

GENERAL LAWS
OF THE
STATE OF IDAHO



PASSED AND PUBLISHED BY
THE SECOND REGULAR SESSION OF THE
SIXTY-FIFTH IDAHO LEGISLATURE

Convened January 6, 2020
Adjourned March 20, 2020

Volume 1

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 1
(H.B. No. 324)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2020; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2020; AND DECLARING AN EMERGENCY.

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Parks and Recreation for the Capital Development Program in Section 1, Chapter 275, Laws of 2019, from the General Fund is hereby reduced by \$102,500 for capital outlay for the period July 1, 2019, through June 30, 2020, for the purpose of capital development projects.

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 January 30, 2020

CHAPTER 2
(H.B. No. 323)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE 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 248, Laws of 2019, and any other appropriation provided by law, 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 fund for the period July 1, 2019, through June 30, 2020:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. DEVELOPMENTAL DISABILITIES COUNCIL:			
FROM:			
Cooperative Welfare (Federal)			
Fund	\$61,600		\$61,600

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. DOMESTIC VIOLENCE COUNCIL:			
FROM:			
Cooperative Welfare (Federal)			
Fund	\$500,000	\$1,100,000	\$1,600,000
GRAND TOTAL	\$561,600	\$1,100,000	\$1,661,600

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 February 3, 2020

CHAPTER 3
(S.B. No. 1228)

AN ACT

RELATING TO APPROPRIATIONS; PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE PEST CONTROL DEFICIENCY FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$129,300 from the General Fund to the Pest Control Deficiency Fund as soon as practicable. Such moneys shall be used to reimburse costs incurred by the Plant Industries Program in the Department of Agriculture pursuant to Section 22-2019, 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 February 3, 2020

CHAPTER 4
(S.B. No. 1229)

AN ACT

RELATING TO APPROPRIATIONS; PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE HAZARDOUS SUBSTANCE EMERGENCY RESPONSE FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$28,900 from the General Fund to the Hazardous Substance Emergency Response Fund as soon as practicable. Such moneys shall be used to reimburse costs incurred by the Military Division's Office of Emergency Management Program pursuant to Section 39-7110, 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 February 3, 2020

CHAPTER 5
(S.B. No. 1216)

AN ACT

RELATING TO CYANIDATION FACILITIES; AMENDING SECTION 39-118A, IDAHO CODE, TO REQUIRE THE SUBMISSION OF PERMANENT CLOSURE PLANS FOR CYANIDATION FACILITIES PURSUANT TO SPECIFIED LAW PRIOR TO ISSUANCE OF CERTAIN PERMITS, TO PROVIDE THAT ANY PERMIT ISSUED SHALL PROHIBIT THE CONSTRUCTION AND OPERATION OF A CYANIDATION FACILITY UNTIL THE PERMITTEE SUBMITS PROOF OF FINANCIAL ASSURANCE FOR ITS PERMANENT CLOSURE PLAN, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 39-118A, Idaho Code, be, and the same is hereby amended to read as follows:

39-118A. ORE PROCESSING BY CYANIDATION. (1) All plans and specifications for the construction of a cyanidation facility shall be submitted to and approved by the department before construction may begin, and all construction shall be in compliance therewith. Within thirty (30) days of the completion of such construction, modification or expansion, complete and accurate plans and specifications depicting that actual construction, modification or expansion does not deviate from the original approved plans and specifications, shall be submitted to the department. All plans and specifications submitted to satisfy the requirements of this section shall be certified by registered professional engineers.

(2) (a) A cyanidation facility shall not be constructed, operated, or closed prior to a permit being obtained from the department.

(b) Weather permitting, the director shall deliver to the operator within one hundred eighty (180) days after the receipt of a complete permit application the notice of rejection or notice of approval of the permit, as the case may be, provided however, that, subject to the provisions of subsection (3) of this section, if the director fails to deliver a notice of approval or notice of rejection within the time period, the permit submitted shall be deemed to comply with this chapter, and the operator may commence to build, operate or close the cyanidation facility covered by the permit, as the case may be, as if a notice of approval of the permit had been received from the director. Provided however, that if weather conditions prevent the director from inspecting the cyanidation facility to obtain information needed to approve or reject a submitted permit, he may, in writing to the operator, extend the time not to exceed thirty (30) days after weather conditions permit such inspection.

(c) The director may require a reasonable fee for processing permit applications.

(3) (a) Prior to the effective date of rules promulgated under chapter 15, title 47, Idaho Code, the department is authorized to issue a permit under subsection (2) of this section if the cyanidation facility has provided financial assurance under the provisions of IDAPA 58.01.13 in an amount determined by the department to be the estimated reasonable

costs to complete the activities specified in the permanent closure plan required in IDAPA 58.01.13, in the event of the failure of an operator to complete those activities, plus ten percent (10%) of such costs. In setting the amount of financial assurance, the department shall avoid duplication with any financial assurance, bonds and sureties deposited with other governmental agencies.

(b) After the effective date of rules promulgated under chapter 15, title 47, Idaho Code, the department shall not issue a permit under subsection (2) of this section unless a permanent closure plan for the cyanidation facility has satisfied the financial assurance requirements of been submitted for approval under chapter 15, title 47, Idaho Code, relating to ore processing by cyanidation. Any permit issued by the department under subsection (2) of this section shall prohibit construction and operation of the cyanidation facility until the permittee submits proof acceptable to the department that financial assurance for the cyanidation facility permanent closure plan has been provided as required by chapter 15, title 47, Idaho Code.

(4) A cyanidation facility with an existing permit approved by the department prior to July 1, 2005, shall be subject to the applicable laws and rules for ore processing by cyanidation in effect on June 30, 2005. If there is a material modification or a material expansion of a cyanidation facility after June 30, 2005, all provisions of this chapter shall apply to the modification or expansion; provided however, that reclamation or closure-related activities at a facility with an existing cyanidation permit approved by the department that did not actively add cyanide after January 1, 2005, shall not be considered to be material modifications or a material expansion of the facility.

(5) The department shall promulgate temporary rules by August 1, 2005, to implement the provisions of this act; however, no rulemaking is necessary, nor shall be required, to increase the amount of financial assurance provided by the department's interim authority under subsection (3) (a) of this section.

Approved February 11, 2020

CHAPTER 6
(S.B. No. 1217)

AN ACT

RELATING TO WATER; AMENDING SECTION 42-201, IDAHO CODE, TO PROVIDE THAT WATER MAY BE DIVERTED AND USED WITH OR WITHOUT A WATER RIGHT FOR CERTAIN CLEANUP OR REMOVAL OF HAZARDOUS SUBSTANCES OR PETROLEUM, TO PROVIDE FOR REPORTING TO THE IDAHO DEPARTMENT OF WATER RESOURCES, AND TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL BE CONSULTED.

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

SECTION 1. That Section 42-201, Idaho Code, be, and the same is hereby amended to read as follows:

42-201. WATER RIGHTS ACQUIRED UNDER CHAPTER -- ILLEGAL DIVERSION AND APPLICATION OF WATER -- USES FOR WHICH WATER RIGHT NOT REQUIRED -- EXCLUSIVE AUTHORITY OF DEPARTMENT. (1) All rights to divert and use the waters of this state for beneficial purposes shall hereafter be acquired and confirmed under the provisions of this chapter and not otherwise. And after the passage of this title, all the waters of this state shall be controlled and administered in the manner herein provided. Such appropriation shall be perfected

only by means of the application, permit and license procedure as provided in this title; provided, however, that in the event an appropriation has been commenced by diversion and application to beneficial use prior to the effective date of this act, it may be perfected under such method of appropriation.

(2) No person shall use the public waters of the state of Idaho except in accordance with the laws of the state of Idaho. No person shall divert any water from a natural watercourse or apply water to land without having obtained a valid water right to do so, or apply it to purposes for which no valid water right exists.

(3) Notwithstanding the provisions of subsection (2) of this section or section 42-229, Idaho Code, water may be diverted and used at any time, with or without a water right:

(a) To extinguish an existing fire on private or public lands, structures, or equipment, or to prevent an existing fire from spreading to private or public lands, structures, or equipment endangered by an existing fire;

(b) For forest practices as defined in section 38-1303(1), Idaho Code, and forest dust abatement. Such forest practices and forest dust abatement use is limited to two-tenths (0.2) acre-feet per day from a single watercourse; or

(c) For the immediate cleanup or removal of hazardous substances or petroleum, as defined in section 39-7203, Idaho Code, that is part of an emergency response by a state emergency response team or local emergency response authority to a release, as defined in section 39-7103, Idaho Code, to protect public health or the environment. The Idaho department of environmental quality, in coordination with the Idaho office of emergency management, shall report to the Idaho department of water resources within seventy-two (72) hours the location, need, and expected duration of the emergency response and shall consult the director of the Idaho department of water resources on maintaining delivery of existing water rights during cleanup or removal operations.

(4) For purposes of subsection (3) (b) of this section, no person shall divert water from a canal or other irrigation facility while the water is lawfully diverted, captured, conveyed, used or otherwise physically controlled by the appropriator.

(5) If water is to be diverted from a natural watercourse within a water district, or from a natural watercourse from which an irrigation delivery entity diverts water, a person diverting water pursuant to subsection (3) (b) of this section shall give notice to the watermaster of the intent to divert water for the purposes set forth in said subsection. In the event that the water to be diverted pursuant to subsection (3) (b) of this section is not within a water district, but an irrigation delivery entity diverts water from the same natural watercourse, the required notices shall be given to said irrigation delivery entity. For uses authorized in subsection (3) (a) of this section, notice shall not be required but may be provided when it is reasonable to do so.

(6) A water right holder who determines that a use set forth in subsection (3) of this section is causing a water right to which the holder is entitled to be deprived of water to which it may be otherwise entitled may petition the director of the department of water resources to order cessation of or modification of the use to prevent injury to a water right. Upon such a petition, the director shall cause an investigation to be made and may hold hearings or gather information in some other manner. In the event that the director finds that an injury is occurring to a water right, he may require the use to cease or be modified to ensure that no injury to other water rights occurs. A water right holder feeling aggrieved by a decision or action of the director shall be entitled to contest the action of the director pursuant to section 42-1701A(3), Idaho Code.

(7) This title delegates to the department of water resources exclusive authority over the appropriation of the public surface and ground waters of the state. No other agency, department, county, city, municipal corporation or other instrumentality or political subdivision of the state shall enact any rule or ordinance or take any other action to prohibit, restrict or regulate the appropriation of the public surface or ground waters of the state, and any such action shall be null and void.

(8) Notwithstanding the provisions of subsection (2) of this section, a municipality or municipal provider as defined in section 42-202B, Idaho Code, a sewer district as defined in section 42-3202, Idaho Code, or a regional public entity operating a publicly owned treatment works shall not be required to obtain a water right for the collection, treatment, storage or disposal of effluent from a publicly owned treatment works or other system for the collection of sewage or stormwater where such collection, treatment, storage or disposal, including land application, is employed in response to state or federal regulatory requirements. If land application is to take place on lands not identified as a place of use for an existing irrigation water right, the municipal provider or sewer district shall provide the department of water resources with notice describing the location of the land application, or any change therein, prior to land application taking place. The notice shall be upon forms furnished by the department of water resources and shall provide all required information.

(9) Notwithstanding the provisions of subsection (2) of this section, a person or entity operating a canal or conduit for irrigation or other beneficial uses authorized by a water right that permits water to be diverted from a natural watercourse for such purposes shall not be required to obtain an additional water right for the incidental use of that same water where the water is diverted for irrigation or other beneficial use and thereafter used to generate hydroelectricity in the canal or conduit, if (a) the use for hydroelectric purposes does not increase the rate of diversion of water from the natural watercourse, and (b) the person or entity has the right to generate electricity under a license or exemption issued under the federal power act, a lease of power privileges or other authorization, agreement or contract with reclamation or other federal, state or local governmental agency. The incidental hydropower use shall be junior to and fully subordinated to all existing and future uses and shall be nonconsumptive. To qualify for this exemption, the person or entity must give written notice to the department of water resources and the watermaster describing the hydropower use, location and capacity of the project upon completion of the project. The notice must include a copy of the order or document authorizing the project. The notice must also certify that the incidental use of water for hydropower purposes under the existing water right meets all the requirements of this subsection.

Approved February 11, 2020

CHAPTER 7
(S.B. No. 1233)

AN ACT

RELATING TO CAMPAIGN FINANCE REPORTS; AMENDING SECTION 67-6607, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FILING OF CAMPAIGN FINANCE REPORTS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 67-6607, Idaho Code, be, and the same is hereby amended to read as follows:

67-6607. REPORTS OF CONTRIBUTIONS AND EXPENDITURES BY CANDIDATES AND POLITICAL COMMITTEES. (1) Each candidate or the political treasurer for each candidate, and each political committee or the political treasurer of each political committee, shall file with the secretary of state a statement of all contributions received and all expenditures and encumbrances made by or on behalf of the candidate or political committee, according to the schedule provided in this section. The statement shall itemize each contribution received and each expenditure or encumbrance made during the reporting period and shall include the following:

(a) Under contributions, the statement shall include a list of all the contributions received, including any funds or property of the candidate used to cover expenditures. The statement shall list the full name and complete address of each person who contributed an aggregate amount of more than fifty dollars (\$50.00) and the amount contributed by that person. The statement may list as a single item the total amount of contributions of fifty dollars (\$50.00) or less; and

(b) Under expenditures, the statement shall include the name and address of each person to whom an expenditure or encumbrance was made in the amount of twenty-five dollars (\$25.00) or more, and the amount, date, and purpose of each such expenditure. Each expenditure or encumbrance in the amount of twenty-five dollars (\$25.00) or more shall be evidenced by an invoice, receipt, or canceled check or an accurate copy thereof. Such evidence shall not be filed with the statement but shall be retained by the committee or candidate for a period of one (1) year after the statement has been filed. The statement may list as a single item the total amount of expenditures and encumbrances of less than twenty-five dollars (\$25.00) without showing the exact amount of or requiring evidence of each such expenditure or encumbrance. Anything of value, other than money, paid for or contributed by any person shall be listed both as an expenditure and as a contribution.

(2) For the first report under this section, the reporting period shall cover the period beginning with the first contribution, expenditure, or encumbrance through the end of the current reporting period. Each candidate and each political committee, or the treasurer for a candidate or political committee or ballot measure, shall file the report described under subsection (1) of this section as follows:

(a) In the year of the election, a monthly report shall be filed for each month of the year. Each report shall be filed by the tenth day of the month following the month being reported; and

(b) For the nonelection year, an annual report covering the nonelection year shall be filed by January 10 of the following year.

(3) Notwithstanding any other reports required under this section, each candidate and each political committee, or the political treasurer for any each candidate and any each political committee, shall notify the secretary of state of any contribution of one thousand dollars (\$1,000) or

more. This notification shall be made within forty-eight (48) hours after the receipt of such contribution and shall include the name of the candidate, political committee or measure, the identification of the contributor, and the date of receipt and amount of the contribution. The notification shall be in addition to the reporting of these contributions in the regular reports.

(4) All reports required pursuant to this section shall be filed online with the secretary of state, unless a waiver has been provided under section 67-6623, Idaho Code, by no later than midnight on the date the filing is due.

(5) Reports required to be filed under the provisions of this section shall be filed until the account no longer shows any unexpended balance of contributions or expenditure deficit.

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 February 11, 2020

CHAPTER 8
(H.B. No. 331)

AN ACT

RELATING TO THE APPROPRIATION TO THE STEM ACTION CENTER FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE STEM ACTION CENTER 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 118, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the STEM Action Center \$1,000,000 from the STEM Education Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020, for the purpose of spending private contributions.

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 February 11, 2020

CHAPTER 9
(H.B. No. 321)

AN ACT

RELATING TO LIQUOR; AMENDING SECTION 23-944, IDAHO CODE, TO CLARIFY THAT IT SHALL NOT BE UNLAWFUL FOR CERTAIN PERSONS TO ENTER SPECIFIED PREMISES.

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

SECTION 1. That Section 23-944, Idaho Code, be, and the same is hereby amended to read as follows:

23-944. EXCEPTIONS FROM RESTRICTION ON ENTERING OR REMAINING. It shall not be unlawful for, nor shall section 23-943, Idaho Code, be construed to restrict, any person under the age of twenty-one (21) years from entering or being:

(1) Upon the premises of any restaurant, as herein defined, or in any railroad observation or club car or any airplane of a commercial airline, notwithstanding that such premises may also be licensed for the sale of liquor by the drink or for the sale of beer for consumption on the premises or that alcoholic beverages, or beer, or both, are prepared, mixed or dispensed and served and consumed therein;

(2) In any building, a part or portion of which is used as a place, as herein defined, provided such place is separated or partitioned from the remainder of said building and access to such place through a doorway or doorways or other means of ingress can be controlled to prevent persons under the ages specified with respect thereto in section 23-943, Idaho Code, from entering therein;

(3) In any baseball park, sports arena, convention center, multipurpose arena, plaza, theater, ~~or plaza~~ that is presenting live performances, or fairgrounds, notwithstanding that such premises or any portion thereof may be licensed for the sale of liquor by the drink, wine or beer for consumption on the premises or that such products are dispensed and served and consumed therein; provided, that the person under the age of twenty-one (21) years is attending a lawful activity, show, exhibition, performance or event on the premises or is required to be present as a condition of his employment. It is lawful for persons under the age of twenty-one (21) years to enter and remain in a baseball park, sports arena, convention center, multipurpose arena, plaza, theater that is presenting live performances, or fairgrounds as long as the activity, show, exhibition, performance or event is lawful and the person does not violate section 23-949, Idaho Code;

(4) Upon the premises of any licensed brewery or winery notwithstanding that such premises or any portion thereof may also be licensed for the sale of beer or wine for consumption on the premises or that beer or wine is dispensed and served and consumed therein;

(5) Upon the licensed premises of a wine retailer, wholly owned and operated by a licensed winery that retails exclusively the products of that winery;

(6) At a location, other than a liquor, beer, or wine licensed premises, authorized to serve alcoholic beverages under a valid alcohol beverage catering permit; or

(7) In any movie theater that is allowed to sell beer or wine for consumption on the premises pursuant to a valid license and which movie theater had a license that was valid and not suspended or revoked on January 1, 2006, or any other theater or movie theater built prior to January 1, 1950, and listed on the national register of historic places. No films, still pictures, electronic reproductions or other visual reproductions that are in violation of chapter 41, title 18, Idaho Code (indecent and obscenity), or are in violation of federal law regarding pornography, indecent or obscenity shall be shown or displayed on the premises. As used in this subsection, "movie theater" means a motion picture theater that is being utilized solely for exhibition of a motion picture.

Approved February 11, 2020

CHAPTER 10
(H.B. No. 343)

AN ACT

RELATING TO WINE; AMENDING SECTION 23-1303, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 23-1306, IDAHO CODE, TO REQUIRE LICENSING TO STORE AND HANDLE WINE AS A BONDED WINE WAREHOUSE, TO PROVIDE REQUIREMENTS FOR BONDED WINE WAREHOUSES, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-1307, IDAHO CODE, TO PROVIDE FOR BONDED WINE WAREHOUSE LICENSES, TO PROVIDE THAT BONDED WINE WAREHOUSE LICENSES SHALL NOT BE ISSUED TO AN APPLICANT THAT HAS HAD A BONDED WINE WAREHOUSE LICENSE REVOKED WITHIN THREE YEARS FROM THE DATE OF APPLICATION, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-1310, IDAHO CODE, TO PROVIDE THAT DISTRIBUTORS MAY STORE OR PURCHASE WINE FOR CERTAIN PURPOSES IF RECEIVED FROM PERSONS HOLDING A VALID BONDED WINE WAREHOUSE LICENSE; AMENDING SECTION 23-1314, IDAHO CODE, TO PROVIDE FOR CERTAIN RECORDS AND INSPECTION OF BONDED WINE WAREHOUSES AND TO PROVIDE FOR NOTIFICATION OF PLACE OF BUSINESS; AMENDING SECTION 23-1315, IDAHO CODE, TO PROVIDE FOR LICENSE FEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-1317, IDAHO CODE, TO REQUIRE APPROVAL OF THE DIRECTOR OF THE IDAHO STATE POLICE PRIOR TO THE TRANSFER OF A BONDED WINE WAREHOUSE LICENSE, TO PROVIDE FOR TRANSFER FEES, TO PROVIDE FOR APPLICATION TO TRANSFER A BONDED WINE WAREHOUSE LICENSE FROM ONE LOCATION TO ANOTHER, AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 23-1331, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR MAY SUSPEND, REVOKE, OR REFUSE TO RENEW CERTAIN BONDED WINE WAREHOUSE LICENSES AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 23-1303, Idaho Code, be, and the same is hereby amended to read as follows:

23-1303. DEFINITIONS. (1) The following terms as used in this chapter are hereby defined as follows:

(a) "Bonded wine warehouse" means a licensed warehouse within the state of Idaho that is solely authorized to store and handle wine.

(b) "Bonded wine warehouse license" means a license that authorizes a bonded wine warehouse to solely store and handle wine. Handling of wine as provided for in this chapter includes the loading, unloading, and delivery of wine from a vintner or winery to a bonded wine warehouse, from a bonded wine warehouse to a vintner or winery, from a bonded wine warehouse to another bonded wine warehouse, or from a bonded wine warehouse to a distributor. A bonded wine warehouse license does not authorize the distribution or sale of wine.

(c) "Dessert wine" means only those wines that contain more than sixteen percent (16%) alcohol by volume, but do not exceed twenty-four percent (24%) alcohol by volume, are grape-based, and are fortified through the addition of wine-based spirits or brandy made from grapes. Dessert wine as defined herein shall not be deemed to be a spirit-based beverage for the purposes of paragraph (g~~i~~) of this subsection. Dessert wine as defined in this section shall not include aromatized wines such as vermouth, quinquina, and americano.

(bd) "Director" means the director of the Idaho state police.

(ee) "Distributor" means a person to whom a wine distributor's license has been issued.

(df) "Domestic produced product" means wine at least seventy-five percent (75%) of which by volume is derived from fruit or agricultural products grown in Idaho.

(eg) "Importer" means a person to whom a wine importer's license has been issued.

(fh) "Live performance" means a performance occurring in a theater and not otherwise in violation of any provision of Idaho law.

(gi) "Low proof spirit beverages" means any alcoholic beverage containing not more than fourteen percent (14%) alcohol by volume obtained by distillation mixed with drinkable water, fruit juices and/or other ingredients in solution. These products shall be considered and taxed as wine. Spirit-based beverages exceeding fourteen percent (14%) alcohol by volume shall be considered as liquor and sold only through the division system.

(hj) "Person" includes an individual, firm, copartnership, association, corporation, or any group or combination acting as a unit, and includes the plural as well as the singular unless the intent to give a more limited meaning is disclosed by the context in which it is used.

(ik) "Retailer" means a person to whom a retail wine license has been issued.

(jl) "Retail wine license" means a license issued by the director authorizing a person to sell table wine and/or dessert wine at retail for consumption off the licensed premises.

(km) "Table wine" shall mean any alcoholic beverage containing not more than sixteen percent (16%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added.

(ln) "Theater" means a room, place or outside structure for performances or readings of dramatic literature, plays or dramatic representations of an art form not in violation of any provision of Idaho law.

(mo) "Vintner" means a person who manufactures, bottles, or sells table wine or dessert wine to importers for resale within this state other than a licensed "winery" as herein defined.

(np) "Wine" includes table wine and dessert wine, unless the context requires otherwise.

(oq) "Wine by the drink license" means a license to sell table wine or dessert wine by the individual glass or opened bottle at retail, for consumption on the premises only.

(pr) "Wine distributor's license" means a license issued by the director to a person authorizing such person to distribute table wine or dessert wine to retailers within the state of Idaho.

(qs) "Wine importer's license" means a license issued by the director to a person authorizing such person to import table wine or dessert wine into the state of Idaho and to sell and distribute such wines to a distributor.

(rt) "Winery" means a place, premises or establishment within the state of Idaho for the manufacture or bottling of table wine or dessert wine for sale. Two (2) or more wineries may use the same premises and the same equipment to manufacture their respective wines, to the extent permitted by federal law.

(su) "Winery license" means a license issued by the director authorizing a person to maintain a winery.

(2) All other words and phrases used in this chapter, the definitions of which are not herein given, shall be given their ordinary and commonly understood and accepted meanings.

SECTION 2. That Section 23-1306, Idaho Code, be, and the same is hereby amended to read as follows:

23-1306. LICENSES REQUIRED -- APPLICATION -- ISSUANCE OR REFUSAL. (1) Before any person shall manufacture, import into this state, ~~manufacture~~, bottle or broker for resale within this state, possess for resale, store and handle wine as a bonded wine warehouse, or distribute or sell wine within the state of Idaho, he shall apply to the director for a license ~~to so do~~. The application form shall be prescribed and furnished by the director and require that the applicant therein show that he possesses all of the qualifications and none of the disqualifications of a licensee. A person may apply for and receive a license as both a distributor and importer, if otherwise qualified therefor, and shall pay the license fee required pursuant to this chapter for each license. A winery licensed under this chapter shall also be considered as holding, for the purposes of selling a product processed and bottled by or for that winery, a current retail wine license and wine by the drink license for the licensed premises and for use at functions and events identified in section 23-1338, Idaho Code, and a current wine distributor's and importer's license, without further application or fee. If the director is satisfied that the applicant possesses the qualifications and none of the disqualifications for such license, he shall issue a license for each classification applied for, subject to the restrictions of and upon the conditions specified in this chapter. The license or licenses issued shall be at all times prominently displayed in the place of business of the licensee. If the director determines that the applicant is not properly qualified, he shall refuse to issue a license and shall forthwith so notify the applicant and shall return to the applicant with such notification, three-fourths (3/4) of the license fee remitted with the application. A separate retail wine by the drink license, and wine distributor's license shall be required for each premises. Provided, however, nothing herein shall prohibit a distributor or retailer or wine by the drink licensee from possessing licenses for more than one (1) premises.

(2) A bonded wine warehouse licensed under this chapter shall solely be authorized to store and handle wine produced by vintners and wineries. A license applicant shall hold a federal permit for a bonded wine cellar and may be required to post a continuing wine tax bond of such an amount and in such a form as may be required prior to the issuance of a bonded wine warehouse license. All wine shipped to and from a bonded wine warehouse shall remain under bond and no tax imposed shall be due, unless the wine is removed from bond and delivered to a licensed distributor.

