STATE BOARD OF EDUCATION RESEARCH AND IMPLEMENT NEW HIGH SCHOOL GRADUATION PATHWAYS APPROPRIATE FOR COLLEGE-BOUND STUDENTS AND CAREER TECHNICAL STUDENTS.

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

WHEREAS, Idaho high school graduation rates need improvement; and

WHEREAS, current high school graduation requirements are designed specifically for the needs of college-bound students; and

WHEREAS, many students are more interested in applied education found in career technical education pathways; and

WHEREAS, the Legislature is increasingly recognizing the importance of and need for more robust career technical education and skilled workforce training in high school; and

WHEREAS, many career technical skills and training require high levels of hands-on experience and the ability to read and do math in forms other than those appropriate for college-bound students; and

WHEREAS, graduation requirements that meet the needs of career technical students would increase graduation rates and open career doors for many more students; and

WHEREAS, other states allow career technical students various methods of demonstrating mastery and meeting graduation requirements, such as a combination of:

- (1) Math, English, and science credits aligned with their program of study;
- (2) Earning high school credits, college credits, and industry certificates;
- (3) Passing the SAT at a certain level;
- (4) Using the Armed Forces Vocational Aptitude Battery (ASVAB);
- (5) Participating in two or more extracurricular activities, such as FFA or band; or
- (6) Other college and career readiness metrics; and

WHEREAS, qualifying for a high school graduation diploma in either an applied career path or academic path requires demonstration of skills, knowledge, and important personal attributes that would increase the value and importance of an Idaho high school diploma; and

WHEREAS, students should be honored and supported whether they choose a college-bound path, a career technical path, or a combination of both.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State Department of Education and the State Board of Education are requested to research and implement new high school graduation pathways that are appropriate for college-bound students and career technical students and that will support and encourage them in reaching their goals. Such pathways should accurately predict future success.

Adopted by the Senate February 12, 2020

Adopted by the House March 18, 2020

(S.C.R. No. 123)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENDORSING THE NEED FOR THE IDAHO DIVISION OF VETERANS SERVICES TO REQUEST FEDERAL GRANTS TO EXPAND THE BOISE VETERANS CEMETERY AND TO FUND THE RENOVATION OF MULTIPLE CATEGORIZED LIFE SAFETY PROJECTS AT THE STATE VETERANS HOMES IN LEWISTON AND POCATELLO.

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

WHEREAS, Idaho is home to more than 122,000 veterans; and

WHEREAS, pursuant to 38 CFR the state is obligated to provide for ongoing cemetery maintenance and operation of state veterans homes and cemeteries; and

WHEREAS, there exists a need to expand our beautiful final resting place for Idaho veterans to meet the future needs of southwestern Idaho veterans and their families at the Boise Veterans Cemetery; and

WHEREAS, the federal government shares this belief, and the Department of Veterans Affairs Veterans Cemetery Grants Program pays 100% of architectural and engineering allowable costs for the expansion of a state veterans cemetery; and

WHEREAS, the state is obligated to provide 10% architectural and engineering matching funds necessary to qualify for federal funding under the Department of Veterans Affairs Veterans Cemetery Grants Program; and

WHEREAS, the 10% matching funds for the architectural and engineering allowable costs will be reimbursed to the state following grant award; and

WHEREAS, there exists a need to complete multiple categorized life safety projects at the Idaho State Veterans Homes in Lewiston and Pocatello to improve and maintain the quality of care and services provided and ensure the future safety of our veteran residents and their families; and

WHEREAS, the state is obligated to provide and care for its residents in a safe environment that promotes health, maintenance, and enhancement of each resident's quality of life; and

WHEREAS, the Department of Veterans Affairs' State Veterans Home Construction Grant Program pays up to 65% of the cost of construction and renovation of state nursing home facilities; and

WHEREAS, the state is obligated to provide 35% matching funds necessary to qualify for the State Veterans Home Program federal funding; and

WHEREAS, state leaders have identified the cemetery expansion and veterans home categorized life safety projects as a priority to maintain the quality of services and care the Idaho Division of Veterans Services provides to our Idaho veterans.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we endorse the need for the Idaho Division of Veterans Services to request federal grants to expand the Boise Veterans Cemetery and fund the renovation of multiple categorized life safety projects at the State Veterans Homes in Lewiston and Pocatello.

Adopted by the Senate February 5, 2020

Adopted by the House March 16, 2020

(S.C.R. No. 125)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF INTRASTATE COMMERCIAL AIR SERVICE IN THE STATE OF IDAHO AND TO DEVELOP A LONG-TERM, VIABLE STRATEGY FOR SUSTAINABLE INTRASTATE COMMERCIAL AIR SERVICE IN THE STATE.

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

WHEREAS, the State of Idaho is 479 miles long and 305 miles wide, spans two time zones, and covers an area from the Pacific Northwest to the Snake River Plain and the Rocky Mountains; and

WHEREAS, Idaho's vast distances, rugged landscapes, and expansive wilderness areas present unique transportation challenges; and

WHEREAS, these challenges have also led to many positive innovations, including with respect to air travel; and

WHEREAS, air travel, ranging from single-engine charters accessing backcountry areas to commercial airline services connecting population centers, has provided essential services and economic benefits to the citizens of Idaho for more than seventy years; and

WHEREAS, Idaho is one of the fastest growing states in the nation and yet, as the seventh least-densely populated, faces significant challenges with respect to connecting its growing population and economic centers to each other; and

WHEREAS, commercial airline services that have historically connected the population centers of Idaho to each other have either completely stopped or have greatly reduced their services for various reasons, including changes in airline industry business models and federal regulations; and

WHEREAS, today, commercial airline service between Idaho's population centers uses routes that take passengers outside the State of Idaho, resulting in a decrease in intrastate commerce and an increase in travel time and expense for Idaho citizens as well as economic loss to the state; and

WHEREAS, coordinated efforts between the state, local communities, and industry to improve commercial air service in Idaho are essential to the recruitment, retention, and growth of businesses, research institutions, and higher education in the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of intrastate commercial air service in the State of Idaho and to develop a long-term, viable strategy for sustainable intrastate commercial air service in the state. The committee shall be composed of one voting member to be appointed by the President Pro Tempore of the Senate and one voting member to be appointed by the Speaker of the House of Representatives to serve as cochairs of the committee.

BE IT FURTHER RESOLVED that nine (9) nonlegislative voting members shall be appointed by the cochairs of the committee. Appointments to the committee shall include, to the extent practicable, one (1) member of the Idaho Transportation Department, three (3) members of the Idaho business community, two (2) public members, one (1) member from the commercial airline industry, and two (2) members who are Idaho airport directors. To the extent practicable, these appointments shall include representation from each county served by an airport with commercial air service. Nonlegislative members of the committee shall not be reimbursed from legislative funds for per diem, mileage, or other expenses.

BE IT FURTHER RESOLVED that the committee is also authorized to retain the services of a consultant or analyst, with the prior approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, who is familiar with commercial airline service and who can provide necessary economic or other research that can assist the committee and the Legislature in making an informed decision on this important topic.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations, and proposed legislation, if any, to the First Regular Session of the Sixty-sixth Idaho Legislature.

Adopted by the Senate February 10, 2020

Adopted by the House February 24, 2020

(S.C.R. No. 126)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND SUPPORTING A COLLABORATION AMONG THE THREE BRANCHES OF THE STATE GOVERNMENT, LOCAL GOVERNMENTS, AND COMMUNITY PARTNERS IN DEVELOPING AND IMPLEMENTING A STATEWIDE STRATEGIC PLAN TO IMPROVE THE IDAHO BEHAVIORAL HEALTH SYSTEM.

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

WHEREAS, tremendous social and economic value will inure to the people of Idaho with the strategic development of a more effective behavioral health system that is devised, implemented, and sustained statewide; and

WHEREAS, all three branches of the state government, local governments, and community partners play an integral role in ensuring a reliable and productive behavioral health system for the people of Idaho; and

WHEREAS, behavioral health issues, consisting of mental health and substance use disorders, are currently both chronic and pervasive, detrimentally affecting a significant and growing portion of Idaho's population, as well as the economy of Idaho; and

WHEREAS, Idaho has demonstrated a commitment to improving the behavioral health system and has previously made considerable improvements to the system; and

WHEREAS, despite the state having already invested significant resources to meet behavioral health needs, the behavioral health system continues to require a more coordinated, integrated, and collaborative structure; and

WHEREAS, an organized and strategic response, developed and implemented collaboratively, provides an unprecedented opportunity for continued improvement and sustained access to effective behavioral health outcomes for Idahoans and a better return on the investment of public resources.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we support and encourage a collaboration among all three branches of the state government, local governments, and community partners to develop and implement a statewide strategic plan to inventory, assess, and materially improve the Idaho behavioral health system to the benefit of all Idahoans.

BE IT FURTHER RESOLVED that to effectuate this statewide strategic plan, the Legislature endorses and supports the creation of a Behavioral Health Council by the Honorable Brad Little, Governor of the State of Idaho.

Adopted by the Senate February 10, 2020

Adopted by the House February 13, 2020

(S.C.R. No. 128)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING IDAHO HIGH SCHOOLS, COLLEGES, AND UNIVERSITIES TO OFFER CREDIT-BEARING PERSONAL FINANCE CLASSES TO THEIR STUDENTS.

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

WHEREAS, recent studies show that Americans between the ages of 18 and 29 owe over one trillion dollars in debt; and

WHEREAS, high levels of debt are associated with anxiety, depression, and other adverse health conditions; and

WHEREAS, high levels of debt can delay or prevent the achievement of major life milestones, including marriage, parenthood, and home ownership; and

WHEREAS, according to a recent study by the University of Illinois at Urbana-Champaign, only 22% of Americans aged 18 to 24 are financially stable; and

WHEREAS, lack of financial stability while young can have long-lasting effects; and

WHEREAS, few young Americans report feeling confident in their financial literacy; and

WHEREAS, young Americans who receive financial advice at an early age report less financial stress and adversity; and

WHEREAS, it is the belief of the Legislature that making personal finance classes available to Idaho students would promote financial stability.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Idaho high schools, colleges, and universities are encouraged to offer credit-bearing personal finance classes to their students in order to impart financial literacy and promote financial stability among young Idahoans.

BE IT FURTHER RESOLVED that such classes should cover the fundamentals of personal finance, including lessons on opening checking and savings accounts, buying a car, taking out a mortgage or other loans, purchasing insurance, making investments, credit card use, and credit reports.

Adopted by the Senate February 19, 2020

Adopted by the House March 18, 2020

(S.C.R. No. 130)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, HONORING BILL RODEN FOR HIS COMMITMENT AND CONTRIBUTIONS TO THE PEOPLE AND THE STATE OF IDAHO, AND DESIGNATING THE LOBBYIST LOUNGE IN THE CAPITOL BUILDING AS THE BILL RODEN MEMORIAL LOUNGE.

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

WHEREAS, William C. "Bill" Roden was born in 1929 in Camas, Washington, moving to Boise when he was a child; and

WHEREAS, Bill Roden and his family spent part of his childhood living in Japanese internment camps during World War II while his father worked for the federal government so that the family could experience first-hand the impact of the country's decision of internment; and

WHEREAS, Bill Roden attended Boise High School, Boise Junior College, and the University of Idaho Law School, graduating in 1953; and

WHEREAS, as part of his distinguished career, Bill Roden served in the U.S. Army's Counterintelligence Corps, worked in the Idaho Attorney General's Office, and served as the Ada County Prosecutor; and

WHEREAS, in 1960, Bill Roden was elected to his first of four terms in the Idaho Senate, eventually serving as Senate Majority Leader; and

WHEREAS, following his time in the Idaho Legislature, Bill Roden began a successful career as an Idaho legislative advisor, was a founding member of the Idaho Legislative Advisors organization and widely regarded as "the Dean" of the Idaho Legislative Advisors, and was considered one of the most knowledgeable and respected lobbyists in Idaho; and

WHEREAS, one of Bill Roden's proudest accomplishments was writing the first civil rights legislation for Idaho in 1969; and

WHEREAS, in 2012, Bill Roden was named one of Idaho's 100 most influential people in a book on the people who most shaped the Gem State; and

WHEREAS, Governor Brad Little said of Bill Roden, "For nearly 60 years, Bill Roden helped shape the quality of life we enjoy in Idaho. Bill was always generous in giving his advice and counsel to new legislators and governors, and his advice was not just welcome but needed."; and

WHEREAS, though Bill Roden passed away peacefully on July 8, 2019, he left behind a lasting legacy that has touched many people and will continue to do so.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize and honor the remarkable life of Bill Roden and his unrelenting commitment and contributions to the people and the State of Idaho.

BE IT FURTHER RESOLVED that the lobbyist lounge on the Garden Level of the Idaho State Capitol shall now be known as the "Bill Roden Memorial Lounge."

Adopted by the Senate February 24, 2020

Adopted by the House March 12, 2020

(S.C.R. No. 132)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE IDAHO CONTENT STANDARDS.

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

WHEREAS, the Idaho Constitution requires that the Legislature establish and maintain a general, uniform, and thorough system of public schools; and

WHEREAS, as part of this responsibility, the Legislature should from time to time review the content standards for Idaho schools in order to ensure that the educational needs of Idaho students are being met; and

WHEREAS, Idaho has adopted mathematics and English language arts standards based on the original recommendations developed under the Common Core State Standards Initiative; and

WHEREAS, the Idaho Content Standards for Science were developed under the Next Generation Science Standards and adopted with modifications in 2018; and

WHEREAS, the role of local school boards in setting curriculum and content should be respected in developing any new content standards; and

WHEREAS, the local school boards are responsible and accountable to parents and students; and

WHEREAS, the Idaho Content Standards for Mathematics and English Language Arts/Literacy are scheduled for review in 2021; and

WHEREAS, the Legislature currently has concerns regarding certain aspects of Idaho's content standards; and

WHEREAS, some members of the general public have expressed concerns about the content standards as well, with parents and others wanting to understand the content standards in order to cooperate in the instruction of students; and

WHEREAS, any new content standards should set high standards for Idaho students with the support of the community; and

WHEREAS, Idaho students deserve an education that prepares them for a competitive future; and

WHEREAS, the Legislature desires to improve the proficiency of Idaho students.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of the Idaho Content Standards and to consider and recommend new content standards for Idaho schools. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice, and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that in considering the Idaho Content Standards, the committee should hear from standards experts, education professionals, parents, students, and other interested parties on how standards differ from curriculum and make specific recommended changes for standards.

BE IT FURTHER RESOLVED that the committee should consider and recommend a process for adopting new content standards, which process should take into account the time necessary for standards review and implementation, including the preparation of instructional materials and testing of the new standards.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage, or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations, and proposed legislation, if any, to the First Regular Session of the Sixty-sixth Idaho Legislature.

Adopted by the Senate February 12, 2020

Adopted by the House March 17, 2020

(S.C.R. No. 133)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, EXPRESSING SUPPORT FOR MILITARY AND VETERAN CAREGIVERS, AND PROCLAIMING MAY AS HIDDEN HEROES MONTH IN IDAHO.

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

WHEREAS, the series of wars in which our nation has been engaged since World War II has resulted in 5.5 million military and veteran caregivers, who are parents, spouses, siblings, and friends, caring for the wounded, ill, or injured American heroes who have served our nation; and

WHEREAS, the daily tasks of these military and veteran caregivers can include bathing, feeding, and dressing wounded warriors, caring for their grievous injuries, administering medications, providing emotional support, providing full medical support, caring for the family and the home, and working outside the home to earn essential income; and

WHEREAS, the nation provides multifaceted support to our wounded, ill, and injured veterans and service members through public, private, and philanthropic resources; and

WHEREAS, most military and veteran caregivers consider the challenging work they do as simply carrying out their civic and patriotic duties, without realizing that they are, in fact, caregivers, and do not identify themselves as such; and

WHEREAS, according to research conducted by the Elizabeth Dole Foundation, an alarming number of military and veteran caregivers are suffering numerous debilitating mental, physical, and emotional effects as a result of their caregiving duties.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we support the residents of Idaho who are serving in vital military and veteran caregiving roles, encourage all who care for and support veterans and service members to also extend support to their caregivers, and proclaim the month of May 2020, and each month of May thereafter, as Hidden Heroes Month in conjunction with Military Appreciation Month.

Adopted by the Senate February 18, 2020

Adopted by the House March 17, 2020

(S.C.R. No. 134)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT AN INTERIM COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF PROPERTY TAXES AND PROPERTY TAX REVENUE EXPENDITURES.

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

WHEREAS, rising property taxes are a major concern to residential property owners; and

WHEREAS, the Idaho Legislature has had many measures introduced over the years regarding the property tax in an effort to provide relief to payers of the property tax; and

WHEREAS, the property tax structure is complex and requires study and evaluation by the Idaho Legislature; and

WHEREAS, it is also reasonable to review expenditures of property tax revenue in order to consider property tax relief for the citizens of the state; and

WHEREAS, in order to provide property tax relief, it may be appropriate to find alternative funding sources for the systems dependent on property tax revenues; and

WHEREAS, it is the goal of the Legislature to provide reasonable property tax relief to the citizens of the state, while still encouraging economic development and providing necessary funding for local units of government to operate and serve Idaho citizens.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of the property tax system in Idaho, including expenditures of property tax revenues. The principal goal of the committee shall be to make recommendations that provide Idahoans with property tax relief, encourage economic development, and meet the needs of local units of government. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice, and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage, or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations, and proposed legislation, if any, to the First Regular Session of the Sixty-sixth Idaho Legislature.

Adopted by the Senate February 20, 2020

Adopted by the House March 11, 2020

(S.C.R. No. 135)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND SUPPORTING GOVERNOR BRAD LITTLE AND THE IDAHO DEPARTMENT OF CORRECTION IN THEIR OPPOSITION TO THE STATE OF IDAHO PROVIDING GENDER REASSIGNMENT SURGERY TO ADREE EDMO.

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

WHEREAS, Adree Edmo was convicted of sexual abuse of a child under the age of 16 in 2012 and is currently an inmate at the Idaho State Correctional Center serving a sentence of 3 to 10 years; and

WHEREAS, Edmo has been living as a woman for years and is seeking gender reassignment surgery to be provided by the State of Idaho; and

WHEREAS, Edmo filed suit, and the U.S. District Court ruled that the Idaho Department of Correction must provide the surgery; and

WHEREAS, the Ninth Circuit Court of Appeals upheld the District Court's ruling and has denied the State of Idaho's request to rehear the decision; and

WHEREAS, Edmo has already begun receiving treatment in preparation for the surgery; and

WHEREAS, if the procedure is performed, it would be the first time an inmate has undergone gender reassignment surgery while in the Department of Correction's custody; and

WHEREAS, requiring the State of Idaho to provide gender reassignment surgery at taxpayers' expense would set an unreasonable and unjustified precedent and could require the state to provide many more in the future; and

WHEREAS, Director Josh Tewalt of the Department of Correction has stated "[P]rison is not where you go to get unwarranted surgery."; and

WHEREAS, Governor Little has declared "I am disappointed the majority of the Ninth Circuit declined to reverse its flawed decision. I am encouraged, however, that several judges recognized in dissenting opinions that the decision conflicts with decisions of multiple other circuits, goes well-beyond the Eighth Amendment's text and original meaning, and is contrary to more than four decades of Supreme Court precedent. I remain committed to appealing this case to the U.S. Supreme Court-that effort is already under way-and to ensuring that Idaho taxpayers do not have to pay for a procedure that is not medically necessary."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we support the Department of Correction and Governor Little in their opposition to the State of Idaho providing gender reassignment surgery to Adree Edmo and support any action that the Governor might take to stop the surgery.

Adopted by the Senate February 27, 2020

Adopted by the House March 11, 2020

(S.C.R. No. 137)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE IDAHO WATER RESOURCE BOARD TO WORK EXPEDITIOUSLY WITH LOCAL WATER USERS TO DEVELOP A COMPREHENSIVE SETTLEMENT THAT RESOLVES CURRENT TENSIONS AND CONFLICTS THAT ARE THE RESULT OF COMPETING WATER SUPPLY DEMANDS IN THE LEMHI RIVER BASIN AND THAT THE COMPREHENSIVE SETTLEMENT, TO THE BEST OF THE ABILITIES OF THE PARTICIPATING PARTIES AND IN THE SPIRIT OF COMPROMISE AND RESOLUTION, IS CONSISTENT WITH PAST PRACTICES, FUTURE NEEDS, AND IDAHO LAW.

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

WHEREAS, Lemhi irrigators have diverted natural flow in the Lemhi River Basin in excess of their decreed rights for their shared benefit during the spring runoff in late May or June when flows exceed the amount of water required to satisfy all existing water rights for almost as long as there has been irrigation in the Lemhi River Basin; and

WHEREAS, the 1982 Lemhi Basin Decree memorialized the high-flow practice in a general provision that allowed irrigators whose rights were decreed in the Lemhi Adjudication to continue to divert "so called 'high waters' or 'flood waters' in addition to the quantified rights as described in the recommended decree of water rights"; and

WHEREAS, the 1982 Lemhi Basin Decree defined high water or flood water as the diversion of "natural flow of water over and above the amount required to fulfill (1) existing quantified rights as shown in the decree of water rights and (2) any future rights that may be established pursuant to statutory procedures of the State of Idaho"; and

WHEREAS, Lemhi irrigators sought to decree the high-flow practice through the filing of claims in the Snake River Basin Adjudication (SRBA); and

WHEREAS, the Lemhi water users' claims were denied by the SRBA District Court as a result of objections to the claims by the United States, the Nez Perce Tribe, and conservation groups; and

WHEREAS, the SRBA District Court reaffirmed the Lemhi Basin Decree high-flow general provision through the inclusion of the Basin 74 General Provision in the SRBA Final Unified Decree; and

WHEREAS, since the early 1990s, Lemhi irrigators have led an effort to protect and enhance salmon runs in the Lemhi River Basin, including but not limited to providing passage flows for salmon, screening diversion works, and implementing habitat improvement projects; and

WHEREAS, the National Marine Fisheries Services (NOAA Fisheries), in the spring of 2000, threatened to bring an enforcement action under the Endangered Species Act (ESA) against Lemhi irrigators for dewatering of the Lemhi River at the L-6 diversion; and

WHEREAS, the 2001 Idaho Legislature enacted Section 42-1506, Idaho Code, at the request of the Lemhi River Basin irrigators, which authorized the Idaho Water Resource Board to appropriate a minimum stream flow in the lower reach of the Lemhi River to provide fish passage and protect Lemhi water users from ESA enforcement actions; and

WHEREAS, the Lemhi minimum stream flow is sustained, in part, through the Lemhi water bank and voluntary agreements not to divert when the minimum stream flow is not being met; and

WHEREAS, the biological and business goals of the Lemhi irrigators are to conserve, restore, and enhance sufficient habitat to sustain viable fish populations in the Lemhi River Basin while protecting private property rights and preserving and enhancing the farming and ranching lifestyle and economy of the Lemhi River Basin; and

WHEREAS, in the absence of storage reservoirs in the Lemhi River Basin, the high-flow practice helps to achieve the Lemhi irrigators' stated biological and business goals by extending the water supply for irrigators and enhancing the natural flow of the Lemhi River during the dry summer months; and

WHEREAS, consistent with the Lemhi irrigators' biological and business goals, 15 cubic feet per second (cfs) of the 35 cfs of the Lemhi minimum in-stream flow water right diversion rate is subordinated to high water or flood water authorized under the Lemhi Basin Decree; and

WHEREAS, a consequence of the SRBA District Court not decreeing the Lemhi irrigators' high-flow claims is that the high-flow practice does not have an established priority date and therefore is not protected from junior water rights diverting and diminishing the water supply available for future high-flow diversions; and

WHEREAS, without protection for the Lemhi high-flow practice, high-flow water supplies historically available to the irrigators could be reduced, maintenance of the Lemhi minimum stream flow could be compromised, and Lemhi water users could face an increased risk of ESA enforcement actions; and

WHEREAS, the SRBA decreed the U.S. Forest Service federal reserved water rights 75-13316 and 77-11941 on the main stem Salmon River in the SRBA; and

WHEREAS, the quantity of the U.S. Forest Service's Salmon River reserved water rights would have precluded most future development in the Salmon River Basin, the Forest Service agreed to subordinate its water rights to up to "150 cfs (including not more than 5,000 acres of irrigation...) when the mean daily discharge at the Shoup gage is [less than] 1,280 cfs" and "an additional diversion of 225 cfs (including up to an additional 10,000 acres of irrigation...) when the mean daily discharge at the Shoup gage is [greater than or equal to] 1,280 cfs"; and

WHEREAS, since the decree of the Lemhi minimum stream flow water right and the Salmon River federal reserved water rights, certain irrigators in the Lemhi River Basin have or are in the process of perfecting water rights in the Lemhi River Basin; and

WHEREAS, the SRBA Final Unified Decree establishes that 27 tributaries to the Lemhi River "shall be administered separately from all other water rights in [the Lemhi] Basin ... in accordance with the prior appropriation doctrine as established by Idaho law"; and

WHEREAS, the SRBA District Court held the separate streams general provision does not preclude the U.S. Forest Service from making a delivery call under its Salmon River federal reserved water rights; and

WHEREAS, new applications to appropriate water on tributary streams have led to numerous protests by downstream Lemhi water users, conservation groups, and state agencies; and

WHEREAS, the Idaho Department of Water Resources has recently conditioned certain protested water right permit applications in the Lemhi River Basin limiting the diversion of water authorized by the permits to times when stream flows at specified locations within the Lemhi River Basin exceed certain minimum flow rates, and these conditioned stream flow diversion limitations are separate and apart from the Lemhi minimum stream flow water right; and

WHEREAS, the State of Idaho must harmonize its competing duties to protect existing water rights, to safeguard the provisions of the Forest Service settlement, to allocate additional water rights, to conserve, restore, and enhance sufficient habitat to sustain viable fish populations, and to enhance the farming and ranching lifestyle and the economy of the Lemhi River Basin; and

WHEREAS, the above described legal developments have created legal uncertainty for all water users in the Lemhi River Basin; and

WHEREAS, the Legislature finds it is in the public interest for affected stakeholders to work collaboratively to develop a comprehensive solution that achieves the Lemhi irrigators' biological and business goals of conserving, restoring, and enhancing sufficient habitat to sustain viable fish populations in the Lemhi River Basin while protecting private property rights and preserving and enhancing the farming and ranching lifestyle and economy of the Lemhi River Basin; and

WHEREAS, Section 42-1734, Idaho Code, provides authority to the Idaho Water Resource Board to cooperate in water studies, planning, and research; and

WHEREAS, the Idaho Legislature established the Aquifer Planning and Management Fund to provide moneys for "monitoring, measurement and comprehensive plan development as well as for personnel costs, operating expenditures and capital outlay associated with the statewide comprehensive aquifer planning and management effort."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we direct the Idaho Water Resource Board, with technical support from the Idaho Department of Water Resources, to work expeditiously with local water users to develop a comprehensive settlement that resolves current tensions and conflict that are the result of competing water supply demands in the Lemhi River Basin and that the comprehensive settlement, to the best of the abilities of the participating parties and in the spirit of compromise and resolution, is consistent with past practices, future needs, and Idaho law.

BE IT FURTHER RESOLVED that the Idaho Water Resource Board report to the First Regular Session of the Sixty-sixth Idaho Legislature on the implementation of this resolution.

Adopted by the Senate March 11, 2020

Adopted by the House March 17, 2020

(S.C.R. No. 138)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, RECOGNIZING AND HONORING THE REMARKABLE LIFE OF JOHN ROSHOLT AND HIS COMMITMENT AND CONTRIBUTIONS TO THE PEOPLE AND THE STATE OF IDAHO, AND DESIGNATING THE WATER LAW COLLECTION AT THE IDAHO STATE LAW LIBRARY AS THE JOHN ROSHOLT MEMORIAL WATER LAW COLLECTION.

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

WHEREAS, John Rosholt was born to Allen and Dorothy Berger Rosholt in Lewiston, Idaho, where he was raised working long summers with his father in the Clearwater National Forest; and

WHEREAS, John Rosholt graduated from the University of Idaho and received his law degree from the University of Idaho; and

WHEREAS, John Rosholt's lifelong commitment to the University of Idaho included the establishment of the John A. Rosholt Roundtable for Visiting Professionals and serving on the advisory councils for both the College of Law and the College of Letters and Social Sciences; and

WHEREAS, in 1964, John Rosholt began practicing law in Twin Falls, Idaho, where he became an authority on Idaho water law, including the drafting of numerous state statutes, and served on state and national boards, including the National Water Resources Association, for which he served as president; and

WHEREAS, John Rosholt represented irrigation delivery entities in Idaho for over 40 years, was instrumental in the rebuilding of American Falls, Jackson Lake, and Milner dams, and played a key role in the Snake River Basin Adjudication, including both the historic Fort Hall and Nez Perce Tribal Water Rights Agreements; and

WHEREAS, John Rosholt has been recognized for his service to the state and its people, receiving the Lifetime Achievement Award from the Twin Falls Chamber of Commerce, the Idaho State Bar Association Professionalism Award, the Distinguished Lawyer Award from the Idaho State Bar Association, and the Outstanding Service Award from the Idaho Water Users Association, as well as being inducted into the University of Idaho's Alumni Hall of Fame in 2013, the Athletic Hall of Fame in 2016, and the Idaho Water Users Association's Karen Joy Edwards Hall of Fame in 2020; and

WHEREAS, though John Rosholt passed away on November 5, 2019, at the age of 81, he left behind a lasting legacy that will continue to touch everyone he knew and many more.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize and honor the remarkable life of John Rosholt and his commitment and contributions to the people and the State of Idaho.

BE IT FURTHER RESOLVED that the Water Law Collection in the Idaho State Law Library, operated under the joint management of the Idaho Supreme Court and the University of Idaho College of Law, shall now be known as the "John Rosholt Memorial Water Law Collection."

Adopted by the Senate March 9, 2020

Adopted by the House March 17, 2020

HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 24)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH 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-fifth Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 6, 2020.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth 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, 2020, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 6, 2020

Adopted by the Senate January 6, 2020

(H.C.R. No. 25)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AFFIRMING THE HISTORICAL VALUE OF THE DESIGNATION OF CHICKEN DINNER ROAD IN CANYON COUNTY, IDAHO.

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

WHEREAS, the road commonly known as Chicken Dinner Road in Canyon County, Idaho, was originally named Lane 12; and

WHEREAS, Morris and Laura Lamb lived on Lane 12, and Mrs. Lamb was famous for her fried chicken, apple pie, and hot rolls; and

WHEREAS, the Lambs were close friends of Governor and Mrs. C. Ben Ross; and

WHEREAS, on one occasion in 1930, Mrs. Lamb invited Governor C. Ben Ross and his wife to dinner; and

WHEREAS, at that dinner, Mrs. Lamb remarked on the poor conditions of Lane 12 to the Governor; and

WHEREAS, Governor C. Ben Ross replied to Mrs. Lamb that, if she could get the road graded and graveled, he would see that it was oiled; and

WHEREAS, Mrs. Lamb convinced the Canyon County commissioners to grade and gravel the road and then called the Governor to remind him of his promise; and

WHEREAS, the next day, after Mrs. Lamb called Governor C. Ben Ross, the road was oiled, and on the following morning, the words "Lamb's Chicken Dinner Avenue" were painted in big yellow letters on the road; and

WHEREAS, after school children started chanting "chicken dinner, chicken dinner!" on their way to school, the new name of the road stuck.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature considers Chicken Dinner Road in Canyon County, Idaho, to be of important historical value and that the official name for the former Lane 12 should always be "Chicken Dinner Road."

Adopted by the House January 27, 2020

Adopted by the Senate February 12, 2020

(H.C.R. No. 27)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND CONGRATULATING THE CITY OF IDAHO FALLS AND BONNEVILLE COUNTY FOR THE PRESERVATION OF THE HISTORIC HOTEL BONNEVILLE FOR GENERATIONS TO COME.

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

WHEREAS, the vast country between the Missouri and Columbia rivers gave the United States an opportunity to claim a region in the northwest between the Rocky Mountains and the Pacific Ocean, known as the Oregon Country; and

WHEREAS, the region became known for its fur trade, and Captain Bonneville headed an expedition in the region between 1832 and 1834 to explore it more fully; and

WHEREAS, Idaho became part of the United States by the Oregon Treaty of 1846, and the Idaho Territory was officially organized on March 3, 1863, by an act of Congress, and signed into law by President Abraham Lincoln. President Lincoln appointed William H. Wallace as the first territorial governor; and

WHEREAS, the discovery of gold, silver, and other valuable natural resources throughout Idaho began in the 1860s; and

WHEREAS, Idaho became the 43rd state on July 3, 1890, with George Laird Shoup as the first governor; and

WHEREAS, in 1891 a group of professional land promoters from Chicago visited Eagle Rock, Idaho, and worked to change the name to Idaho Falls in 1893; and

WHEREAS, on February 7, 1911, Governor James Henry Hawley signed into law the bill that established Bonneville County, with Idaho Falls as the county seat; and

WHEREAS, in May of 1927, the Times-Register reported that "The Hotel Bonneville, Idaho Falls' outstanding community endeavor, is the result of the desire on the part of a number of the people of Idaho Falls, and community, to have the use of a strictly first class hotel, with adequate accommodations and quality of service which would enable Idaho Falls, as a community, to invite public gatherings and conventions and to be prepared to take care of them in a way and manner, which would reflect credit on the community"; and

WHEREAS, after a thorough study of all available sites, the announcement was made that the northwest corner of "C" Street and Park Avenue was the most desirable. Hotel Bonneville, named in honor of Captain Bonneville, the founder of this region, opened its doors for business on June 1, 1927; and

WHEREAS, through the efforts of the Idaho Falls Redevelopment Agency, The Housing Company, and all of their partners, the hotel has been renovated from a state of disrepair through the use of Historic Preservation Tax Credits and Low-Income Housing Tax Credits and now stands as the Bonneville Apartments, once again a central part of downtown Idaho Falls, its history, and the community; and

WHEREAS, under the leadership of Idaho Falls Mayor, Rebecca Casper, the Idaho Falls City Council, and the Idaho Falls Redevelopment Agency, the people of this community are pleased for the opportunity to honor the founders of the county and preserve this historic building for generations to come.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho congratulates the city of Idaho Falls and Bonneville County for the preservation of this historic building for generations to come.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be hereby authorized and directed to forward a copy of this concurrent resolution to the Governor of the State of Idaho, the Bonneville County commissioners, and the Mayor of Idaho Falls, Rebecca Casper.

Adopted by the House January 27, 2020

Adopted by the Senate January 29, 2020

(H.C.R. No. 31)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, RECOGNIZING NUCLEAR POWER AS A SIGNIFICANT EMISSIONS-FREE ENERGY RESOURCE AND A NECESSARY CONTRIBUTOR TO THE UNITED STATES' ELECTRICITY SUPPLY, AND RECOGNIZING THE OUTSTANDING WORK AND SIGNIFICANT CONTRIBUTIONS OF THE IDAHO NATIONAL LABORATORY.