SECTION 3. That Section 23-1307, Idaho Code, be, and the same is hereby amended to read as follows:

23-1307. QUALIFICATIONS FOR RETAIL WINE LICENSE, WINE BY THE DRINK LICENSE, BONDED WINE WAREHOUSE LICENSE, AND DISTRIBUTOR'S LICENSE. (1) No retail wine license, wine by the drink license, bonded wine warehouse license, or wine distributor's license shall be issued to an applicant who at the time of making the application:

- (a) If a corporation, has not qualified as required by law to do business in the state of Idaho;
- (b) Has had a wine distributor's license, retail wine license, wine by the drink license, bonded wine warehouse license, or wine importer's license revoked by the director within three (3) years from the date of making such application;
- (c) Has been convicted of a violation of the laws of this state or of the United States governing the sale of alcoholic beverages, wine, or beer, within three (3) years from the date of making such application;
- (d) Has been convicted of a felony or been granted a withheld judgment following an adjudication of guilt of a felony within five (5) years from the date of making such application;

(e) If an individual or partnership, either the individual or at least one (1) of the partners of a partnership is not nineteen (19) years of age or older.

(2) Licensed wineries shall not be required to possess a retail beer license to sell wine on the winery's original licensed premises or at locations other than the winery's original licensed premises.

(3) To determine qualification for a license, the director shall also cause an investigation which that shall include a fingerprint-based criminal history check of the Idaho central criminal history database and the federal bureau of investigation criminal history database. Each person listed as an applicant on an initial application shall submit a full set of fingerprints and the fee to cover the cost of the criminal history background check for such person with the application.

SECTION 4. That Section 23-1310, Idaho Code, be, and the same is hereby amended to read as follows:

23-1310. STORAGE OR PURCHASE BY DISTRIBUTOR -- FROM WHOM PURCHASED. No distributor may store or purchase wine for purposes of storage or resale unless said wine has been received from persons holding a valid wine importer's license, a valid wine distributor's license, ~~or~~ a valid winery license, or a valid bonded wine warehouse license.

SECTION 5. That Section 23-1314, Idaho Code, be, and the same is hereby amended to read as follows:

23-1314. RECORDS AND INSPECTION OF WINERIES, IMPORTERS, BONDED WINE WAREHOUSES, AND DISTRIBUTORS. (1) Every winery, distributor, bonded wine warehouse, and importer shall have, and notify the director of, a place of business within the state of Idaho.

(2) Each winery, distributor and importer shall keep at its place of business a record of its imports into, and sales of wine within, the state of Idaho. The import record shall include the date and quantity of import and the identity of the import seller and the import carrier or transporter. The sale record shall consist of a copy of the monthly report to the state tax commission required pursuant to section 23-1322, Idaho Code. Each winery, distributor and importer shall keep the record of each sale or import for a period of four (4) years thereafter and shall, on or before the fifteenth day of each month, file the report with the director. The director may require such additional information to be included in such returns as shall assist him in determining whether or not such licensee is complying with this act and whether or not all taxes and fees provided for by this act are being fully paid.

(3) Each bonded wine warehouse shall keep at its place of business a record of its storage and handling of wine. The record shall include the date and quantity of wine stored and handled for each vintner and winery, and the identity of the carrier or transporter handling and storing the wine.

(4) The director shall have the right at any time to make an examination of each winery's, distributor's, bonded wine warehouse's, and importer's books, records and premises, and such other matters as may assist him in verifying the accuracy of such reports.

SECTION 6. That Section 23-1315, Idaho Code, be, and the same is hereby amended to read as follows:

23-1315. LICENSE FEES -- COUNTY RETAIL LICENSE FEES -- COUNTY LICENSE REQUIRED FOR RETAILERS. (a) Each importer shall pay to the state of Idaho an annual license fee of three hundred dollars (\$300).

(b) Each distributor shall pay to the state of Idaho an annual license fee of three hundred dollars (\$300) for each separate warehouse used for the purpose of or in connection with the sale or distribution of wine within this state.

(c) Each winery shall pay to the state an annual license fee of three hundred dollars (\$300).

(d) Each retailer and ~~wine by-the-drink~~ wine by the drink licensee shall pay to the state of Idaho an annual license fee of one hundred dollars (\$100) for each premises for which a license is issued for the sale of wine.

(e) In addition to the fee required by subsection (d) of this section, each retailer and ~~wine by-the-drink~~ wine by the drink licensee shall pay an annual license fee of not to exceed one hundred dollars (\$100) to the county in which the licensed premises are located. If the licensed premises are located within the incorporated limits of a city, the licensee shall pay an annual license fee of not to exceed two hundred dollars (\$200) to such city. Each city and county within this state are hereby authorized and empowered to determine the license fees to be paid by each retailer and ~~wine by-the-drink~~ wine by the drink licensee licensed pursuant to the terms and conditions of this act. No wine license issued by the ~~commissioner~~ director shall authorize the sale of wine at retail unless such person possesses a county and city license as may be required by the governing board thereof.

(f) Each bonded wine warehouse shall pay to the state of Idaho an annual license fee of three hundred dollars (\$300) for each separate warehouse used for the sole purpose of the storage and handling of wine within the state of Idaho.

SECTION 7. That Section 23-1317, Idaho Code, be, and the same is hereby amended to read as follows:

23-1317. TRANSFER OF LICENSES -- FEE -- APPLICATION FOR APPROVAL. (a) No winery license, wine distributor's license, ~~wine by-the-drink~~ by the drink license, bonded wine warehouse license, or retail wine license may be transferred to another person, including an executor, administrator, or trustee in bankruptcy of the estate of the licensee, unless the transferee shall first have obtained the approval of the director to such transfer upon application containing the substantially same information required of an applicant for a winery license, wine distributor's license, bonded wine warehouse license, or retail wine license, as the case may be. If the transferee possesses all of the qualifications and none of the disqualifications for such license, the director shall approve the transfer by issuing a license to the transferee. The fee for each transfer of a winery license, wine distributor's license, ~~wine by-the-drink~~ wine by the drink license, bonded wine warehouse license, or a retail wine license shall be twenty dollars (\$20.00), which fee shall accompany the application for transfer.

(b) Application to transfer a winery license, wine distributor's license, ~~wine by-the-drink~~ by the drink license, bonded wine warehouse license, or retail wine license from one location to another shall be made to the director on forms prescribed and furnished by the director. The director shall approve any such transfer upon submission of the application and receipt by the director of a transfer fee of twenty dollars (\$20.00).

(c) The director, in his discretion, may deny the transfer of a license during the ~~pendancy~~ pendency of any proceedings for suspension or revocation instituted pursuant to the provisions of this chapter.

SECTION 8. That Section 23-1331, Idaho Code, be, and the same is hereby amended to read as follows:

23-1331. SUSPENSION, REVOCATION, AND REFUSAL TO RENEW LICENSES AND PERMITS -- MONETARY PENALTY. (1) The director may suspend, revoke, or refuse

to renew a retail wine license, wine by the drink license, wine distributor's license, wine importer's license, winery license, bonded wine warehouse license, wine direct shipper's permit or vintner's license issued pursuant to the terms of this chapter for any violation of or failure to comply with the provisions of this chapter or rules and regulations promulgated by the director or the state tax commission pursuant to the terms and conditions of this chapter. Manufacturing or bottling functions of a winery shall not be subject to suspension, revocation or nonrenewal of a license, except for violations of law directly related to the manufacturing or bottling activities of the winery. Procedures for the suspension, revocation or refusal to grant or renew licenses issued under this chapter shall be in accordance with the provisions of chapter 52, title 67, Idaho Code.

(2) When the director determines to suspend such license, the affected licensee may petition the director prior to the effective date of the suspension requesting that a monetary payment be allowed in lieu of the license suspension. If the director determines such payment to be consistent with the purpose of the laws of the state of Idaho and is in the public interest, he shall establish a monetary payment in an amount not to exceed five thousand dollars (\$5,000). The licensee may reject the payment amount determined by the director, and instead be subject to the suspension provisions of subsection (1) of this section. Upon payment of the amount established, the director shall cancel the suspension period. The director shall cause any payment to be paid to the treasurer of the state of Idaho for credit to the state's general account in the state operating fund.

(3) The suspension of a license for the sale of liquor or beer shall automatically result in the suspension of any license for the sale of wine held by the same licensee and issued for the same premises or location. Such additional suspension shall be equal in length to and run concurrently with the period of the original suspension.

(4) When a proceeding to revoke or suspend a license has been or is about to be instituted, during the time a renewal application of such license is pending before the director, the director shall renew the license notwithstanding the pending proceedings, but such renewed license may be revoked or suspended without hearing if and when the previous license is, for any reason, revoked or suspended.

Approved February 11, 2020

CHAPTER 11
(H.B. No. 311)

AN ACT

RELATING TO TREATMENT AND CARE OF THE DEVELOPMENTALLY DISABLED; AMENDING SECTION 66-402, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 66-402, Idaho Code, be, and the same is hereby amended to read as follows:

66-402. DEFINITIONS. As used in this chapter:

- (1) "Adult" means an individual eighteen (18) years of age or older.
- (2) "Artificial life-sustaining procedures" means any medical procedure or intervention which that utilizes mechanical means to sustain or supplant a vital function. Artificial life-sustaining procedures shall not include the administration of medication, and it shall not include the performance of any medical procedure deemed necessary to alleviate pain, or any

procedure which that could be expected to result in the recovery or long-term survival of the patient and his restoration to consciousness.

(3) "Department" means the Idaho department of health and welfare.

(4) "Director" means the director of the department of health and welfare.

(5) "Developmental disability" means a chronic disability of a person which that appears before the age of twenty-two (22) years of age and:

(a) Is attributable to an impairment, such as intellectual disability, cerebral palsy, epilepsy, autism or other condition found to be closely related to or similar to one (1) of these impairments that requires similar treatment or services, or is attributable to dyslexia resulting from such impairments; and

(b) Results in substantial functional limitations in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and

(c) Reflects the need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which that are of lifelong or extended duration and individually planned and coordinated.

(6) "Emancipated minor" means an individual between fourteen (14) and eighteen (18) years of age who has been married or whose circumstances indicate that the parent-child relationship has been renounced.

(7) "Evaluation committee" means an interdisciplinary team of at least three (3) individuals designated by the director or his designee to evaluate an individual as required by the provisions of this chapter. Each committee must include a physician licensed to practice medicine in the state of Idaho, a licensed social worker or a licensed professional counselor, and a clinical psychologist or such other individual who has a master's degree in psychology as designated by the department director. In a proceeding governed by section 66-404, Idaho Code, a licensed independent practitioner may be used instead of a physician. Each committee member must be specially qualified by training and experience in the diagnosis and treatment of persons with a developmental disability.

(8) "Facility" means the southwest Idaho treatment center, a nursing facility, an intermediate care facility, an intermediate care facility for people with intellectual disabilities, a licensed residential or assisted living facility, a group foster home, other organizations licensed to provide twenty-four (24) hour care, treatment and training to the developmentally disabled, a mental health center, or an adult and child development center.

(9) "Lacks capacity to make informed decisions" means the inability, by reason of developmental disability, to achieve a rudimentary understanding of the purpose, nature, and possible risks and benefits of a decision, after conscientious efforts at explanation, but shall not be evidenced by improvident decisions within the discretion allowed nondevelopmentally disabled individuals.

(10) "Licensed independent practitioner" or "LIP" means:

(a) A licensed physician or physician assistant pursuant to section 54-1803, Idaho Code; or

(b) A licensed advanee advanced practice registered nurse pursuant to section 54-1402, Idaho Code.

(11) "Likely to injure himself or others" means:

(a) A substantial risk that physical harm will be inflicted by the respondent upon his own person as evidenced by threats or attempts to commit suicide or inflict physical harm on himself; or

(b) A substantial risk that physical harm will be inflicted by the respondent upon another as evidenced by behavior which that has caused

such harm or which that places another person or persons in reasonable fear of sustaining such harm; or

(c) That the respondent is unable to meet essential requirements for physical health or safety.

(12) "Manage financial resources" means the actions necessary to obtain, administer and dispose of real, personal, intangible or business property, benefits and/or income.

(13) "Meet essential requirements for physical health or safety" means the actions necessary to provide health care, food, clothing, shelter, personal hygiene and/or other care without which serious physical injury or illness would occur.

(14) "Minor" means an individual under age eighteen (18) years.

(15) "Protection and advocacy system" means the agency designated by the governor of the state of Idaho to provide advocacy services for people with disabilities pursuant to 42 U.S.C. section 6042.

(16) "Respondent" means the individual subject to judicial proceedings authorized by the provisions of this chapter.

Approved February 13, 2020

CHAPTER 12
(H.B. No. 314)

AN ACT

RELATING TO THE DEAF AND HARD OF HEARING; AMENDING SECTION 33-1001, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2001, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-3402, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2903, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 61-1301, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 61-1302, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE CORRECT CODE REFERENCES, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7301, IDAHO CODE, TO REVISE A DECLARATION OF POLICY; AMENDING SECTION 67-7302, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REMOVE A DEFINITION; AMENDING SECTION 67-7303, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 67-7304, IDAHO CODE, TO REVISE PROVISIONS REGARDING COMPOSITION OF THE IDAHO STATE COUNCIL FOR THE DEAF AND HARD OF HEARING; AMENDING SECTION 67-7307, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-7308, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION.

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~~ impairment loss 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_{1/2} inclusive, or any combination thereof.

(10) "Elementary schools" are schools that serve grades 1 through 6_{1/2} inclusive, or any combination thereof.

(11) "Elementary/secondary schools" are schools that serve grades 1 through 12_{1/2} 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. 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, shall be reported for determining movement on the career ladder.

(20) "Professional compensation rung performance criteria" means:

- (a) An overall rating of proficient, and no components rated as unsatisfactory_{1/2} on the state framework for teaching evaluation; and

(b) Demonstrating the majority 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 educa-

tion shall determine whether any person employed requires certification as a teacher.

SECTION 2. That Section 33-2001, Idaho Code, be, and the same is hereby amended to read as follows:

33-2001. DEFINITIONS. (1) "Ancillary personnel" means those persons who render special services to exceptional children in regular or in addition to regular or special class instruction as defined by the state board of education.

(2) "Children with disabilities" means those children with cognitive impairments, hearing impairments loss, deafness, speech or language impairments, visual impairments, blindness, deaf-blindness, serious emotional disturbance, orthopedic impairments, severe or multiple disabilities, autism, traumatic brain injury, developmental delay or specific learning disabilities, and who by reason of the qualifying disability require special education and related services.

(3) "Exceptional children" means both children with disabilities and gifted/talented children with regard to funding for school districts.

(4) "Gifted/talented children" means those students who are identified as possessing demonstrated or potential abilities that give evidence of high-performing capabilities in intellectual, creative, specific academic or leadership areas, or ability in the performing or visual arts and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

(5) "Special education" or "special instructional service" means specially designed instruction or a related service, at no cost to the parents, to meet the unique needs of an exceptional child.

SECTION 3. That Section 33-3402, Idaho Code, be, and the same is hereby amended to read as follows:

33-3402. DEFINITIONS. As used in this chapter:

(1) "Blind or visually impaired" means impacted by an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

(2) "Board of directors," also referred to in this chapter as "the board," means the board of directors of the Idaho bureau of educational services for the deaf and the blind as such board is established in section 33-3404, Idaho Code.

(3) "Bureau" means the Idaho bureau of educational services for the deaf and the blind as created in section 33-3403, Idaho Code.

(4) "Deaf or hard of hearing" means impacted by an impairment in a loss of hearing, whether permanent or fluctuating, that adversely affects a child's educational performance, or impacted by a hearing impairment loss that is so severe that the child is impaired in processing not able to process linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.

(5) "Idaho school for the deaf and the blind" means the campus program used to provide residential and day campus instruction and services to deaf or hard of hearing and/or blind or visually impaired students.

(6) "Outreach services" means off-campus statewide supplemental services provided by the Idaho bureau of educational services for the deaf and the blind to school districts, students and families.

(7) "Sensory impairment" means an impairment of vision or hearing, or both.

(8) "Specialized/certified personnel" means all personnel nationally certified and/or certified by the state of Idaho as required by applicable law to provide services and instruction to students who are deaf or hard of

hearing and/or blind or visually impaired, including, but not limited to, certified teachers of the deaf, certified teachers of the visually impaired, certified interpreters, certified orientation and mobility specialists, speech language pathologists, and certified low vision therapists.

(9) "State board" means the Idaho state board of education.

(10) "Student" means an individual who is deaf or hard of hearing and/or blind or visually impaired and who qualifies for educational services as provided for in this chapter pursuant to eligibility criteria set forth in the Idaho standards for infants, toddlers, children, and youth who are deaf or hard of hearing as incorporated by reference in IDAPA 08.02.03.004.08 or are blind or visually impaired as incorporated by reference in IDAPA 08.02.03.004.09, in effect on January 1, 2009.

(11) "Supplemental services" means services provided to deaf or hard of hearing and/or blind or visually impaired students and their families, in addition to and in support of services the student may receive from his or her school district. Such services may include assessment, consultation and direct instruction.

SECTION 4. That Section 54-2903, Idaho Code, be, and the same is hereby amended to read as follows:

54-2903. DEFINITIONS. As used in this chapter:

(1) "Applicant" means a person applying for a license or permit under this chapter.

(2) "Audiologist" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter and is engaged in the practice of audiology.

(3) "Board" means the speech, hearing and communication services licensure board.

(4) "Bureau" means the bureau of occupational licenses.

(5) "Department" means the department of self-governing agencies.

(6) "Hearing aid" means any wearable electronic instrument or other device designed for the purpose of aiding or compensating for impaired a loss of human hearing and any parts, attachments or accessories, including earmolds attached to the hearing aid, but excluding batteries and cords. "Hearing aid" does not include those devices classified by the federal food and drug administration as assistive listening devices.

(7) "Hearing aid dealer and fitter" means a person licensed pursuant to this chapter to provide hearing aid evaluations and to sell, dispense and fit hearing aids in the state of Idaho.

(8) "Hearing aid evaluation" means the measurement of human hearing for the purpose of selecting or adapting a hearing aid, and not for obtaining medical diagnosis or legal documentation, and includes the following:

- (a) Air conduction threshold testing;
- (b) Bone conduction threshold testing;
- (c) Speech reception threshold testing;
- (d) Speech discrimination testing;
- (e) Most comfortable loudness level testing; and
- (f) Uncomfortable loudness level testing.

(9) "Improper fitting" means a pattern of hearing aid selections or adaptations, ~~which that~~ cause physical damage to any portion of the ear, in which the electroacoustic characteristics of the hearing aid are inadequate for the consumer, or in which the hearing aid is physically or acoustically unsuited to the consumer including, but not limited to:

- (a) An all-in-the-ear hearing aid, ~~which that~~ continually falls out of the ear;
- (b) Any hearing aid or earmold, ~~which that~~ causes inappropriate feedback, pain or discomfort to the ear within thirty (30) days of the original delivery of the hearing aid to the consumer;

(c) Fitting a consumer with impacted cerumen; or

(d) Fitting a consumer with either an apparent unilateral sensorineural hearing loss or a significant air-bone gap without prior medical evaluation and approval.

(10) "License" means a license issued by the board under this chapter.

(11) "Practice of audiology" means to apply the principles, methods and procedures of measurement, evaluation, testing, counseling, consultation and instruction that relate to the development and disorders of hearing, vestibular functions and related language and speech disorders to prevent, modify or rehabilitate the disorders or to assist individuals in auditory and related skills for communication, and may include intraoperative monitoring and the fitting, adjustment, programming, selling and dispensing of hearing aids and assistive devices.

(12) "Practice of fitting and dealing in hearing aids" means the selection, adaptation, dispensing, fitting or sale of hearing aids, and includes the testing of hearing by means of an audiometer, or by any other device designed specifically for these purposes. The practice also includes the making of impressions for earmolds.

(13) "Practice of sign language interpreting" means the application of the process of providing effective communication between and among persons who are deaf, hard of hearing or deaf-blind, speech impaired and those who can hear. The process includes, but is not limited to, communication between American sign language or other forms of manual communication and English. The process may also involve various other modalities that involve visual, gestural and tactile methods.

(14) "Practice of speech-language pathology" means the application of principles, methods and procedures of measurement, evaluation, testing, counseling, rehabilitation, screening, consultation and instruction that relate to the development and disorders of human communication including, but not limited to, speech (articulation, fluency, voice, accent reduction) and language, swallowing, cognitive communication disorders, augmentative and alternative communication systems and related hearing disorders.

(15) "Provisional permit" means a permit issued to an applicant who is registered to obtain required experience to become licensed.

(16) "Sign language interpreter" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter, and who engages in the practice of sign language interpreting.

(17) "Speech-language pathologist" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter, and who engages in the practice of speech-language pathology.

(18) "Speech-language pathologist aide" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter, and who works under the direction and supervision of a speech-language pathologist. A speech-language pathologist aide shall not act or provide services independently of a supervising speech-language pathologist licensed in Idaho.

(19) "Speech-language pathologist assistant" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter, and works under the direction and supervision of a speech-language pathologist. A speech-language pathologist assistant shall not act or provide services independently of a supervising speech-language pathologist licensed in Idaho.

SECTION 5. That Section 61-1301, Idaho Code, be, and the same is hereby amended to read as follows:

61-1301. LEGISLATIVE FINDINGS AND INTENT. Title IV of the Americans with disabilities act, public law 101-336, requires that on or before July 26, 1993, telephone corporations providing interstate or intrastate tele-

phone services provide telecommunications relay services (TRS) for individuals who are ~~hearing-impaired~~ deaf, hard of hearing, or speech-impaired that will allow them to engage in telephone communication in a manner functionally equivalent to that of individuals without hearing loss or speech impairments. The legislature finds that it is in the public interest to provide for the appointment of a TRS administrator who can coordinate TRS services and assist the state in applying for certification of the state TRS program by the federal deadline of October 1, 1992. This certification, if approved by the federal communications commission, will allow every telephone corporation providing intrastate service in Idaho to meet its obligations under federal law by participating in the state telecommunications relay services program.

SECTION 6. That Section 61-1302, Idaho Code, be, and the same is hereby amended to read as follows:

61-1302. DEFINITIONS. In this chapter:

(1) "Administrator" means the person with whom the Idaho public utilities commission contracts to administer the program for delivery of telecommunications relay services.

(2) "Commission" means the Idaho public utilities commission.

(3) "Communications-impaired" means individuals who are ~~hearing-impaired~~ deaf, hard of hearing, or speech-impaired as defined in title IV, section 401, Americans with disabilities act of 1990, public law 101-336, 104 stat. 327, 336-69 (47 U.S.C. section 225) or regulations promulgated pursuant thereto.

(4) "Local exchange company" means a telephone corporation ~~which~~ that provides access lines to residential and business customers with the associated transmission of two (2) way interactive switched voice communication within a geographic area where basic local exchange rates rather than message telecommunications service rates apply.

(5) "Message telecommunications service" shall have the meaning prescribed in section 62-603(~~68~~), Idaho Code.

(6) "Program" means the effort directed by the administrator pursuant to this chapter to establish and operate an Idaho system to provide telecommunications relay services.

(7) "Telephone corporation" shall have the meaning prescribed in section 62-603(~~104~~), Idaho Code.

(8) "Telecommunications relay services" (TRS) " means services through which a communications-impaired person, using specialized telecommunications equipment, may send and receive messages to and from a noncommunications-impaired person whose telephone is not equipped with specialized telecommunications equipment and through which a noncommunications-impaired person may, by using voice communication, send and receive messages to and from a communications-impaired person.

SECTION 7. That Section 67-7301, Idaho Code, be, and the same is hereby amended to read as follows:

67-7301. DECLARATION OF PURPOSE. The legislature finds that Idaho's deaf and hard of hearing citizens make up ~~ten per cent~~ thirteen percent (103%) of the state's population, with approximately one-half (1/2) of this constituency being elderly. Deaf and hard of hearing individuals are capable of doing everything well except hearing. The deaf and hard of hearing need help in bridging the communication gap into the hearing world. Deaf and hard of hearing individuals deserve equal access to jobs, housing, education, and information. Unfortunately, the needs of the deaf and hard of hearing have long been overlooked and underserved. Services that are available are fragmented and incomplete. There is an urgent need for an en-

tity to coordinate state-level programs to assure accommodation and access services for the deaf and hard of hearing. The purpose of this chapter is to establish an advisory council for the deaf and hard of hearing whose mission will be to create an environment in which hearing-impaired deaf and hard of hearing Idahoans of all ages have an equal opportunity to participate fully as active, responsible, productive, and independent citizens of the state.

SECTION 8. That Section 67-7302, Idaho Code, be, and the same is hereby amended to read as follows:

67-7302. DEFINITIONS. As used in this chapter:

(1) "Advocacy" means to act in the interests of the deaf and hard of hearing population.

(2) "Council" means the Idaho state council for the deaf and hard of hearing.

(3) "Deaf" means those in whom the sense of hearing is not functional for the ordinary purposes of life. "Deaf" includes several kinds of deafness: prelingually deaf, postlingually deaf and deafened as defined by the Gallaudet university study on hearing loss.

(4) "Hard of hearing" means those persons whose hearing is impaired diminished to an extent that makes hearing difficult but does not preclude the understanding of spoken communication through the ear alone, with or without a hearing aid.

~~(5) "Hearing-impaired" means those who are deaf or hard of hearing.~~

SECTION 9. That Section 67-7303, Idaho Code, be, and the same is hereby amended to read as follows:

67-7303. IDAHO STATE COUNCIL FOR THE DEAF AND HARD OF HEARING CREATED. (1) The Idaho state council for the deaf and hard of hearing is hereby created. The council shall be the interdepartmental and interagency planning and advisory body for the departments and agencies of the state for programs and services affecting persons with a hearing impairment who are deaf or hard of hearing.

(2) For budgetary purposes and for administrative support purposes, the council shall be assigned, by the governor, to a department or office within the state government. However, this assignment shall not interfere with the interdepartmental and interagency planning, coordinating, influencing, evaluating and monitoring functions of the council.

SECTION 10. That Section 67-7304, Idaho Code, be, and the same is hereby amended to read as follows:

67-7304. COMPOSITION. (1) The council shall consist of nine (9) members to be appointed by the governor.

(2) Membership shall be as follows: one (1) member shall be a deaf person representing an association of the deaf, one (1) member shall be a deaf person, one (1) member shall be the parent of a deaf child, one (1) member shall be a hard of hearing member of a national hard of hearing consumer organization, one (1) member shall be a hard of hearing person over the age of sixty (60) years, one (1) member shall be the parent of a hard of hearing child, one (1) member shall be an a licensed sign language interpreter for the deaf, one (1) member shall be a licensed physician, and one (1) member shall be an ASHA-certified audiologist.

(3) The following shall serve as ex officio nonvoting members of the council: a representative from each of the following: the Idaho bureau of educational services for the deaf and the blind, the state department of education, the division of vocational rehabilitation, the ~~office~~ commission on aging, the department of health and welfare, the bureau of occupational licenses, the department of ~~employment~~ labor, the public utilities commission, the consumer protection division of the office of the attorney general, ~~the Idaho hearing aid society,~~ and the director of the council for the deaf and hard of hearing.