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

WHEREAS, nuclear power production is an established and growing global industry and contributes greatly to the United States' carbon-free electricity supply; and

WHEREAS, according to the Governor's Office of Energy and Mineral Resources, nuclear power supplies nearly 20% of the nation's electricity; and

WHEREAS, a March 2015 national poll found that 69% of Americans favor the use of nuclear energy; and

WHEREAS, the Office of Energy and Mineral Resources also highlights that there are 96 nuclear reactors operating in 29 states and that, over the past two decades, the operational performance of these reactors has improved, as demonstrated by an increase in operational capacity factor from approximately 53% in 1980 to over 90% today; and

WHEREAS, although Idaho has no commercial nuclear power plant, the Idaho National Laboratory (INL), as the U.S. Department of Energy's laboratory for nuclear energy, has had a significant influence on reactor designs across the globe; and

WHEREAS, Idaho has designed, constructed, operated, and decommissioned more nuclear reactors than anywhere in the world; and

WHEREAS, the INL works in each of the strategic goal areas of the Department of Energy: energy, national security, science, and environment; and

WHEREAS, advanced nuclear reactor designs such as small modular reactors and micro reactors represent the future of nuclear energy and are at the core of INL's nuclear research; and

WHEREAS, the INL conducts vital research that allows it to sustain and develop nuclear energy technologies, scale other clean energy technologies, protect critical infrastructure, support national defense and homeland security, bolster cybersecurity, and ensure nuclear materials do not fall into the wrong hands.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize nuclear power as a significant emissions-free energy resource and a necessary contributor to the United States' electricity supply and further recognize the outstanding work and significant contributions of the Idaho National Laboratory.

Adopted by the House February 12, 2020

Adopted by the Senate February 26, 2020

(H.C.R. No. 32)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING FOR THE ADDITION OF A NEW JOINT RULE 23 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF IDAHO.

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

WHEREAS, the House of Representatives and the Senate deem it necessary and desirable to add a new Joint Rule 23 to the Joint Rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Joint Rules of the Senate and the House of Representatives shall be amended by the addition thereto of a new Joint Rule 23 to read as follows:

JOINT RULE 23

Public Display of "In God We Trust." -- The words "In God We Trust" shall appear in the Chambers of the Senate and of the House of Representatives above the chairs of the presiding officers.

Adopted by the House February 19, 2020

Adopted by the Senate February 27, 2020

(H.C.R. No. 33)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, RECOGNIZING MISSING AND MURDERED INDIGENOUS PERSONS AS A CRISIS IN IDAHO, RECOGNIZING AND DESIGNATING MAY 5 AS A DAY OF AWARENESS FOR MISSING AND MURDERED INDIGENOUS PERSONS, AND SUPPORTING EFFORTS TO FURTHER INVESTIGATE RATES OF INCIDENCE, UNDERLYING CAUSES, AND POSSIBLE SOLUTIONS THROUGH COLLABORATIVE EFFORTS.

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

WHEREAS, according to the United States Department of Justice, indigenous, American Indian, and Alaska Native women face alarming levels of violence, including domestic and sexual violence, and experience murder rates that are greater than ten times the national average, while Native men are 1.3 times more likely to experience violence than non-Hispanic white men; and

WHEREAS, according to the Centers for Disease Control and Prevention, homicide is the third leading cause of death among indigenous, American Indian, and Alaska Native women between ten and 24 years of age and the fifth leading cause of death for indigenous, American Indian, and Alaska Native women between 25 and 34 years of age; and

WHEREAS, more than 175 tribal, state, regional, and national organizations have already joined with the National Indigenous Women's Resource Center in support of the resolution to create a national day of awareness for missing Native women and girls; and

WHEREAS, on May 2, 2019, the United States Senate designated May 5, 2019, as the "National Day of Awareness for Missing and Murdered Native Women and Girls," and on May 3, 2019, President Donald J. Trump proclaimed May 5, 2019, as "Missing and Murdered American Indians and Alaska Natives Awareness Day" and called upon "Americans and all Federal, State, tribal and local governments to increase awareness of the crisis of missing and murdered American Indians and Alaska Natives through appropriate programs and activities."

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature recognizes and designates May 5 as a Day of Awareness for Missing and Murdered Indigenous People.

BE IT FURTHER RESOLVED that the Legislature does hereby resolve to call upon the Governor of the State of Idaho, the United States Justice Department, and the five federally recognized tribes in Idaho to, on a collaborative basis, pursue and participate in research efforts to provide information related to the crisis of missing and murdered indigenous persons.

BE IT FURTHER RESOLVED that the Legislature does hereby resolve to raise awareness and advocate for increased safety for indigenous Native communities by addressing the crisis of missing and murdered indigenous people through collaboration with the United States attorney for the District of Idaho, the Idaho State Police, the tribes, local law enforcement agencies, the Federal Bureau of Investigation, the Idaho Council on Domestic Violence, the Idaho Coalition Against Sexual and Domestic Violence, and other appropriate partners, including through actions such as:

- (1) Reviewing, revising, and creating law enforcement and justice recommendations appropriate to missing indigenous Native American people, including inter-jurisdictional issues;
- (2) Providing recommendations for increased victim services to the families and community members of the missing or murdered indigenous Native American people, such as counseling for the children of the disappeared, burial assistance, and community walks and healing ceremonies;

(3) Providing recommendations on methods for better coordination of efforts between governmental and nongovernmental organizations and agencies to share information;

(4) Providing recommendations on methods to improve coordination, consultation, and development of protocols between Idaho's federally recognized tribes and federal, state, and local governments to decrease response time and improve investigations into cases of disappeared or murdered indigenous people;

(5) Providing recommendations on additional data needs, including definitions, methodology, funding, and management of data that is sufficient to track the missing and murdered people of Idaho's tribes; and

(6) Developing recommendations on public outreach services to tribal communities to bring awareness and develop preventive measures regarding issues related to missing and murdered indigenous people.

BE IT FURTHER RESOLVED that the Legislature does hereby honor the lives of all missing and murdered indigenous people and reaffirms its commitment to protecting the safety and wellbeing of all Idahoans, especially those most vulnerable.

Adopted by the House February 14, 2020

Adopted by the Senate March 18, 2020

(H.C.R. No. 35)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AUGUST 26, 2020, AS WOMEN'S SUFFRAGE DAY.

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

WHEREAS, in July 1848, Elizabeth Cady Stanton and Lucretia Mott organized America's first women's rights convention in Seneca Falls, New York, where they drafted the Declaration of Sentiments, calling for women's equality and suffrage; and

WHEREAS, the women's suffrage movement attempted to be inclusive and diverse, recruiting allies such as Frederick Douglass, a former slave and leader of the abolition movement who also championed women's suffrage and attended the Seneca Falls Convention in 1848; and other prominent African American suffragists, such as Mary Church Terrell, the first president and one of the founding members of the National Association of Colored Women; Ida B. Wells-Barnett of Chicago, who courageously fought against lynching; and Adella Hunt Logan, a faculty member at the Tuskegee Institute and an activist for education; and

WHEREAS, in 1869, Susan B. Anthony and Elizabeth Cady Stanton organized the National Woman Suffrage Association (NWSA), and that same year Lucy Stone and her husband Henry Brown Blackwell, along with Julia Ward Howe and Henry Ward Beecher, formed the American Woman Suffrage Association; and

WHEREAS, at the time, the formation of two women's suffrage organizations was necessary given the divide over language of the newly proposed amendment to the U.S. Constitution, today's Fifteenth Amendment, extending suffrage to African American men; and

WHEREAS, in 1870, after the required three-fourths of states ratified the Fifteenth Amendment to the U.S. Constitution, granting African American men the right to vote, Susan B. Anthony, Elizabeth Cady Stanton, and other suffragists signed and sent a voting rights petition to the U.S. Senate and U.S. House of Representatives requesting that suffrage rights be extended to women; and

WHEREAS, the Territorial Legislature of Wyoming and the State Legislatures of Utah, Colorado, and Idaho enfranchised the women of their jurisdictions between 1869 and 1896, becoming the first four states to grant women the vote; and

WHEREAS, Idaho's Territorial Legislature first debated extending women suffrage in 1870 when Malad City Representative Dr. Joseph William Morgan introduced a bill to enfranchise women; and

WHEREAS, in 1879, and again in 1885, Idaho's Territorial Legislature extended partial suffrage to Idaho women, and in 1889 Idaho's Constitutional Convention heard presentations from suffragists Abigail Jane Scott Duniway and Henrietta Skelton in support of women's suffrage, and in 1896, after a unanimous decision by Idaho's Supreme Court, Idaho's constitutional amendment extending suffrage to women became law; and

WHEREAS, between 1896 and 1917, women from suffrage states, including Idaho, advocated for the vote for women across the country by holding parades, rallies, events, and finally picketing campaigns in front of the White House; and

WHEREAS, by 1918, these efforts gained the attention of President Woodrow Wilson and resulted in the Sixty-fifth U.S. Congress's action to bring a proposed women's suffrage amendment to the floor of the U.S. House of Representatives; and

WHEREAS, despite defeat of the 1918 suffrage amendment in the U.S. Senate, the Sixty-sixth Congress introduced the proposed amendment, and on May 21, 1919, the U.S. House of Representatives passed the resolution, 304 to 90, and on June 4, 1919, the Senate concurred, voting with a margin of 56 to 25, thus creating House Joint Resolution No. 1, A Joint Resolution Proposing An Amendment To the Constitution Extending the Right of Suffrage to Women; and

WHEREAS, governors across the country began to call upon their state's legislatures to ratify the proposed amendment, with the result that, between June 1919 and January 1920, 27 states had ratified the proposed women's suffrage amendment; and

WHEREAS, Idaho Governor D. W. Davis called an Extraordinary Session of the Idaho Legislature on February 11, 1920, for the sole purpose of ratifying the proposed amendment to the U.S. Constitution extending the right of suffrage to women; and

WHEREAS, Governor Davis recognized in his address to the Legislature on February 11, 1920, that Idaho had been "one of the leaders in extending to women that progressive and altogether honorable principle of equal franchise," and that it was therefore "particularly fitting . . . that this State which has enjoyed such privilege should now ratify the federal amendment by which women are to be virtually freed from the narrow prejudices of the past"; and

WHEREAS, Governor Davis also recognized that February 11, 1920, was to be recorded "as an epoch-making day," whereby Idaho took "historical action towards the complete enfranchisement of the women of our beloved country"; and

WHEREAS, members of the Idaho Legislature selected Idaho Representative Dr. Emma F. A. Drake, one of two women legislators from that session, to introduce House Joint Resolution No. 1 ratifying the proposed amendment to the U.S. Constitution extending the right of suffrage to women; and

WHEREAS, the Idaho House of Representatives voted unanimously in favor of ratification, whereupon the Speaker declared the resolution passed, the title was approved, and the resolution was transmitted to the Senate, which voted 29 ayes, 6 nays, and 6 members absent and not voting; and

WHEREAS, following this momentous vote, on March 18, 1920, Idaho's Secretary of State, Robert O. Jones, certified a copy of Idaho's "House Joint Resolution No. 1, Passed at The Fifteenth Session of the Legislature of the State of Idaho"; and

WHEREAS, on March 24, 1920, the United States Secretary of State, Bainbridge Colby, acknowledged receipt of the certified copy of Idaho's resolution and noted Idaho as the thirtieth state to ratify the proposed women's suffrage amendment; and

WHEREAS, on August 18, 1920, Tennessee became the thirty-sixth state to ratify the proposed women's suffrage amendment after the mother of 24-year-old legislator Harry Burn insisted that he change his vote; and

WHEREAS, on August 26, 1920, the United States Secretary of State proclaimed that the women's suffrage amendment, the Nineteenth Amendment to the U.S. Constitution, was in effect and had become part of the U.S. Constitution; and

WHEREAS, Native American women were given the right to vote on June 24, 1924, when the government granted citizenship to Native Americans through the Indian Citizenship Act; and

WHEREAS, the year 2020 marks the hundredth anniversary of the ratification of the Nineteenth Amendment to the U.S. Constitution, granting women the right to vote.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature celebrates the profound effect that women's suffrage has had on our state and our nation, impacting policy and programs of great importance to our communities and greater society.

BE IT FURTHER RESOLVED that the Legislature recognizes August 26, 2020, as "Women's Suffrage Day" in honor of the ratification of the Nineteenth Amendment to the U.S. Constitution.

BE IT FURTHER RESOLVED that the Legislature encourages Idahoans to celebrate Women's Suffrage Day with appropriate events and ceremonies.

Adopted by the House February 18, 2020

Adopted by the Senate February 26, 2020

(H.C.R. No. 36)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND URGING THAT FEDERAL, STATE, LOCAL, AND OTHER BUILDING PROJECTS INCLUDE SAFE, RENEWABLE, AND ENVIRONMENTALLY FRIENDLY WOOD PRODUCTS GROWN AND PRODUCED IN IDAHO IN THEIR BUILDING AND CONSTRUCTION PLANS.

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

WHEREAS, Idaho forests contribute beauty, ecology, economy, and culture to our state; and

WHEREAS, forests are dynamic, move through a predictable cycle, and undergo changes that create the conditions for many different species of plants and animals, with each stage of the cycle laying the groundwork for the next. As trees go through the natural process of growing, from seed to seedling, maturity, and eventually death and decomposition, their forest home evolves; and

WHEREAS, Idaho has 21.5 million acres of forestland spanning from the Canadian border to the southern border of the state, ranking 10th in the nation in forestland, 12th in timberland, and 5th in wilderness. Idaho forests cover 85,557 square miles, which is larger than the states of Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island combined; and

WHEREAS, federal, state, and local governments own and manage the majority of forestlands in Idaho. National forests occupy nearly 40 percent of Idaho's land mass, more than any other state. Of the 21.5 million acres of total forestlands in Idaho, 16.5 million acres are designated as timberland. Of that number, only 9.3 million acres are available for harvest; and

WHEREAS, a smaller portion of Idaho's forestlands are owned by thousands of private businesses, Native American tribes, families, and individuals. Forestlands in Idaho and throughout the West present unique challenges because of the large influence of federal ownership and management; and

WHEREAS, forests and their inhabitants face many threats, including natural catastrophic events such as severe wildfires and insect and disease outbreaks. Although such events are natural, and an important aspect of the forest ecosystem, they are often influenced by excessive buildup of fuels and changes in tree species and age, all of which can be the result of human action or inaction; and

WHEREAS, a healthy, growing forest is less susceptible to insects, disease, and devastating fire. Active forest management helps our forests stay resilient; and

WHEREAS, forest management is a simple term for a complex array of activities and experiences that allow landowners to meet specified goals and objectives while maintaining the productivity of their forestland. With good stewardship practices and the incredible advances in technology, Idaho forests can be sustainably managed to meet environmental, economic, and social needs for today and generations to come; and

WHEREAS, studies show that wood is a strong, safe, and environmentally friendly building material that meets building codes and often costs less than other materials. Studies and utilization demonstrate that wood has the structural capability for utilization in a range of low-rise to mid-rise residential and nonresidential buildings. A scientific evaluation by life cycle analysis of the overall impacts of building materials measuring the energy and resources used to create the material and the lifetime emissions to the air, water, and land shows that compared to other building materials wood performs better in many ways, including being renewable and the only building material that captures and stores carbon, keeping it out of the atmosphere indefinitely; and

WHEREAS, there are many types of wood products produced from Idaho timber; lumber and other structural building products such as dimensional lumber, solid beams, laminated beams, shingles, joists, laminated veneer lumber, finger-jointed lumber, and engineered wood products; millwork used for doors, windows, cabinets, furniture, siding, flooring, moldings, fencing, and shipping pallets; panel products such as plywood, particleboard, and hardboard, posts, poles, and timbers such as utility poles, house logs, fence posts, pilings, treated timbers, cross-arms, and railroad ties; wood composite products such as siding, roofing, medium-density fiberboard, and molding; as well as pulp and paper products from wood fiber including packaging for food and products, newsprint, bathroom and facial tissue, and paper toweling; and

WHEREAS, there are over 200 forest product manufacturing and wholesaling businesses in Idaho, including dozens of sawmills, producers of particleboard, clean chips, pulp and paper, bioenergy, and bark and mulch products, producers of pole, log furniture and firewood, log home manufacturers, cedar products mills, and plywood and veneer facilities. Idaho's loggers and truckers do the risky business of harvesting and hauling logs and wood products, and their jobs help to support the economies of rural communities; and

WHEREAS, today's building codes are developed by experts, such as code officials, fire officials, architects, and engineers, through a rigorous three-year process to ensure the safety of all building materials. Building codes recognize the latest advances in technology and allow wood to be used in a range of low-rise to mid-rise residential and nonresidential buildings; and

WHEREAS, the timber industry contributes to healthy forests, healthy communities, and healthy economies.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature urges that federal, state, local, and other building projects include as much safe, renewable, and environmentally friendly wood products grown and produced in Idaho as possible in their building and construction plans.

Adopted by the House March 11, 2020

Adopted by the Senate March 18, 2020

(H.C.R. No. 37)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO CONTINUE TO UNDERTAKE A STUDY OF OCCUPATIONAL LICENSING AND CERTIFICATION LAWS AND RULES IN IDAHO.

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

WHEREAS, the Occupational Licensing and Certification Laws Interim Committee was authorized by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature for the purpose of undertaking and completing a review of relevant reports submitted to the Governor's office pursuant to Executive Order No. 2017-06 (Licensing Freedom Act of 2017) and to examine the necessity of such laws and rules; and

WHEREAS, the Governor subsequently issued Executive Order No. 2019-01 (Licensing Freedom Act of 2019), further identifying as legislative priorities the addition of sunset and sunrise provisions in occupational licensing and certification laws; and

WHEREAS, the study of Idaho's occupational licensing and certification laws conducted by the interim committee has identified necessary improvements to the law and recommendations for reform; and

WHEREAS, the work of the 2018 interim committee was instrumental in helping to bring forward legislation during the 2019 legislative session that established the Occupational Licensing Reform Act and eased occupational licensing barriers for military members, veterans, and the spouses of such individuals; and

WHEREAS, the work of the 2019 interim committee resulted in legislation presently under consideration that would establish sunrise review for occupational licensing and certification laws, universal licensure, and provisions that would ease occupational licensing barriers for persons with past criminal convictions; and

WHEREAS, issues related to occupational licensing and certification laws continue to arise and pose challenges, opportunities, and concerns for the future of Idaho and its citizens; and

WHEREAS, further interim committee review of licensing and certification laws is deemed necessary, including but not limited to the implementation of such legislation that may pass during the 2020 legislative session and the future addition of sunset provisions to occupational licensing and certification laws, as well as for the review of occupational licensing and

certification laws in general in order to determine, as applicable, how the Legislature may be able to ease occupational licensing barriers while still protecting the public health and safety.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to continue the efforts to undertake and complete a review of licensing and certification laws in Idaho, including the priorities identified in the Licensing Freedom Act of 2019. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice, and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations, and proposed legislation, if any, to the First Regular Session of the Sixty-sixth Idaho Legislature.