(4) Due regard shall be given to balanced representation from geographical and demographic areas of the state for voting members of the council.

(5) Voting members of the council shall be compensated as provided in section 59-509(b), Idaho Code.

SECTION 11. That Section 67-7307, Idaho Code, be, and the same is hereby amended to read as follows:

67-7307. RESPONSIBILITIES AND DUTIES. The council shall:

(1) Work to increase access to employment, educational and social-interaction opportunities for deaf and hard of hearing individuals.

(2) Increase awareness of the needs of the deaf and hard of hearing through educational and informational programs.

(3) Encourage consultation and cooperation among departments, agencies and institutions serving the deaf and hard of hearing.

(4) Provide a network through which all state and federal programs dealing with the deaf and hard of hearing individuals can be channeled.

(5) Determine the extent and availability of services to the deaf and hard of hearing, determine the need for further services and make appropriate recommendations to government officials to ~~insure~~ ensure that the needs of deaf and hard of hearing citizens are best served.

(6) ~~To~~ eCoordinate, advocate for, and recommend the development of public policies and programs that provide full and equal opportunity and accessibility for deaf and hard of hearing persons in Idaho.

(7) ~~To~~ mMonitor consumer protection issues that involve the deaf and hard of hearing population of the state of Idaho.

(8) Submit periodic reports to the governor, the legislature, and departments of state government on how current federal and state programs, rules, regulations, and legislation affect services to persons ~~with hearing impairments~~ who are deaf or hard of hearing.

SECTION 12. That Section 67-7308, Idaho Code, be, and the same is hereby amended to read as follows:

67-7308. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho State Council ~~on~~ for the Deaf and Hard of Hearing Act."

Approved February 13, 2020

CHAPTER 13
(H.B. No. 315)

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2705, IDAHO CODE, TO REVISE THE LIST OF SCHEDULE I CONTROLLED SUBSTANCES.

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

SECTION 1. That Section 37-2705, Idaho Code, be, and the same is hereby amended to read as follows:

37-2705. SCHEDULE I. (a) The controlled substances listed in this section are included in schedule I.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- (2) Acetylmethadol;
- (3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
- (4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide);
- (5) Allylprodine;
- (56) Alphacetylmethadol (except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM);
- (67) Alphameprodine;
- (78) Alphamethadol;
- (89) Alpha-methylfentanyl;
- (910) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (101) Benzethidine;
- (112) Betacetylmethadol;
- (123) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
- (134) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3methyl-4-piperidinyl)-N-phenylpropanamide);
- (145) Betameprodine;
- (156) Betamethadol;
- (167) Betaprodine;
- (178) Clonitazene;
- (189) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);
- (1920) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
- (201) Dextromoramide;
- (212) Diampromide;
- (223) Diethylthiambutene;
- (234) Difenoazin;
- (245) Dimenoxadol;
- (256) Dimepheptanol;
- (267) Dimethylthiambutene;
- (278) Dioxaphetyl butyrate;
- (289) Dipipanone;
- (2930) Ethylmethylthiambutene;
- (301) Etonitazene;

- (312) Etoperidone;
- (323) Fentanyl-related substances. "Fentanyl-related substances" means any substance not otherwise listed and for which no exemption or approval is in effect under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. 355, and that is structurally related to fentanyl by one (1) or more of the following modifications:
- i. Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;
 - ii. Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups;
 - iii. Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;
 - iv. Replacement of the aniline ring with any aromatic monocycle, whether or not further substituted in or on the aromatic monocycle; and/or
 - v. Replacement of the N-propionyl group by another acyl group;
- (34) 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
- (35) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);
- (336) Furethidine;
- (347) Hydroxypethidine;
- (358) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);
- (369) Ketobemidone;
- (3740) Levomoramide;
- (3841) Levophenacetylmorphan;
- (3942) 3-Methylfentanyl;
- (403) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide];
- (414) Morpheridine;
- (425) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (436) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
- (447) Noracymethadol;
- (458) Norlevorphanol;
- (469) Normethadone;
- (4750) Norpipanone;
- (4851) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide);
- (4952) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
- (503) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);
- (514) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);
- (525) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);
- (536) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- (547) Phenadoxone;
- (558) Phenampromide;
- (569) Phenomorphan;
- (5760) Phenoperidine;
- (5861) Piritramide;
- (5962) Proheptazine;
- (603) Properidine;
- (614) Propiram;
- (625) Racemoramide;

(66) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidine-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);

(637) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);

(648) Tilidine;

(659) Trimeperidine;

(6670) u-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide);

(671) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide).

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine;
- (2) Acetyldihydrocodeine;
- (3) Benzylmorphine;
- (4) Codeine methylbromide;
- (5) Codeine-N-Oxide;
- (6) Cyprenorphine;
- (7) Desomorphine;
- (8) Dihydromorphine;
- (9) Drotebanol;
- (10) Etorphine (except hydrochloride salt);
- (11) Heroin;
- (12) Hydromorphenol;
- (13) Methyldesorphine;
- (14) Methyldihydromorphine;
- (15) Morphine methylbromide;
- (16) Morphine methylsulfonate;
- (17) Morphine-N-Oxide;
- (18) Myrophine;
- (19) Nicocodeine;
- (20) Nicomorphine;
- (21) Normorphine;
- (22) Pholcodine;
- (23) Thebacon.

(d) Hallucinogenic substances. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

- (1) Dimethoxyphenethylamine, or any compound not specifically excepted or listed in another schedule that can be formed from dimethoxyphenethylamine by replacement of one (1) or more hydrogen atoms with another atom(s), functional group(s) or substructure(s) including, but not limited to, compounds such as DOB, DOC, 2C-B, 25B-NBOMe;
- (2) Methoxyamphetamine or any compound not specifically excepted or listed in another schedule that can be formed from methoxyamphetamine by replacement of one (1) or more hydrogen atoms with another atom(s), functional group(s) or substructure(s) including, but not limited to, compounds such as PMA and DOM;
- (3) 5-methoxy-3,4-methylenedioxy-amphetamine;
- (4) 5-methoxy-N,N-diisopropyltryptamine;

- (5) Amphetamine or methamphetamine with a halogen substitution on the benzyl ring, including compounds such as fluorinated amphetamine and fluorinated methamphetamine;
- (6) 3,4-methylenedioxy amphetamine;
- (7) 3,4-methylenedioxymethamphetamine (MDMA);
- (8) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-ethylMDA, MDE, MDEA);
- (9) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-hydroxyMDA);
- (10) 3,4,5-trimethoxy amphetamine;
- (11) 5-methoxy-N,N-dimethyltryptamine (also known as 5-methoxy-3-2[2-(dimethylamino)ethyl]indole and 5-MeO-DMT);
- (12) Alpha-ethyltryptamine (some other names: etryptamine, 3-(2-aminobutyl)indole);
- (13) Alpha-methyltryptamine;
- (14) Bufotenine;
- (15) Diethyltryptamine (DET);
- (16) Dimethyltryptamine (DMT);
- (17) Ibogaine;
- (18) Lysergic acid diethylamide;
- (19) Marijuana;
- (20) Mescaline;
- (21) Parahexyl;
- (22) Peyote;
- (23) N-ethyl-3-piperidyl benzilate;
- (24) N-methyl-3-piperidyl benzilate;
- (25) Psilocybin;
- (26) Psilocyn;
- (27) Tetrahydrocannabinols or synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure such as the following:
 - i. Tetrahydrocannabinols:
 - a. Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers, excluding dronabinol in sesame oil and encapsulated in either a soft gelatin capsule or in an oral solution in a drug product approved by the U.S. Food and Drug Administration.
 - b. Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers.
 - c. $\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)
 - d. [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyl-octan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol], also known as 6aR-trans-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol (HU-210) and its geometric isomers (HU211 or dexanabinol).
 - ii. The following synthetic drugs:
 - a. Any compound structurally derived from (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methanone, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methane, or (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl), methyl or dimethyl butanoate, amino-methyl (or dimethyl)-1-oxobutan-2-yl) carboxamide by substitution at the nitrogen atoms

of the indole ring or carboxamide to any extent, whether or not further substituted in or on the indole ring to any extent, whether or not substituted to any extent in or on the cycloalkyl, cycloalkenyl, aryl ring(s) (substitution in the ring may include, but is not limited to, heteroatoms such as nitrogen, sulfur and oxygen).

b. N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-AB-PINACA).

c. 1-(1.3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone).

d. 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (4-cn-cumyl-BUTINACA).

e. Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate * (5f-edmbpinaca).

f. (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (fub-144).

g. 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (5f-cumyl-pinaca; sgt25).

h. (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2.3-B]pyridine-3-carboxamide (5fcumyl-P7AICA).

i. Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (MMB-CHMICA, AMB-CHMICA).

j. Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (5f-mdmbpica).

k. N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (fub-akb48; fub-apinaca).

l. Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201; CBL2201).

m. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring to any extent, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent.

en. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring to any extent, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.

eo. Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring to any extent, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.

ep. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring to any extent, whether or not substituted in the cyclohexyl ring to any extent.

fq. Any compound structurally derived from 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring to any extent, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

gr. [2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone (WIN-55,212-2).

hs. 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (HU-243).

it. [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate (CP 50,5561).

(28) Ethylamine analog of phencyclidine: N-ethyl-1-phenylcyclohexylamine (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

(29) Pyrrolidine analog of phencyclidine: 1-(phenylcyclohexyl)-pyrrolidine, PCPy, PHP;

(30) Thiophene analog of phencyclidine: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP;

(31) 1-[1-(2-thienyl) cyclohexyl] pyrrolidine another name: TCPy;

(32) Spores or mycelium capable of producing mushrooms that contain psilocybin or psilocin.

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Gamma hydroxybutyric acid (some other names include GHB; gamma-hydroxybutyrate, 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

(2) Flunitrazepam (also known as "R2," "Rohypnol");

(3) Mecloqualone;

(4) Methaqualone.

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Aminorex (some other names: aminoxaphen, 2-amino-5-phenyl-2-oxazoline, or 4,5-dihydro-5-phenyl-2-oxazolamine);

(2) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone);

(3) Substituted cathinones. Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

i. By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl or halide substituents, whether or not further substituted in the ring system by one (1) or more other univalent substituents;

ii. By substitution at the 3-position with an acyclic alkyl substituent;

iii. By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(4) Alpha-pyrrolidinoheptaphenone* (PV8);

(5) Alpha-pyrrolidinohexanophenone* (a-php);

(6) 4-chloro-alpha-pyrrolidinovalerophenone* (4chloro-a-pvp);

(7) Fenethylamine;

(58) Methcathinone (some other names: 2-(methyl-amino)-propionophenone, alpha-(methylamino)-propionophenone, N-methylcathinone, AL-464, AL-422, AL-463 and UR1423);

(69) (+/-) cis-4-methylaminorex [(+/-) cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine];

(10) 4-methyl-alpha-ethylaminopentiophenone* (4meap);

(11) 4'-methyl-alpha-pyrrolidinohexiophenone* (mphp);

(712) N-benzylpiperazine (also known as: BZP, 1-benzylpiperazine);
(813) N-ethylamphetamine;
(14) N-ethylhexedrone*;
(915) N,N-dimethylamphetamine (alsoknownas:N,N-alpha-trimethyl-ben-
zeneethanamine).

Approved February 13, 2020

CHAPTER 14
(H.B. No. 316)

AN ACT

RELATING TO PHARMACY; AMENDING SECTION 37-2718, IDAHO CODE, TO REVISE PROVISIONS REGARDING DISCIPLINE OF CERTAIN REGISTRANTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 37-2744, IDAHO CODE, TO REMOVE A REFERENCE TO THE BOARD OF PHARMACY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1704, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PRACTICE OF PHARMACY; AMENDING SECTION 54-1705, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-1711, IDAHO CODE, TO REVISE PROVISIONS REGARDING VACANCIES ON THE BOARD OF PHARMACY; AMENDING SECTION 54-1722, IDAHO CODE, TO REVISE QUALIFICATIONS FOR LICENSURE; AMENDING SECTION 54-1725, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTINUING PHARMACY EDUCATION; REPEALING SECTION 54-1733C, IDAHO CODE, RELATING TO EMERGENCY ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS; AMENDING SECTION 54-1733D, IDAHO CODE, TO PROVIDE FOR EMERGENCY ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS, TO PROVIDE FOR LEGAL IMMUNITY, AND TO DEFINE A TERM; REPEALING SECTION 54-1733E, IDAHO CODE, RELATING TO TOBACCO CESSATION PRODUCTS; REPEALING SECTION 54-1733F, IDAHO CODE, RELATING TO TUBERCULIN PURIFIED PROTEIN DERIVATIVE PRODUCTS; AMENDING SECTION 54-1739, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROSPECTIVE DRUG REVIEW AND COUNSELING AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 54-1768, IDAHO CODE, RELATING TO PRESCRIBER-AUTHORIZED SUBSTITUTION; AMENDING SECTION 54-1732, IDAHO CODE, TO REMOVE CODE REFERENCES; AND AMENDING SECTION 54-1733, IDAHO CODE, TO REMOVE A CODE REFERENCE.

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

SECTION 1. That Section 37-2718, Idaho Code, be, and the same is hereby amended to read as follows:

37-2718. DISCIPLINE. (a) A registration under section 37-2717, Idaho Code, may be restricted, suspended or revoked by the board upon a finding that the registrant:

- (1) Has furnished false or fraudulent material information in any application filed under this act;
 - (2) Has been found guilty of a felony or misdemeanor under any state or federal law relating to any controlled substance; ~~or~~
 - (3) Has had his federal registration restricted, suspended or revoked;
- or

(4) Has violated this chapter, any rule of the board promulgated under this act, an order of the board or any federal regulation relating to controlled substances; provided, however, that no restriction, revocation or suspension procedure be initiated under this paragraph without the board first giving notice of the procedure to the state licensing board with authority over the registrant's professional license.

(b) The notice required in subsection (a) (4) of this section shall be given immediately in the event action is taken without an order to show cause

as allowed under section 37-2719(b), Idaho Code. In all other cases, such notice shall be given as early as reasonably practicable without risking compromise of the board's investigation but no later than the earlier of:

- (1) Issuance of an order to show cause under section 37-2719(a), Idaho Code; or
 - (2) Setting of a hearing for approval of a resolution of the matter through informal proceedings.
- (c) Restriction, revocation or suspension procedures arising solely from "practice-related issues" shall be referred by the board to such registrant's state licensing board.

(1) Upon such referral, the registrant's state licensing board shall commence such investigation of the referred matter as it deems necessary and shall take action upon the registrant's license or shall inform the board of pharmacy, in writing, that it has investigated the referred matter and has concluded that no action is necessary.

(2) For purposes of this section, the term "practice-related issues" refers to issues involving questions regarding the professional conduct of the registrant within the scope of the registrant's profession.

(d) The board may limit the revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(e) If the board restricts, suspends or revokes a registration, all pertinent controlled substances owned or possessed by the registrant at the time of the restriction or suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the state.

(f) The board shall promptly notify the bureau and the state licensing board with authority over the registrant's professional license of all orders restricting, suspending or revoking registration and all forfeitures of controlled substances.

(g) In the event the drug enforcement administration or a state licensing board with authority over a registrant's professional license or registration takes an action against the registrant in any fashion which suspends, restricts, limits or affects the registrant's ability to manufacture, distribute, prescribe, administer, dispense, or conduct research with any controlled substance, the professional licensing board shall promptly notify the board of pharmacy of the action.

(1) Upon such action, the board of pharmacy shall be authorized to issue its order suspending, restricting, limiting or otherwise affecting the registrant's controlled substance registration in the same fashion as the professional licensing board action.

(2) The board of pharmacy order may be issued without further hearing or proceeding, but shall be subject to the effect of any reversal or modification of the professional licensing board action by reason of any appeal or rehearing.

SECTION 2. That Section 37-2744, Idaho Code, be, and the same is hereby amended to read as follows:

37-2744. FORFEITURES. (a) The following are subject to forfeiture:

(1) All controlled substances that have been manufactured, distributed, dispensed, acquired, possessed or held in violation of this act or with respect to which there has been any act by any person in violation of this act;

- (2) All raw materials, products and equipment of any kind that are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substances or counterfeit substances in violation of this act;
- (3) All property that is used, or intended for use, as a container for property used in the commission of an act prohibited by section 37-2732B, 37-2732(a) or (b), or 37-2737A, Idaho Code;
- (4) All conveyances, including aircraft, vehicles, or vessels, that are used, or intended for use, to transport, or in any manner to facilitate the transportation, delivery, receipt or manufacture of substances as prohibited by section 37-2732B, 37-2732(a) or (b), or 37-2737A, Idaho Code, but:
- (A) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this act;
- (B) No conveyance is subject to forfeiture under this section if the owner establishes that he could not have known in the exercise of reasonable diligence that the conveyance was being used, had been used, was intended to be used or had been intended to be used in any manner described in subsection (a) (4) of this section;
- (C) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the security interest was created without any knowledge or reason to believe that the conveyance was being used, had been used, was intended to be used, or had been intended to be used for the purpose alleged.
- (5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data that are used, or intended for use, in violation of this act.
- (6) (A) All moneys, currency, negotiable instruments, securities or other items easily liquidated for cash, such as, but not limited to, jewelry, stocks and bonds, or other property described in paragraphs (2) and (3) of this subsection that is found in close proximity to property described in paragraph (1), (2), (3), (5), (7) or (8) of this subsection and that has been used or is intended for use in connection with the illegal manufacture, distribution, dispensing or possession of property described in paragraph (1), (2), (3), (5), (7) or (8) of this subsection;
- (B) Items described in subparagraph (6)(A) of this subsection paragraph or other things of value furnished or intended to be furnished by any person in exchange for a contraband controlled substance in violation of this chapter, all proceeds, including items of property traceable to such an exchange, and all moneys or other things of value used or intended to be used to facilitate any violation of this chapter, except that no property shall be forfeited under this paragraph to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.
- (7) All drug paraphernalia as defined by section 37-2701, Idaho Code.
- (8) All simulated controlled substances, which are used or intended for use in violation of this chapter.
- (9) All weapons, or firearms, which are used in any manner to facilitate a violation of the provisions of this chapter.
- (b) Property subject to forfeiture under this chapter may be seized by the director, or any peace officer of this state, upon process issued by any

district court, or magistrate division thereof, having jurisdiction over the property. Seizure without process may be made if:

- (1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;
- (2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal racketeering or civil forfeiture proceeding based upon a violation of this chapter;
- (3) Probable cause exists to believe that the property is directly or indirectly dangerous to health or safety; or
- (4) Probable cause exists to believe that the property was used or is intended to be used in violation of this chapter.

Mere presence or possession of United States currency, without other indicia of criminal activity, is insufficient cause for seizure.

(c) In the event of seizure pursuant to subsection (b) of this section, proceedings under subsection (d) of this section shall be instituted promptly.

(1) When property is seized under this section, the director or the peace officer who seized the property may:

- (A) Place the property under seal;
- (B) Remove the property to a place designated by ~~it~~ him; or
- (C) Take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(2) The peace officer who seized the property shall within five (5) days notify the director of such seizure.

(3) In the event of seizure pursuant to subsection (b) of this section, proceedings under subsection (d) of this section shall be instituted within thirty (30) days by the director or appropriate prosecuting attorney.

(d) Property taken or detained under this section may be subject to replevin during the pendency of the forfeiture proceedings upon a hearing and finding by the district court, or magistrate division thereof, having jurisdiction over the forfeiture proceedings, that the property is: (i) reasonably necessary for the owner's employment or personal use, that the property will not be disposed of or used for criminal activity, and that reasonable security has been posted; or (ii) that the seizure violated the provisions of this section. The right of replevin shall terminate upon an order of forfeiture as set forth in this section. Property that is being held that has evidentiary value in the underlying criminal case shall not be subject to replevin. Forfeiture proceedings shall be civil actions against the property subject to forfeiture and the standard of proof shall be preponderance of the evidence.

(1) All property described in paragraphs (1), (7) and (8) of subsection (a) of this section shall be deemed contraband and shall be summarily forfeited to the state. Controlled substances that are seized or come into possession of the state, the owners of which are unknown, shall be deemed contraband and shall be summarily forfeited to the state.

(2) When property described in paragraphs (2), (3), (4), (5), (6) or (9) of subsection (a) of this section is seized pursuant to this section, forfeiture proceedings shall be filed in the office of the clerk of the district court for the county wherein such property is seized. The procedure governing such proceedings shall be the same as that prescribed for civil proceedings by the Idaho rules of civil procedure. The court shall determine whether such property was used, or intended for use, in violation of this chapter. The court shall also determine whether a property forfeiture is proportionate to the crime alleged, charged or proven. Factors to be considered by the court in making such a determination shall include, but are not limited to, the nature and severity of the crime, the fair market value of the property, the intangible or subjective value of the property, the hardship to

the defendant, the effect of forfeiture on the defendant's family or financial circumstances, and any other sanctions or penalties that have been imposed upon the defendant. The court may tailor the forfeiture of property according to its determination of proportionality as justice requires.

(3) When conveyances, including aircraft, vehicles, or vessels, are seized pursuant to this section, a complaint instituting forfeiture proceedings shall be filed in the office of the clerk of the district court for the county wherein such conveyance is seized.

(A) Notice of forfeiture proceedings shall be given to each owner or party in interest who has a right, title, or interest which in the case of a conveyance shall be determined by the record in the Idaho transportation department, or a similar department of another state if the records are maintained in that state, by serving a copy of the complaint and summons according to one (1) of the following methods:

(I) Upon each owner or party in interest by mailing a copy of the complaint and summons by certified mail to the address as given upon the records of the appropriate department.

(II) Upon each owner or party in interest whose name and address is known, by mailing a copy of the notice by registered mail to the last known address.

(B) Within twenty (20) days after the mailing or publication of the notice, the owner of the conveyance or claimant may file a verified answer and claim to the property described in the complaint instituting forfeiture proceedings.

(C) If at the end of twenty (20) days after the notice has been mailed there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use, or intent to use, and shall order the property forfeited to the director, or appropriate prosecuting attorney, if such fact is proved.

(D) If a verified answer is filed, the forfeiture proceeding shall be set for hearing before the court without a jury on a day not less than thirty (30) days therefrom; and the proceeding shall have priority over other civil cases.

(I) At the hearing any owner who has a verified answer on file may show by competent evidence that the conveyance was not used or intended to be used in any manner described in subsection (a) (4) of this section.

(II) At the hearing any owner who has a verified answer on file may show by competent evidence that his interest in the conveyance is not subject to forfeiture because he did not know that the conveyance was being used, had been used, was intended to be used or had been intended to be used in any manner described in subsection (a) (4) of this section.

(III) If the court finds that the property was not used or was not intended to be used in violation of this act, or is not subject to forfeiture under this act, the court shall order the property released to the owner as his right, title, or interest appears on records in the appropriate department as of the seizure.

(IV) An owner, co-owner or claimant of any right, title, or interest in the conveyance may prove that his right, title, or interest, whether under a lien, mortgage, conditional sales contract or otherwise, was created without any knowledge or reason to believe that the conveyance was being used, had been used, was intended to be used, or had been intended to be used for the purpose alleged;

(i) In the event of such proof, the court shall order the conveyance released to the bona fide or innocent owner, purchaser, lienholder, mortgagee, or conditional sales vendor.

(ii) If the amount due to such person is less than the value of the conveyance, the conveyance may be sold at public auction by the director or appropriate prosecuting attorney. The director, or appropriate prosecuting attorney, shall publish a notice of the sale by at least one (1) publication in a newspaper published and circulated in the city, community or locality where the sale is to take place at least one (1) week prior to sale of the conveyance. The proceeds from such sale shall be distributed as follows in the order indicated:

1. To the bona fide or innocent owner, purchaser, conditional sales vendor, lienholder or mortgagee of the conveyance, if any, up to the value of his interest in the conveyance.

2. The balance, if any, in the following order:

- A. To the director, or appropriate prosecuting attorney, for all expenditures made or incurred by ~~it~~ him in connection with the sale, including expenditure for any necessary repairs, storage, or transportation of the conveyance, and for all expenditures made or incurred by him in connection with the forfeiture proceedings including, but not limited to, expenditures for witnesses' fees, reporters' fees, transcripts, printing, traveling and investigation.

- B. To the law enforcement agency of this state which seized the conveyance for all expenditures for traveling, investigation, storage and other expenses made or incurred after the seizure and in connection with the forfeiture of any conveyance seized under this act.

- C. The remainder, if any, to the director for credit to the drug and driving while under the influence enforcement donation fund or to the appropriate prosecuting attorney for credit to the local drug enforcement donation fund, or its equivalent.

(iii) In any case, the director, or appropriate prosecuting attorney, may, within thirty (30) days after judgment, pay the balance due to the bona fide lienholder, mortgagee or conditional sales vendor and thereby purchase the conveyance for use to enforce this act.

(e) When property is forfeited under this section, or is received from a federal enforcement agency, the director, or appropriate prosecuting attorney, may:

- (1) Upon a showing that the property as set forth in this section is suited for and likely to be used for law enforcement activities, the plaintiff or law enforcement agency may, with judicial approval, retain it for official use;

(2) Sell that which is not required to be destroyed by law and which is not harmful to the public.

The director, or appropriate prosecuting attorney, shall publish a notice of the sale by at least one (1) publication in a newspaper published and circulated in the city, community or locality where the sale is to take place at least one (1) week prior to sale of the property. The proceeds from such sale shall be distributed as follows in the order indicated:

(A) To the director, or prosecuting attorney on behalf of the county or city law enforcement agency, for all expenditures made or incurred in connection with the sale, including expenditure for any necessary repairs, maintenance, storage or transportation, and for all expenditures made or incurred in connection with the forfeiture proceedings including, but not limited to, expenditures for witnesses' fees, reporters' fees, transcripts, printing, traveling and investigation.

(B) To the law enforcement agency of this state which seized the property for all expenditures for traveling, investigation, storage and other expenses made or incurred after the seizure and in connection with the forfeiture of any property seized under this act.

(C) The remainder, if any, to the director for credit to the drug and driving while under the influence enforcement donation fund or to the appropriate prosecuting attorney for credit to the local agency's drug enforcement donation fund; or

(3) Take custody of the property and remove it for disposition in accordance with law.

(f) (1) The director or any peace officer of this state seizing any of the property described in paragraphs (1) and (2) of subsection (a) of this section shall cause a written inventory to be made and maintain custody of the same until all legal actions have been exhausted unless such property has been placed in lawful custody of a court or state or federal law enforcement agency. After all legal actions have been exhausted with respect to such property, the property shall be surrendered by the court, law enforcement agency, or person having custody of the same to the director to be destroyed pursuant to paragraph (2) of this subsection. The property shall be accompanied with a written inventory on forms furnished by the director.