Adopted by the House March 12, 2020

Adopted by the Senate March 18, 2020

CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA)
) ss.
STATE OF IDAHO)

I, LAWRENCE DENNEY, Secretary of the State of Idaho, do hereby certify that the foregoing printed pages contain true, full, and correct and literal copies of all the general laws and resolutions passed by the Sixty-fifth Legislature of the State of Idaho, Second Regular Session thereof, which convened on January 6, 2020, and which adjourned on March 20, 2020, as they appear in the enrolled acts and resolutions on file in this office, all of which are published by authority of the Laws of the State of Idaho.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise City, the Capital of Idaho, this fifth day of May, 2020.

Secretary of State

When errors appear in the enrolled bills received from the Legislature at the office of the Secretary of State, this office has no authority to correct them.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2019-05GOVERNOR'S LEADERSHIP IN NUCLEAR ENERGY (LINE) COMMISSION

WHEREAS, the Leadership in Nuclear Energy (LINE) Commission was established to advise the Governor on policies and actions of the State of Idaho to support and enhance the long-term viability of the Idaho National Lab (INL); and

WHEREAS, the INL continues to be our nation's lead nuclear energy laboratory resulting in economic prosperity for the State of Idaho today and in the future; and

WHEREAS, Idaho is at the forefront of cutting-edge technologies resulting in economic opportunities; and

WHEREAS, continued state support and coordination is key to the success of the nuclear industry.

NOW, THEREFORE, I, Governor Brad Little, Governor of the State of Idaho, hereby recognize the continuation of the Leadership in Nuclear Energy Commission, and establish the following:

1. The LINE Commission will advise the Governor on policies and actions of the State of Idaho that support and enhance the long-term viability and mission of the INL as well as the nuclear industry in Idaho.
2. The duties of the LINE Commission are advisory, and the Commission is tasked with making recommendations to the Governor that support and enhance the mission of the INL as well as the nuclear industry in Idaho.
3. The LINE Commission will focus on statewide outreach efforts to create a better understanding of the nuclear industry in the State of Idaho as well as the INL.
4. Appointment to and membership on the LINE Commission does not constitute an individual's support or opposition for a specific finding, policy, or recommendation made by the Commission.
5. Members of the LINE Commission shall be appointed by and serve at the pleasure of the Governor. Members include, but are not limited to:
 - a. The Lt. Governor of Idaho;
 - b. The Idaho Attorney General or a designee chosen by the Attorney General;
 - c. The Director of the Idaho Department of Commerce or a designee chosen by the Director;
 - d. The Director of the Idaho National Laboratory or a designee chosen by the Director;
 - e. The Director of the Center for Advanced Energy Studies or a designee chosen by the Director;
 - f. A member of the Office of the Governor;
 - g. The Administrator of the Idaho Office of Energy and Mineral Resources or a designee chosen by the Administrator;
 - h. The Director of the Idaho Department of Environmental Quality or a designee chosen by the Director;
 - i. A representative from each of the Idaho Public Universities;
 - j. Two representatives from the Idaho Senate;
 - k. Two representative from the Idaho House of Representatives;

- l. A Mayor or County Commissioner;
 - m. A representative from the Idaho Indian Tribes;
 - n. A representative from the current Department of Energy cleanup contractor;
 - o. A representative from a private-sector nuclear industry company;
 - p. A representative from Idaho agriculture or water users;
 - q. A member of the public;
 - r. A representative from the current Research and Development contractor at the INL; and
 - s. A representative from a private-sector nuclear industries company.
6. The Governor will appoint the Co-Chairs of the LINE Commission.
 7. The Office of the Governor will staff the LINE Commission.
 8. The LINE Commission may request information from and technical expertise from State of Idaho agencies on pertinent information germane to their agencies.
 9. The LINE Commission may request information and technical expertise from Idaho Indian Tribes, federal agencies, representatives from the nuclear industries sector, and members of the public.



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 May, in the year of our Lord 2019 and of the Independence of the United States of America the two hundred forty-third and of the Statehood of Idaho the one hundred twenty-ninth.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2019-06

CONTINUING THE BOARD OF JUVENILE CORRECTIONS, AS THE PRIMARY ADVISORY BODY
FOR THE GOVERNOR AND DIRECTOR OF THE DEPARTMENT OF JUVENILE CORRECTIONS
ON MATTERS PERTAINING TO JUVENILE CORRECTIONS

WHEREAS, since August 15, 2012 and pursuant to Executive Order 2012-06, the Board of Juvenile Corrections (Board) has served as an independent body providing valuable recommendations on fiscal, policy, and administrative matters concerning juvenile corrections to the Governor and the Director of the Department of Juvenile Corrections (Department);

WHEREAS, since August 15, 2012 and pursuant to Executive Order 2012-06, the Board has provided a unique perspective on the development of goals, standards, and measures to evaluate the effectiveness and efficiency of the Department and its programs;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

1. The Board is hereby designated as and remains the primary advisory body for the Governor and the Department Director on matters pertaining to juvenile corrections.
2. The Board is and shall remain responsible for advising the Governor and the Department Director on fiscal, policy, and administrative matters concerning Idaho's juvenile corrections system.
3. The Board shall continue to participate in the development of goals, standards, and measures to evaluate the effectiveness and the efficiency of the Department and its programs.
4. The Board shall consist of the following members:
 - a. Three Idaho citizens, one of whom must be a county elected official or county employee;
 - b. The Chair of the Senate Judiciary and Rules Committee, or his or her designee; and
 - c. The Chair of the House Judiciary, Rules, and Administration Committee, or his or her designee.
5. The Board shall continue to serve without compensations but shall be reimbursed by the Department for actual travel expenses not to exceed State of Idaho guidelines.
6. The Chair of the Board shall continue to be selected by the Department Director subject to the approval of the Governor.
7. The Board shall meet not more than quarterly and not more than four (4) times a year.
8. Members of the board shall be appointed by and serve at the pleasure of the Governor and appointments shall be for four-year terms.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 15th day of May, in the year of our Lord 2019 and of the Independence of the United States of America the two hundred forty-third and of the Statehood of Idaho the one hundred twenty-ninth.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2019-07IDAHO BROADBAND TASK FORCE

WHEREAS, we live in a data-driven society and connectivity is key for a thriving economy; and

WHEREAS, we must ensure both urban and rural Idaho are connected and well-positioned to attract business and create maximum success for our communities; and

WHEREAS, adequate mapping of broadband and high-speed internet infrastructure is vital in progressing connectivity throughout the state; and

WHEREAS, properly analyzing existing resources and gaps will help advance the state in internet connectivity, high speeds, expansion plans, and adequate capacity;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, hereby establish the Idaho Broadband Task Force and the following:

1. The Idaho Broadband Task Force will make recommendations to the Governor on policies and actions the state should take to dramatically improve the state in connectivity and service levels.
2. The duties of the Idaho Broadband Task Force are advisory.
3. The Idaho Broadband Task Force will focus on a statewide approach, ensuring Idaho is properly represented, evaluated, and alternatives analyzed.
4. The Idaho Broadband Task Force will be chaired by the Director of the Idaho Department of Commerce.
5. Idaho Department of Commerce will staff the Idaho Broadband Task Force.
6. Members of the Idaho Broadband Task Force are appointed by and serve at the pleasure of the Governor. Members include, but are not limited to:
 - a. Director of the Idaho Department of Commerce;
 - b. Director of the Idaho State Department of Agriculture or their designee;
 - c. Director of the Office of Emergency Management or their designee;
 - d. Director of the Office of Information Technology Services or their designee;
 - e. Two members of the Idaho State Senate;
 - f. Two members of the Idaho House of Representatives;
 - g. One member representing the Association of Idaho Cities;
 - h. One member representing the Idaho Association of Counties;
 - i. One member representing Idaho Tribes;
 - j. Members representing internet service providers;
 - k. Members representing satellite providers;
 - l. Members representing cellular providers;
 - m. Members representing various industries across the State of Idaho;

- n. One member representing the Idaho National Laboratory;
- o. One member representing the Idaho electricity providers



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 23rd day of May, in the year of our Lord 2019 and of the Independence of the United States of America the two hundred forty-third and of the Statehood of Idaho the one hundred twenty-ninth.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2019-08

CONTINUING THE WORKFORCE DEVELOPMENT COUNCIL FOR PLANNING
AND OVERSIGHT OF THE STATE'S WORKFORCE DEVELOPMENT SYSTEM
AMENDING EXECUTIVE ORDER 2017-13

WHEREAS, the economic future of Idaho and the prosperity of its residents depends upon the ability of businesses in Idaho to compete in the world economy; and

WHEREAS, a well-educated and highly skilled workforce provides Idaho employers with a competitive edge critical for their success; and

WHEREAS, Idaho is committed to preparing its current and future workforce with the skills necessary for the 21st century; and

WHEREAS, empowering business, labor, and community leaders to take a more active and strategic role in crafting the state's economic and workforce development policy will enhance the quality and responsiveness of these programs; and

WHEREAS, a comprehensive workforce development strategy for Idaho will improve planning and oversight functions; increase public awareness of and access to workforce development education and training opportunities; improve the effectiveness, quality and coordination of services designed to maintain a highly skilled workforce; and help provide for the most efficient use of federal, state and local workforce development resources; and

WHEREAS, the Governor's Workforce Development Task Force recommended that the State of Idaho "increase the role and responsibilities of an industry-driven Workforce Development Council to champion the development and implementation of a statewide strategic workforce development plan that meets industries' needs today and tomorrow;"

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order that:

1. The Workforce Development Council (the "Council") is established within the Executive Office of the Governor in accordance with section 101 (a) of the Workforce Innovation and Opportunity Act (WIOA) of 2014 to coordinate efforts and direct public outreach and engagement in support of improving the quality of and access to workforce education and training programs throughout Idaho.
2. The Council shall consist of 37 members, consistent with federal nomination and composition requirements set forth in section 101 (b) of WIOA. The Council's membership shall be as follows:
 - a. 17 positions appointed by the Governor representing industry and nominated by statewide and regional business organizations;
 - b. Seven positions appointed by the Governor representing the workforce, including two labor union representatives, two registered apprenticeship program representatives, one representative of a community-based organization for veterans, one representative of a community-based organization for individuals with disabilities, and one representative of a community-based organization for out-of-school youth;
 - c. Ten positions appointed by the Governor representing government, including representatives from the Department of Labor, State Board of Education, State Department of Education, Division of Career Technical Education, Division of Vocational Rehabilitation, Department of Health and Welfare, Department of Commerce, an elected city official, an elected county official, and a community college representative;
 - d. One member from each chamber of the Idaho Legislature, including a member of the Senate appointed by the Senate President Pro Tem, and a member of the House of Representatives appointed by the House Speaker;
 - e. The Governor or his designee.
3. The Governor shall name the chair and vice chair from among industry members of the Council.
4. The Council's members shall serve at the pleasure of the Governor, and their appointments shall be for three-year terms.
5. The Council shall be staffed by an executive director appointed by the Governor and such additional personnel as shall be appointed by the executive director.
6. The Council will be responsible for advising the Governor, Legislature and appropriate executive agencies on matters related to developing and implementing a comprehensive workforce development strategy for Idaho that:
 - a. Increases public awareness of and access to career education and training opportunities;
 - b. Improves the effectiveness, quality and coordination of programs and services designed to maintain a highly skilled workforce;
 - c. Helps provide for the most efficient use of federal, state and local workforce development resources.

7. The Council will assist the Governor in fulfilling the requirements of the State Workforce Investment Board as set forth in WIOA.
8. The Council shall be responsible for developing and overseeing procedures, criteria and performance measures for the Workforce Development Training Fund.
9. The Council may empanel special committees, appointed by the chair. Special committee members may include non-Council members who have special knowledge and qualifications to be of assistance to the Council.
10. The Council shall meet quarterly. An Executive Committee made up of the chair, vice chair, three additional Council members representing industry and a representative of a labor union should meet monthly. The Executive Committee members shall be appointed by the Governor. The Executive Committee is authorized to act on the Council's behalf as necessary and shall report its actions at the Council's next regular meeting.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 31st day of May in the year of our Lord 2019.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney

SECRETARY OF STATE

EXECUTIVE ORDER NO. 2019-09

COMBATING THE OPIOID AND SUBSTANCE USE DISORDER CRISIS

WHEREAS, President Donald J. Trump has declared the opioid crisis a nationwide Public Health Emergency; and

WHEREAS, drug overdose is now the leading cause of accidental death in the United States; and

WHEREAS, opioids, including prescription pain relievers, heroin, and synthetic opioids such as fentanyl remain a driving force of drug-induced death in Idaho; and

WHEREAS, one in twelve Idaho students have misused prescription pain relievers in their lifetime; and

WHEREAS, Idaho ranked 16th in the nation in 2017 for the total number of opioid prescriptions dispensed per 100 persons, at a rate of 70.3/100, down from 77.6/100 in 2016, compared to 58.7/100 nationally; and

WHEREAS, Idaho has improved from 5th to 25th in the United States for past year prescription pain reliever misuse; and

WHEREAS, opioid misuse and untreated use disorders cause devastating health, social, and economic consequences; and

WHEREAS, Idaho has made great strides in combating the opioid crisis, particularly in use of the prescription drug monitoring program (PMP). Idaho providers have increased the number of PMP searches ten-fold from 353,000 searches in FY15 to 3.8 million in FY18; and

WHEREAS, through efforts within the Opioid Misuse and Overdose Strategic Plan the state has made progress to combat substance abuse, but we still have more work we must do;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and the laws of the State of Idaho, do hereby order the creation of the Opioid and Substance Use Disorder Advisory Group.

1. The Opioid Advisory Group shall evaluate state, community workgroup, and task force efforts recently performed in Idaho and provide recommendations on streamlining prevention and recovery activities, providing efficiency in battling opioid and substance abuse, and eliminating duplicative efforts to more efficiently and effectively fight this epidemic.
2. The duties of the Opioid Advisory Group are advisory, and the Group is tasked with making recommendations to the Governor that will help him and the state build more effective plans to combat opioid and other substance use and abuse in Idaho.
3. Members of the Opioid Advisory Group shall be appointed by and serve at the pleasure of the Governor.
4. The Opioid Advisory Group shall be chaired by the Administrator of the Office of Drug Policy.
5. Members of the Opioid Advisory Group will include but are not limited to:
 - a. A representative of the Department of Health and Welfare
 - b. A representative of the Idaho Board of Medicine
 - c. A representative of the Idaho Board of Dentistry
 - d. A representative of the Board of Pharmacy
 - e. A representative of the Department of Correction
 - f. A representative of Idaho State Police
 - g. A representative of the State Department of Education
 - h. A representative of the Division of Veterans Services
 - i. A member of the Idaho House of Representatives
 - j. A member of the Idaho Senate
 - k. A member of the judiciary
 - l. A county sheriff
 - m. A county prosecutor
 - n. A city police chief
 - o. A representative from the Idaho Indian Tribes
 - p. A representative of the medical community
 - q. A representative of the hospital community

- r. A representative of the pharmacy community
- s. A representative of the treatment and recovery community
- t. A representative of the insurance community



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 thirteenth (13th) day of June in the year of our Lord 2019.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2019-10

ORGANIZATION OF THE LEWIS AND CLARK TRAIL COMMITTEE

WHEREAS, the Lewis and Clark Trail has great historical significance to the State of Idaho; and

WHEREAS, the Trail passes through multiple state and federal jurisdictions and private property, and it is important that Idaho have an official organization to promote responsible recreational use and tourism associated with the Trail and assure the protection and stewardship of this historic resource;

NOW, THEREFORE, I, BRAD LITTLE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby continue the Idaho Governor's Lewis and Clark Trail Committee as an advisory body to state, local, and federal governments on preserving and managing the Lewis and Clark Trail and activities relating to the Lewis and Clark Expedition.

The Committee shall:

1. Coordinate activities among and partner with federal, state, local, and private agencies and organizations to protect the Trail and promote responsible use of the trail;
2. Advise the Office of the Governor, Idaho State Legislature, Idaho Congressional Delegation, Idaho commissions, bureaus, agencies, and committees regarding activities and policies that relate to the Trail and the history of the Lewis and Clark Expedition;
3. Promote educational opportunities about the Trail through financial support and technical assistance;
4. Sustain the current infrastructure and programs along the Lewis and Clark Trail corridor in Idaho, many of which were initiated with Committee financial support during the Lewis and Clark bicentennial.

The Committee shall consist of no more than nine (9) persons who are appointed by the Governor and serve at his pleasure.

The voting membership of the Committee shall include:

1. The President of the Idaho Chapter of the Lewis and Clark Trail Heritage Foundation, Inc.;
2. A representative of the Idaho State Historical Society;
3. A representative of the Idaho Department of Parks and Recreation;
4. The Governor or his designee;
5. Five Idaho residents with a demonstrated interest in Lewis and Clark history.

In addition, each of the following organizations may be invited to appoint one non-voting, ex officio member:

1. Nez Perce Tribal Executive Council
2. Shoshone-Bannock Tribal Council
3. Bureau of Land Management
4. National Park Service
5. USDA Forest Service

The Committee shall elect its own chairperson and have regular meetings as determined by the majority of the Committee and called by the Chairperson.

Members will serve without compensation except for travel expenses. Operating funds will be from the sale of Lewis and Clark license plates, gifts, grants or other donations.