(2) All property described in paragraphs (1) and (2) of subsection (a) of this section that is seized or surrendered under the provisions of this act may be destroyed after all legal actions have been exhausted. The destruction shall be done under the supervision of the Idaho state police by a representative of the office of the director and ~~a representative of the state board of pharmacy~~. An official record listing the property destroyed and the location of destruction shall be kept on file at the office of the director. Except, however, that the director of the Idaho state police or his designee may authorize the destruction of drug or nondrug evidence, or store those items at government expense when, in the opinion of the director or his designee, it is not reasonable to remove or transport such items from the location of the seizure for destruction. In such case, a representative sample will be removed and preserved for evidentiary purposes and, when practicable, destroyed as otherwise is in accordance with this chapter. On-site destruction of such items shall be witnessed by at least two (2) persons, one (1) of whom shall be the director or his designee who shall make a record of the destruction.

(g) Species of plants from which controlled substances in schedules I and II may be derived that have been planted or cultivated in violation of

this act, or of which the owners or cultivators are unknown, or that are wild growths, may be seized and summarily forfeited to the state.

(h) The failure, upon demand by the director, or his duly authorized agent, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

(i) The director shall have the authority to enter upon any land or into any dwelling pursuant to a search warrant, to cut, harvest, carry off or destroy such plants described in subsection (g) of this section.

(j) On or before March 31, 2019, and by March 31 of each year thereafter, each state or local law enforcement agency in this state that has seized or forfeited property pursuant to this section shall retain the following information from the previous calendar year:

- (1) Name of the law enforcement agency that seized the property;
- (2) Date of seizure;
- (3) Type and description of property seized, including make, model, year, and serial number, if applicable;
- (4) Crime, if any, for which the suspect has been charged, including whether such crime is a violation of state or federal law;
- (5) Criminal case number, if any;
- (6) Outcome, if any, of suspect's case;
- (7) If forfeiture was not processed under state law, the reason for the federal transfer, if known;
- (8) Forfeiture case number;
- (9) Date of forfeiture decision;
- (10) Whether there was a forfeiture settlement agreement;
- (11) Date and outcome of property disposition as described by one (1) of the following: returned to owner, partially returned to owner, sold, destroyed, or retained by law enforcement; and
- (12) Value of the property forfeited based on the value realized, if sold, or a reasonable good faith estimate of the value, if possible.

Local law enforcement agencies shall submit the information required by this subsection to the county prosecutor for its jurisdiction on a form as promulgated in rule by the Idaho state police, and such prosecutor shall retain the form for a period of seven (7) years.

SECTION 3. That Section 54-1704, Idaho Code, be, and the same is hereby amended to read as follows:

54-1704. PRACTICE OF PHARMACY. "Practice of pharmacy" means:

- (1) The interpretation, evaluation and dispensing of prescription drug orders;
- (2) Participation in drug and device selection, drug administration, prospective and retrospective drug reviews and drug or drug-related research;
- (3) The provision of patient counseling and the provision of those acts or services necessary to provide pharmaceutical care;
- (4) The responsibility for:
 - (a) Compounding and labeling of drugs and devices, except labeling by a manufacturer, repackager or distributor of nonprescription drugs and commercially packaged legend drugs and devices;
 - (b) Proper and safe storage of drugs and devices, and maintenance of proper records for them; and
 - (c) The offering or performing of those acts, services, operations or transactions necessary to the conduct, operation, management and control of pharmacy;
- (5) The prescribing of:

- (a) ~~Dietary fluoride supplements when prescribed according to the American dental association's recommendations for persons whose drinking water is proven to have a fluoride content below the United States department of health and human services' recommended concentration;~~
- (b) ~~Agents for active immunization when prescribed for susceptible persons six (6) years of age or older for the protection from communicable disease; and~~
- (c) ~~Opioid antagonists pursuant to section 54-1733B, Idaho Code;~~
- (d) ~~Epinephrine auto-injectors pursuant to sections 54-1733C and 54-1733D, Idaho Code;~~
- (e) ~~Tobacco cessation products pursuant to section 54-1733E, Idaho Code;~~
- (f) ~~Tuberculin purified protein derivative products pursuant to section 54-1733F, Idaho Code; and~~
- (gb) Drugs, drug categories, or devices that are prescribed in accordance with the product's federal food and drug administration-approved labeling and that are limited to conditions that:
- (i) Do not require a new diagnosis;
 - (ii) Are minor and generally self-limiting;
 - (iii) Have a test that is used to guide diagnosis or clinical decision-making and are waived under the federal clinical laboratory improvement amendments of 1988; or
 - (iv) In the professional judgment of the pharmacist, threaten the health or safety of the patient should the prescription not be immediately dispensed. In such cases, only sufficient quantity may be provided until the patient is able to be seen by another provider.

The board shall not adopt any rules authorizing a pharmacist to prescribe a controlled drug, compounded drug or biological product.

SECTION 4. That Section 54-1705, Idaho Code, be, and the same is hereby amended to read as follows:

54-1705. DEFINITIONS. In this chapter:

- (1) "Board of pharmacy" or "board" means the Idaho state board of pharmacy.
- (2) "Central drug outlet" means a resident or nonresident pharmacy, drug outlet or business entity employing or contracting pharmacists to perform off-site pharmacy services.
- (3) "Compounding" means the practice in which a pharmacist, a prescriber, or, in the case of an outsourcing facility, a person under the supervision of a pharmacist, combines, mixes or alters ingredients of a drug to create a medication tailored to the needs of an individual patient.
- (4) "Counseling" or "counsel" means the effective communication by the pharmacist of information, as set out in this chapter, to the patient or caregiver in order to improve therapeutic outcomes by maximizing proper use of prescription drugs and devices. ~~Specific areas of counseling include, but are not limited to:~~
 - (a) ~~Name and strength and description of the drug;~~
 - (b) ~~Route of administration, dosage, dosage form, continuity of therapy and refill information;~~
 - (c) ~~Special directions and precautions for preparation, administration, storage and use by the patient as deemed necessary by the pharmacist;~~
 - (d) ~~Side effects or adverse effects and interactions and therapeutic contraindications that may be encountered, including their avoidance, which may interfere with the proper use of the drug or device as was intended by the prescriber, and the action required if they occur;~~
 - (e) ~~Techniques for self-monitoring drug therapy; and~~

~~(f) Action to be taken in the event of a missed dose.~~

(5) "Deliver" or "delivery" means the actual, constructive or attempted transfer of a drug or device from one person to another, whether or not for a consideration.

(6) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar related article including any component part or accessory which is:

(a) Recognized in the official United States Pharmacopoeia or official National Formulary, other drug compendia or any supplement to them;

(b) Intended for use in the diagnosis of disease or other conditions, or the cure, mitigation, treatment or prevention of disease in man or other animal;

(c) Intended to affect the structure or any function of the body of man or other animal, and which does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animal, and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(7) "Dispense" or "dispensing" means the preparation and delivery of a drug pursuant to a lawful prescription drug order of a practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription.

(8) "Distribute" means the delivery of a drug other than by administering or dispensing.

(9) "Drug" means:

(a) Articles recognized as drugs in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia, other drug compendia or any supplement to any of them;

(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animal;

(c) Articles, other than food, intended to affect the structure or any function of the body of man or other animal; and

(d) Articles intended for use as a component of any articles specified in paragraph (a), (b) or (c) of this subsection.

(10) "Drug outlet" means a resident or nonresident pharmacy, business entity or other facility where employees or personnel are engaged in the practice of pharmacy, in the provision of pharmaceutical care, or in the dispensing, delivering, distributing or manufacturing of drugs or devices in or into Idaho.

(11) "Institutional drug order" means a prescription drug order issued in the unique form and manner permitted for a patient or resident of an institutional facility or as permitted for other purposes as defined in rule. Unless specifically differentiated, state law applicable to a prescription drug order is also applicable to an institutional drug order.

(12) "Institutional facility" means a facility for which its primary purpose is to provide a physical environment for patients to obtain health care services and in which patients spend a majority of their time, as may be further defined by board rule.

(13) "Internship" means a practical experience program under the supervision of a preceptor.

(14) "Investigational or new drug" means any drug which is limited by state or federal law to use under professional supervision of a practitioner authorized by law to prescribe or administer such drug.

(15) "Labeling" means the process of preparing and affixing of a label to any drug container, exclusive however of the labeling by a manufacturer, packer or distributor of a nonprescription drug or commercially packaged legend drug or device. Any such label shall include all information required by federal and state law.

(16) "Limited service outlet" means a resident or nonresident pharmacy, facility or business entity that is subject to registration by the board,

pursuant to section 54-1729, Idaho Code, and has employees or personnel engaged in the practice of pharmacy, in the provision of pharmaceutical care, or in the dispensing, delivering, distributing or manufacturing of drugs or devices as may be further defined by board rule but is not a retail pharmacy, institutional facility, manufacturer, wholesaler, nonresident central drug outlet or mail service pharmacy.

(17) "Mail service pharmacy" means a nonresident pharmacy that ships, mails or delivers by any lawful means a dispensed legend drug to residents in this state pursuant to a legally issued prescription drug order and ensures the provision of corresponding related pharmaceutical care services required by law.

(18) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a device or a drug, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for his own use or the preparation, compounding, packaging or labeling of a drug:

(a) By a pharmacist or practitioner as an incident to his administering, dispensing or, as authorized by board rule, distributing of a drug in the course of his professional practice; or

(b) By a practitioner or by his authorization under his supervision for the purpose of or as an incident to research, teaching or chemical analysis and not for sale.

(19) "Manufacturer" means a person who by compounding, cultivating, harvesting, mixing or other process produces or prepares legend drugs, and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process, or who packages or repackages such drugs, but does not include pharmacists or practitioners in the practice of their profession.

(20) "Nonprescription drugs" means medicines or drugs which may be sold without a prescription drug order and which are prepackaged for use by the consumer and labeled in accordance with state and federal law.

(21) "Nonresident" means a person or business entity located in the District of Columbia or a state or territory other than Idaho that practices pharmacy including, but not limited to, pharmaceutical care services into Idaho.

(22) "Off-site pharmacy services" means services provided by a central drug outlet or an off-site pharmacist or technician. Services may include, but are not limited to: processing a request from another pharmacy to fill, refill or dispense a prescription drug order; performance of processing functions; or providing cognitive or pharmaceutical case services. Each function may be performed by the same or different persons and at the same or different locations.

(23) "Outsourcing facility" means a pharmacy or facility that is registered by the United States food and drug administration pursuant to 21 U.S.C. 353b and either registered or endorsed by the board.

(24) "Person" means an individual, corporation, partnership, association or any other legal entity.

(25) "Person in charge" or "PIC" means a ~~pharmacist or, in the case of a prescriber drug outlet, a prescriber person~~ whose qualifications, responsibilities, and reporting requirements are defined in rule.

(26) "Pharmaceutical care" means drug therapy and other pharmaceutical patient care services intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process as defined in the rules of the board.

(27) "Pharmacist" means an individual licensed by this state to engage in the practice of pharmacy or a pharmacist registered by this state who is located in another state, territory or the District of Columbia and is engaged in the practice of pharmacy into Idaho, unless exempted.

(28) "Pharmacist intern" means a person who is enrolled in or who has completed a course of study at an accredited school or college of pharmacy and is registered with the board as a pharmacist intern prior to commencement of an internship program.

(29) "Pharmacy" means any drug outlet, facility, department or other place where prescription drug orders are filled or compounded and prescriptions are sold, dispensed, offered or displayed for sale, which has, as its principal purpose, the dispensing of drug and health supplies intended for the general health, welfare and safety of the public.

(30) "Practitioner" means a person licensed in this state and permitted by such license to dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this state.

(31) "Preceptor" means a pharmacist or other health professional licensed and in good standing who supervises the internship training of a registered pharmacist intern.

(32) "Precursor" means a substance, other than a legend drug, which is an immediate chemical intermediate that can be processed or synthesized into a legend drug, and is used or produced primarily for use in the manufacture of a legend drug by persons other than persons licensed to manufacture such legend drugs by the Idaho board of pharmacy, registered by the state board of health and welfare, or licensed to practice pharmacy by the Idaho board of pharmacy.

(33) "Prescriber" means an individual currently licensed, registered or otherwise authorized to prescribe and administer drugs in the course of professional practice.

(34) "Prescriber drug outlet" means a drug outlet in which prescription drugs or devices are dispensed directly to patients under the supervision of a prescriber, except where delivery is accomplished only through on-site administration or the provision of drug samples, patient assistance program drugs, or investigational drugs as permitted in chapter 94, title 39, Idaho Code.

(35) "Prescription drug or legend drug" means a drug that under federal law is required, prior to being dispensed or delivered, to be labeled with one (1) of the following statements:

- (a) "Caution: Federal law prohibits dispensing without a prescription"; or
- (b) "Rx Only"; or
- (c) "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian";

or a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription drug order only or is restricted to use by practitioners only.

(36) "Prescription drug order" means a valid order of a prescriber for a drug or device for an ultimate user of the drug or device.

(37) "Prospective drug review" includes, but is not limited to, the following activities:

- (a) Evaluation of the prescription drug order for:
 - (i) ~~K~~known allergies~~;~~
 - (ii) ~~R~~rational therapy contraindications~~;~~
 - (iii) ~~R~~reasonable dose and route of administration~~;~~ and
 - (iv) ~~R~~reasonable directions for use.

- (b) Evaluation of the prescription drug order for duplication of therapy.

- (c) Evaluation of the prescription drug order for drug, food, or disease interactions:

- ~~(i) Drug-drug;~~
- ~~(ii) Drug-food; and~~
- ~~(iii) Drug-disease.~~

- (d) Evaluation of the prescription drug order for proper utilization, and
~~(i) Over- or under-utilization,~~ and
~~(ii) Abuse/misuse.~~

(38) "Record" means all papers, letters, memoranda, notes, prescriptions, drug orders, invoices, statements, patient medication charts or files, computerized records or other written indicia, documents or objects that are used in any way in connection with the purchase, sale or handling of any drug or device.

(39) "Sale" means every sale and includes:

- (a) Manufacturing, processing, transporting, handling, packaging or any other production, preparation or repackaging;
- (b) Exposure, offer, or any other proffer;
- (c) Holding, storing or any other possession;
- (d) Dispensing, giving, delivering or any other supplying; and
- (e) Applying, administering or any other usage.

(40) "Ultimate user" means a person who lawfully possesses a drug for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(41) "Veterinary drug outlet" means a prescriber drug outlet that dispenses drugs or devices intended for animal patients.

(42) "Wholesaler" means a person who in the usual course of business lawfully distributes drugs or devices in or into Idaho to persons other than the ultimate user.

SECTION 5. That Section 54-1711, Idaho Code, be, and the same is hereby amended to read as follows:

54-1711. VACANCIES. Any vacancy which occurs in the membership of the board for any reason, including expiration of term, removal, resignation, death, disability or disqualification, shall be filled by the governor in the manner prescribed in section 54-1709, Idaho Code. ~~The governor shall fill vacancies which occur by expiration of full terms within thirty (30) days prior to each date of expiration, and shall fill vacancies which occur for any other reason within sixty (60) days after such vacancy occurs.~~

SECTION 6. That Section 54-1722, Idaho Code, be, and the same is hereby amended to read as follows:

54-1722. QUALIFICATIONS FOR LICENSURE BY EXAMINATION. (1) To obtain a license to engage in the practice of pharmacy, an applicant for licensure by examination shall:

- (a) Have submitted a written application in the form prescribed by the board of pharmacy;
- (b) Have attained the age of majority;
- (c) ~~Be of good moral character and temperate habits;~~
- ~~(d) Have graduated and received the first professional undergraduate degree from a school or college of pharmacy approved by the board of pharmacy;~~
- (e) Have completed an internship or other program approved by the board of pharmacy, or demonstrated to the board's satisfaction experience in the practice of pharmacy that meets or exceeds the minimum internship requirements of the board;
- (f) Have successfully passed an examination given by the board of pharmacy; and
- (g) Paid the fees specified by the board of pharmacy for examination and issuance of license.

(2) Examinations. The examination shall be prepared to measure the competence of the applicant to engage in the practice of pharmacy. The board may employ and cooperate with any organization or consultant in the preparation and grading of an appropriate examination, but shall retain the sole discretion and responsibility of determining which applicants have successfully passed such an examination.

(3) Internship and other training programs. All applicants for licensure by examination shall obtain practical experience in the practice of pharmacy concurrent with or after college attendance, or both, under such terms and conditions as the board shall determine.

(4) Any applicant who is a graduate of a school or college of pharmacy located outside the United States, the degree program of which has not been approved by the board, but who is otherwise qualified to apply for a license to practice pharmacy in this state, may be considered to have satisfied the degree requirements of subsection (1) (d) of this section by verification to the board of his academic record and his graduation and by meeting any other requirements as the board may establish from time to time. The board may require that the applicant successfully pass an examination given or approved by the board to establish proficiency in English and an equivalency of education with qualified graduates of a degree program specified in subsection (1) (d) of this section as a prerequisite of taking the licensure examination as provided in subsection (1) (f) of this section.

SECTION 7. That Section 54-1725, Idaho Code, be, and the same is hereby amended to read as follows:

54-1725. CONTINUING PHARMACY EDUCATION. ~~(1) The legislature makes the following findings and declarations:~~

~~(a) Because of the continuous introduction of new therapeutic and diagnostic agents and the changing concepts in the delivery of health care services in the practice of pharmacy, it is essential that a pharmacist undertake a continuing education program in order to maintain his professional competency and improve his professional skills; and~~

~~(b) To assure the continued competency of the pharmacist and to maintain uniform qualifications for registration and licensure in the profession for the protection of the health and welfare of its citizens, the legislature of this state deems it in the public interest to adopt a continuing professional education program.~~

~~(2) No annual renewal license shall be issued to a pharmacist until such pharmacist shall have submitted proof to the board that he has satisfactorily completed an accredited program of continuing professional education during the previous year to help assure his continued competence to engage in the practice of pharmacy. The board shall from time to time determine the amount of continuing education to be required.~~

~~(3) The board shall adopt rules and regulations necessary to carry out the stated objectives and purposes and to enforce the provisions of this section, which shall include the methods of determining may determine which continuing education programs are accredited programs, any fees the amount of continuing education to be required, and such other rules and regulations consistent with this section as the board shall determine pertaining to continuing education.~~

SECTION 8. That Section 54-1733C, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Section 54-1733D, Idaho Code, be, and the same is hereby amended to read as follows:

54-1733D. EPINEPHRINE AUTO-INJECTORS -- PRESCRIPTION AND ADMINISTRATION. (1) Notwithstanding any other provision of law, any prescriber or pharmacist acting in good faith and exercising reasonable care may prescribe an epinephrine auto-injector to:

(1a) A person at risk of experiencing anaphylaxis;

(2b) A person in a position to assist a person at risk of experiencing anaphylaxis;

(3c) A person who, in the course of the person's official duties or business, may encounter a person experiencing anaphylaxis; and

(4d) A person who, in the opinion of the prescriber or pharmacist, has a valid reason to be in possession of an epinephrine auto-injector.

(2) Notwithstanding any other provision of law, any person acting in good faith and exercising reasonable care may administer an epinephrine auto-injector to another person who appears to be experiencing anaphylaxis. As soon as possible, the administering person shall contact emergency medical services.

(3) Any person who prescribes, dispenses, or administers an epinephrine auto-injector pursuant to subsection (1) or (2) of this section shall not be liable in a civil or an administrative action or subject to criminal prosecution for such acts.

(4) As used in this section, "epinephrine auto-injector" means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

SECTION 10. That Section 54-1733E, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Section 54-1733F, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Section 54-1739, Idaho Code, be, and the same is hereby amended to read as follows:

54-1739. PROSPECTIVE DRUG REVIEW AND COUNSELING. (1) Before dispensing any new prescription, a pharmacist shall complete a prospective drug review ~~as defined in section 54-1705, Idaho Code.~~

(2) Before dispensing a prescription for a new medication, or when otherwise deemed necessary or appropriate, a pharmacist shall counsel the patient or caregiver. ~~In addition to the counseling requirements provided in section 54-1705, Idaho Code, e~~Counseling shall include such supplemental written materials as required by law or as are customary in that practice setting. For refills or renewed prescriptions, a pharmacist or a technician shall extend an offer to counsel the patient or caregiver. If such offer is accepted, a pharmacist shall provide such counseling as necessary or appropriate in the professional judgment of the pharmacist. All counseling and offers to counsel shall be face-to-face with the patient or caregiver when possible, but if not possible, then a reasonable effort shall be made to contact the patient or caregiver. Nothing in this section shall require a pharmacist to provide counseling when a patient or caregiver refuses such counseling or when counseling is otherwise impossible. Patient counseling shall not be required for inpatients of a hospital or institutional facility when licensed health care professionals administer the medication.

(3) This section shall apply to all registered and licensed pharmacies, ~~including mail service pharmacies. In cases of prescriber dispensing, the prescriber shall perform the prospective drug review and counseling consistent with the provisions of this section outlets.~~

SECTION 13. That Section 54-1768, Idaho Code, be, and the same is hereby repealed.

SECTION 14. That Section 54-1732, Idaho Code, be, and the same is hereby amended to read as follows:

54-1732. VIOLATIONS AND PENALTIES. (1) No drug outlet designated in section 54-1729, Idaho Code, shall be operated until a certificate of registration has been issued to said facility by the board. Upon the finding of a violation of this subsection, the board may impose one (1) or more of the penalties enumerated in section 54-1728, Idaho Code.

(2) Reinstatement of a certificate that has been suspended, revoked or restricted by the board may be granted in accordance with the procedures specified in section 54-1728(8), Idaho Code.

(3) The following acts, or the failure to act, and the causing of any such act or failure are unlawful:

(a) The sale, delivery or administration of any prescription drug or legend drug, except an opioid antagonist pursuant to section 54-1733B, Idaho Code, or an epinephrine auto-injector pursuant to sections ~~54-1733C~~ and 54-1733D, Idaho Code, unless:

(i) Such legend drug is dispensed or delivered by a pharmacist upon an original prescription, drug order or prescription drug order by a practitioner in good faith in the course of his practice. Any person violating the provisions of this subparagraph shall be guilty of a felony and on conviction thereof shall be imprisoned in the state penitentiary for a term not to exceed three (3) years, or punished by a fine of not more than five thousand dollars (\$5,000), or by both such fine and imprisonment.

(ii) In the case of a legend drug dispensed to a person, there is a label affixed to the immediate container in which such drug is dispensed. Any person violating this subparagraph shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500). Nothing in this subparagraph prohibits a practitioner from delivering professional samples of legend drugs in their original containers in the course of his practice when oral directions for use are given at the time of such delivery.

(b) The refilling of any prescription or drug order for a legend drug, except as designated on the prescription or drug order or by the authorization of the practitioner, or in accordance with board rule. Any person guilty of violating the provisions of this paragraph shall be guilty of a misdemeanor and upon conviction thereof shall be incarcerated in the county jail for a term not to exceed one (1) year or punished by a fine of not more than one thousand dollars (\$1,000), or by both such fine and incarceration.

(c) The possession or use of a legend drug or a precursor, except an opioid antagonist pursuant to section 54-1733B, Idaho Code, or an epinephrine auto-injector pursuant to sections ~~54-1733C~~ and 54-1733D, Idaho Code, by any person unless such person obtains such drug on the prescription or drug order of a practitioner. Any person guilty of violating the provisions of this paragraph shall be guilty of a misdemeanor and upon conviction thereof shall be incarcerated in the county jail for a term not to exceed one (1) year or punished by a fine of not more than one thousand dollars (\$1,000), or by both such fine and incarceration.

(d) The wholesale distribution of drugs or devices by a pharmacy except for:

(i) The sale, transfer, merger or consolidation of all or part of the business of a pharmacy or pharmacies from or with another phar-

macy or pharmacies, whether accomplished as a purchase and sale of stock or business assets;

(ii) The sale of minimal quantities of prescription drugs to practitioners for office use or to dispensing drug outlets for a specific patient need;

(iii) The sale of a prescription drug for emergency medical reasons, but never to a wholesale distributor;

(iv) Intracompany sales of prescription drugs, meaning any transaction or transfer between any division, subsidiary, parent or affiliated or related company under common ownership and control of a corporate entity, or any transaction or transfer between colicensees or a colicensed product, but never to a wholesale distributor; or

(v) Other exemptions as permitted by federal law.

(e) The failure to keep records as required by the board. Any person guilty of violating the provisions of this paragraph shall be guilty of a misdemeanor and upon conviction thereof shall be incarcerated in the county jail for a term not to exceed one (1) year or punished by a fine of not more than one thousand dollars (\$1,000), or by both such fine and incarceration.

(f) The refusal to make available and to accord full opportunity to check any record, as required by the board. Any person guilty of violating the provisions of this paragraph shall be guilty of a misdemeanor and upon conviction thereof shall be incarcerated in the county jail for a term not to exceed one (1) year or punished by a fine of not more than one thousand dollars (\$1,000), or by both such fine and incarceration.

(g) It is unlawful to:

(i) Obtain or attempt to obtain a legend drug or procure or attempt to procure the administration of a legend drug by fraud, deceit, misrepresentation or subterfuge; by the forgery or alteration of a prescription, drug order, or of any written order; by the concealment of a material fact; or by the use of a false name or the giving of a false address.

(ii) Communicate information to a practitioner in an effort unlawfully to procure a legend drug, or unlawfully to procure the administration of any such drug. Any such communication shall not be deemed a privileged communication.

(iii) Intentionally make a false statement in any prescription, drug order, order, report or record required by this chapter.

(iv) For the purpose of obtaining a legend drug to falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian or other person.

(v) Make or utter any false or forged prescription or false drug order or forged written order.

(vi) Affix any false or forged label to a package or receptacle containing legend drugs. This subparagraph does not apply to law enforcement agencies or their representatives while engaged in enforcing state and federal drug laws.

(vii) Wholesale or retail any prescription or legend drug to any person in this state not entitled by law to deliver such drug to another.

Every violation of paragraph (g) (i) through (vi) of this subsection shall be a misdemeanor, and any person convicted thereof shall be incarcerated in the county jail for a term not to exceed one (1) year or fined not more than one thousand dollars (\$1,000) or punished by both such fine and imprisonment. Any person violating paragraph (g) (vii) of this subsection is guilty of a felony and on conviction thereof shall be imprisoned in the state penitentiary for a term not to exceed three (3) years or punished by a fine of not

more than five thousand dollars (\$5,000) or by both such fine and imprisonment.

(4) The ultimate user of a legend drug who has lawfully obtained such legend drug may deliver, without being registered, the legend drug to another person for the purpose of disposal of the legend drug if the person receiving the legend drug for purposes of disposal is authorized under a state or federal law or regulation to engage in such activity.