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 first (1st) day of July in the year of our Lord 2019.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2019-11ESTABLISHING THE GOVERNOR'S COMMISSION ON SERVICE AND VOLUNTEERISM

WHEREAS, there is a compelling need for more civic participation to solve community and state problems and to address many unmet social, environmental, educational, and disaster preparedness needs; and

WHEREAS, promoting the capability of Idaho's people, communities, and enterprises to work together is vital to the long-term prosperity of the state; and

WHEREAS, building and encouraging community collaboration and service is an integral part of the state's future well-being and requires cooperative efforts by the public and private sectors; and

WHEREAS, the development of a National Service Program in Idaho requires an administrative vehicle conforming with federal guidelines as set forth in the National and Community Service Trust Act of 1993 as reauthorized and reformed by the Serve America Act of 2009;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order:

1. The Governor's Commission on Service and Volunteerism will be known as Serve Idaho with a tag line that states, "The Governor's Commission on Service and Volunteerism."
2. Serve Idaho ("the Commission") is hereby established to advise and assist in the development and implementation of a comprehensive, statewide plan for promoting volunteer involvement and citizen participation in Idaho, as well as to serve as the state's liaison to national, state and community organizations that support the intent of the Serve America Act of 2009 ("the Act").
3. The Commission will be comprised of no fewer than 15 and no more than 25 voting members to be appointed by the Governor in compliance with federal guidelines as described in the Act and as detailed below:
 - a. The Commission's membership shall include:
 - i. A representative from a community-based agency or organization in the state;
 - ii. The head of the state education agency or his/her designee;
 - iii. A representative from county or city government;
 - iv. A representative from local labor organizations;
 - v. A representative from the business sector;
 - vi. A representative from a national service program;
 - vii. A representative from the volunteer sector;
 - viii. An individual between the ages of 16 and 25, who is a participant in or supervisor of a service program for school-age youth or a campus-based or national service program;
 - ix. An individual with expertise in the educational, training, and development needs of youth, particularly disadvantaged youth;

- x. An individual with experience in promoting the involvement of older adults (age 55 and older) in service and volunteerism;
 - xi. The Corporation for National and Community Service ("Corporation") will designate one of its employees to serve as an ex-officio member on the Commission;
- b. Other members may include: educators, including representatives from institutions of higher education and local education agencies; experts in the delivery of human, educational, environmental, or public safety services; representatives of Indian tribes; out-of-school youth or at-risk youth; and representatives of programs that are administered or receive assistance under the Serve America Act.
 - c. All members of the Commission shall serve at the pleasure of the Governor.
 - d. Not more than 25 percent of the Commission and members may be employees of state government, though the Governor may appoint additional state agency representatives to sit on the Commission as non-voting ex-officio members. Members may not vote on issues affecting organizations for which they have served as a staff person or volunteer at any time during the preceding 12 months.
 - e. Not more than 50 percent of the Commission plus one member may be from the same political party. To the maximum extent predictable, membership of the Commission shall be diverse with respect to race, ethnicity, age, gender, religion and disability characteristics. Members will serve for a term of three years. One-third of the appointments to the first Commission will serve terms of one year; one-third will serve terms of two years; and one-third will serve terms of three years. Vacancies among the members shall be filled by the Governor to serve for the remainder of the unexpired term.
 - f. The Commission will elect from among its members a chairperson.
4. The Commission will have the following duties and responsibilities:
- a. To develop a three-year comprehensive national and community service plan and establish state priorities;
 - b. To administer a competitive process to select national service programs to be included in an application to the Corporation for National and Community Service for funding;
 - c. To prepare an application to the Corporation to receive funding and/or educational awards for the programs designated in the Act;
 - d. To maintain fiduciary responsibility in the administration of all funds awarded by the Corporation for National and Community Service and other entities and to oversee and monitor the performance and progress of all programs and initiatives. The Department of Labor will serve as Serve Idaho's fiscal agent;

- e. To implement, in conjunction with the Corporation, comprehensive, non-duplicative evaluation and monitoring systems;
 - f. To assist in the development of programs pursuant to the Act;
 - g. To develop mechanisms for recruitment and placement of people interested in participating in national service programs;
 - h. To assist in the provision of health and child care benefits to eligible program participants as specified by the regulations pertaining to the Act;
 - i. To make recommendations to the Corporation with respect to priorities within the state for programs receiving assistance pursuant to the Act;
 - j. To coordinate with other state agencies that administer federal financial assistance programs under the Community Service Block Grant Act (42 U.S.C. 9901 et seq.) or other appropriate federal financial assistance programs;
 - k. To coordinate its functions with any division of the Corporation that, carries out volunteer service programs in the state; and
 - l. To provide technical assistance to agencies, corporations, and other organizations seeking to develop, strengthen or expand their ability to meet critical needs of the community through service; and
 - m. To reach out to and partner with national foundations and other organizations that support the intent of the Act and Serve Idaho; and
 - n. Other activities as determined by the Governor to be necessary for the development and implementation of programs that enhance national and community service.
5. Serve Idaho shall reside within the Idaho Department of Labor, and the Department shall serve as the host agency for administration of the Commission. The Director of the Department shall appoint one (1) Commission Administrator and up to five (5) Commission staff members.
- a. The Commission Administrator and all Commission staff shall be non-classified employees of the Department.
 - b. The Commission Administrator shall select and supervise Commission staff members according to the Department's personnel policies and procedures.
 - c. Evaluation of Commission staff members will be the responsibility of the Commission Administrator.
 - d. Evaluation of the Commission Administrator will be the joint responsibility of the Director and the Commission Chair.
6. The Commission and its activities shall be funded from federal, state, and other revenues appropriated to Serve Idaho. The Commission is authorized to accept funds, including public and private gifts and in-kind services from other state and private entities.

7. The Commission shall meet at least quarterly. Failure to attend at least 75 percent of the meetings in any calendar year may result in removal from the Commission. A quorum shall consist of a simple majority of voting members.
8. In the circumstance the Commission fails to receive funding from the Corporation for National and Community Service, the Commission will cease to exist.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 3rd day of September in the year of our Lord 2019 and of the Independence of the United States of America the two hundred forty-fourth and of the Statehood of Idaho the one hundred thirtieth.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2019-12

REVIEWING THE PREPARATION AND ADMINISTRATION OF IDAHO'S PLAN
UNDER THE JUVENILE JUSTICE AND DELINQUENCY ACT;
REPEALING AND REPLACING EXECUTIVE ORDER 2015-11

WHEREAS, the State of Idaho, in accordance with the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, 34 U.S.C. §§ 11101-11313 ("JJDPA"), as most recently reauthorized on December 21, 2018 by the enactment of P.L. 115-385, is required to designate a State agency to supervise and administer Idaho's plan under the JJDPA and to establish a State juvenile justice advisory group; and

WHEREAS, the first regular session of the 53rd Idaho Legislature established the Idaho Department of Juvenile Corrections ("Department") and amended existing law to create a juvenile corrections system based on principles of accountability, community protection, and competency development; and

WHEREAS, the purposes and intent of Idaho's Juvenile Corrections Act of 1995 and the JJDPA was better served by transferring the Idaho Juvenile Justice Commission ("Commission") to the Department; and

WHEREAS, the Department was designated as the sole agency for supervising the preparation and administration of Idaho's plan under the JJDPA, and the Office for Juvenile Justice and Delinquency Prevention was abolished effective July 1, 1995; and

WHEREAS, the Commission was transferred from the Office of the Governor to the Department effective July 1, 1995, and has functioned as the advisory group referenced in Section 34 U.S.C. 11133(a)(3); and

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by the authority vested in me by Article IV, Section 5, of the Idaho Constitution, and Section 67-802, Idaho Code, do hereby order that:

1. The membership of the Commission shall be in conformity with the JJDP. The chairman, vicechairman, and members of the Commission shall be appointed by and serve at the pleasure of the Governor. Members shall serve a term of three years. The chairman and vice-chairman shall serve in such capacities for three years.
2. The Commission shall perform the following functions:
 - a. Advise the Department on juvenile justice and delinquency prevention issues;
 - b. Participate in the development and review of Idaho's plan under the JJDP;
 - c. Be afforded an opportunity to review and comment on all grant applications under the JJDP submitted by the Department;
 - d. Ensure compliance with the core protections of the JJDP by jurisdictions with public authority in Idaho through education, technical assistance, monitoring and remedial actions for violations;
 - e. Perform such other duties that the JJDP requires to be performed by the advisory group referenced in Section 34 U.S.C. 11133 (a) (3) and Section 28 C.F.R 31.102 (b) ; and
 - f. Perform such other duties as requested by the director of the Department, which may include submitting reports to the director of the Department and making decisions on grant applications under the JJDP submitted to the Department.

This Executive Order shall cease to be effective four years after its entry into force.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 5th day in September in the year of our Lord 2019 and of the Independence of the United States of America the two hundred forty-fourth and of the Statehood of Idaho the one hundred thirtieth.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2019-13

TRANSPORTATION OF HEMP

WHEREAS, the Agricultural Improvement Act of 2018 ("2018 Farm Bill") was signed into law by President Donald J. Trump on December 20, 2018; and

WHEREAS, the Agricultural Act of 2014 ("2014 Farm Bill") previously authorized certain limited hemp research pilot projects; and

WHEREAS, the 2018 Farm Bill provides that state laws regulating the production of hemp that are more stringent than the 2018 Farm Bill are not preempted (7 U.S.C. § 1639p(a) (3) (A)); and

WHEREAS, Idaho law prohibits the possession of hemp unless it is comprised of only the stalks of the mature Cannabis plant and contains 0.0% tetrahydrocannabinol (THC); and

WHEREAS, the 2018 Farm Bill allows for the United States Department of Agriculture (USDA) to license the production of hemp, as further defined in that law; and

WHEREAS, some western states, including some surrounding the State of Idaho, have instituted a research pilot project under the 2014 Farm Bill or are expected to allow production of hemp pursuant to the 2018 Farm Bill; and

WHEREAS, Section 10114(b) of the 2018 Farm Bill prevents states from prohibiting the transportation or shipment of hemp produced in accordance with Subtitle G of the Agricultural Marketing Act of 1946 (as amended by the insertion of Section 10113 of the 2018 Farm Bill); and

WHEREAS, the USDA recently promulgated interim final rules and regulations necessary to license hemp production under the 2018 Farm Bill; and

WHEREAS, Idaho law as currently written will likely conflict with federal law with respect to interstate transportation of hemp permitted by the 2018 Farm Bill now that the USDA interim final rules and regulations on hemp production have been published; and

WHEREAS, executive action is needed to assure that the laws of the State of Idaho are faithfully executed to protect the health, safety and welfare of the residents of this state from the illicit drug trade; and

WHEREAS, executive action is needed to temporarily resolve the conflict between state and federal law with respect to interstate transportation of hemp until a more permanent solution on interstate transportation and production is enacted by the Legislature; and

WHEREAS, the evolving landscape with respect to hemp necessitates a legal framework that is clear about the expectations of the State of Idaho with respect to the orderly transportation of hemp through our state and that is not overly burdensome on transporters.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and the laws of the State of Idaho, do hereby order that the State of Idaho permit, on and after October 31, 2019, the interstate transportation of hemp produced in accordance with the 2014 Farm Bill or the 2018 Farm Bill and the rules and regulations promulgated thereunder, and in so doing do also order that:

1. Any transporter of hemp shall have the affirmative duty to stop at the first port of entry encountered in the State of Idaho to declare the presence of any hemp.
2. Any transporter of hemp must present at the port of entry:
 - a. An affirmation from the driver that their vehicle contains no illicit drugs or variations of hemp not explicitly authorized by the 2014 Farm Bill or the 2018 Farm Bill;
 - b. Verification, including a copy of the hemp production license from the producer of the hemp being transported, that the hemp was produced by a grower or producer duly-licensed by a state or Indian Tribe authorized to regulate hemp production under the 2014 Farm Bill or the 2018 Farm Bill;
 - c. A laboratory results report which confirms each lot of hemp being transported complies with the 2014 Farm Bill or the 2018 Farm Bill, as provided in 7 C.F.R. §§ 990.70 (d) and 990.71 (d), and which was produced by a DEA-registered laboratory; and
 - d. A bill of lading, containing the shipment contents, origination, including lot number, and destination of the hemp, the weight of the load, and the type of vehicle hauling or transporting the hemp.

3. All receptacles, open or closed, of hemp being transported across Idaho must be labeled with the name and address of the producer, the quantity of the hemp, and the lot number to correspond with the above required documentation.
4. Any transporter of hemp shall consent to inspection of the shipment to ensure that the hemp complies with the 2014 Farm Bill or the 2018 Farm Bill, and shall further consent to randomly-selected, reasonable-sized sampling of hemp for further off-sight testing by the Idaho State Police (ISP).
5. Once the hemp inspection is completed at the port of entry or roadside, transporters will be given an inspection report, confirming all required documents were presented and whether or not any samples of the hemp were taken. The inspection report must be presented upon request during any contact with a peace officer, as defined in Section 19-5101, Idaho Code, in the State of Idaho subsequent to the initial declaration at the port of entry or roadside.
6. Any transporters of hemp shall proceed through the State of Idaho avoiding any unnecessary delay because possession of any quantity of hemp other than for the narrow purpose of transporting across the State of Idaho in interstate commerce remains illegal in this state.
7. Within the State of Idaho, hemp shall only be transported on interstate highways and in the immediate vicinity of an interstate highway. No hemp shall be transported on any other roadway or highway other than an interstate highway or in the immediate vicinity of an interstate highway except in the case of a detour authorized by the Idaho Transportation Department (ITD), as the transporter is directed by any peace officer, or to facilitate transport to or from Indian Country, as defined in Section 18 U.S.C. § 1511, to or from the closest interstate highway.
8. The Idaho State Department of Agriculture (ISDA), ISP and ITD shall promulgate such rules as are necessary to assure Idaho's compliance with the provisions of this Executive Order. I find that it is necessary that such rules become effective immediately upon adoption for the protection of the public health, safety, and welfare and in order to comply with the recently enacted USDA interim final rules on hemp. The ISDA, ISP, and ITD may contract with one another or any other department as may be necessary to efficiently carry out this Executive Order.
9. Nothing within this Executive Order or the corresponding rules adopted subsequent to this Executive Order shall authorize or be interpreted to legalize hemp, its byproducts, oils, or any other derivative prohibited by Idaho law. This Executive Order only permits the interstate transportation of hemp consistent with the 2018 Farm Bill and implementing regulations, this Executive Order, and the State of Idaho rules regarding the interstate transportation of hemp.

10. Nothing within this Executive Order or the corresponding rules adopted subsequent to this Executive Order shall authorize or be interpreted to apply to hemp transported in the State of Idaho prior to October 31, 2019.
11. Failure to comply with any of the conditions of this Executive Order and the corresponding rules adopted subsequent to this Executive Order, may subject the transporter to the laws prohibiting marijuana under Chapter 27, Title 37, Idaho Code, and any other applicable civil and criminal penalties authorized by law.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 19th day of November in the year of our Lord 2019 and of the Independence of the United States of America the two hundred forty-fourth and of the Statehood of Idaho the one hundred thirtieth.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2019-14

ESTABLISHING THE IDAHO EARLY CHILDHOOD ADVISORY COUNCIL

WHEREAS, the long-term academic success of children is dependent on third grade reading proficiency, with a foundation built on the language and literacy experiences of children from birth to age five; and

WHEREAS, the deliberate coordination of Idaho's public and private early childhood services will allow for greater efficiency, expanded parental choice, and allow for a more accurate inventory of existing services, programs and initiatives for use by families and policymakers; and

WHEREAS, early childhood development is directly linked to economic development because it improves the quality of the future workforce and has been shown to create cost savings to taxpayers by reducing the need for educational remediation and diminishing social service and other government service utilization; and

WHEREAS, Idaho's quality of life and long-term economic prosperity depend on a well-educated workforce; and

WHEREAS, the federal Improving Head Start for School Readiness Act of 2007, 42 U.S.C. § 9837b(b) (1), requires the governor of each state to designate or establish a State Advisory Council on Early Childhood Education and Care ("State Advisory Council") as part of a parallel federal effort to ensure coordination and collaboration within the states; and

WHEREAS, the governor is further required to designate an individual charged with coordinating the activities of the State Advisory Council;

NOW, THEREFORE, I, BRAD LITTLE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order creation of the Idaho Early Childhood Advisory Council (ECAC), and in so doing do also order that:

1. The ECAC is designated as the State Advisory Council required by the Improving Head Start for School Readiness Act of 2007.
2. The ECAC shall:
 - a) conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to school entry, including an assessment of the availability of high-quality pre-kindergarten services for low-income children in the state;
 - b) identify opportunities for and barriers to collaboration and coordination among federally funded and state-funded child development, child care, and early childhood education programs and services, including collaboration and coordination among state agencies responsible for administering such programs;
 - c) develop recommendations for increasing the overall participation of children in existing federal, state, and local childcare and early childhood education programs, including outreach to underrepresented and special populations;
 - d) develop recommendations regarding the establishment of a unified data collection system for public early childhood education and development programs and services throughout the state;
 - e) develop recommendations regarding statewide professional development and career advancement plans for early childhood educators in the state;
 - f) assess the capacity and effectiveness of 2- and 4-year public and private institutions of higher education in the state toward supporting the development of early childhood educators, including the extent to which such institutions have in place articulation agreements, professional development and career advancement plans, and practice or internships for students to spend time in a Head Start or prekindergarten program;
 - g) make recommendations for improvements in state early learning standards and undertake efforts to develop high-quality comprehensive early learning standards, as appropriate; and
 - h) carry out other responsibilities as designated by the Governor.
3. The ECAC's first report shall be submitted to the Governor no later than December 31, 2020.
4. ECAC's members shall be appointed by the Governor, with activities to be coordinated and staffed by the Idaho Association for the Education of Young Children, whose executive director shall serve as the ex-officio chair. Members will be appointed to represent the following:
 - a) Representatives from the Idaho Department of Health and Welfare who represent:
 1. child care,
 2. Medicaid services,
 3. the I.D.E.A. Part C early intervention program, and

4. mental health services;
- b) the Idaho State Board of Education;
- c) the Idaho State Department of Education;
- d) a local school district;
- e) an institution of higher education;
- f) a local provider of early childhood education and development services;
- g) a local Head Start agency;
- h) the State Director of Head Start Collaboration;
- i) a member of the Idaho Senate;
- j) a member of the Idaho House of Representatives;
- k) representatives of other entities determined to be relevant by the Governor
5. The Council shall develop and adopt bylaws governing its operation and may accept funds from private, federal, state or public agencies and any other sources in accordance with state law. The funds shall be used to support statewide efforts in development and sustainability of this council and early childhood programs and services.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 31st day of December in the year of our Lord 2019 and of the Independence of the United States of America the two hundred forty-fourth and of the Statehood of Idaho the one hundred thirtieth.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2019-15

ASSIGNMENTS OF ALL-HAZARD PREVENTION, PROTECTION, MITIGATION, RESPONSE
AND RECOVERY FUNCTIONS TO STATE AGENCIES IN SUPPORT OF LOCAL AND STATE
GOVERNMENT RELATING TO EMERGENCIES AND DISASTERS

WHEREAS, widespread property damage, personal injury and loss of life from man-made and natural disasters is an ever-present possibility in Idaho; and

WHEREAS, Chapter 10, Title 46, Idaho Code, requires the protection of lives and property in any type of natural or man-made disaster emergency or threat that might conceivably confront the State; and

WHEREAS, local government is the principal provider of emergency services in Idaho; and

WHEREAS, the role of state government is to support and enhance local community emergency management and homeland security efforts including focusing state agency activities on supporting regional and community needs throughout Idaho; and

WHEREAS, the Legislature has directed the development of such state disaster prevention, protection, mitigation, response and recovery plans; and

WHEREAS, effective state protection, prevention, mitigation, response and recovery planning requires proactively identifying functions that would be performed during such emergencies and the assignment of responsibility for developing the capability to implement these plans;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the powers and authority vested in me by the Constitution and laws of this State do hereby assign emergency prevention, protection, mitigation, response and recovery functions to all state agencies.