SECTION 15. That Section 54-1733, Idaho Code, be, and the same is hereby amended to read as follows:

54-1733. VALIDITY OF PRESCRIPTION DRUG ORDERS. (1) A prescription drug order for a legend drug is valid only if it is issued by a prescriber for a legitimate medical purpose arising from a prescriber-patient relationship which includes a documented patient evaluation adequate to establish diagnoses, if applicable, and identify underlying conditions and/or contraindications to the treatment.

(2) A prescriber who is otherwise authorized to perform any of the activities listed in this section may prescribe or perform any of the following activities for a patient with whom the prescriber does not have a prescriber-patient relationship under the following circumstances:

- (a) Writing initial admission orders for a newly hospitalized patient;
- (b) Writing a prescription drug order for a patient of another prescriber for whom the prescriber is taking call;
- (c) Writing a prescription drug order for a patient examined by a physician assistant, advanced practice registered nurse or other licensed practitioner with whom the prescriber has a supervisory or collaborative relationship;
- (d) Writing a prescription drug order for a medication on a short-term basis for a new patient prior to the patient's first appointment;
- (e) Writing a prescription for an opioid antagonist pursuant to section 54-1733B, Idaho Code;
- (f) In emergency situations where the life or health of the patient is in imminent danger;
- (g) In emergencies that constitute an immediate threat to the public health including, but not limited to, empiric treatment or prophylaxis to prevent or control an infectious disease outbreak;
- (h) Epinephrine auto-injectors in the name of a school pursuant to section 33-520A, Idaho Code, ~~or an authorized entity pursuant to section 54-1733C, Idaho Code;~~ and
- (i) If a prescriber makes a diagnosis of an infectious disease in a patient, prescribe or dispense antimicrobials to an individual who has been exposed to the infectious person in accordance with clinical guidelines.

(3) Treatment, including issuing a prescription drug order, based solely on an online questionnaire or consultation outside of an ongoing clinical relationship does not constitute a legitimate medical purpose.

(4) A prescription drug order shall be issued only by a prescriber including a prescriber who is licensed in a jurisdiction other than the state of Idaho and is permitted by such license to prescribe legend drugs in the course of his professional practice as long as the individual is acting within the jurisdiction, scope and authority of his license when issuing the prescription drug order.

(5) The following acts shall be unlawful:

- (a) To knowingly issue an invalid prescription drug order for a legend drug;
- (b) To knowingly dispense a legend drug pursuant to an invalid prescription drug order; or

(c) To prescribe drugs to individuals without a prescriber-patient relationship, unless excepted in this section.

Such acts shall constitute unprofessional conduct and the prescriber or dispenser shall be subject to discipline according to the provisions of the Idaho Code chapter pursuant to which the prescriber or dispenser is licensed, certified or registered.

Approved February 13, 2020

CHAPTER 15
(H.B. No. 368)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2020; REDUCING THE APPROPRIATION TO THE IDAHO COMMISSION FOR LIBRARIES FOR PERSONNEL COSTS FOR FISCAL YEAR 2020; REDUCING THE APPROPRIATION TO THE IDAHO COMMISSION FOR LIBRARIES FOR OPERATING EXPENDITURES FOR FISCAL YEAR 2020; AND DECLARING AN EMERGENCY.

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the appropriation made to the Idaho Commission for Libraries in Section 1, Chapter 127, Laws of 2019, from the General Fund is hereby reduced by \$7,400 for personnel costs for the period July 1, 2019, through June 30, 2020, for the purpose of the Talking Book Service.

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Idaho Commission for Libraries in Section 1, Chapter 127, Laws of 2019, from the General Fund is hereby reduced by \$32,200 for operating expenditures for the period July 1, 2019, through June 30, 2020, for the purpose of the Talking Book Service.

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 February 14, 2020

CHAPTER 16
(H.B. No. 369)

AN ACT

RELATING TO THE APPROPRIATION TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE INDUSTRIAL COMMISSION 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 137, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Industrial Commission for the Compensation Program \$283,800 from the Industrial Administration Fund to be expended for trustee and benefit payments for the period July 1, 2019, through June 30, 2020, for the purpose of industrial and logging safety programs.

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 February 17, 2020

CHAPTER 17
(H.B. No. 380)

AN ACT

RELATING TO THE INTERNAL REVENUE CODE; AMENDING SECTION 63-3004, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE INTERNAL REVENUE CODE; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3004, Idaho Code, be, and the same is hereby amended to read as follows:

63-3004. INTERNAL REVENUE CODE. (1) The term "Internal Revenue Code" means the Internal Revenue Code of ~~1986~~, as amended, and in effect on the first day of January ~~2019~~20.

(2) For all purposes of the Idaho income tax act, a marriage must be one that is considered valid or recognized under section 28, article III, of the constitution of the state of Idaho and defined in section 32-201, Idaho Code, or as recognized under section 32-209, Idaho Code.

(3) Notwithstanding subsection (2) of this section, marriages recognized and permitted by the United States supreme court and the ninth circuit court of appeals shall also be recognized for purposes of the Idaho income tax act.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2020.

Approved February 17, 2020

CHAPTER 18
(S.B. No. 1235)

AN ACT

RELATING TO EDUCATION; REPEALING SECTION 33-3720, IDAHO CODE, RELATING TO THE PROFESSIONAL STUDIES PROGRAM; AND REPEALING SECTION 33-3721, IDAHO CODE, RELATING TO THE PROFESSIONAL STUDIES ACCOUNT.

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

SECTION 1. That Section 33-3720, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 33-3721, Idaho Code, be, and the same is hereby repealed.

Approved February 18, 2020

CHAPTER 19
(S.B. No. 1236)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1304, IDAHO CODE, TO REVISE PROVISIONS REGARDING QUALIFICATION OF EDUCATIONAL INTERPRETERS.

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

SECTION 1. That Section 33-1304, Idaho Code, be, and the same is hereby amended to read as follows:

33-1304. QUALIFICATION OF EDUCATIONAL INTERPRETERS. (1) Except as provided in this section, no person shall act as an educational interpreter in an Idaho public school unless the person has been qualified to do so. The person shall be qualified if the person:

(a) Has achieved a score of 3.5 or higher on the educational interpreter performance assessment or has achieved a comparable score on an equivalent test as determined by the bureau; or

(b) Is currently certified by:

(i) The registry of interpreters for the deaf;

(ii) The national association of the deaf at a level of III or higher;

(iii) The registry of interpreters for the deaf, oral transliteration for oral transliterators; or

(iv) The testing, evaluation, and certification unit for cued language transliterators.

(2) An educational interpreter currently employed in an Idaho public school may continue in the practice of educational interpreting without meeting the requirements of subsection (1) of this section, provided that such requirements are met on or before June 30, 2009.

(3) Effective July 1, 2009, ~~newly-hired~~ newly hired educational interpreters, who have not worked in an Idaho public school as an educational interpreter in kindergarten through grade ~~twelve~~ (12) prior to the enactment of this chapter, may apply in writing to the bureau for emergency authorization to work as an educational interpreter for two (2) years before being required to meet the requirements of subsection (1) of this section. An educational interpreter who has received an emergency authorization under this subsection ~~(3)~~ may apply in writing to the bureau for a ~~one-time~~, onetime one (1) year extension of the emergency authorization. The bureau may grant such a one (1) year extension of the emergency authorization for good cause shown.

(4) A graduate of an interpreter education program may serve as an educational interpreter in Idaho public schools, ~~kindergarten through grade twelve~~ (12) for persons of school age as defined in section 33-201, Idaho Code, before meeting the requirements of subsection (1) of this section for one (1) year following such graduation.

(5) Educational interpreters employed by an Idaho public school in ~~kindergarten through grade twelve~~ (12) must complete a minimum of eighty (80) hours of training in the areas of interpreting or transliterating every five (5) years. This training must be documented and may include home study coursework, seminars, workshops and mentoring programs.

(6) The board is authorized to promulgate rules necessary, if applicable, to implement this chapter.

Approved February 18, 2020

CHAPTER 20
(S.B. No. 1240)

AN ACT

RELATING TO NURSES; AMENDING CHAPTER 14, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1420, IDAHO CODE, TO PROVIDE CERTAIN AUTHORITY FOR ADVANCED PRACTICE REGISTERED NURSES.

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

SECTION 1. That Chapter 14, 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 54-1420, Idaho Code, and to read as follows:

54-1420. **AUTHORITY TO SIGN OR VERIFY.** When a provision of law or rule requires the signature, certification, stamp, verification, affidavit, or endorsement of a physician, that requirement may be fulfilled by an advanced practice registered nurse (APRN), including a certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or clinical nurse specialist. This section shall not be construed to expand the scope of practice of an APRN.

Approved February 18, 2020

CHAPTER 21
(S.B. No. 1257)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2020; REDUCING THE APPROPRIATION TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2020; AND DECLARING AN EMERGENCY.

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the appropriation made to the Public Defense Commission in Section 1, Chapter 111, Laws of 2019, from the General Fund is hereby reduced by \$1,036,000 for trustee and benefit payments for the period July 1, 2019, through June 30, 2020, for the purpose of correcting a reversion and removing unobligated appropriation amounts.

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 February 18, 2020

CHAPTER 22
(S.B. No. 1258)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2020; PROVIDING REQUIREMENTS FOR THE PAYMENT OF CAPITAL REPRESENTATION COSTS; 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 110, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the State Appellate Public Defender for the Capital and Conflict Representation Program \$140,000 from the General Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020, for the purpose of extraordinary litigation costs in capital cases.

SECTION 2. CAPITAL REPRESENTATION COSTS. Notwithstanding any other provision of law to the contrary, of the amounts appropriated in Section 1 of this act and in Section 1, Chapter 110, Laws of 2019, for the Capital and Conflict Representation Program, \$234,900 from the General Fund, or so much thereof as is necessary, shall be used solely for costs directly related to the provision of representation in capital cases and only to the extent such costs are exclusive of, and can be identified and accounted for separately and distinctly from, outside counsel costs of noncapital appeals. Any remaining unexpended and unencumbered amounts not so used shall revert to the General Fund.

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 February 18, 2020

CHAPTER 23
(S.B. No. 1272)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2020; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY 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 282, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Department of Environmental Quality for the Waste Management and Remediation Program \$120,000 from the Environmental Remediation (Box) Fund to be expended for personnel costs for the period July 1, 2019, through June 30, 2020, for the purpose of a fund shift.

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Environmental Quality for the Waste Management and Remediation Program in Section 1, Chapter 282, Laws of 2019, from the Department of Environmental Quality (Federal) Fund is hereby reduced by \$120,000 for personnel costs for the period July 1, 2019, through June 30, 2020, for the purpose of a fund shift.

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 February 18, 2020

CHAPTER 24
(S.B. No. 1242)

AN ACT

RELATING TO NURSING HOME ADMINISTRATORS; AMENDING SECTION 54-1610, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPLICABILITY OF CERTAIN REQUIREMENTS.

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

SECTION 1. That Section 54-1610, Idaho Code, be, and the same is hereby amended to read as follows:

54-1610. ADMINISTRATORS-IN-TRAINING -- EXAMINATION AFTER ONE THOUSAND HOURS -- REPORTS -- EXCEPTIONS. (1) Every applicant for a nursing home administrator license who shall have otherwise qualified under the provisions of section 54-1605, Idaho Code, except as provided for in this section, shall serve for one thousand (1,000) hours under the direct supervision of a duly licensed nursing home administrator in accordance with the rules of the board. At the expiration of the one thousand (1,000) hour training period, the applicant shall be eligible to take the examination. An administrator-in-training program shall not exceed a period of two (2) years, except as approved by the board for good cause.

(2) The nursing home administrator-in-training shall submit reports on forms provided therefor by the board.

(3) This section shall not apply to any individual who has ~~successfully completed a course of study for a master's degree in health administration related to long-term care, or who has successfully completed a course of study for a master's degree in health administration and has one (1) year management experience in long-term care and who has been awarded such degree from an accredited institution of higher learning:~~

(a) A master's degree from an accredited institution in health administration related to long-term care; or

(b) A master's degree from an accredited institution that includes an emphasis on health care and has one (1) year of management experience in a health care facility that provides inpatient care.

(4) Every nursing home administrator-in-training shall register the fact of such training with the board in accordance with the rules and on forms provided by the board.

(5) An applicant may begin the one thousand (1,000) hour training period as a nursing home administrator-in-training prior to completion of a baccalaureate degree.

Approved February 19, 2020

CHAPTER 25
(S.B. No. 1271)

AN ACT

RELATING TO THE APPROPRIATION TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE BOARD OF TAX APPEALS 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 107, Laws of 2019, and any other appropriation provided by law, 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, 2019, through June 30, 2020:

FOR:

Personnel Costs	\$7,200
Operating Expenditures	34,900
TOTAL	\$42,100

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 February 19, 2020

CHAPTER 26
(S.B. No. 1238)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1602, IDAHO CODE, TO PROVIDE THAT STUDENTS MAY SATISFY STATE CIVICS AND GOVERNMENT STANDARDS THROUGH PARTICIPATION IN A CERTAIN COURSE AND EXAMINATION, TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL MAKE AVAILABLE FUNDING FOR CERTAIN PURPOSES, SUBJECT TO APPROPRIATION, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-6102, IDAHO CODE, TO REVISE A REQUIREMENT FOR FLEXIBLE SCHEDULES; AND AMENDING SECTION 33-6104, IDAHO CODE, TO REVISE A REQUIREMENT FOR EARLY GRADUATION.

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

SECTION 1. That Section 33-1602, Idaho Code, be, and the same is hereby amended to read as follows:

33-1602. UNITED STATES CONSTITUTION -- NATIONAL FLAG AND COLORS -- NATIONAL ANTHEM -- "AMERICA" -- CITIZENSHIP -- CIVICS TEST. (1) Instruction in the Constitution of the United States shall be given in all elementary and secondary schools. The state board of education shall adopt such materials as may be deemed necessary for said purpose, and shall also determine the grades in which such instruction shall be given.

(2) Instruction in the proper use, display and history of and respect for the American flag and the national colors shall be given in all elementary and secondary schools. Such instruction shall include the pledge of al-

legiance to the flag, and the words and music of the national anthem, and of "America."

(3) Every school board of trustees shall cause the United States flag to be displayed in every classroom during the school hours of each school day.

(4) Every public school shall offer the pledge of allegiance or the national anthem in grades 1 through 12 at the beginning of each school day.

(5) No pupil shall be compelled, against the pupil's objections or those of the pupil's parent or guardian, to recite the pledge of allegiance or to sing the national anthem.

(6) Instruction in citizenship shall be given in all elementary and secondary schools. Citizenship instruction shall include lessons on the role of a citizen in a constitutional republic, how laws are made, how officials are elected, and the importance of voting and of participating in government. Such instruction shall also include the importance of respecting and obeying statutes which that are validly and lawfully enacted by the Idaho legislature and the congress of the United States.

(7) Starting with the 2016-2017 school year, all secondary pupils must show they have met the state civics and government standards for such instruction through the successful completion of the civics test, participation in a course in United States government and politics and participation in an associated college credit-bearing examination, or alternate path established by the local school district or charter school that shows the student has met the standards. Assessment of standards shall be included as part of the course at the secondary level. A school district or public charter school shall document on the pupil's transcript that the pupil has passed the civics test pursuant to this subsection. The school district or governing body of the charter school may determine the method and manner in which to administer the civics test. A pupil may take the civics test, in whole or in part, at any time after enrolling in grade 7 and may repeat the test as often as necessary to pass the test. The applicability of this subsection to a pupil who receives special education services shall be governed by such pupil's individualized education plan. For the purposes of this subsection, "civics test" means the one hundred (100) questions used by officers of the United States citizenship and immigration services as a basis for selecting the questions posed to applicants for naturalization, in order that the applicants can demonstrate a knowledge and understanding of the fundamentals of United States history and the principles and form of United States government, as required by 8 U.S.C. section 1423. The state board of education may promulgate rules implementing the provisions of this subsection.

(8) Subject to state-appropriated funds, the state department of education shall make available funding for high quality professional development focused on advanced high school civics or government courses, including those with college credit-bearing civics or government examinations. Allowable expenses include summer institutes offered at different sites throughout the state and workshops to help high school teachers prepare students for success in college-level courses.

SECTION 2. That Section 33-6102, Idaho Code, be, and the same is hereby amended to read as follows:

33-6102. FLEXIBLE SCHEDULE. (1) A student is eligible to take a flexible schedule as provided in subsection (2) of this section if the student:

- (a) Is at least sixteen (16) years of age;
- (b) Maintains a cumulative 3.5 grade point average;
- (c) Obtains permission from a parent or guardian, if under the age of eighteen (18) years;
- (d) Achieves a college and career readiness score;
- (e) Files with the student's school:

- (i) Notification of the student's intent to take a flexible schedule;
 - (ii) The student's participation portfolio; and
 - (iii) An essay of at least one (1) page explaining why the student wishes to have a flexible schedule and outlining the student's future plans using such flexible schedule; and
- (f) Completes:
- (i) The civics test ~~required by~~ requirement in section 33-1602, Idaho Code; and
 - (ii) The economics credit, government credits, and senior project required under the board's graduation requirements, provided that the student's senior project may describe the student's experience in achieving a college and career readiness score and include a detailed explanation of the student's future plans.
- (2) An eligible student may, at the student's option and upon notification to the student's school, be relieved from completing any remaining high school graduation requirements. Such student shall have flexibility in the student's schedule to:
- (a) Take elective courses, career technical education programs, or core courses as selected by the student and determined to be available by the student's school district or public charter school;
 - (b) Participate in apprenticeships or internships;
 - (c) Act as a tutor at any grade level; or
 - (d) Engage in such other activities as identified by the board.
- (3) A student with a flexible schedule must adhere to the plans described pursuant to subsection (1)(e) of this section. If the student is under the age of eighteen (18) years, the student's plans may be modified with the approval of the student's parent or guardian.

SECTION 3. That Section 33-6104, Idaho Code, be, and the same is hereby amended to read as follows:

- 33-6104. EARLY GRADUATION. (1) A student is eligible to graduate early as provided in subsection (2) of this section if the student:
- (a) Is at least sixteen (16) years of age;
 - (b) Maintains a cumulative 3.5 grade point average;
 - (c) Obtains permission from a parent or guardian, if under the age of eighteen (18) years;
 - (d) Achieves a college and career readiness score;
 - (e) Files with the student's school:
 - (i) Notification of the student's intent to graduate early;
 - (ii) The student's participation portfolio; and
 - (iii) An essay of at least one (1) page explaining why the student wishes to graduate early and outlining the student's future education or training plans if the student graduates early; and
- (f) Completes:
- (i) The civics test ~~required by~~ requirement in section 33-1602, Idaho Code; and
 - (ii) The economics credit, government credits, and senior project required under the board's graduation requirements, provided that the student's senior project may describe the student's experience in achieving a college and career readiness score and include a detailed explanation of the student's future plans.
- (2) An eligible student may, at the student's option and upon notification to the student's school, be relieved from completing any remaining high school graduation requirements and graduate early.

(3) School districts or public charter schools must grant high school diplomas to students who are eligible and opt for early graduation pursuant to this section.

Approved February 24, 2020

CHAPTER 27
(H.B. No. 377)

AN ACT

RELATING TO THE APPROPRIATION TO THE LEGISLATIVE BRANCH FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE LEGISLATIVE BRANCH 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 228, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Legislative Branch for the Legislative Services Office Program \$40,000 from the General Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020, for the purpose of closed-captioning in the Senate and House of Representatives.

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 February 25, 2020

CHAPTER 28
(S.B. No. 1244)

AN ACT

RELATING TO THE STATE BUDGET; AMENDING SECTION 67-3508, IDAHO CODE, TO REVISE A PROVISION REGARDING THE CLASSIFICATION AND STANDARDIZATION OF CERTAIN ITEMS.

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

SECTION 1. That Section 67-3508, Idaho Code, be, and the same is hereby amended to read as follows:

67-3508. EXPENDITURE OBJECT CODES. (1) Excepting where the legislature expressly departs from the classification set forth in any appropriation bill, all appropriations made by the legislature, and all estimates hereafter made for budget purposes, and all expenditures made from appropriations or funds received from other sources, shall be classified and standardized by items as follows:

(a) Personnel costs, which shall include the salaries or wage expenses of employees and officers, whether full-time, part-time, or other irregular or seasonal help and including compensation or honorarium of members of boards or commissions, and shall also include the employer's share of contributions related to other benefits provided to those employees and officers.

(b) Operating expenditures, which shall include all expenses for services, travel, consumable supplies, and minor items of equipment not

otherwise classified under personnel costs, capital outlay, or trustee and benefit payments.

(c) Capital outlay, which, when used in an appropriation act, shall include all expenditures for land, highways, buildings including appurtenances, fixtures and fixed equipment, structures, which also includes additions, replacements, major repairs, and renovations to, which materially extends the capital assets' useful life or materially improves or increases its capacity, and shall include compensation for independent contractors. Automobiles, domestic animals, machinery, apparatus, equipment and furniture including additions thereto, which that will have a useful life or service substantially more than two ~~(2)~~ years meet the state controller's fiscal policy for inventoriable capital assets, shall also be included.

(d) Trustee and benefit payments, which shall include the cash payments of welfare or retirement benefits to individuals and payments to individuals, persons, or political entities, and not otherwise classified under personnel costs, operating expenditures or capital outlay.

(2) The state controller is hereby authorized and directed to implement such subclassifications of the standard classifications herein set forth which are necessary for preparation of the state budget, as supplied by the administrator of the division of financial management and the legislative services office.

An annual review of the subclassifications shall be made by the administrator of the division and the legislative services office.

The state controller shall be supplied the changes desired by the administrator and the legislative services office in the subclassifications which are necessary for the preparation of the state budget or the identification and distribution of expenditures from appropriations no later than sixty (60) days prior to the beginning of any fiscal year to be effective for that fiscal year.

Approved February 27, 2020

CHAPTER 29
(S.B. No. 1245)

AN ACT

RELATING TO PUBLIC OFFICERS; AMENDING SECTION 59-1014, IDAHO CODE, TO CLARIFY PROVISIONS REGARDING DEPOSITS OF CERTAIN FUNDS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 59-1014, Idaho Code, be, and the same is hereby amended to read as follows:

59-1014. ACCOUNTING FOR FEES. (1) All state officers and agencies, who receive any money or evidences of indebtedness for or on account of the state or in payment of any fee, license, or tax due the state, shall deposit the same with the state treasurer:

(a) ~~d~~Daily, when the amount of cash, checks, or other evidences of indebtedness accrued during any twenty-four (24) hour period is two hundred dollars (\$200) or more; ~~e~~

(b) ~~w~~Weekly in all other situations, ~~unless the; or~~

(c) ~~A particular state officer has been~~ may be granted specific permission to deposit at some other interval by the provisions of a resolution of the board of examiners, pursuant to section 67-2025, Idaho Code.

(2) The state treasurer shall receive from the other state officers and agencies bank drafts, checks, post-office money orders, and all evidences of indebtedness which that are accepted as cash items by banks in the ordinary course of business, and shall deposit the same in banks in this state qualified as depositories of state money, subject, however, to final payment, and said treasurer shall issue his receipt for such evidences of indebtedness to the officer or agency entitled thereto.

(3) Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding five hundred dollars (\$500-00), or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

Approved February 27, 2020

CHAPTER 30
(S.B. No. 1243)

AN ACT

RELATING TO THE STATE BUDGET; REPEALING SECTION 67-3524, IDAHO CODE, RELATING TO EQUITABLE DISTRIBUTION OF GOVERNMENT OVERHEAD EXPENSE; AND AMENDING SECTION 67-1210, IDAHO CODE, TO REMOVE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-3524, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 67-1210, Idaho Code, be, and the same is hereby amended to read as follows:

67-1210. INVESTMENT OF IDLE MONEYS. It shall be the duty of the state treasurer to invest idle moneys in the state treasury in any of the following:

(a) Bonds, treasury bills, interest-bearing notes, or other obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) General obligation or revenue bonds of this state, or those for which the faith and credit of this state are pledged for the payment of principal and interest.

(c) General obligation or revenue bonds of any county, city, metropolitan water district, municipal utility district, school district or other taxing district of this state.

(d) Notes, bonds, debentures, or other similar obligations issued by the farm credit system or institutions forming a part thereof under the farm credit act of 1971, 12 U.S.C., tit. 12, sections 2001-2259, and all acts of congress amendatory thereof or supplementary thereto; in bonds or debentures of the federal home loan bank board established under the federal home loan bank act, 12 U.S.C., tit. 12, sections 1421-1449; in bonds, debentures and other obligations of the federal national mortgage association established under the national housing act, 12 U.S.C., tit. 12, sections 1701-1750g, as amended, and in the bonds of any federal home loan bank established under said act and in other obligations issued or guaranteed by agencies or instrumentalities of the government of the state of Idaho or of the United States, including the United States small business administration guaranteed portion of any loan approved by an Idaho banking corporation and by the state treasurer.

(e) Bonds, notes or other similar obligations issued by public corporations of the state of Idaho including, but not limited to, the Idaho state building authority, the Idaho housing and finance association and the Idaho water resource board.

(f) Repurchase agreements covered by any legal investment for the state of Idaho.

(g) Tax anticipation notes and registered warrants of the state of Idaho.

(h) Tax anticipation bonds or notes and income and revenue anticipation bonds or notes of taxing districts of the state of Idaho.

(i) Time deposit accounts and savings accounts in state depositories including, but not limited to, accounts on which interest or dividends are paid and upon which negotiable orders of withdrawal may be drawn, and similar transaction accounts.

(j) Time deposit accounts and savings accounts of state or federal savings and loan associations located within the geographical boundaries of the state in amounts not to exceed the insurance provided by the federal deposit insurance corporation including, but not limited to, accounts on which interest or dividends are paid and upon which negotiable orders of withdrawal may be drawn, and similar transaction accounts.

(k) Revenue bonds of institutions of higher education of the state of Idaho.

(l) Share, savings and deposit accounts of state and federal credit unions located within the geographical boundaries of the state in amounts not to exceed the insurance provided by the national credit union share insurance fund and/or any other authorized deposit guaranty corporation, including, but not limited to, accounts on which interest or dividends are paid and upon which negotiable orders of withdrawal may be drawn, and similar transaction accounts.

(m) Money market funds whose portfolios consist of any allowed investment as specified in this section. The securities held in money market portfolios must be dollar-denominated, meaning that all principal and interest payments on such a security are payable to security holders in United States dollars.

The term "idle moneys" means the balance of cash and other evidences of indebtedness ~~which that~~ are accepted by banks as cash in the ordinary course of business, in demand deposit accounts, after taking into consideration all deposits and withdrawals, on a daily basis.

The interest received on all such investments, unless otherwise specifically required by law, shall be paid into the general account of the state of Idaho. Provided, unless otherwise specifically provided by statute, any interest earned on funds received by the state pursuant to a federal law, regulation, or federal-state agreement ~~which that~~ governs disposition of interest earned upon such funds shall be accounted for separately to give effect to the federal law, regulation, or federal-state agreement.

If the interest is to be credited to a separate account, the state treasurer shall charge the account an investment administration fee. The amount of the fee shall be determined annually by the state treasurer and submitted to the board of examiners for approval ~~as stipulated in section 67-3524, Idaho Code~~. The fee shall be expressed as an annual percentage of the average daily balance of the account, including separate investments, if any, of that account. The fee shall be charged monthly in an amount approximately one twelfth (1/12) of the fee ~~which that~~ would be payable on an annual basis. The amount of the investment administration fee shall constitute an appropriation from the account for which the investment administration services are rendered.

The state treasurer shall charge an investment administration fee to each such state fund or account, including the general account, which is invested by the office of state treasurer. The investment administration

fee shall be determined annually by the state treasurer and submitted to the board of examiners for approval, ~~as stipulated in section 67-3524, Idaho Code.~~ The fee shall be expressed as an annual percentage of the average daily balance of the fund or account, including separate investments, if any, of that fund or account. The fee shall be charged monthly in an amount approximately one twelfth (1/12) of the fee which that would be payable on an annual basis. The amount of the investment administration fee shall constitute an appropriation from the fund or account for which the investment administration services are rendered.

The term "to invest" means to use the idle moneys in the state treasury to buy, sell, including selling before maturity at either a gain or a loss, retain, or exchange any of the investments described in this section, considering the probable safety of the capital, the probable income to be derived, and the liquidity of the assets.

Approved February 27, 2020

CHAPTER 31
(S.B. No. 1288)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2020; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FROM THE COOPERATIVE WELFARE (GENERAL) FUND FOR FISCAL YEAR 2020; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FROM THE COOPERATIVE WELFARE (FEDERAL) FUND 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 324, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the State Hospital South Program \$2,400,000 from the Cooperative Welfare (Dedicated) Fund to be expended for personnel costs for the period July 1, 2019, through June 30, 2020.

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the State Hospital South Program in Section 1, Chapter 324, Laws of 2019, from the Cooperative Welfare (General) Fund is hereby reduced by \$400,000 for personnel costs for the period July 1, 2019, through June 30, 2020.

SECTION 3. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the State Hospital South Program in Section 1, Chapter 324, Laws of 2019, from the Cooperative Welfare (Federal) Fund is hereby reduced by \$2,000,000 for personnel costs for the period July 1, 2019, through June 30, 2020.

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

Approved March 2, 2020

CHAPTER 32
(S.B. No. 1255)

AN ACT

RELATING TO VETERANS SERVICES; AMENDING SECTION 65-702, IDAHO CODE, TO PROVIDE FOR THE USE OF CERTAIN MATCHING FUNDS WITH THE USE OF MONEYS IN THE IDAHO VETERANS RECOGNITION FUND; AMENDING SECTION 65-703, IDAHO CODE, TO REVISE PROVISIONS REGARDING TRANSFERS BY THE STATE CONTROLLER TO THE IDAHO VETERANS RECOGNITION INCOME FUND, TO REMOVE CERTAIN TRANSFER AND DISTRIBUTION RESTRICTIONS REGARDING THE IDAHO VETERANS RECOGNITION FUND, AND TO AUTHORIZE CERTAIN TRANSFERS FROM THE IDAHO VETERANS RECOGNITION FUND TO THE IDAHO VETERANS RECOGNITION INCOME FUND; AND AMENDING SECTION 65-704, IDAHO CODE, TO PROVIDE FOR THE USE OF CERTAIN MATCHING FUNDS WITH THE USE OF MONEYS IN THE IDAHO VETERANS RECOGNITION INCOME FUND, TO REMOVE A REQUIREMENT THAT CERTAIN UNENCUMBERED FUNDS BE TRANSFERRED FROM THE IDAHO VETERANS RECOGNITION INCOME FUND TO THE IDAHO VETERANS RECOGNITION FUND, AND TO PROVIDE THAT CERTAIN FISCAL YEAR-END REVENUE MAY BE TRANSFERRED TO THE IDAHO VETERANS RECOGNITION FUND.

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

SECTION 1. That Section 65-702, Idaho Code, be, and the same is hereby amended to read as follows:

65-702. IDAHO VETERANS RECOGNITION FUND. (1) There is hereby created in the state treasury the "Idaho veterans recognition fund." The state treasurer is hereby granted the authority to invest the assets of the fund in any investment instruments authorized by the standards of the Idaho uniform prudent investor act, chapter 5, title 68, Idaho Code.

(2) The fund shall consist of moneys appropriated from excess earnings from funds maintained by the division of veterans services and shall maintain its interest and investment earnings generated by such moneys in the fund.

(3) Money in the fund shall be used solely to benefit veterans in Idaho, with priority given to activities that serve disabled veterans, and may include the use of matching funds for grants, funding for new construction, replacement, remodel, and life safety projects for the Idaho state veterans homes, state veterans cemeteries, and other available federal grant opportunities that enhance veterans services in the state of Idaho.

SECTION 2. That Section 65-703, Idaho Code, be, and the same is hereby amended to read as follows:

65-703. DISTRIBUTIONS FROM THE IDAHO VETERANS RECOGNITION FUND. (1) On the first business day of each July, or as soon thereafter as possible necessary, the administrator of the division of veterans services, as directed by the Idaho veterans recognition committee, shall request the state controller to make a transfer or transfers to the Idaho veterans recognition income fund.

(2) ~~The amount of the transfer shall not exceed five percent (5%) of the Idaho veterans recognition fund's average monthly fair market value for the first twelve (12) months of the preceding twenty-four (24) months. Further, the distribution shall not exceed the Idaho veterans recognition fund's fair market value on the first business day in July. As necessary, the administrator of the division of veterans services shall be authorized to request the state controller to make a transfer or transfers from the Idaho veterans recognition fund to the Idaho veterans recognition income fund to pro-~~

vide for matching grant funds and to provide funding for new construction, replacement, remodel, and life safety projects for the Idaho state veterans homes, state veterans cemeteries, and other available federal grant opportunities to enhance veterans services in the state of Idaho.

SECTION 3. That Section 65-704, Idaho Code, be, and the same is hereby amended to read as follows:

65-704. IDAHO VETERANS RECOGNITION INCOME FUND. (1) There is hereby created in the state treasury the "Idaho veterans recognition income fund."

(2) The fund shall consist of moneys transferred from the Idaho veterans recognition fund, and interest generated by such moneys in the fund shall be maintained by the division of veterans services.

(3) The fund shall be used solely to benefit veterans in Idaho, with priority given to activities that serve disabled veterans, and may include the use of matching funds for grants, funding for new construction, replacement, remodel, and life safety projects for the Idaho state veterans homes, state veterans cemeteries, and other available federal grant opportunities that enhance veterans services in the state of Idaho.

(4) Moneys in the Idaho veterans recognition income fund are subject to appropriation by the legislature.

(5) Any unencumbered moneys remaining in the fund on June 30 of each year shall be transferred back to the Idaho veterans recognition fund. Any fiscal year-end revenue in the division of veterans services budget in excess of the equivalent of the first six (6) months of the fiscal year operation costs may be transferred to the Idaho veterans recognition fund as determined by the division of veterans services.

Approved March 2, 2020

CHAPTER 33
(S.B. No. 1263)

AN ACT

RELATING TO WORKER'S COMPENSATION; REPEALING SECTION 3, CHAPTER 276, LAWS OF 2016, RELATING TO THE SUNSET PROVISION FOR PROVISIONS REGARDING WORKER'S COMPENSATION.

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

SECTION 1. That Section 3, Chapter 276, Laws of 2016, be, and the same is hereby repealed.

Approved March 2, 2020

CHAPTER 34
(S.B. No. 1266)

AN ACT

RELATING TO THE HIGHER EDUCATION STABILIZATION FUND; AMENDING SECTION 33-3726, IDAHO CODE, TO REMOVE A PROVISION REGARDING THE COMMUNITY COLLEGE START-UP ACCOUNT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-3726, Idaho Code, be, and the same is hereby amended to read as follows:

33-3726. HIGHER EDUCATION STABILIZATION FUND. There is hereby created in the state treasury a fund to be known as the higher education stabilization fund. The higher education stabilization fund shall consist of ~~four (4)~~ three (3) separate accounts as follows:

(1) An account designated the strategic interest account shall consist of interest earnings from the investment of moneys deposited with the state treasurer into unrestricted current fund 0650-00, as designated by the state controller in the statewide accounting and reporting system. Annually on July 1, or as soon thereafter as is practicable, the state controller shall transfer such interest earnings to the strategic interest account. All moneys so transferred shall be expended for the maintenance, use and support of institutions that have deposited moneys into unrestricted current fund 0650-00. All such expenditures shall be subject to legislative appropriation. Institutions shall receive a pro rata share of a legislative appropriation based upon the amount of moneys any such institution has deposited into unrestricted current fund 0650-00 in the current fiscal year compared to the total amount deposited by all institutions in the current fiscal year. Interest earned from the investment of moneys in the strategic interest account shall be retained in the strategic interest account.

(2) An account designated the surplus stabilization account shall consist of any other moneys made available through legislative transfers, appropriations or otherwise provided by law, or from any other governmental source. All such moneys shall be expended for the maintenance, use and support of institutions named in section 33-3803, Idaho Code. Such expenditures shall be made subject to legislative appropriation to the state board of education for college and universities. Distribution of such moneys to institutions shall be based upon the state board of education's established practices for the allocation of moneys to such institutions. Interest earned from the investment of moneys in this surplus stabilization account shall be retained in this surplus stabilization account.

(3) An account designated the surplus stabilization account for college of eastern Idaho, north Idaho college, college of southern Idaho, and college of western Idaho shall consist of any other moneys made available through legislative transfers, appropriations, or otherwise provided by law, or from any other governmental source. All such moneys shall be expended for the maintenance, use, and support of college of eastern Idaho, north Idaho college, college of southern Idaho, and college of western Idaho. Such expenditures shall be made subject to legislative appropriation to the community colleges. Distribution of such moneys shall be based on the state board of education's established practices for the allocation of moneys to the community colleges. Interest earned from the investment of moneys in this surplus stabilization account shall be retained in this surplus stabilization account.

~~(4) An account designated the community college start-up account shall consist of any other moneys made available through legislative transfers,~~

~~appropriations or otherwise provided by law, or from any other governmental source. All such moneys shall be expended for the establishment, use and support of a community college in eastern Idaho. Distribution of such moneys shall be based upon voter approval of a community college district and appointment of a local board of trustees by the state board of education. Such expenditures shall be made subject to legislative appropriation to the state board of education. Interest earned from the investment of moneys in this community college start-up account shall be retained in this community college start-up account.~~

Approved March 2, 2020

CHAPTER 35
(H.B. No. 351)

AN ACT

RELATING TO MEDICAID; AMENDING CHAPTER 1, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-116, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A NURSING FACILITY PAYMENT METHODOLOGY; AMENDING SECTION 56-265, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROVIDER PAYMENT, TO PROVIDE FOR CERTAIN REIMBURSEMENTS, TO PROVIDE FOR A REDUCTION IN REIMBURSEMENTS, TO PROVIDE FOR THE ESTABLISHMENT OF VALUE-BASED PAYMENT METHODS FOR CERTAIN SERVICES, AND TO PROVIDE FOR THE ESTABLISHMENT OF A QUALITY PAYMENT PROGRAM; AMENDING SECTION 56-1505, IDAHO CODE, TO PROVIDE FOR ADJUSTMENTS IN CERTAIN ASSESSMENTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 1, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 56-116, Idaho Code, and to read as follows:

56-116. NURSING FACILITY PAYMENT METHODOLOGY. The department shall work with Idaho nursing facility providers to establish a new prospective payment method for nursing facilities to replace existing reimbursement methods. Payments to nursing facilities under this method shall take into account patient needs, facility quality of care, reasonable cost principles, and state budget limitations. Budgets for nursing facility payments shall be subject to prospective legislative approval. The new payment methodology shall be implemented effective July 1, 2021.

SECTION 2. That Section 56-265, Idaho Code, be, and the same is hereby amended to read as follows:

56-265. PROVIDER PAYMENT. (1) Where there is an equivalent, the payment to medicaid providers:

(a) May be up to but shall not exceed one hundred percent (100%) of the current medicare rate for primary care procedure codes as defined by the centers for medicare and medicaid services; and

(b) Shall be ninety percent (90%) of the current medicare rate for all other procedure codes.

(2) Where there is no medicare equivalent, the payment rate to medicaid providers shall be prescribed by rule.

(3) Notwithstanding any other provision of this chapter, if the services are provided to an ~~adolescent~~ by a private, freestanding mental health hospital facility that is an institution for mental disease as defined in 42 U.S.C. 1396d(i), the department shall reimburse for ~~these~~ inpatient

services at a rate not to exceed ninety-one percent (91%) of the current medicare rate within federally allowed reimbursement under the medicaid program. The reimbursement provided for in this subsection shall be effective until July 1, 2021.

(4) The department shall, through the annual budget process, include a line-item request for adjustments to provider rates. All changes to provider payment rates shall be subject to approval of the legislature by appropriation.

(5) Notwithstanding any other provision of this chapter, the department may enter into agreements with providers to pay for services based on their value in terms of measurable health care quality and positive impacts to participant health.

(a) Any such agreement shall be designed to be cost-neutral or cost-saving compared to other payment methodologies.

(b) The department is authorized to pursue waiver agreements with the federal government as needed to support value-based payment arrangements, up to and including fully capitated provider-based managed care.

(6) Medicaid reimbursement for critical access, out-of-state, and state-owned hospitals shall be as follows:

(a) In-state, critical access hospitals as designated according to 42 U.S.C. 1395i-4(c) (2) (B) shall be reimbursed at one hundred one percent (101%) of cost;

(b) Out-of-state hospitals shall be reimbursed at eighty-seven percent (87%) of cost;

(c) State-owned hospitals shall be reimbursed at one hundred percent (100%) of cost; and

(d) Out-of-state hospital institutions for mental disease as defined in 42 U.S.C. 1396d(i) shall be reimbursed at a per diem equivalent to ninety-five percent (95%) of cost.

(7) The department shall equitably reduce net reimbursements for all hospital services, including in-state institutions for mental disease but excluding all hospitals and institutions described in subsection (6) of this section, by amounts targeted to reduce general fund needs for hospital payments by three million one hundred thousand dollars (\$3,100,000) in state fiscal year 2020 and eight million seven hundred twenty thousand dollars (\$8,720,000) in state fiscal year 2021.

(8) The department shall work with all Idaho hospitals, including institutions for mental disease as defined in 42 U.S.C. 1396d(i), to establish value-based payment methods for inpatient and outpatient hospital services to replace existing cost-based reimbursement methods for in-state hospitals, other than those hospitals and institutions described in subsection (6) of this section, effective July 1, 2021. Budgets for hospital payments shall be subject to prospective legislative approval.

(9) The department shall work with Idaho hospitals to establish a quality payment program for inpatient and outpatient adjustment payments described in section 56-1406, Idaho Code. Inpatient and outpatient adjustment payments shall be subject to increase or reduction based on hospital service quality measures established by the department in consultation with Idaho hospitals.

SECTION 3. That Section 56-1505, Idaho Code, be, and the same is hereby amended to read as follows:

56-1505. NURSING FACILITY ASSESSMENTS. (1) Nursing facilities shall pay the nursing facility assessment to the fund in accordance with the provisions of this chapter, with the exception of state and county-owned facilities, which are not required to contribute.

(2) The aggregated amount of assessments for all nursing facilities, during a fiscal year, shall be an amount not exceeding the maximum percentage

allowed under federal law of the total aggregate net patient service revenue of assessed facilities from each provider's prior fiscal year. The department shall determine the assessment rate prospectively for the applicable fiscal year on a per-resident-day basis, exclusive of medicare part A resident days. The per-resident-day assessment rate shall be uniform. The department shall notify nursing facilities of the assessment rate applicable to the fiscal year by August 30 of that fiscal year.

(3) The department shall collect, and each nursing facility shall pay, the nursing facility assessment on an annual basis subject to the terms of this subsection. The nursing facility assessment shall be due annually, with the initial payment due within sixty (60) days after the state plan has been approved by CMS. Subsequent annual payments are due no later than thirty (30) days after receipt of the department invoice.

(4) Nursing facilities may increase their charges to other payers to incorporate the assessment but shall not create a separate line-item charge on the bill reflecting the assessment.

(5) (a) For state fiscal years 2020 and 2021, the department shall adjust assessments and payments for privately owned nursing facilities as follows. The department shall:

(i) Increase nursing facility assessments by an amount adequate to reduce state general fund needs by one million seven hundred eighty-six thousand dollars (\$1,786,000) in state fiscal year 2020 and five million dollars (\$5,000,000) in state fiscal year 2021; and

(ii) Support provider rate adjustments that will offset the Medicaid share of the assessment increase.

(b) The department shall work with nursing facility providers to collect the increased assessments on a schedule to support state budget needs and provider rate adjustments.

(c) Provider rate adjustments for state fiscal years 2020 and 2021 shall not be considered or carried forward for payments established under section 56-116, Idaho Code.

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

Approved March 3, 2020

CHAPTER 36
(H.B. No. 375)

AN ACT

RELATING TO HAZARDOUS MATERIALS; AMENDING SECTION 49-2203, IDAHO CODE, TO REVISE THE FEE FOR AN ANNUAL VEHICLE REGISTRATION ENDORSEMENT FOR THE TRANSPORTATION OF HAZARDOUS MATERIALS.

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

SECTION 1. That Section 49-2203, Idaho Code, be, and the same is hereby amended to read as follows:

49-2203. ENDORSEMENT REQUIREMENTS FOR TRANSPORTERS OF HAZARDOUS MATERIALS. (1) Every person, including a private carrier or a common or contract carrier, who operates a vehicle on any highway of this state transporting hazardous material in such quantity and under such conditions that such vehicle is required to be placarded pursuant to 49 CFR part 172 or such vehicle's cargo is regulated by 49 CFR part 171 or is required to meet the manifest requirements as set forth under the rules of the department of environmental quality, shall first procure from the department an annual vehicle registration endorsement. This registration endorsement shall be available for examination, unless procured via the state web portal, and shall be displayed in accordance with rules adopted by the department. The provisions of this section shall not apply to vehicles owned by any city, county, state or federal governmental department or agency or special purpose district created pursuant to law.

(2) The fee for an annual vehicle registration endorsement for the transportation of hazardous materials shall be ~~ten~~ fifteen dollars (\$~~10~~15.00). Any carrier required to pay the fee assessed pursuant to this section is authorized to pass along such fee to the shipping party. Vendors selling endorsements on behalf of the board shall be reimbursed at the rate of forty cents (40¢) per endorsement. No portion of the annual endorsement fee shall be prorated, reduced or transferred to another vehicle.

(3) The operation of a vehicle, which is subject to the endorsement requirements of this section, in a negligent manner is a violation of the provisions of this chapter.

Approved March 3, 2020

CHAPTER 37
(H.B. No. 333)

AN ACT

RELATING TO MOTOR VEHICLE DEALERS AND SALESMEN LICENSING; AMENDING SECTION 49-1607, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN FEES AND TO MAKE TECHNICAL CORRECTIONS; AND REPEALING SECTION 49-1635, IDAHO CODE, RELATING TO MINIMUM SALES REQUIRED FOR SALESMAN LICENSE RENEWAL.

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

SECTION 1. That Section 49-1607, Idaho Code, be, and the same is hereby amended to read as follows:

49-1607. FEES -- FUNDS -- EXPENSES -- EXPIRATION OF LICENSES. (1) The department shall collect with each application for licensure, the following fees:

(a) Dealer's, wholesale dealer's and vehicle manufacturer's license, initial application, two hundred dollars (\$200), ~~—t.~~ Ten dollars (\$10.00) of which such fee shall be either retained by the department or authorized agent, if collected and processed by the department or authorized agent, or deposited in the county current expense fund. Renewal application, one hundred seventy-five dollars (\$175).

(b) Vehicle salesman's license, thirty-six dollars (\$36.00), ~~—t.~~ Ten dollars (\$10.00) of which such fee shall be either retained by the department or authorized agent, if collected and processed by the department or authorized agent, or deposited in the county current expense fund.

(c) Distributor-factory branch-distributor branch license, one hundred seventy-five dollars (\$175).

(d) Representative's license, forty-four dollars (\$44.00).

(e) To reissue a license, salesman and dealer identification cards or other licensing documents at a dealer's request, not resulting from an error by the department, a fee of eighteen dollars (\$18.00) per document.

(f) Supplemental lot license or relocated principal place of business, and temporary supplemental lot, forty-four dollars (\$44.00) for license issued to a single dealer. A fee of eighty-eight dollars (\$88.00) for a license issued to a group of dealers for a temporary supplemental lot.

(2) All fees shall be paid over to the state treasurer for credit to the state highway account, out of which shall be paid the expenses of the department and the expenses incurred in enforcing the provisions of this chapter.

(3) Dealer licenses, if not suspended or revoked, may be renewed from year to year upon the payment of the fees specified in this section to accompany applications, and renewals shall be made in accordance with the provisions of section 49-1634, Idaho Code.

(a) There shall be twelve (12) licensing periods, starting with January and ending in December. A dealer's license shall be in effect from the month of initial licensing through the last day of the next year's calendar month that precedes the month of the initial licensing.

(b) Any renewal license application received or postmarked after thirty (30) days from the end of the previous year's license period shall be processed as an initial application and initial fees shall be paid.

(4) Salesman licenses, if not suspended or revoked, shall be valid for three (3) years from the date of issue and may be renewed upon application and payment of the fees specified in this section provided that:

(a) Employment remains with the sponsoring dealership; and

(b) The sponsoring dealership has a valid license issued by the department.

~~Renewals shall be issued in accordance with the provisions of section 49-1635, Idaho Code.~~

SECTION 2. That Section 49-1635, Idaho Code, be, and the same is hereby repealed.

Approved March 3, 2020

CHAPTER 38
(H.B. No. 332)

AN ACT

RELATING TO MOTOR VEHICLE IDENTIFICATION CARDS; AMENDING SECTION 49-202, IDAHO CODE, TO PROVIDE FOR AUTHORIZED AGENTS OF THE DEPARTMENT TO COLLECT CERTAIN FEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-306, IDAHO CODE, TO PROVIDE THAT AGENTS AUTHORIZED BY THE DEPARTMENT ARE AUTHORIZED TO ADMINISTER CERTAIN OATHS AND TO COLLECT CERTAIN FEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-2442, IDAHO CODE, TO PROVIDE THAT ANY IDAHO RESIDENT MAY APPLY TO AN AGENT AUTHORIZED BY THE DEPARTMENT FOR AN IDENTIFICATION CARD AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-2443, IDAHO CODE, TO PROVIDE FOR AUTHORIZED AGENTS OF THE DEPARTMENT TO RECEIVE APPLICATIONS FOR IDENTIFICATION CARDS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 49-2444, IDAHO CODE, TO PROVIDE FOR CERTAIN AUTHORIZED ISSUING AGENTS TO RETAIN CERTAIN FEES COLLECTED AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 49-202, Idaho Code, be, and the same is hereby amended to read as follows:

49-202. DUTIES OF DEPARTMENT. (1) All registration and driver's license records in the office of the department shall be public records and open to inspection by the public during normal business hours, except for those records declared by law to be for the confidential use of the department, or those records containing personal information subject to restrictions or conditions regarding disclosure. If the department has contracted for a service to be provided by another entity, an additional fee shall be charged by that contractor whether the service is rendered during normal business hours, other than normal business hours or on weekends.

(2) In addition to other fees required by law to be collected by the department, the department shall collect the following:

- (a) For certifying a copy of any record pertaining to any vehicle license, any certificate of title, or any driver's license \$14.00
- (b) For issuing every Idaho certificate of title \$14.00
- (c) For furnishing a duplicate copy of any Idaho certificate of title \$14.00
- (d) For issuance or transfer of every certificate of title on a new or used vehicle or other titled vehicle in an expedited manner (rush titles), in addition to any other fee required by this section . . . \$26.00
- (e) For recording a transitional ownership document, in addition to any other fee required by this section \$26.00
- (f) For furnishing a replacement of any receipt of registration \$5.00
- (g) For furnishing copies of registration or ownership of motor vehicles or driver's license records, per vehicle registration, accident report records, title or per driver's license record \$7.00
- Additional contractor fee, not to exceed \$4.00
- (h) For services in searching files of vehicle or other registrations, vehicle titles, or driver's licenses per hour .. \$18.00
- (i) Placing "stop" cards in vehicle registration or title files, each \$21.00
- (j) For issuance of an assigned or replacement vehicle identification number (VIN) \$18.00

- (k) For a vehicle identification number (VIN) inspection whether conducted by a city or county peace officer or any other peace officer or designated agent of the state of Idaho, per inspection \$5.00
- (l) For all replacement registration stickers, each \$2.00
- (m) For issuing letters of temporary vehicle clearance to Idaho-based motor carriers \$18.00
- (n) For all sample license plates, each \$21.00
- (o) For filing release of liability statements \$3.50
- (p) For safety and insurance programs for each vehicle operated by a motor carrier \$3.00

A lesser amount may be set by rule of the board.

(3) The fees required in this section shall not apply when the service is furnished to any federal, state, county or city peace officer when such service is required in the performance of their duties as peace officers.

(4) The department may enter into agreements with private companies or public entities to provide the services for which a fee is collected in subsection (2) (g) of this section. Such private contractor shall collect the fee prescribed and remit the fee to the department. The contractor shall also collect and retain the additional fee charged for his services.

(5) (a) The department shall pay three dollars (\$3.00) of the fee collected by a county assessor or other authorized agent of the department as provided in subsection (2) (a) through (f) of this section, and four dollars (\$4.00) as provided in subsection (2) (g) of this section, to the county assessor or sheriff of the county or authorized agent of the department collecting such fee, which shall be deposited with the county treasurer and credited to the county current expense fund when collected by the county. When fees are collected by the department or an authorized agent of the department, such fees shall be deposited with the issuing entity. The remainder of the fees collected as provided in that subsection shall be paid by the department to the state treasurer and placed in the state highway account.

(b) The fee collected under subsection (2) (k) of this section for a VIN inspection shall be placed in the city general fund if conducted by a city peace officer, in the county current expense fund if conducted by a county peace officer, shall be retained by the special agent authorized to perform the inspection, or paid to the state treasurer and placed to the credit of the Idaho state police if conducted by the Idaho state police or in the state highway account if conducted by the department.

(c) The fee collected under subsection (2) (o) of this section for filing release of liability statements shall be retained by the county assessor of the county collecting such fee, and shall be deposited with the county treasurer and credited to the county current expense fund. Any fees collected by the department for filing release of liability statements shall be retained by the department.