I. GENERAL ASSIGNMENTS

Each department and agency shall ensure their organization can continue to provide critical services during an event that impacts the ability of the government to fully function. In addition, each department and agency, in order to ensure a coordinated disaster response in alignment with the Idaho Emergency Operation Plan, shall:

- A. Prepare for and respond to emergencies or disasters, as defined in Idaho Code Section 46-1002, within the State of Idaho in a manner consistent with the National Incident Management System (NIMS). Agency employees expected to respond to emergencies or disasters within Idaho will have NIMS training commensurate with their expected roles in response to such emergencies or disasters.
- B. Designate a NIMS compliant agency emergency coordinator to train, exercise and participate in the State Emergency Management Program to facilitate emergency support and logistics in response to emergencies and disasters. Larger departments will, by necessity, need to appoint subdivision emergency coordinators to report to the agency emergency coordinator. By July 1 of each year, provide or validate the names and contact information of agency emergency coordinators to the Idaho Office of Emergency Management.
- C. Develop and maintain an agency specific emergency operations plan (EOP) to carry out the agency's response and recovery support functions consistent with the National Response Framework and the National Recovery Framework. Agency EOP's will be submitted on each even numbered year by July 1 to the Idaho Office of Emergency Management. Agency plans will assign emergency management duties to all applicable subdivisions and personnel within the agency. Agency plans will outline how the agency will support the Idaho Emergency Operation Center (IDEOC) and agency specific Emergency Support Functions (ESF) as required by the Idaho Emergency Operation Plan and the National Preparedness System. Such agency support includes:
 1. Contributing to the agency's assigned ESF role as outlined in the state EOP whether as a coordinating agency, a primary agency, or a supporting agency. Depending on the agency's role in the EOP, this may include functioning as a liaison for all organizations and agencies operating within a specific ESF.
 2. Supporting the State's emergency planning preparedness efforts by actively participating in and contributing to the biennial update of the EOP.

3. Supporting the Idaho Emergency Operations Center (IDEOC) processes and standard operating procedures. Providing information for situation reports, incident action plans, resource status, financial status, geospatial data, and organization/staffing/contact information to the IDEOC and its situational awareness platforms;
 4. Providing ESF personnel and resources commensurate with IDEOC assigned roles and responsibilities; and
 5. Providing resources and capabilities when mission-assigned by the IDEOC. This may include personnel, direct agency assistance or subject matter expertise in response to a request for assistance.
- D. Notify the Idaho Office of Emergency Management of any impending emergency or disaster conditions that may warrant the need for support from the Idaho Emergency Operations Center.
 - E. Develop and maintain a Continuity of Operations Plan (COOP) to (a) address how the agency will continue to perform essential functions in the event of compromised facilities or leadership, and (b) return the agency to normal operations after the conclusion of the compromising event. Beginning calendar year 2020, agency COOP plans will be submitted on each odd numbered year by July 1 to the Idaho Office of Emergency Management.
 - F. Notify the Idaho Office of Emergency Management of any incident, emergency or disaster that requires activation of their COOP plan or otherwise impacts the ability of government to provide public services within the State of Idaho. The Director, Idaho Office of Emergency Management, will notify the Governor's Office.
 - G. Grant and/or use waivers in accordance with the applicable provisions of the Idaho Code for necessary disaster emergency response and recovery operations.
 - H. Coordinate emergency management and homeland security training and exercise with the Idaho Office of Emergency Management to meet state emergency prevention, protection, mitigation, response, and recovery objectives.
 - I. Coordinate with the Idaho Office of Emergency Management on any agreement or memorandum of understanding that incorporates prevention, protection, mitigation, response, and recovery functions of an emergency or disaster. Such agreements or memorandums of understanding may be integrated as part of the Idaho Emergency Operations Plan.
 - J. Participate in the state Public Information Emergency Response (PIER) Team program. Public Information Officers of each State agency are collaterally assigned to the State's PIER Team during emergencies and disasters. PIER Team members provide a level of public information expertise not otherwise available to state and local jurisdictions. In the event of emergencies, natural or man-made, PIER Team members can be activated and deployed, as necessary, to the IDEOC, Joint Information Center (JIC), field support offices and/or local jurisdictions.

- K. Participation of agency leaders in the Senior Advisory Committee, as requested, to exchange information, validate preparedness efforts, and enhance capabilities statewide in the five homeland security mission areas of prevent, protect, mitigate, respond and recover.
- L. Participate in long term recovery planning. As requested, provide personnel for the support of long term recovery committees necessary for economic and community recovery of disaster-impacted areas.
- M. Provide state personnel, as requested, to assist in conducting damage assessment surveys following a disaster.
- N. Coordinate with the Idaho Office of Emergency Management to develop and promote mitigation strategies for state-owned or state-leased buildings. The purpose of the mitigation strategies is to prevent or reduce damage caused by natural or man-made disaster events.
- O. Coordinate with the Idaho Office of Emergency Management to provide support for mitigation, preparedness, and recovery programs and activities in line with the expertise and resources of the agency.

II. COORDINATING INSTRUCTION

The Idaho Office of Emergency Management shall have authority to:

- A. Draw upon subject matter experts, state agency leadership and existing advisory committees, commissions and councils to form a Senior Advisory Committee (SAC), as required by the Homeland Security Grant Program. The SAC will serve as a forum to exchange information, validate preparedness efforts, and enhance capabilities statewide in the five homeland security mission areas of prevent, protect, mitigate, respond and recover. The SAC shall develop a governing charter consistent with grant funding requirements and will meet at least twice annually.
- B. Coordinate state and federal emergency response, recovery and mitigation operations during emergencies and disasters. Provide technical support to local jurisdictions involved in local emergencies and disasters that do not require state resources.
- C. Establish and maintain the Idaho Emergency Operations Center for directing the coordination of emergency and disaster operations and information management activities.
- D. Develop and coordinate the preparation and implementation of plans and programs for prevention, protection and mitigation to reduce the harmful consequences of disasters.
- E. Help ensure state and local prevention, protection, mitigation, response and recovery plans are consistent with national plans and programs. Help ensure state agency plans are consistent with the State's emergency management goals and procedures. Develop annual or bi-annual requirements for promulgation and review of all such plans.
- F. Coordinate collaborative emergency management and homeland security efforts with other state governments and federal agencies and private sector entities.

- G. Coordinate all requests from state and local governments for disaster emergency assistance.
- H. Manage the use of state emergency communications and warning systems. Develop and integrate auxiliary communications, and other volunteer communications programs and organizations into a state system or network. Develop, maintain and exercise a communications plan. Continue to enhance the communications capabilities and capacity of the Idaho Emergency Operations Center with current and new technologies.
 - 1. Support administration of the State's Emergency Alert System (EAS) and Wireless Emergency Alert System (WEA). Facilitate a viable and effective statewide alert system for impending natural or man-made disasters.
 - 2. Maintain the state emergency communications using adopted State and Federal High Frequency (HF) program and capabilities for emergencies and disasters communications.
 - 3. Determine what statewide communication and warning requirements would improve emergency communications, and assist in the development and implementation of disaster emergency plans for use of all non-military communications and warning systems within the State.
- I. In coordination with the Governor's Press Secretary and/or Communications Director, coordinate and administer the Public Information Emergency Response (PIER) Team program in support of state and local emergency and disaster public information prevention, protection, mitigation, response and recovery objectives.
- J. Function as the State Administering Agency for federal emergency management and homeland security grant programs.
- K. Assist local governments with the development of all-hazard mitigation, preparedness, response, and recovery plans, training and exercises.
- L. Administer federal programs for disaster emergency planning and assistance pertinent to state and local governments.
- M. Provide ongoing validity assessment of the Idaho Emergency Operations Plan and National Response Plan. Provide training for state agency personnel in the prevent, protect, mitigate, respond and recover mission areas.
- N. Regularly review and revise the Idaho Hazardous Materials Incident Command and Response Support Plan used by state agencies to ensure compliance with the Idaho Hazardous Substance Response act in the provision of state assistance for hazardous materials/WMD emergencies in Idaho.
- O. Coordinate state and federal emergency response efforts for hazardous materials incidents.
- P. Provide technical assistance to emergency response agencies in recovering hazardous materials emergency response costs under state and federal laws.
- Q. Administer and coordinate the state-sponsored hazardous materials regional response teams.

Any emergency support function identified in the Idaho Emergency Operations Plan, or parts thereof, may be transferred from one governmental agency to another with the consent of the heads of the agencies involved and with the concurrence of the Director of the Idaho Office of Emergency Management. The Director, Idaho Office of Emergency Management, may assign any new emergency support function to the head of a governmental agency by mutual consent.

With the exception of participation in the Senior Advisory Committee, the head of each governmental agency is hereby authorized to delegate to their staff the assignments outlined by this Order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 31st day of December in the year of our Lord 2019 and of the Independence of the United States of America the two hundred forty-fourth and of the Statehood of Idaho the one hundred thirtieth.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-01

ZERO-BASED REGULATION

WHEREAS, excessive regulation at all levels of government can impose high costs on businesses, inhibit job growth, and impede private sector investment; and

WHEREAS, Governor Little issued Executive Order No. 2019-02, the Red Tape Reduction Act, with a goal of identifying and eliminating costly, ineffective, and outdated regulations; and

WHEREAS, the Governor's efforts to eliminate regulations were augmented by the expiration of all administrative rules in 2019 pursuant to Section 67-5292, Idaho Code, creating an impetus for quicker action by state agencies; and

WHEREAS, this effort changed the dynamic for agencies. Previously, each rule the agency wanted to eliminate had to be justified as a new rule-making action; however, in 2019, every regulation that agencies wanted to keep had to be justified, changing the burden of proof and combatting bureaucratic inertia; and

WHEREAS, Idaho state agencies did a tremendous job of embracing this opportunity, holding more than 150 public meetings and making significant progress toward regulatory reform; and

WHEREAS, the new process proved to be successful, leading to historic regulatory reform with 75-percent of all rules cut or simplified in less than one year. The effort led to the elimination of 250 rule chapters, 1,804 pages of regulations, and close to 31,000 restrictions. For every new rule chapter added, 83 were eliminated, and Idaho became the least regulated state in the country; and

WHEREAS, the collaboration between the executive and legislative branches was unprecedented and enabled this success; and

WHEREAS, the proven success of this new process should be institutionalized to prevent the accumulation of costly, ineffective, and outdated regulations over time; and

WHEREAS, there is an opportunity to pair this process with a more thorough retrospective review of the cost and benefit of each rule, if agencies are provided adequate lead time; and

WHEREAS, given the volume of rulemaking in 2019, there is a need to provide businesses with certainty in the regulatory environment.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

1. Executive Order No. 2019-02, the Red Tape Reduction Act, is hereby repealed and replaced with the Zero-Based Regulation process specified in this Executive Order.

Ongoing Review Process for Existing Rules

2. Each rule chapter effective on June 30, 2020, shall be reviewed by the agency that promulgated the rule according to a schedule established by the Division of Financial Management (DFM) as follows:
 - a. All rule chapters, excluding those issued by Constitutional officers, shall be reviewed and, if applicable, be promulgated as specified in this Executive Order no later than sine die in 2026;
 - b. The agency review schedule shall be staggered across agencies and within agencies if the agency has five (5) or more rule chapters. DFM shall ensure the volume of rules that are reviewed by the agencies in any given year is such that the public can engage and provide meaningful input in any individual rulemaking, with approximately twenty (20) percent of rule chapters subject to review each year; and
 - c. The agency review schedule shall be posted on the website of the office of administrative rules coordinator no later than October 1, 2020, and a date for agency review shall be published on the cover sheet of each individual rule chapter.
3. Prior to the agency review date established by DFM, each agency must publish a notice of proposed rulemaking in accordance with the provisions of the Idaho Administrative Procedure Act, Chapter 52, Title 67, Idaho Code, to repeal the existing rule chapter. The agency must finalize the chapter repeal as a pending rule for legislative review during the legislative session that coincides with the agency review date.
4. An agency wishing to renew a rule chapter beyond the agency review date must promulgate a new rule in accordance with the provisions of the Idaho Administrative Procedure Act, Chapter 52, Title 67, Idaho Code:
 - a. The agency must perform a retrospective analysis of the rule chapter to determine whether the benefits the rule intended to achieve are being realized, whether those benefits justify the costs of the rule, and whether there are less restrictive alternatives to accomplish the benefits. This analysis should be guided by the legislative intent articulated in the statute or act giving the agency the authority to promulgate the rule.

- i. DFM shall develop a standardized process for the required retrospective analysis. Any such forms shall be posted on the website of the office of administrative rules coordinator no later than October 1, 2020.
 - ii. Agencies should start the new rulemaking from a zero-base, and not seek to simply reauthorize their existing rule chapter without a critical and comprehensive review. Agencies must use the retrospective analysis to guide which regulations, if any, should be re-promulgated in order to carry out the legislative intent articulated in the statute or act giving the agency the authority to promulgate the rule.
- b. The agency must publish a notice of intent to promulgate rules and hold, at a minimum, two public hearings that are designed to maximize public participation in the rulemaking process. A copy of the retrospective analysis must be published on the agency's website prior to the public hearings.
 - c. The new rule chapter that the agency finalizes must reduce the overall regulatory burden, or remain neutral, as compared to the previous rule chapter.

Process for New or Amended Rules

5. For the current year, there is a moratorium on rulemaking in order to create a more stable regulatory environment and provide businesses with certainty following the significant rulemaking volume undertaken in 2019. State agencies shall not conduct any new rulemaking action from the date of this Executive Order through December 31, 2020, unless all the following conditions apply or unless waived by the Office of the Governor:
 - a. The rulemaking is narrowly tailored to achieve one or more of the following objectives:
 - i. To reduce or remove a regulatory burden;
 - ii. To remove obsolete, outdated, or unnecessary regulations;
 - iii. To advance the objectives of the Licensing Freedom Act;
 - iv. To comply with a new statutory requirement or court order; or
 - v. To prevent a substantiated and well-documented threat to public health, peace, or safety.
 - b. At least one existing rule is repealed or significantly simplified in conjunction with the new or amended rule so that the net regulatory burden is decreased or neutral. Upon approval from the Office of the Governor, this condition will not apply if the rulemaking is mandated by new federal or state law or by court order;
 - c. At least one public hearing is conducted;
 - d. The agency completes a prospective analysis of the new or amended rule, using a standardized form developed by DFM.

- i. Any such forms shall be posted on the website of the office of administrative rules coordinator no later than June 1, 2020.
 - ii. A copy of the prospective analysis must be published on the agency's website prior to the negotiated rulemaking session.
- 6. All proposed amendments to an existing chapter must be contained within a single rulemaking docket.
- 7. If the new rulemaking action results in a new chapter, it shall be reviewed by sine die five (5) years from when the rule becomes final.
 - a. The rules coordinator shall publish the agency review date on the cover sheet of each individual rule chapter.
- 8. Temporary rules shall be limited to those that are intended to avoid an immediate danger or are required to meet a specific deadline specified in statute or a court order.
- 9. Beginning January 1, 2021, state agencies shall, to the extent practicable, only amend rules in conjunction with the renewal of a rule chapter as specified in item 4 of this Executive Order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 16th day of January in the year of our Lord 2020 and of the Independence of the United States of America the two hundred forty-fourth and of the Statehood of Idaho the one hundred thirtieth.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-02

TRANSPARENCY IN AGENCY GUIDANCE DOCUMENTS

WHEREAS, state agencies often rely on final orders as precedent or issue agency guidance documents in the form of written interpretations, policy statements, manuals, and letters to help clarify existing statutes or regulations; and

WHEREAS, while agency guidance documents are intended to be agency interpretations of law, they sometimes carry the implicit threat of enforcement action or otherwise can create confusion for Idahoans; and

WHEREAS, state agencies may only enforce duly enacted statutes, executive orders, or lawfully promulgated rules, unless as otherwise authorized by law or as incorporated into a contract; and

WHEREAS, section 67-5250, Idaho Code, requires each agency to make final orders and agency guidance documents available for public inspection.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

1. Each guidance document issued by an agency must:
 - a. Clearly state that it is not new law but is an agency interpretation of existing law, except as authorized by law or as incorporated into a contract; and
 - b. Provide a point of contact so that members of the public may seek additional information or provide input on the agency guidance document.
2. By July 1, 2020, any agency guidance document that an agency intends to continue must be posted on the agency's website on a single webpage, organized by subject, and with a direct link to the agency guidance document.
3. By December 31, 2020, any written final orders that an agency intends to rely upon as precedent must be posted on the agency's website on a single webpage, organized by subject, and with a direct link to the final order.
4. Coinciding with the deadlines above, each agency must prepare and deliver a report to the Division of Financial Management detailing what final order(s) and or agency guidance document(s), if any, the agency uses, and stating the purpose of each guidance document.
5. For the purposes of this Executive Order, "agency guidance" means all written documents, other than statutes, rules, orders, and pre-decisional material, that are intended to guide agency actions affecting the rights or interests of persons outside the agency. "Agency guidance" includes memoranda, manuals, policy statements, interpretations of law or rules, and other material that are of general applicability, whether prepared by the agency alone or jointly with other persons.
6. For purposes of this Executive Order, a "final order" has the meaning assigned to it in the Idaho Administrative Procedure Act, Chapter 52, Title 67, Idaho Code.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 16th day of January in the year of our Lord 2020 and of the Independence of the United States of America the two hundred forty-fourth and of the Statehood of Idaho the one hundred thirtieth.