(d) The fee in subsection (2) (m) of this section shall not apply when the Idaho-based motor carrier or its representative obtains and prints the document using internet access.

(e) The fee collected under subsection (2) (p) of this section for motor carriers shall be paid by the department to the state treasurer and placed in the state highway account. The director and the director of the Idaho state police shall jointly determine the amount to be transferred from the state highway account to the law enforcement fund for motor carrier safety programs conducted by the Idaho state police pursuant to the provisions of section 67-2901A, Idaho Code.

(6) The department as often as practicable may provide to law enforcement agencies the record of suspensions and revocations of driver licenses via the Idaho law enforcement telecommunications public safety and security information system (ILETS).

(7) The department shall provide the forms prescribed in chapter 5 of this title, shall receive and file in its office in Ada county all instruments required in chapter 5 of this title to be filed with the department, shall prescribe a uniform method of numbering certificates of title, and shall maintain in the department indices for such certificates of title. All indices shall be by motor or identification number and alphabetical by name of the owner.

(8) The department shall file each registration received under a distinctive registration number assigned to the vehicle and to the owner thereof.

(9) The department shall not renew a driver's license or identification card when fees required by law have not been paid or where fees for past periods are due, owing and unpaid including insufficient fund checks, until those fees have been paid.

(10) The department shall not grant the registration of a vehicle when:

(a) The applicant is not entitled to registration under the provisions of this title; or

(b) The applicant has neglected or refused to furnish the department with the information required in the appropriate form or reasonable additional information required by the department; or

(c) The fees required by law have not been paid, or where fees for past registration periods are due, owing and unpaid including insufficient fund checks.

(11) The department or its authorized agents have the authority to request any person to submit to medical, vision, highway, or written examinations, to protect the safety of the public upon the highways. The department or its authorized agents may exercise such authority based upon evidence which may include, but is not limited to, observations made.

(12) The department shall revoke the registration of any vehicle:

(a) Which the department shall determine is unsafe or unfit to be operated or is not equipped as required by law;

(b) Whenever the person to whom the registration card or registration plate has been issued shall make or permit to be made any unlawful use of the same or permit their use by a person not entitled thereto;

(c) For any violation of vehicle registration requirements by the owner or operator in the current or past registration periods;

(d) Whenever a motor carrier requests revocation, or whenever an interstate carrier's federal operating authority has been revoked;

(e) For failure of the owner or operator to file the reports required or nonpayment of audit assessments or fees assessed against the owner by the department or the state tax commission pursuant to audit under the provisions of section 49-439, Idaho Code;

(f) Identified by any city or county administering a program established by ordinance for the inspection and readjustment of motor vehicles (which program is part of an approved state implementation plan adopted by both the state and federal governments under 42 U.S.C. section 7410) as having failed to comply with an ordinance requiring motor vehicle emission inspection and readjustment; provided that no vehicle shall be identified to the department under this subsection ~~(f)~~ unless:

(i) The city or county certifies to the department that the owner of the motor vehicle has been given notice and had the opportunity for a hearing concerning compliance with the ordinance and has exhausted all remedies and appeals from any determination made at such hearing; and

(ii) The city or county reimburses the department for all direct costs associated with the registration revocation procedure.

(13) The department shall not reregister or permit a vehicle to operate on a special trip permit until all fees, penalties and interest have been paid.

(14) The department shall institute educational programs, demonstrations, exhibits and displays.

(15) The department shall cancel a driver's license or identification card when fees required by law have not been paid or where fees are due, owing and unpaid including insufficient fund checks, until those fees have been paid.

(16) The department shall examine persons and vehicles by written, oral, vision and skills tests without compulsion except as provided by law.

(17) The department shall employ expert and special help as needed in the department.

(18) The department shall compile accident statistics and disseminate information relating to those statistics.

(19) The department shall cooperate with the United States in the elimination of road hazards, whether of a physical, visual or mental character.

(20) The department shall place and maintain traffic-control devices, conforming to the board's manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this title or to regulate, warn, or guide traffic. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the department except by the latter's permission. The placement and maintenance of such a traffic-control device by a local authority shall be made according to the board's manual and specifications for a uniform system of traffic-control devices.

(21) The department may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and, if it shall find that the structure cannot with safety to itself withstand vehicles traveling at a speed otherwise permissible under this title, shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and shall cause or permit suitable signs stating the maximum speed to be erected and maintained before each end of the structure.

(22) Whenever the department shall determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

(23) The department shall regulate or prohibit the use of any controlled-access highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(24) The department shall erect and maintain traffic-control devices on controlled-access highways on which any prohibitions are applicable.

(25) The department and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of those zones and when signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey those directions.

(26) The department and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this title or title 40, Idaho Code.

(27) The department and local highway authorities within their respective jurisdictions may place official traffic-control devices prohibiting, limiting or restricting the stopping, standing or parking of vehicles on any highway where such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles unduly interferes with the free movement of traffic thereon.

(28) On any informational material printed after July 1, 1995, by or at the order of the department and distributed to counties, school districts or individuals for the purpose of assisting a person to successfully pass a driver's license test, the department shall include material about the state's open range law and responsibilities, liabilities and obligations of drivers driving in the open range.

SECTION 2. That Section 49-306, Idaho Code, be, and the same is hereby amended to read as follows:

49-306. APPLICATION FOR DRIVER'S LICENSE, INSTRUCTION PERMIT, COMMERCIAL LEARNER'S PERMIT OR RESTRICTED SCHOOL ATTENDANCE DRIVING PERMIT. (1) Every application for any instruction permit, restricted school attendance driving permit, or for a driver's license shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths. Officers and employees of the department, agents authorized by the department, and sheriffs and their deputies are authorized to administer the oaths without charge. Every application for a permit, extension or driver's license shall be accompanied by the following fee, none of which is refundable:

(a) Class A, B, C (4-year) license with endorsements -- age 21 years and older	\$40.00
(b) Class A, B, C (3-year) license with endorsements -- age 18 to 21 years	\$30.00
(c) Class A, B, C (1-year) license with endorsements -- age 20 years	\$15.00
(d) Class D (3-year) license -- under age 18 years	\$25.00
(e) Class D (3-year) license -- age 18 to 21 years	\$25.00
(f) Class D (1-year) license -- age 17 years or age 20 years	\$15.00
(g) Four-year Class D license -- age 21 years and older	\$30.00
(h) Eight-year Class D license -- age 21 to 63 years	\$55.00
(i) Commercial learner's permit	\$29.00
(j) Class D instruction permit or supervised instruction permit	\$15.00
(k) Duplicate driver's license or permit issued under section 49-318, Idaho Code	\$15.00
(l) Driver's license extension issued under section 49-319, Idaho Code	\$10.00
(m) License classification change (upgrade)	\$25.00
(n) Endorsement addition	\$15.00
(o) Class A, B, C skills tests not more than	\$200.00
(p) Class D skills test not more than	\$35.00
(q) Motorcycle endorsement skills test not more than	\$25.00
(r) Knowledge test	\$ 3.00
(s) Seasonal driver's license	\$39.00
(t) One-time <u>Onetime</u> motorcycle "M" endorsement	\$15.00
(u) Motorcycle endorsement instruction permit	\$15.00
(v) Restricted driving permit or restricted school attendance driving permit	\$60.00

(2) A person who applies for a driver's license or a driver's license renewal may designate a voluntary contribution of two dollars (\$2.00) for the purpose of promoting and supporting organ donation. Such a contribution shall be treated as a voluntary contribution to the organ donation contribu-

tion fund created in section 49-2447, Idaho Code, and not as a driver's license fee.

(3) Every application shall state the true and full name, date of birth, sex, declaration of Idaho residency, Idaho residence address and mailing address, if different, of the applicant, height, weight, hair color, and eye color, and the applicant's social security number as verified by the social security administration. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant may state, in his or her application pursuant to this section, the applicant's alternative Idaho mailing address in place of his or her Idaho residence address and mailing address. Notwithstanding the provisions of section 49-303(13), Idaho Code, an applicant for a nondomiciled class A, B or C driver's license or nondomiciled commercial learner's permit having residency in a state that is prohibited from issuing class A, B or C driver's licenses or commercial learner's permits, as provided in 49 CFR 384, is excepted from providing proof of Idaho residency and an Idaho mailing address.

(a) The requirement that an applicant provide a social security number as verified by the social security administration shall apply only to applicants who have been assigned a social security number.

(b) An applicant who has not been assigned a social security number shall:

(i) Present written verification from the social security administration that the applicant has not been assigned a social security number; and

(ii) Submit a birth certificate, passport or other documentary evidence issued by an entity other than a state or the United States; and

(iii) Submit such proof as the department may require that the applicant is lawfully present in the United States.

A driver's license, commercial learner's permit or any instruction permit issued on and after January 1, 1993, shall not contain an applicant's social security number. Applications on file shall be exempt from disclosure except as provided in sections 49-202, 49-203, 49-203A and 49-204, Idaho Code.

(c) Every application for a class A, B or C license shall state where the applicant has been licensed for the preceding ten (10) years and under which of the following driving categories the applicant will operate:

(i) Non-excepted interstate. The applicant operates or expects to operate in interstate commerce, and is required to provide a medical examiner's certificate;

(ii) Excepted interstate. The applicant operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted by the federal motor carrier safety administration from all or parts of the qualification requirements of federal motor carrier safety regulation 49, part 391, and is therefore not required to provide a medical examiner's certificate;

(iii) Non-excepted intrastate. The applicant operates only in intrastate commerce and is subject to and meets all Idaho driver qualification requirements and the applicable parts of federal motor carrier safety regulation 49, part 391, and is required to provide a medical examiner's certificate; or

(iv) Excepted intrastate. The applicant operates in intrastate commerce, but engages exclusively in exempted transportation or operations as listed in section 67-2901B(2), Idaho Code, and the applicable parts of federal motor carrier safety regulation 49, part 391, and is therefore not required to provide a medical examiner's certificate.

All applications shall also state whether the applicant has previously been licensed as a driver, and if so, when and by what state or country, and whether a driver's license or privileges have ever been suspended, revoked, denied, disqualified, canceled or whether an application has ever been refused, and if so, the date of and reason for the suspension, revocation, denial, disqualification, cancellation or refusal and the applicant's oath that all information is correct as signified by the applicant's signature.

(d) The applicant must submit proof of identity acceptable to the examiner or the department and date of birth as set forth in a certified copy of his birth certificate. When a certified copy of his birth certificate or a delayed birth certificate is impossible to obtain from a vital statistics agency, another government-issued document may be submitted that provides satisfactory evidence of a person's full legal name and date of birth acceptable to the examiner or the department.

(e) Every applicant for a class A, B or C driver's license or commercial learner's permit shall provide proof of United States citizenship or lawful permanent residency in the United States upon application for issuance, transfer, upgrade or renewal, unless the applicant's driving record already contains documentation confirming United States citizenship or lawful permanent residency. Every applicant for a nondomiciled class A, B or C driver's license or commercial learner's permit domiciled in a foreign country must provide an unexpired employment authorization document issued by the department of homeland security or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States.

(f) Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for a driver's license, commercial learner's permit or instruction permit. Any registration information so supplied shall be transmitted by the department to the selective service system.

(4) Whenever an application is received from a person previously licensed in another jurisdiction, the department shall request a copy of the driver's record from the other jurisdiction and shall contact the national driver register. When received, the driver's record from the previous jurisdiction shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

(5) Whenever the department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.

(6) The department shall contact and notify the commercial driver license information system of the proposed application for a class A, B or C driver's license or commercial learner's permit to ensure identification of the person and to obtain clearance to issue the license.

(7) When the fees required under this section are collected by a county officer, they shall, except as provided in subsection (8) of this section, be paid over to the county treasurer not less often than monthly, who shall immediately:

(a) Deposit an amount equal to five dollars (\$5.00) from each driver's license except an eight-year class D license, or any class D instruction permit application fees, application for a duplicate driver's license or permit, classification change, seasonal driver's license and additional endorsement, and ten dollars (\$10.00) from each eight-year class D driver's license, in the current expense fund;

(b) Deposit two dollars and fifty cents (\$2.50) from each motorcycle endorsement and motorcycle endorsement instruction permit fee in the current expense fund;

(c) Deposit an amount equal to three dollars (\$3.00) from each fee for a knowledge test in the current expense fund;

(d) Deposit an amount up to twenty-five dollars (\$25.00) from each fee for a motorcycle endorsement skills test in the current expense fund; provided however, if a contractor administers the skills test he shall be entitled to the entire fee;

(e) Remit the remainder to the state treasurer; and

(f) Deposit up to twenty-eight dollars and fifty cents (\$28.50) from each fee for a class D skills test into the county current expense fund, unless the test is administered by a department-approved contractor, in which case the contractor shall be entitled to up to twenty-eight dollars and fifty cents (\$28.50) of each fee.

(8) When the fees required under this section are collected by a state officer or agency the department or an agent authorized by the department, they shall be paid over to the state treasurer. When the department or an agent authorized by the department collects the fees required under this section, the portion of fees to be retained by the county shall be retained by the issuing authorized agent.

(9) The state treasurer shall distribute the moneys received from fees imposed by the provisions of this section, whether collected by a county officer or by a state officer or agency as follows:

(a) Two dollars (\$2.00) of each fee for a four-year driver's license or seasonal driver's license, and four dollars (\$4.00) of each fee for an eight-year class D driver's license, and one dollar and fifty cents (\$1.50) of each fee charged for driver's licenses pursuant to subsection (1) (b), (d) and (e) of this section, and fifty cents (50¢) of each fee charged for driver's licenses pursuant to subsection (1) (c) and (f) of this section, shall be deposited in the emergency medical services fund II created in section 56-1018A, Idaho Code, and four dollars (\$4.00) of each fee charged pursuant to subsection (1) (a), (g) and (s) of this section and eight dollars (\$8.00) of each fee charged pursuant to subsection (1) (h) of this section and three dollars (\$3.00) of each fee for driver's licenses pursuant to subsection (1) (b), (d) and (e) of this section, and one dollar (\$1.00) of each fee charged for driver's licenses pursuant to subsection (1) (c) and (f) of this section shall be deposited in the emergency medical services fund III created in section 56-1018B, Idaho Code;

(b) Twenty-eight dollars (\$28.00) of each fee for a seasonal or class A, B or C driver's license, and nineteen dollars and fifty cents (\$19.50) of each fee charged for a license pursuant to subsection (1) (b) of this section, and eight dollars and sixteen cents (\$8.16) of each fee charged for a license pursuant to subsection (1) (c) of this section shall be deposited in the state highway account;

(c) Twenty dollars (\$20.00) of each fee for a commercial learner's permit or driver's license classification change shall be deposited in the state highway account;

(d) Four dollars (\$4.00) of each fee for a commercial learner's permit shall be deposited in the emergency medical services fund III created in section 56-1018B, Idaho Code;

(e) Ten dollars (\$10.00) of each fee for a duplicate seasonal or class A, B or C driver's license, class A, B or C driver's license extension, or additional endorsement shall be deposited in the state highway account;

(f) Seven dollars and fifty cents (\$7.50) of each fee for a motorcycle endorsement and motorcycle endorsement instruction permit shall be deposited in the state highway account;

(g) Five dollars and thirty cents (\$5.30) of each fee for a four-year class D driver's license, and ten dollars and sixty cents (\$10.60) of each fee for an eight-year class D driver's license, and four dollars (\$4.00) of each fee charged for a license pursuant to subsection (1) (d) and (e) of this section, and one dollar and thirty-three cents (\$1.33) of each fee charged for a license pursuant to subsection (1) (f) of this section shall be deposited in the driver training fund account;

(h) Twelve dollars and seventy cents (\$12.70) of each fee for a four-year class D driver's license, and twenty dollars and forty cents (\$20.40) of each fee for an eight-year class D driver's license, and ten dollars and fifty cents (\$10.50) of each fee charged for a license pursuant to subsection (1) (d) and (e) of this section, and six dollars and eighty-three cents (\$6.83) of each fee charged for a license pursuant to subsection (1) (f) of this section shall be deposited in the highway distribution fund account;

(i) Two dollars and sixty cents (\$2.60) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the driver training fund account;

(j) Seven dollars and forty cents (\$7.40) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the highway distribution fund account;

(k) Ten dollars (\$10.00) of each fee for a class A, B or C skills test shall be deposited in the state highway account;

(l) One dollar (\$1.00) of each fee for a class A, B, C or four-year D driver's license, and two dollars (\$2.00) of each fee for an eight-year class D driver's license, and one dollar (\$1.00) of each fee charged for a license pursuant to subsection (1) (b), (d) and (e) of this section, and thirty-four cents (34¢) of each fee charged for a license pursuant to subsection (1) (c) and (f) of this section shall be deposited in the motorcycle safety program fund established in section 33-4904, Idaho Code;

(m) Six dollars and fifty cents (\$6.50) of each fee for a class D skills test shall be deposited into the state highway account; and

(n) Each voluntary contribution of two dollars (\$2.00) as described in subsection (2) of this section, less actual administrative costs associated with collecting and transferring such contributions, shall be deposited into the organ donation contribution fund created in section 49-2447, Idaho Code.

(10) The contractor administering a class A, B or C skills test shall be entitled to not more than one hundred ninety dollars (\$190) of the skills test fee. A contractor administering a class A, B or C skills test may collect an additional fee for the use of the contractor's vehicle for the skills test.

(11) Sixty dollars (\$60.00) of each restricted driving permit and each restricted school attendance driving permit shall be deposited in the state highway account.

(12) The department may issue seasonal class B or C driver's licenses to drivers who are employees of agri-chemical businesses, custom harvesters, farm retail outlets and suppliers, and livestock feeders that:

(a) Will only be valid for driving commercial vehicles that normally require class B or C commercial driver's licenses;

(b) Will be valid for seasonal periods that begin on the date of issuance and that are not to exceed one hundred eighty (180) days in a twelve (12) month period;

(c) May only be obtained twice in a driver's lifetime;

(d) Are valid only within a one hundred fifty (150) mile radius of the place of business or farm being serviced; and

(e) Will be valid only in conjunction with valid Idaho class D driver's licenses.

(13) The department may issue seasonal class B or C driver's licenses to drivers who:

- (a) Have not violated the single license provisions of applicable federal regulations;
- (b) Have not had any license suspensions, revocations or cancellations;
- (c) Have not had any convictions in any vehicle for any offense listed in section 49-335(1) or (2), Idaho Code, or any one (1) serious traffic offense;
- (d) Have at least one (1) year of driving experience with a class D or equivalent license in any type motor vehicle; and
- (e) Are at least sixteen (16) years old.

SECTION 3. That Section 49-2442, Idaho Code, be, and the same is hereby amended to read as follows:

49-2442. IDENTIFICATION CARDS AUTHORIZED. Any Idaho resident may apply to an authorized agent of the department for an identification card. It is prima facie evidence of age when the authorized holder of an identification card exhibits a card which that contains information indicating that the person has attained a certain age.

SECTION 4. That Section 49-2443, Idaho Code, be, and the same is hereby amended to read as follows:

49-2443. APPLICATION. Application for an identification card must be made in person before an ~~examiner~~ authorized by agent of the department ~~to issue driver's licenses~~. The ~~examiner~~ authorized agent shall obtain the following from the applicant:

- (1) The true and full name and Idaho residence address and mailing address, if different, of the applicant;
- (2) The identity and date of birth of the applicant as set forth in a certified copy of his birth certificate and, subject to subsection (6) of this section, other satisfactory evidence of identity acceptable to the ~~examiner~~ authorized agent or the department;
- (3) The height and weight of the applicant;
- (4) The color of eyes and hair of the applicant;
- (5) ~~A~~The applicant's signature; and
- (6) The applicant's social security number as verified by the social security administration.

(a) The requirement that an applicant provide a social security number as verified by the social security administration shall apply only to applicants who have been assigned a social security number.

(b) An applicant who has not been assigned a social security number shall:

- (i) Present written verification from the social security administration that the applicant has not been assigned a social security number; and
- (ii) Submit a birth certificate, passport or other documentary evidence issued by an entity other than a state or the United States; and
- (iii) Submit such proof as the department may require that the applicant is lawfully present in the United States.

SECTION 5. That Section 49-2444, Idaho Code, be, and the same is hereby amended to read as follows:

49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR EIGHT-YEAR. (1) The department shall issue a distinguishing identification card that shall set forth the information contained in the application, in a form as prescribed by the department. All identification cards issued on or after January 1, 1993, shall not contain the applicant's social security number. An applicant's social security number shall be exempt from disclosure except for inquiries from agencies or institutions authorized to obtain such information by federal law or regulation, from peace officers or from jury commissioners. Each card shall have printed on it the applicant's full name, date of birth, Idaho residence address, sex, weight, height, eye color, and hair color, and shall be issued a distinguishing number assigned to the applicant. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant's identification card shall contain his or her alternative Idaho mailing address in place of his or her Idaho residence address. Each card shall also have printed on it the name of this state, the date of issuance, and the date of expiration. An identification card shall not be valid until it has been signed on the signature line by the applicant. Each card shall bear upon it a color photograph of the applicant which shall be taken by the examiner at the time of application. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to wear headgear or other head covering for medical, religious or safety purposes as long as the face is not disguised or otherwise concealed. At the request of the applicant, an identification card may contain a statement or indication of the medical condition of the applicant.

No person shall receive an identification card unless and until he surrenders to the department all identification cards in his possession issued to him by Idaho or any other jurisdiction, or any driver's license issued by any other jurisdiction within the United States, or until he executes an affidavit that he does not possess an identification card or any driver's license.

Identification cards issued to persons under eighteen (18) years of age shall include a notation "under 18 until (month, day, year)," and identification cards issued to persons eighteen (18) years of age to twenty-one (21) years of age shall include a notation "under 21 until (month, day, year)." The nonrefundable fee for a four (4) year identification card issued to persons twenty-one (21) years of age or older shall be ten dollars (\$10.00), of which five dollars (\$5.00) shall be retained by the county and credited to the current expense fund, and five dollars (\$5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for identification cards issued to persons under twenty-one (21) years of age shall be ten dollars (\$10.00), of which five dollars (\$5.00) shall be retained by the authorized issuing agent or, if issued by the county and, shall be credited to the current expense fund, and five dollars (\$5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for an eight (8) year identification card shall be twenty dollars (\$20.00), of which ten dollars (\$10.00) shall be retained by the authorized issuing agent or, if issued by the county and, shall be credited to the current expense fund, and ten dollars (\$10.00) shall be deposited in the state treasury to the credit of the highway distribution account. At the option of the applicant, the identification card issued to a person twenty-one (21) years of age or older shall expire either on the cardholder's birthday in the fourth year or the eighth year following issuance of the card, except as otherwise provided in subsection (3) of this section. Every identification card issued to a person under eighteen (18) years of age shall expire five (5) days after the person's eighteenth birthday, except as otherwise provided in subsection (3) of this section. Every identification card issued to a person eighteen (18) years of

age but under twenty-one (21) years of age shall expire five (5) days after the person's twenty-first birthday, except as otherwise provided in subsection (3) of this section.

Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for an identification card. Any registration information so supplied shall be transmitted by the department to the selective service system.

(2) Every identification card, except those issued to persons under twenty-one (21) years of age, shall be renewable on or before its expiration, but not more than twenty-five (25) months before, and upon application and payment of the required fee.

(3) Every identification card issued to a person who is not a citizen or permanent legal resident of the United States shall have an expiration date that is the same date as the end of lawful stay in the United States as indicated on documents issued and verified by the department of homeland security, provided however, that the expiration date shall not extend beyond the expiration date for the same category of identification card issued to citizens. Persons whose department of homeland security documents do not state an expiration date shall be issued an identification card with an expiration date of one (1) year from the date of issuance.

(4) When an identification card has been expired for less than twenty-five (25) months, the renewal of the identification card shall start from the original date of expiration regardless of the year in which the application for renewal is made. If the identification card is expired for more than twenty-five (25) months, the application shall expire, at the option of the applicant, on the applicant's birthday in the fourth year or the eighth year following reissuance of the identification card, except as otherwise provided in subsection (3) of this section.

(5) (a) If an Idaho identification card has expired or will expire and the identification cardholder is temporarily out of state, except on active military duty, the identification cardholder may request in writing on a form prescribed by the department an extension of the identification card. The request shall be accompanied by the fee fixed in section 49-306, Idaho Code, and the extension shall be no more than a twelve (12) month period. If the department determines that an extension of the identification card is necessary, it may issue an identification card showing the date to which the expired identification card is extended. Identification card extensions are limited to two (2) consecutive extensions per identification cardholder.

(b) Upon returning to the state of Idaho, the identification cardholder shall, within ten (10) days, apply for a renewal of the expired identification card and surrender the extended identification card and the expired identification card.

(6) An Idaho identification card issued to any person prior to serving on active duty in the armed forces of the United States, or a member of the immediate family accompanying such a person, if valid and in full force and effect upon entering active duty, shall remain in full force and effect and shall, upon application, be extended for a period of four (4) years as long as active duty continues, and the identification card shall remain in full force and effect sixty (60) days following the date the cardholder is released from active duty.

(7) A person possessing an identification card who desires to donate any or all organs or tissue in the event of death, and who has completed a document of gift pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, may, at the option of the donor, indicate this desire on the identification card by the imprinting of the word "donor" on the identification card. The provisions of this subsec-

tion shall apply to persons possessing an identification card who are fifteen (15) years of age or older but less than eighteen (18) years of age if the requirements provided in chapter 34, title 39, Idaho Code, have been complied with.

(8) A person possessing an identification card or an applicant for an identification card who is a person with a permanent disability may request that the notation "permanently disabled" be imprinted on the identification card, provided the person presents written certification from a licensed physician verifying that the person's stated impairment qualifies as a permanent disability according to the provisions of section 49-117, Idaho Code.

(9) A person who is a veteran may request that his or her status as such be designated on an identification card at no additional cost. Any such request shall be accompanied by proof of being a current or former member of the United States armed forces. Upon request and submission of satisfactory proof, the department shall indicate such person's status as a veteran on any identification card issued pursuant to the provisions of this section. Such designation shall be made upon original issuance or renewal of an identification card. Designation shall also be made on any duplicate identification card issued, provided that the fee for such duplicate card is paid in accordance with this section.

Satisfactory proof of being a current or former member of the United States armed forces must be furnished by an applicant to the department before a designation of veteran status will be indicated on any identification card. Acceptable proof shall be a copy of form DD214 or an equivalent document or statement from the department of veterans affairs that identifies a character of service upon separation as "honorable" or "general under honorable conditions."

(10) In the case of a name change, the applicant shall provide legal documentation to verify the change in accordance with department rules.

(11) Whenever any person, after applying for or receiving an identification card, shall move from the address shown on the application or on the identification card issued, that person shall, within thirty (30) days, notify the transportation department in writing of the old and new addresses.