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-03FAMILIES FIRST ACT

WHEREAS, Idaho state government employs thousands of Idahoans, many of whom are starting and growing their families with the birth or adoption of children; and

WHEREAS, Idaho is a state that encourages and fosters strong families as the bedrock of our society; and

WHEREAS, bonding between parents and children when a child is born or adopted is an essential part of establishing deep connections and meaningful lifelong attachment between parents and children; and

WHEREAS, Idaho state government will retain an effective workforce by making it possible for families to spend as much time as possible with newborn or adopted children in the weeks immediately after they come into the family; and

WHEREAS, leaders and managers within Idaho state government should encourage flexibility to the extent possible with mothers and fathers returning to state service after the birth or adoption of a child;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and the laws of this state, do hereby order that the Idaho Division of Human Resources issue a policy and any necessary rule changes for all State of Idaho executive branch entities to offer eight weeks of paid parental leave as a separate benefit to eligible employees after the birth or adoption of a child, effective July 1, 2020. Other state elected officials, independent commissions, legislature, and judiciary are encouraged to adopt comparable policies for their employees.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 22nd day of January in the year of our Lord 2020 and of the Independence of the United States of America the two hundred forty-fourth and of the Statehood of Idaho the one hundred thirtieth.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-04CREATING THE IDAHO BEHAVIORAL HEALTH COUNCIL

WHEREAS, tremendous social and economic value will inure to the people of Idaho with the strategic development of a more effective behavioral health system which is devised, implemented, and sustained statewide; and

WHEREAS, all three branches of Idaho government, local governments, and community partners play an integral role in ensuring a reliable and productive behavioral health system for the people of Idaho; and

WHEREAS, behavioral health issues, consisting of mental health and substance use disorders, are currently both chronic and pervasive, detrimentally impacting both a significant and growing portion of Idaho's population, as well as the economy of Idaho; and

WHEREAS, Idaho has demonstrated a commitment to improving the behavioral health system and has previously made considerable improvements to the system; and

WHEREAS, despite the state having already invested significant resources to meet the needs, the Idaho behavioral health system continues to require a more coordinated, integrated, and collaborative structure; and

WHEREAS, an organized and strategic response, developed and implemented collaboratively, provides an unprecedented opportunity for continued improvement and sustained access to effective behavioral health outcomes for Idahoans, and a better return on the investment of public resources.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and the laws of the State of Idaho, do hereby establish the Idaho Behavioral Health Council ("Council"), and in so doing do also order that:

1. The scope and mission of the Council is to:
 - a. Bring together all three branches of state government, local governments and community partners to develop a recommended statewide strategic plan; and
 - b. Oversee the implementation of the approved statewide strategic plan, ensuring an effective, efficient, recovery-oriented behavioral healthcare system for all Idahoans in need of those services.
2. The statewide strategic plan will:
 - a. Define a plan to inventory current expenditures, utilization, and accessibility;
 - b. Assess the effectiveness and efficiency of the current system, including where more efficient organization and effective coordination of existing resources could create better outcomes;
 - c. Determine Idaho citizens' unique needs via broad stakeholder input and known best practices; and
 - d. Recommend actions that will materially improve Idaho's behavioral health system.
3. The Council will produce the statewide strategic plan recommendation by October 31, 2020 which will be delivered to the Governor, the Chief Justice, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.
4. The Council shall consist of thirteen (13) members. The Council's membership shall be as follows:

- a. Ex Officio Members:
 - i. The Administrative Director of the State Courts or designee;
 - ii. The Director of the Idaho Department of Correction or designee;
 - iii. The Director of the Idaho Department of Health and Welfare or designee;
 - iv. The Director of the Idaho Department of Juvenile Corrections or designee.
- b. Members appointed by the Governor:
 - i. A representative from the Idaho Department of Education;
 - ii. One (1) county elected official;
 - iii. One (1) member of the public.
- c. Members appointed by the Chief Justice:
 - i. A presiding judge of a treatment court;
 - ii. One (1) member of the public.
- d. Legislators:
 - i. One (1) member of the House of Representatives appointed by the Speaker of the House of Representatives;
 - ii. One (1) member of the House of Representatives appointed by the Minority Leader of the House of Representatives;
 - iii. One (1) senator appointed by the President Pro Tempore of the Senate;
 - iv. One (1) senator appointed by the Minority Leader of the Senate;
5. The Director of the Department of Health and Welfare or designee and the Administrative Director of the State Courts or designee shall serve as co-chairs of the Council.
6. All members of the Council, except ex officio members, serve at the pleasure of their respective appointing authority.
7. The Council shall receive administrative support from the agencies or departments represented by the co-chairs of the Council.
8. The Council shall create an advisory board to assist and advise the Council. The Council should consider including on the advisory board, but is not limited to, the following:
 - a. An adult consumer of behavioral health services;
 - b. Family of a child consumer of behavioral health services;
 - c. A representative from the Idaho Medical Association Primary Care;
 - d. A representative from the Idaho Psychiatric Association;
 - e. A representative from the Idaho Hospital Association;
 - f. A substance use disorder provider;
 - g. A mental health provider;
 - h. A representative from a public health district;
 - i. A representative from the Idaho Sheriff's Association;

- j. A representative from the Idaho Chiefs of Police Association;
- k. A representative from the Idaho Prosecuting Attorney's Association;
- l. The State Appellate Public Defender or designee;
- m. A representative from the Office of Drug Policy;
- n. At least one (1) tribal representative; and
- o. Any additional advisory board members the Council deems necessary.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 19th day of February in the year of our Lord 2020 and of the Independence of the United States of America the two hundred forty-fourth and of the Statehood of Idaho the one hundred thirtieth.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-05

TEMPORARY REDUCTION OF GENERAL FUND SPENDING AUTHORITY

WHEREAS, article 7, section 11, of the Idaho Constitution provides that except in extraordinary circumstances, expenditures of state government shall not exceed state government revenue; and

WHEREAS, I have determined that expenditures from the General Fund authorized by the Legislature for the current fiscal year will likely exceed anticipated state revenue to meet those authorized expenditures for the current fiscal year due to the ongoing 2019 Novel Coronavirus (COVID-19) pandemic;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state, and pursuant to Section 67-3512A, Idaho Code, do hereby order:

1. That the General Fund appropriation on file in the Office of the State Controller, in addition to the amount addressed within House Bill 557 (2020), be reduced for all departments, offices and institutions of the state by one percent (1%) of their Fiscal Year 2020 General Fund Appropriation. Exceptions may be granted by DFM for agencies with essential personnel providing direct support to the state's COVID-19 pandemic response or providing direct healthcare services for Idahoans.
2. That each department, office and institution shall notify the Office of the State Controller and the Division of Financial Management of the Executive Office of the Governor of budget changes by May 15, 2020.

3. That elected State Constitutional officials are requested to assess and evaluate a reduction in General Fund expenditures for Fiscal Year 2020 to reflect the realities of the projected revenue shortfall without impairing the discharge of their constitutional duties.
4. The officers of the legislative and judicial branches are requested to assess and evaluate a reduction in General Fund expenditures for Fiscal Year 2020 to reflect the realities of the projected revenue shortfall without impairing the discharge of their constitutional duties.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this twenty-seventh (27th) day of March in the year of our Lord 2020.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-06

AUTHORIZING THE TRANSFER OF FUNDS TO THE DISASTER EMERGENCY ACCOUNT

WHEREAS, I issued a proclamation on March 13, 2020, declaring a state of emergency in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19); and

WHEREAS, I issued a proclamation on March 25, 2020, declaring a state of extreme emergency in the State of Idaho pursuant to Chapter 6, Title 46, Idaho Code, due to the increasing occurrence and threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, each of those Proclamations remains in effect today; and

WHEREAS, significant financial obligations and expenses have been and will be incurred by various departments and agencies of the state of Idaho in responding to and assisting in efforts to deal with the COVID-19 pandemic; and

WHEREAS, all funds in the Disaster Emergency Account established by Section 46-1005A, Idaho Code, have or soon will be expended; and

WHEREAS, funds in the general account may not be available to transfer to the Disaster Emergency Account under the requirements set forth in Idaho Code Section 46-1005A(2) (b) given the ongoing COVID-19 pandemic and the uncertainty surrounding its impact on state revenue collection; and

WHEREAS, funds in other eligible accounts, as provided in Idaho Code Section 46-1005A(2) (c) are available for transfer to the Disaster Emergency Account; and

WHEREAS, it is my judgment, as Governor of the state of Idaho, that any moneys transferred from the Tax Relief Fund, established in Section 57-811, Idaho Code, up to the limits provided below would not be required to support the current year's appropriation of the affected account.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

1. The state controller is directed to transfer \$39,300,000 from the Tax Relief Fund, established in Section 57-811, Idaho Code, to the Disaster Emergency Account, created by Section 46-1005A, Idaho Code, on or before April 1, 2020.
2. In no event may the revenues made available under this executive order exceed, during any fiscal year, one percent (1%) of the annual appropriation of general account moneys for the fiscal year.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 27th day of March at 5:45 p.m. Mountain Time in the year of our Lord 2020.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2020-07

ESTABLISHING A PROCESS TO EVALUATE AND IMPLEMENT
FEDERAL CORONAVIRUS FUNDING

WHEREAS, I issued a proclamation on March 13, 2020, declaring a state of emergency in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19); and

WHEREAS, I issued a proclamation on March 25, 2020, declaring a state of extreme emergency in the State of Idaho pursuant to Chapter 6, Title 46, Idaho Code, due to the increasing occurrence and threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, each of those Proclamations remain in effect today; and

WHEREAS, significant financial obligations and expenses have been and will be incurred by various state agencies and local governments in Idaho that are responding to and assisting in efforts to deal with the COVID-19 pandemic; and

WHEREAS, Congress has passed, and President Trump has signed, three legislative packages that provide state funding in response to COVID-19: The Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123); The Families First Coronavirus Response Act (P.L. 116-127); and The Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136); and

WHEREAS, I anticipate additional Congressional action on a federal relief package to states regarding COVID-19; and

WHEREAS, federal funding must be judiciously and prudently managed on behalf of all taxpayers; and

WHEREAS, the receipt of federal funding must not impede or inhibit the state's Constitutional mandate to provide a long-term, structurally balanced budget for the people of Idaho.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order:

1. The creation of a COVID-19 Financial Advisory Committee (CFAC), to be headed by the Administrator of the Division of Financial Management (DFM) and comprised of members appointed by and serving at the pleasure of the Governor. Members include, but are not limited to:
 - a. A representative of the State Controller's Office;
 - b. A representative of the Office of the Governor;
 - c. The director or a representative of the following state agencies:
 - i. Department of Health & Welfare;
 - ii. Department of Labor;
 - iii. Department of Commerce;
 - iv. State Board of Education;
 - d. A representative of the Idaho Indian Tribes;
 - e. A representative of the Association of Idaho Cities;
 - f. A representative of the Idaho Association of Counties;
 - g. A representative from an Idaho small business;
 - h. A representative from an Idaho large business; and
 - i. The co-chairs of the Joint Finance-Appropriations Committee.
2. Any state agency or commission anticipating or applying for direct federal funding related to the COVID-19 response shall, by April 17, 2020, report the following information to CFAC:
 - a. The amount of new federal funding it anticipates receiving;
 - b. The timeframe for the receipt of funds and when the federal funding ends;
 - c. Whether the anticipated funding is allocated through an existing or new federal program and, if an existing program, the current amount of state General Fund or state dedicated fund committed to the program;
 - d. Whether any additional state employees are necessary to oversee or administer the federal funds; and
 - e. Requirements associated with spending the federal funds, including but not limited to state match or cost share requirements, percentage limitations and timeframes.
3. State agencies or commissions anticipating or applying for federal funding related to the COVID-19 response shall:
 - a. To the extent allowable under law, leverage the new federal funding to offset existing state General Fund obligations rather than apply the federal funds to new or expanded programs; and
 - b. Limit the hiring of personnel in connection with or as a result on the new federal funding to limited service employees whose employment shall not last beyond the expenditure of the federal funds.

4. For the Coronavirus Relief Fund and other funds to be administered by the Office of the Governor, CFAC shall make recommendations to the Governor for prioritizing the use of funds, and establish an equitable and accountable process for state agencies, local and tribal governments to submit for reimbursement of costs that are incurred due to COVID-19 between March 1, 2020, and December 30, 2020, that were not accounted for in their most recent budget.
- a. CFAC shall require uniform reports from state agencies and local governments to ensure the receipt, disbursement, and use of federal funds is in alignment with federal law; and
 - b. CFAC shall coordinate with the State Controller on the development of a reporting dashboard through Transparent Idaho to apprise Idahoans of how federal funds are being spent in response to COVID-19.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 7th day of April in the year of our Lord 2020.

BY THE GOVERNOR:

/s/ Lawrence Denney
SECRETARY OF STATE

/s/ Brad Little
GOVERNOR OF THE STATE OF IDAHO

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ABBREVIATIONS USED IN THIS INDEX

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| Approp = Appropriation | Assn = Association |
| 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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APPENDIX

IDAHO STATE OFFICIAL DIRECTORY

ELECTED OFFICIALS

CONGRESSIONAL

UNITED STATES SENATORS

Senator Mike Crapo (R)
251 E. Front St., Ste. 205
Boise, Idaho 83702

Senator James E. Risch (R)
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Boise, Idaho 83702

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Russ Fulcher (R), First District
33 E. Broadway, Ste 251
Meridian, Idaho 83642

Mike Simpson (R), Second District
802 W. Bannock, Ste. 600
Boise, Idaho 83702

STATE ELECTED OFFICIALS

GOVERNOR Brad Little (R)

LIEUTENANT GOVERNOR Janice McGeachin (R)

SECRETARY OF STATE Lawrence Denney (R)

STATE CONTROLLER Brandon D Woolf (R)

STATE TREASURER Julie A. Ellsworth (R)

ATTORNEY GENERAL Lawrence Wasden (R)

SUPERINTENDENT OF PUBLIC INST. Sherri Ybarra (R)

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Boise, Idaho 83720-0054

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1 - BONNER & BOUNDARY COUNTIES

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Spouse - Andrew

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 CHAIR-Business
 CHAIR-Ethics
 Revenue & Taxation; Transportation & Defense

Spouse - Veronica

2 - KOOTENAI COUNTY

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 Commerce & Human Resources; Health & Welfare; Local
 Government

Spouse - Cindy

3 - KOOTENAI COUNTY

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 CHAIR-Local Government
 Education; Resources & Conservation

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4 - KOOTENAI COUNTY

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Spouse - Rick

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 Rules & Administration

Spouse - Julie

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5 - BENEWAH & LATAH COUNTIES

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6 - LEWIS & NEZ PERCE COUNTIES

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 VICE CHAIR-Finance/JFAC
 Joint Legislative Oversight/JLOC; Joint Millennium Fund
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 Change in Employee Compensation Committee; Commerce &
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7 - BONNER, CLEARWATER, IDAHO & SHOSHONE COUNTIES

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8 - BOISE, CUSTER, GEM, LEMHI & VALLEY COUNTIES

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LEGISLATORS BY DISTRICT (Continued)

9 - ADAMS, CANYON, PAYETTE & WASHINGTON COUNTIES

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13 - CANYON COUNTY

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15 - ADA COUNTY

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 Agricultural Affairs; Education; Judiciary, Rules & Administration;
 Legislative Council; Ways & Means

Rob Mason (D) House Seat B 1st Term
 2902 W. Good Street, Boise 83703
 Home 332-1075
 Email: RMason@house.idaho.gov
 Public Lands Conservation w/The Spouse - Gwen
 Wilderness Society
 Environment, Energy & Technology; Resources & Conservation;
 Revenue & Taxation

LEGISLATORS BY DISTRICT (Continued)

17 - ADA COUNTY

Maryanne Jordan (D) Senate 3rd Term
 MINORITY CAUCUS CHAIR
 312 N. Atlantic Street, Boise 83706
 Home 859-1931
 Email: MJordan@senate.idaho.gov Spouse - Rocky
 Agricultural Affairs; Health & Welfare; Resources & Environment

John Gannon (D) House Seat A 4th Term
 Served 1 term, House 1990-1992
 1104 S. Johnson Street, Boise 83705
 Home 343-1608 Bus 433-0629
 Email: JGannon@house.idaho.gov
 Attorney Spouse - Bev
 Change in Employee Compensation Committee; Ethics; Judiciary,
 Rules & Administration; State Affairs; Transportation & Defense

Sue Chew (D) House Seat B 7th Term
 1304 Lincoln Avenue, Boise 83706
 Home 332-1049
 Email: SChew@house.idaho.gov
 Licensed Pharmacist
 Commerce & Human Resources; Environment, Energy &
 Technology; Health & Welfare

18 - ADA COUNTY

Janie Ward-Engelking (D) Senate 4th Term
 Served 1 term, House 2012-2013
 3578 S. Crosspoint Avenue, Boise 83706
 Home 385-9564
 Email: JWardEngelking@senate.idaho.gov
 Teacher (Retired) Spouse - Kay Frank
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Education; Finance/JFAC; Joint Millennium
 Fund Committee

Iana Rubel (D) House Seat A 4th Term
 MINORITY LEADER
 2750 Migratory Drive, Boise 83706
 Home 866-4776
 Email: IRubel@house.idaho.gov
 Attorney
 CO-CHAIR-Joint Legislative Oversight/JLOC
 Health & Welfare; Legislative Council; Resources & Conservation;
 Transportation & Defense; Ways & Means

Brooke Green (D) House Seat B 1st Term
 285 W. Carter Street, Boise 83706
 Home 332-1080 Bus 387-6318
 Email: BGreen@house.idaho.gov
 Senior Transportation Planner Spouse - Jeremy Byington
 Business; Joint Millennium Fund Committee; Local Government;
 State Affairs

19 - ADA COUNTY

Cherie Buckner-Webb (D) Senate 4th Term
 Served 1 term, House 2010-2012
 ASSISTANT MINORITY LEADER
 2304 W. Bella St., Boise 83702
 Home 343-2650 Bus 861-5482 FAX 343-2650
 Email: CBucknerWebb@senate.idaho.gov
 Owner/Principal - Sojourner Coaching Spouse - Webb
 Education; Joint Legislative Oversight/JLOC; Legislative Council;
 State Affairs; Transportation

Lauren Necochea (D) House Seat A 1st Term
 P.O. Box 1634, Boise 83701
 Home 332-1203
 Email: LNecochea@house.idaho.gov
 Local Government; Resources & Conservation; Revenue &
 Taxation

Melissa Wintrow (D) House Seat B 3rd Term
 1711 Ridenbaugh Street, Boise 83702
 Home 332-1076
 Email: MWintrow@house.idaho.gov
 Education
 Appropriations/JFAC; Ethics; Joint Millennium Fund Committee;
 Judiciary, Rules & Administration; Transportation & Defense

20 - ADA COUNTY

Chuck Winder (R) Senate 6th Term
 MAJORITY LEADER
 5528 N. Ebbetts Avenue, Boise 83713
 Home 853-9090
 Email: CWinder@senate.idaho.gov
 Businessman Spouse - Dianne
 Education; Legislative Council; State Affairs; Transportation

Joe Palmer (R) House Seat A 6th Term
 1524 N. Meridian Road, Meridian 83642
 Bus 887-9488
 Email: JPalmer@house.idaho.gov
 Self-employed Spouse - Leslie
 CHAIR-Transportation & Defense
 CO-CHAIR-Legislative Conference Committee
 Business; State Affairs

James Holtzclaw (R) House Seat B 4th Term
 3720 N. Heritage View Avenue, Meridian 83646
 Home 284-9542
 Email: JHoltzclaw@house.idaho.gov
 Real Estate Broker/Small Business Owner
 CHAIR-Commerce & Human Resources
 Change in Employee Compensation Committee; State Affairs;
 Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

21 - ADA COUNTY

Regina M. Bayer (R) Senate 1st Term
 265 E. Calderwood Drive, Meridian 83642
 Home 888-0080
 Email: RBayer@senate.idaho.gov
 Real Estate Broker (Retired) Spouse - Dieter
 Agricultural Affairs; Health & Welfare

Steven Harris (R) House Seat A 4th Term
 3432 E. Plympton Drive, Meridian 83642
 Home 332-1043
 Email: sharris@house.idaho.gov
 Business Owner Spouse - Wendy
 CHAIR-State Affairs
 Commerce & Human Resources; Economic Outlook and Revenue
 Assessment Committee; Transportation & Defense

Megan Kiska (R) House Seat B 1st Term
 P.O. Box 191207, Boise 83719
 Home 297-3306
 Email: MKiska@house.idaho.gov
 Idaho National Guard Officer Spouse - Robin
 Agricultural Affairs; Business; Revenue & Taxation

22 - ADA COUNTY

Lori Den Hartog (R) Senate 3rd Term
 P.O. Box 267, Meridian 83680
 Home 779-2022
 Email: LDenHartog@senate.idaho.gov
 Homemaker Spouse - Scott
 VICE CHAIR-Agricultural Affairs
 Education; Transportation

John Vander Woude (R) House Seat A 5th Term
 Served 1 term, House 2006-2008
 5311 Ridgewood Road, Nampa 83687
 Home 888-4210
 Email: JVanderWoude@house.idaho.gov
 Farmer Spouse - Judy
 CHAIR-Environment, Energy & Technology
 Health & Welfare; Resources & Conservation

Jason A. Monks (R) House Seat B 4th Term
 ASSISTANT MAJORITY LEADER
 3865 S. Black Cat Road, Nampa 83687
 Bus 884-8684 FAX 895-8013
 Email: JMonks@house.idaho.gov
 Small Business Owner Spouse - Shelley
 ACT. VICE CHAIR-Judiciary, Rules & Administration
 State Affairs; Transportation & Defense; Ways & Means

23 - ELMORE, OWYHEE & TWIN FALLS COUNTIES

Bert Brackett (R) Senate 7th Term
 Served 2 terms, House 2005-2008
 48331 Three Creek Highway, Rogerson 83302
 Home 857-2217
 Email: BBrackett@senate.idaho.gov
 Rancher Spouse - Paula
 CHAIR-Transportation
 CO-CHAIR-Legislative Conference Committee
 VICE CHAIR-Resources & Environment

Christy Zito (R) House Seat A 2nd Term
 8821 Old Highway 30, Hammett 83627
 Home 590-4633
 Email: CZito@house.idaho.gov
 Homemaker
 Agricultural Affairs; Judiciary, Rules & Administration; State
 Affairs

Megan Blanksma (R) House Seat B 2nd Term
 MAJORITY CAUCUS CHAIR
 595 S. Thacker Road, Hammett 83627
 Home 366-7976 Bus 366-2349 FAX 366-2370
 Email: MBlanksma@house.idaho.gov
 Agribusiness Owner/Operator Spouse - Jeffery
 Health & Welfare; Resources & Conservation; Transportation &
 Defense; Ways & Means

24 - TWIN FALLS COUNTY

Lee Heider (R) Senate 5th Term
 1631 Richmond Drive, Twin Falls 83301
 Home 731-1631 Bus 731-1631
 Email: LHeider@senate.idaho.gov
 Contractor/Broker (Retired) Spouse - Jan
 CHAIR-Resources & Environment
 Health & Welfare

Lance W. Clow (R) House Seat A 4th Term
 2170 Bitterroot Drive, Twin Falls 83301
 Home 733-5767
 Email: LClow@house.idaho.gov
 Personal Financial Advisor (Retired) Spouse - DeeDee
 CHAIR-Education
 Business; Local Government

Linda Wright Hartgen (R) House Seat B 1st Term
 1681 Wildflower Lane, Twin Falls 83301
 Home 733-5790 FAX 733-5790
 Email: LHartgen@house.idaho.gov
 Trial Court Administrator (Retired) Spouse - Stephen
 Environment, Energy & Technology; Judiciary, Rules &
 Administration; State Affairs

LEGISLATORS BY DISTRICT (Continued)

25 - JEROME & TWIN FALLS COUNTIES

Jim L. Patrick (R) Senate 4th 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
 CHAIR-Commerce & Human Resources
 CO-CHAIR-Change in Employee Compensation Committee
 Agricultural Affairs; Resources & Environment

Laurie Lickley (R) House Seat A 1st Term
 445 E. 400 South, Jerome 83338
 Home 420-7975
 Email: LLickley@house.idaho.gov
 Rancher Spouse - Bill
 Environment, Energy & Technology; Health & Welfare; Resources
 & Conservation

Clark Kauffman (R) House Seat B 4th Term
 3791 N. 2100 E., Filer 83328
 Home 326-4131 FAX 326-4132
 Email: CKauffman@house.idaho.gov
 Farmer Spouse - Debbie
 Appropriations/JFAC; Economic Outlook and Revenue Assessment
 Committee; Legislative Council; Resources & Conservation;
 Transportation & Defense

26 - BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

Michelle Stennett (D) Senate 5th Term
 MINORITY LEADER
 P.O. Box 475, Ketchum 83340
 Home 726-8106
 Email: MStennett@senate.idaho.gov
 Self-employed
 Joint Legislative Oversight/JLOC; Legislative Council; Resources
 & Environment; State Affairs

Muffy Davis (D) House Seat A 1st Term
 P.O. Box 1477, Ketchum 83340
 Home 806-1895
 Email: MDavis@house.idaho.gov
 Professional Speaker Spouse - Jeff Burley
 Health & Welfare; Judiciary, Rules & Administration;
 Transportation & Defense

Sally Toone (D) House Seat B 2nd Term
 2096 E. 1500 S., Gooding 83330
 Home 934-8114 FAX 934-8114
 Email: SToone@house.idaho.gov
 Educator Spouse - Mark
 Agricultural Affairs; Appropriations/JFAC; Economic Outlook and
 Revenue Assessment Committee; Legislative Council; Resources &
 Conservation

27 - CASSIA & MINIDOKA COUNTIES

Kelly Arthur Anthon (R) Senate 3rd Term
 MAJORITY CAUCUS CHAIR
 725 E. 300 S., Burley 83318
 Home 654-4099
 Email: KAnthon@senate.idaho.gov
 Attorney/City Administrator Spouse - Joelle
 Economic Outlook and Revenue Assessment Committee; Judiciary
 & Rules; Local Government & Taxation; State Affairs

Scott Bedke (R) House Seat A 10th Term
 SPEAKER OF THE HOUSE
 P.O. Box 89, Oakley 83346
 Home 862-3619
 Email: SBedke@house.idaho.gov
 Rancher Spouse - Sarah
 Legislative Council

Fred Wood (R) House Seat B 7th Term
 P.O. Box 1207, Burley 83318-0828
 Home 312-1056
 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 4th Term
 Served 1 term, House 2010-2012
 320 S. Marsh Creek Road, McCammon 83250
 Home 251-9303
 Email: JGuthrie@senate.idaho.gov
 Rancher/Business Owner
 CHAIR-Agricultural Affairs
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Resources & Environment

Randy Armstrong (R) House Seat A 2nd Term
 P.O. Box 8, Inkom 83245
 Home 251-8157
 Email: ARmstrong@house.idaho.gov
 Retired Spouse - Paige
 VICE CHAIR-State Affairs
 Business; Environment, Energy & Technology

Kevin Andrus (R) House Seat B 1st Term
 6948 E. Old Oregon Trail Road, Lava Hot Springs 83246
 Home 332-1045
 Email: KAndrus@house.idaho.gov
 Rancher/Horse Trainer Spouse - Shelby
 Agricultural Affairs; Business; State Affairs

LEGISLATORS BY DISTRICT (Continued)

29 - BANNOCK COUNTY

Mark Nye (D) Senate 2nd Term
 Served 1 term, House 2014-2016
 P.O. Box N, Pocatello 83205-0040
 Home 221-6109
 Email: MNye@senate.idaho.gov
 Legal Counsel Spouse - Eva
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC; Judiciary & Rules; Local Government & Taxation

Chris Abernathy (D) House Seat A 1st Term
 1768 S. Grant, Pocatello 83204
 Home 317-3770 Bus 317-3770
 Email: CAbernathy@house.idaho.gov
 IBEW Journeyman Wireman
 Agricultural Affairs; Commerce & Human Resources; Education

Elaine Smith (D) House Seat B 10th Term
 MINORITY CAUCUS CHAIR
 3759 Heron Avenue, 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; Ways & Means

30 - BONNEVILLE COUNTY

Dean M. Mortimer (R) Senate 6th Term
 Served 1 term, House 2007-2008
 7403 S. 1st East, Idaho Falls 83404
 Home 709-2810 Bus 524-9004
 Email: DMortimer@senate.idaho.gov
 Builder/Developer Spouse - Judy
 CHAIR-Education
 Agricultural Affairs; Economic Outlook and Revenue Assessment
 Committee; Resources & Environment

Gary Marshall (R) House Seat A 1st Term
 5714 N. 26th West, Idaho Falls 83402
 Home 313-5712
 Email: GMarshall@house.idaho.gov
 College Professor (Retired)/Small Farmer Spouse - Ramona
 Agricultural Affairs; Education; Judiciary, Rules & Administration

Wendy Horman (R) House Seat B 4th Term
 1860 Heather Circle, Idaho Falls 83406
 Home 522-4387
 Email: WendyHorman@house.idaho.gov
 Small Business Owner Spouse - Briggs
 CO-CHAIR-Economic Outlook and Revenue Assessment
 Committee
 VICE CHAIR-Appropriations/JFAC
 Environment, Energy & Technology; Ethics; Legislative Council

31 - BINGHAM COUNTY

Steve Bair (R) Senate 7th Term
 947 W. 200 S., Blackfoot 83221
 Home 684-5209 FAX 684-5209
 Email: SBair@senate.idaho.gov
 Agriservice Sales/Retired Farmer Spouse - Lori Kae
 CHAIR-Finance
 CO-CHAIR-JFAC
 Economic Outlook and Revenue Assessment Committee; Resources
 & Environment

Neil A. Anderson (R) House Seat A 4th Term
 71 S. 700 W., Blackfoot 83221
 Home 684-3723
 Email: NAAnderson@house.idaho.gov
 Retired Financial Advisor/Rancher Spouse - Sue
 CO-CHAIR-Change in Employee Compensation Committee
 VICE CHAIR-Commerce & Human Resources
 Appropriations/JFAC; Environment, Energy & Technology;

Julianne Young (R) House Seat B 1st Term
 275 N. 400 West, Blackfoot 83221
 Home 201-1898
 Email: JYoung@house.idaho.gov
 Homemaker/Mother Spouse - Kevin
 Environment, Energy & Technology; Judiciary, Rules &
 Administration; State Affairs

32 - BEAR LAKE, BONNEVILLE, CARIBOU, FRANKLIN, ONEIDA & TETON COUNTIES

Mark Harris (R) Senate 3rd Term
 1619 8- Mile Creek Road, Soda Springs 83276
 Home 547-3360
 Email: MHarris@senate.idaho.gov
 Rancher Spouse - Cheryl
 CO-CHAIR-Joint Legislative Oversight/JLOC
 VICE CHAIR-State Affairs
 Agricultural Affairs; Health & Welfare

Marc Gibbs (R) House Seat A 6th Term
 632 Highway 34, Grace 83241
 Home 425-3385 Bus 425-3337
 Email: MGibbs@house.idaho.gov
 Farmer Spouse - Bonne
 CHAIR-Resources & Conservation
 Economic Outlook and Revenue Assessment Committee; Health &
 Welfare

Chad Christensen (R) House Seat B 1st Term
 3890 E. 65th South, Ammon 83406
 Home 419-3020
 Email: CChristensen@house.idaho.gov
 Small Business Owner Spouse - Stephenie
 Commerce & Human Resources; Health & Welfare; Local
 Government

LEGISLATORS BY DISTRICT (Continued)

33 - BONNEVILLE COUNTY

Dave Lent (R) Senate 1st Term
 1186 Caysie Circle, Idaho Falls 83402
 Home 521-0716
 Email: DLent@senate.idaho.gov
 Nuclear Facility Training Manager Spouse - Terri
 Agricultural Affairs; Education

Barbara Ehardt (R) House Seat A 2nd Term
 961 J Street, Idaho Falls 83402
 Home 332-1189 Bus 529-8600
 Email: BEhardt@house.idaho.gov
 Manager - Athletic Club Spouse -
 Education; Environment, Energy & Technology; Judiciary, Rules &
 Administration

Bryan Zollinger (R) House Seat B 2nd Term
 2355 S. Bellin Road, Idaho Falls 83402
 Home 206-3086 Bus 524-0731
 Email: BZollinger@house.idaho.gov
 Attorney Spouse - Shara
 Economic Outlook and Revenue Assessment Committee; Health &
 Welfare; Judiciary, Rules & Administration; Local Government

34 - BONNEVILLE & MADISON COUNTIES

Brent Hill (R) Senate 10th Term
 PRESIDENT PRO TEMPORE
 1010 S. 2nd East, Rexburg 83440
 Home 356-7495
 Statehouse: Ph null
 Email: BHill@senate.idaho.gov
 Certified Public Accountant (Retired) Spouse - Julie
 Legislative Council; Local Government & Taxation; State Affairs

Doug Ricks (R) House Seat A 1st Term
 140 S. 3rd East, Rexburg 83440
 Home 557-9665 Bus 496-7219 FAX 496-5198
 Email: DRicks@house.idaho.gov
 University Administrator/Businessman Spouse - Melissa
 Judiciary, Rules & Administration; Revenue & Taxation;
 Transportation & Defense

Britt Raybould (R) House Seat B 1st Term
 P.O. Box 653, Rexburg 83440
 Home 419-0768 Bus 419-0768
 Email: BRaybould@house.idaho.gov
 Farmer/CFO/Business Strategist
 Appropriations/JFAC; Environment, Energy & Technology;
 Resources & Conservation

35 - BUTTE, CLARK, FREMONT & JEFFERSON COUNTIES

Van T. Burtenshaw (R) Senate 1st Term
 Served 2 terms, House 2014-2018
 1329 E. 1500 N., Terreton 83450
 Home 663-4607 Bus 663-4469 FAX 663-4760
 Email: VBurtenshaw@senate.idaho.gov
 Farmer/Rancher Spouse - Joan "Joni" Marie
 Finance/JFAC; Health & Welfare; Transportation

Jerald Raymond (R) House Seat A 1st Term
 3352 E. 750 North, Menan 83434
 Home 317-8777
 Email: JRaymond@house.idaho.gov
 Rancher/Livestock Consultant Spouse - Cheri
 Agricultural Affairs; Business; Education

Rod Furniss (R) House Seat B 1st Term
 346 N. 4456 East, Rigby 83442
 Home 589-1100
 Email: RFurniss@house.idaho.gov
 Insurance Sales Spouse - Jan
 Business; Economic Outlook and Revenue Assessment Committee;
 Environment, Energy & Technology; Revenue & Taxation