(12) The department shall cancel any identification card upon determining that the person was not entitled to the issuance of the identification card, or that the person failed to give the required and correct information in his application or committed fraud in making the application. Upon cancellation, the person shall surrender the canceled identification card to the department.

(13) If any person shall fail to return to the department the identification card as required, the department may direct any peace officer to secure its possession and return the identification card to the department.

(14) The department may issue a no-fee identification card to an individual whose driver's license has been canceled and voluntarily surrendered as provided in section 49-322(5), Idaho Code. The identification card may be renewed at no cost to the applicant as long as the driver's license remains canceled.

(15) It is an infraction for any person to fail to notify the department of a change of address as required by the provisions of subsection (11) of this section.

Approved March 3, 2020

CHAPTER 39
(H.B. No. 412)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION 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 224, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Department of Administration for the Public Works Program the following amounts to be expended according to the designated expense classes from the Administration and Accounting Services Fund for the period July 1, 2019, through June 30, 2020, for the purpose of hiring an administrator for the Security Operations Division:

FOR:

Personnel Costs	\$63,000
Operating Expenditures	<u>3,500</u>
TOTAL	\$66,500

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 3, 2020

CHAPTER 40
(H.B. No. 330)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-416, IDAHO CODE, TO REVISE FEE PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. 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 <u>262.25</u>
Hunting License	14.00	N/A
Hunting License with 3 Day Fishing License	N/A	153.00 <u>183.25</u>
Fishing License	28.75	96.50 <u>106.25</u>
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	<u>90.00</u>
<u>Disabled American Veteran</u> Hunting License with 3 Day Fishing License	N/A		<u>30.00</u>
Jr. Fishing License	14.25	20.00	<u>22.00</u>
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 3 Day Small Game Hunting License	N/A	96.00	<u>140.00</u>
Daily Fishing (1st-day) License	11.75	13.25	<u>21.00</u>
Consecutive Day Fishing License	6.00		7.00
3 Day Fishing with Salmon/Steelhead Permit	N/A	35.75	<u>43.00</u>
Nongame Hunting License	N/A	33.75	<u>37.25</u>
Jr. Trapping License	6.50		N/A
Trapping License	28.00	300.00	<u>330.00</u>

(b) Sport Tags

Deer Tag	\$ 23.00	\$ 300.00	<u>350.00</u>
Controlled Hunt Deer Tag	23.00	300.00	<u>350.00</u>
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	<u>175.00</u>
<u>Disabled American Veteran</u> Deer Tag	N/A		<u>22.00</u>
Elk A Tag	35.00	415.00	<u>650.00</u>
Elk B Tag	35.00	415.00	<u>650.00</u>
Controlled Hunt Elk Tag	35.00	415.00	<u>650.00</u>
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	<u>298.00</u>
<u>Disabled American Veteran</u> Elk Tag	N/A		<u>38.00</u>

Black Bear Tag	12.00	184.25 <u>230.00</u>
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 <u>115.00</u>
<u>Disabled American Veteran</u> Black Bear Tag	N/A	<u>22.00</u>
Turkey Tag	21.00	78.25 <u>86.25</u>
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 <u>43.00</u>
<u>Disabled American Veteran</u> Turkey Tag	N/A	<u>18.00</u>
Mountain Lion Tag	12.00	184.25 <u>202.75</u>
Gray Wolf Tag	12.00	184.25
Pronghorn Antelope Tag	34.75	310.00 <u>341.00</u>
Moose Tag	198.00	2,100.00 <u>2,625.00</u>
Bighorn Sheep Tag	198.00	2,100.00 <u>2,625.00</u>
Mountain Goat Tag	198.00	2,100.00 <u>2,625.00</u>
Grizzly Bear Tag	198.00	2,100.00 <u>2,625.00</u>
Sandhill Crane Tag	21.00	65.75 <u>72.50</u>

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 <u>33.00</u>
Hound Hunter Permit	13.25	168.00 <u>300.00</u>
WMA Upland Game Bird Permit	27.00	50.00 <u>55.00</u>
Archery Permit	17.75	18.25 <u>80.00</u>
Muzzleloader Permit	17.75	18.25 <u>80.00</u>
Salmon Permit	13.50	24.00 <u>26.50</u>
Steelhead Permit	13.50	24.00 <u>26.50</u>
Federal Migratory Bird Harvest Info. Permit	1.00	3.00 <u>3.25</u>
Disabled Archery Permit	0.00	0.00
2-Pole Fishing Permit	13.25	13.75 <u>15.25</u>
Turkey Controlled Hunt Permit	6.00	6.00 <u>6.75</u>
Sage/Sharptail Grouse Permit	4.00	4.00 <u>4.50</u>
Disabled Hunt Motor Vehicle Permit	0.00	0.00

(d) Commercial Licenses and Permits

Raptor Captive Breeding Permit	\$78.75	\$ 94.50 <u>104.00</u>
Falconry Permit	78.75	N/A

Falconry Capture Permit	18.50	168.00	<u>185.00</u>
Peregrine Capture Permit	30.00	200.00	<u>220.00</u>
Taxidermist-Fur Buyer License			
5-Year License	175.00		N/A
1-Year License	38.25	168.25	<u>185.25</u>
Shooting Preserve Permit	329.75		N/A
Commercial Wildlife Farm			
License	137.50		N/A
Commercial Fishing License	110.00	265.00	<u>291.50</u>
Wholesale Steelhead License	165.00	198.25	<u>218.25</u>
Retail Steelhead Trout Buyer's			
License	33.00	39.25	<u>43.25</u>
(e) Commercial Tags			
Bobcat Tag	\$ 3.00	\$ 3.00	<u>3.50</u>
Otter Tag	3.00	3.00	<u>3.50</u>
Net Tag	55.00	65.75	<u>72.50</u>
Crayfish/Minnow Tag	1.25	3.00	<u>3.50</u>
(f) Miscellaneous-Other Licenses			
Duplicate License	\$ 5.50	\$ 6.50	<u>7.25</u>
Shooting Preserve License	11.00	22.00	<u>24.25</u>
Captive Wolf License	32.00		N/A
(g) Miscellaneous-Other Tags			
Duplicate Tag	\$ 5.50	\$ 6.50	<u>7.25</u>
Wild Bird Shooting Preserve			
Tag	5.50	6.50	<u>7.25</u>
(h) Miscellaneous-Other Permits-Points-Fees			
Falconry In-State Transfer			
Permit	\$ 5.50	\$	N/A
Falconry Meet Permit	N/A	26.25	<u>29.00</u>
Rehab Permit	3.00	3.00	<u>3.50</u>
Educational Fishing Permit	0.00		0.00
Live Fish Importation			
Permit	3.00	3.00	<u>3.50</u>
Sport Dog and Falconry Training			
Permit	3.00	3.00	<u>3.50</u>
Wildlife Transport Permit	3.00	3.00	<u>3.50</u>
Scientific Collection Permit	50.00	50.00	<u>55.00</u>
Private Park Permit	21.75	26.25	<u>29.00</u>
Wildlife Import Permit	21.75	26.25	<u>29.00</u>
Wildlife Export Permit	11.00	13.25	<u>14.75</u>
Wildlife Release Permit	11.00	13.25	<u>14.75</u>
Captive Wildlife Permit	21.75	26.25	<u>29.00</u>
Fishing Tournament Permit	21.75	25.00	<u>27.50</u>
Dog Field Trial Permit	33.00	40.00	<u>44.00</u>
Live Fish Transport Permit	21.75	26.25	<u>29.00</u>

Controlled Hunt Application Fee		
Moose, Sheep, Goat, Grizzly Bear	15.00	40.00 <u>44.00</u>
Controlled Hunt Application Fee	4.50	13.00 <u>16.25</u>
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 2. This act shall be in full force and effect on and after December 1, 2020.

Approved March 3, 2020

CHAPTER 41
(H.B. No. 354)

AN ACT

RELATING TO TAXING DISTRICT BUDGET REQUESTS; AMENDING SECTION 63-802, IDAHO CODE, TO REVISE PROVISIONS REGARDING A TAXING DISTRICT'S FORGONE PROPERTY TAX INCREASE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 63-802, Idaho Code, be, and the same is hereby amended to read as follows:

63-802. LIMITATION ON BUDGET REQUESTS -- LIMITATION ON TAX CHARGES -- EXCEPTIONS. (1) Except as provided in subsections (3) and (4) of this section, no taxing district shall certify a budget request for an amount of property tax revenues to finance an annual budget that exceeds the greater of paragraphs (a) through (k) of this subsection, inclusive:

- (a) The dollar amount of property taxes certified for its annual budget for any one (1) of the three (3) tax years preceding the current tax year, whichever is greater, for the past tax year, which amount may be increased by a growth factor of not to exceed three percent (3%) plus the amount of revenue calculated as described in this subsection. Multiply the levy of the previous year, not including any levy described in subsection (4) of this section, or any school district levy reduction resulting from a distribution of state funds pursuant to section 63-3638(11) or (13), Idaho Code, by the value shown on the new construction roll compiled pursuant to section 63-301A, Idaho Code; and by the value of annexation during the previous calendar year, as certified by the state tax commission for market values of operating property of public utilities and by the county assessor;
- (b) The dollar amount of property taxes certified for its annual budget during the last year in which a levy was made;
- (c) The dollar amount of the actual budget request, if the taxing district is newly created, except as may be provided in paragraph (i) of this subsection;
- (d) In the case of school districts, the restriction imposed in section 33-802, Idaho Code;
- (e) In the case of a nonschool district for which less than the maximum allowable increase in the dollar amount of property taxes is certified for annual budget purposes in any one (1) year, such a district may, in any following year, recover the forgone increase by certifying, in

addition to any increase otherwise allowed, an amount not to exceed one hundred percent (100%) of the increase originally forgone. Provided however, that prior to budgeting any forgone increase, the district must provide notice of its intent to do so, hold a public hearing, which may be in conjunction with its annual budget hearing, and certify by resolution the amount of forgone increase to be budgeted and the specific purpose for which the forgone increase is being budgeted. Upon adoption of the resolution, the clerk of the district shall file a copy of the resolution with the county clerk and the state tax commission. Said additional amount shall be included in future calculations for increases as allowed;

(f) If a taxing district elects to budget less than the maximum allowable increase in the dollar amount of property taxes, the taxing district may ~~disclaim~~ reserve the right to recover all or any portion of that year's forgone increase in a subsequent year by adoption of a resolution ~~declaring the same~~ specifying the dollar amount of property taxes being reserved. Otherwise, that year's forgone increase may not be recovered under paragraph (e) of this subsection. The district must provide notice of its intent to do so and hold a public hearing, which may be in conjunction with its annual budget hearing if applicable. The resolution to ~~disclaim~~ reserve the right to recover the forgone increase for that year shall be adopted at the annual budget hearing of the taxing district if the district has a budget hearing requirement; ~~provided however, that the resolution shall not apply to forgone increases from prior budget years;~~

(g) In the case of cities, if the immediately preceding year's levy subject to the limitation provided by this section is less than 0.004, the city may increase its budget by an amount not to exceed the difference between 0.004 and actual prior year's levy multiplied by the prior year's market value for assessment purposes. The additional amount must be approved by sixty percent (60%) of the voters voting on the question at an election called for that purpose and held on the date in May or November provided by law, and may be included in the annual budget of the city for purposes of this section;

(h) A taxing district may submit to the electors within the district the question of whether the budget from property tax revenues may be increased beyond the amount authorized in this section, but not beyond the levy authorized by statute. The additional amount must be approved by sixty-six and two-thirds percent (66 2/3%) or more of the voters voting on the question at an election called for that purpose and held on the May or November dates provided by section 34-106, Idaho Code. If approved by the required minimum sixty-six and two-thirds percent (66 2/3%) of the voters voting at the election, the new budget amount shall be the base budget for the purposes of this section;

(i) When a nonschool district consolidates with another nonschool district or dissolves and a new district performing similar governmental functions as the dissolved district forms with the same boundaries within three (3) years, the maximum amount of a budget of the district from property tax revenues shall not be greater than the sum of the amounts that would have been authorized by this section for the district itself or for the districts that were consolidated or dissolved and incorporated into a new district;

(j) In the instance or case of cooperative service agencies, the restrictions imposed in sections 33-315 through 33-318, Idaho Code;

(k) The amount of money received in the twelve (12) months immediately preceding June 30 of the current tax year as a result of distributions of the tax provided in section 63-3502B(2), Idaho Code.

(2) In the case of fire districts, during the year immediately following the election of a public utility or public utilities to consent to be pro-

vided fire protection pursuant to section 31-1425, Idaho Code, the maximum amount of property tax revenues permitted in subsection (1) of this section may be increased by an amount equal to the current year's taxable value of the consenting public utility or public utilities multiplied by that portion of the prior year's levy subject to the limitation provided by subsection (1) of this section.

(3) No board of county commissioners shall set a levy, nor shall the state tax commission approve a levy for annual budget purposes, which exceeds the limitation imposed in subsection (1) of this section unless authority to exceed such limitation has been approved by a majority of the taxing district's electors voting on the question at an election called for that purpose and held pursuant to section 34-106, Idaho Code, provided however, that such voter approval shall be for a period of not to exceed two (2) years.

(4) The amount of property tax revenues to finance an annual budget does not include revenues from nonproperty tax sources, and does not include revenue from levies for the payment of judicially confirmed obligations pursuant to sections 63-1315 and 63-1316, Idaho Code, and revenue from levies that are voter-approved for bonds, override levies or supplemental levies, plant facilities reserve fund levies, school emergency fund levies or for levies applicable to newly annexed property or for levies applicable to new construction as evidenced by the value of property subject to the occupancy tax pursuant to section 63-317, Idaho Code, for the preceding tax year. The amount of property tax revenues to finance an annual budget does not include any property taxes that were collected and refunded on property that is exempt from taxation, pursuant to section 63-1305C, Idaho Code.

(5) The amount of property tax revenues to finance an annual budget shall include moneys received as recovery of property tax for a revoked provisional property tax exemption under section 63-1305C, Idaho Code.

Approved March 3, 2020

CHAPTER 42
(S.B. No. 1249)

AN ACT

RELATING TO LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AND AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-420R, IDAHO CODE, TO PROVIDE FOR CHOOSE LIFE LICENSE PLATES.

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

SECTION 1. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:

49-402. ANNUAL REGISTRATION. (1) The annual fee for operating each pickup truck, each neighborhood electric vehicle and each other motor vehicle having a maximum gross weight not in excess of eight thousand (8,000) pounds and that complies with the federal motor vehicle safety standards as defined in section 49-107, Idaho Code, shall be:

Vehicles one (1) and two (2) years old	\$69.00
Vehicles three (3) and four (4) years old	\$57.00
Vehicles five (5) and six (6) years old	\$57.00
Vehicles seven (7) and eight (8) years old	\$45.00
Vehicles over eight (8) years old	\$45.00

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers numbered 1, and proceeding consecutively through December for holders of validation registration

stickers numbered 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered registration system for the purpose of reregistration and notice of expiration.

A vehicle that has once been registered for any of the above-designated periods shall, upon reregistration, be registered for the period bearing the same number, and the registration card shall show and be the exclusive proof of the expiration date of registration and licensing. Vehicles may be initially registered for less than a twelve (12) month period, or for more than a twelve (12) month period, and the fee prorated on a monthly basis if the fractional registration tends to fulfill the purpose of the monthly series registration system.

(2) For all school buses operated either by a nonprofit, nonpublic school or operated pursuant to a service contract with a school district for transporting children to or from school or in connection with school-approved activities, the annual fee shall be twenty-four dollars (\$24.00) and shall be subject to staggered registration for the purpose of reregistration and notice of expiration.

(3) For all motorcycles and motor-driven cycles that comply with the federal motor vehicle safety standards, operated upon the public highways, the annual fee shall be nineteen dollars (\$19.00) and shall be subject to staggered registration for the purpose of reregistration and notice of expiration.

(4) For operation of an all-terrain vehicle, utility type vehicle or motorbike, excluding a motorbike with an engine displacement of fifty (50) cubic centimeters or less, on city, county or highway district roads or highways open to such use, a restricted vehicle license plate fee pursuant to section 49-450, Idaho Code, shall be paid. In addition, the registration fee specified in section 67-7122, Idaho Code, shall be paid as provided in section 67-7122, Idaho Code. The registration and restricted vehicle license plate exemption provided in section 49-426(2), Idaho Code, applies to all-terrain vehicles, utility type vehicles, motorbikes and motorcycles used for the purposes described in section 49-426(2), Idaho Code. Nonresidents shall be allowed to purchase a restricted vehicle license plate and sticker for an all-terrain vehicle, utility type vehicle or motorbike.

(5) For all motor homes, the fee shall be as specified in subsection (1) of this section and shall be in addition to the fees provided for in section 49-445, Idaho Code.

(6) Registration fees shall not be subject to refund.

(7) A financial institution or repossession service contracted to a financial institution repossessing vehicles under the terms of a security agreement shall move the vehicle from the place of repossession to the financial institution's place of business on a repossession plate. The repossession plate shall also be used for demonstrating the vehicle to a prospective purchaser for a period not to exceed ninety-six (96) hours. The registration fees for repossession plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee. The repossession plate shall be subject to staggered registration for the purpose of reregistration and notice of expiration.

(8) A wrecker or towing business engaged in the process of towing motorized vehicles, which have been wrecked, abandoned, salvaged or may be disabled, may apply for a wrecker plate to be displayed on those vehicles being towed, provided the power unit is properly registered under this chapter. The registration fees for wrecker plates shall be as required in subsection

(1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee and shall be subject to staggered registration for the purpose of reregistration and notice of expiration.

(9) In addition to the annual registration fee in this section, there shall be an initial program fee of twenty-five dollars (\$25.00) and an annual program fee of fifteen dollars (\$15.00) for all special license plate programs for those license plates issued pursuant to sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code. For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be an initial program fee of twenty-five dollars (\$25.00) but there shall be no annual renewal fee. For special plates issued pursuant to sections 49-415D, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-418A, 49-418B, 49-418C, 49-419, 49-419A, 49-419C, 49-419E, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E, 49-420J, 49-420K, 49-420L, 49-420M, 49-420N, 49-420O, 49-420P, and 49-420Q, and 49-420R, Idaho Code, and any new special plate program effective on and after January 1, 2013, pursuant to section 49-402D, Idaho Code, there shall be an initial program fee of thirty-five dollars (\$35.00) and an annual program fee of twenty-five dollars (\$25.00). The fees contained in this subsection shall be applicable to all new special plate programs and shall be subject to staggered registration for the purpose of reregistration and notice of expiration. The initial program fee and the annual program fee shall be deposited in the state highway account and shall be used to fund the cost of administration of special license plate programs, unless otherwise specified by law.

(10) Any vehicle that does not meet federal motor vehicle safety standards shall not be registered and shall not be permitted to operate on public highways of the state, as defined in section 40-117, Idaho Code, unless otherwise specifically authorized.

(11) In addition to annual registration fees as provided in this section, registrants may pay a fee to purchase an Idaho state parks passport authorizing resident motor vehicle entry into all Idaho state parks. Registrants may pay the fee for a one (1) year or two (2) year period of time. The fee shall be ten dollars (\$10.00) for one (1) year and twenty dollars (\$20.00) for two (2) years. All fees collected pursuant to this subsection shall be deposited into the park and recreation fund and shall be subject to appropriation. Fees collected pursuant to this subsection shall not be considered a motor vehicle registration fee as provided in section 17, article VII, of the constitution of the state of Idaho.

SECTION 2. That Chapter 4, 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 49-420R, Idaho Code, and to read as follows:

49-420R. CHOOSE LIFE LICENSE PLATES. (1) Effective January 1, 2021, any person who is the owner of a vehicle registered under the provisions of section 49-402, Idaho Code, or registered under any other section of law for which the purchase of special plates is allowed, may apply for and, upon department approval, receive choose life license plates in lieu of regular license plates. The provisions of this section shall not apply to any vehicle with a registered maximum gross weight over twenty-six thousand (26,000) pounds. Availability of choose life license plates for other vehicles shall be subject to the rules, policies, and procedures of the department.

(2) In addition to the regular registration fee required in this chapter, the applicant shall be charged a fee of thirty-five dollars (\$35.00) for the initial issuance of plates, and twenty-five dollars (\$25.00) upon each succeeding annual registration. Thirteen dollars (\$13.00) of the initial fee and thirteen dollars (\$13.00) of the renewal fee shall be deposited in the state highway account and shall be used to fund the cost of adminis-

tration of this special license plate program. Twenty-two dollars (\$22.00) of each initial fee and twelve dollars (\$12.00) of each renewal fee shall be transferred by the state treasurer to Choose Life Idaho, Inc., and shall be used in Idaho to provide grant dollars to support life-affirming pregnancy resource centers in order to help pregnant women choose life for their babies and to encourage adoption as a positive choice for women with unplanned pregnancies.

(3) Whenever title or interest in a vehicle registered under the provisions of this section is transferred or assigned, the owner may transfer the special plates to another vehicle upon payment of the required transfer fees. The owner may display the plates on another vehicle only upon receipt of the new registration from the department.

(4) The choose life license plate shall be of a color and design in accordance with the provisions of section 49-402C, Idaho Code. The design and any slogan on the plate shall be acceptable to Choose Life Idaho, Inc., and shall be approved by the Idaho transportation department utilizing a numbering system as determined by the department. Initial costs of the plate program, including costs of plate design, shall be paid by Choose Life Idaho, Inc.

(5) Sample choose life license plates may be purchased for a fee of thirty dollars (\$30.00), thirteen dollars (\$13.00) of which shall be deposited in the state highway account and seventeen dollars (\$17.00) of which shall be transferred to Choose Life Idaho, Inc., to be used for the purpose stated in subsection (2) of this section.

Approved March 3, 2020

CHAPTER 43
(H.B. No. 348)

AN ACT

RELATING TO THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT; AMENDING SECTION 31-2904, IDAHO CODE, TO PROVIDE THAT THE SECRETARY OF STATE SHALL ESTABLISH STANDARDS FOR RECORDING OF CERTAIN DOCUMENTS; AND REPEALING SECTION 31-2905, IDAHO CODE, RELATING TO THE ELECTRONIC RECORDING COMMISSION.

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

SECTION 1. That Section 31-2904, Idaho Code, be, and the same is hereby amended to read as follows:

31-2904. RECORDING OF DOCUMENTS. (1) In this section, "paper document" means a document that is received by the recorder in a form that is not electronic.

(2) A recorder:

(a) Who implements any of the functions listed in this section shall do so in compliance with standards established by the ~~electronic recording commission, as created in section 31-2905, Idaho Code~~ secretary of state;

(b) May receive, index, store, archive and transmit electronic documents;

(c) May provide for access to, and for search and retrieval of, documents and information by electronic means;

(d) Who accepts electronic documents for recording shall continue to accept paper documents as authorized by state law and shall place entries for both types of documents in the same index;

- (e) May convert paper documents accepted for recording into electronic form;
- (f) May convert into electronic form information recorded before the recorder began to record electronic documents;
- (g) May accept electronically any fee that the recorder is authorized to collect; and
- (h) May agree with other officials of a state or a political subdivision thereof, or of the United States, on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees.

SECTION 2. That Section 31-2905, Idaho Code, be, and the same is hereby repealed.

Approved March 9, 2020

CHAPTER 44
(H.B. No. 326)

AN ACT

RELATING TO VETERANS; AMENDING SECTION 65-502, IDAHO CODE, TO REMOVE A DEFINITION; AMENDING SECTION 65-503, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-123, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-5302, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 67-5309, IDAHO CODE, TO PROVIDE THAT RULEMAKING MAY INCLUDE CERTAIN PROVISIONS AND TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 65-502, Idaho Code, be, and the same is hereby amended to read as follows:

65-502. DEFINITIONS. As used in this chapter:

- (1) "Applicant" means an individual applying for a position with a public employer.
- (2) "Armed forces" means the army, navy, marine corps, coast guard, air force, and the reserve components thereof.
- (3) "Civil service position" means a position for which the public employee is selected from a pool of applicants through a competitive examination, a merit system or any other rating system based on experience and qualifications.
- (4) "Disabled veteran" means those veterans separated under honorable conditions who:
 - (a) Qualify as disabled veterans because they have served on active duty in the armed forces and have a current service-connected disability of ten percent (10%) or more or are receiving compensation related to a service-connected disability including retirement benefits or pension from the military or the department of veterans affairs; or
 - (b) Are purple heart recipients.
- (5) "Honorable conditions" means an honorable discharge or a general discharge "under honorable conditions."
- (6) "Initial appointment" means the first time a qualified veteran is hired by a county or a municipal government or the state, provided however, subsequent separation from the county, municipal government or the state shall not result in the award of new preference or preference points with that governmental entity. "Initial appointment" shall not include:

- (a) Jobs held by patients, inmates or students in or enrolled at a state institution;
- (b) Temporary or casual employment; or
- (c) An office filled by election.
- (7) "Key employee" means an individual specifically hired for an "at will" position that is not a civil service position and where:
 - (a) The position requires an advanced degree and the exercise of independent judgment for a majority of the public employee's duties;
 - (b) The primary duty of the position is the management of a department or subdivision of the public employer and the position requires the exercise of independent judgment for a majority of position duties;
 - (c) The primary duty of the position is administrative work arising from the management of a department or subdivision of the public employer or administrative work arising from the exercise of the duties of an elected official and the public employee holds a confidential relationship to the appointing or employing officer or elected official; or
 - (d) The primary duty of the position is to provide advice or consultation to an elected official and the public employee holds a confidential relationship to the elected official.
- (8) "Military duty" means training and service performed by an inductee, enlistee or reservist or any entrant into a component of the armed forces of the United States, provided "military duty" shall not include active duty training as a reservist in the armed forces of the United States or as a member of the national guard of the United States where the call is for training only.
- (9) "Position" means a job held by a public employee but shall not include:
 - (a) A job held by a patient, inmate or student in or enrolled at a state institution;
 - (b) Temporary or casual employment; or
 - (c) An office filled by election.
- (10) "Preference eligible" means an individual eligible for preference under section 65-503, Idaho Code.
- (11) "Public employee" means any person holding a position in public employment.
- (12) "Public employer" means any government, department or agency mentioned in subsection (13) of this section employing a public employee in a position.
- (13) "Public employment" means employment by the government of this state, or by any county, municipality or other political subdivision of the state, including any department or agency thereof.
- (14) "Register" means a list of names of persons who have been determined to be eligible for employment in a civil service position.
- (15) "Service-connected disability" means that the veteran is disabled due to injury or illness that was incurred in or aggravated by military service as certified by the federal veterans administration or an agency of the department of defense.
- (16) "Temporary or casual employment" means employment for a brief, nonrecurrent period where there is no reasonable expectation that such employment will continue indefinitely or for a significant period of time.
- ~~(17) "Veteran" means any person who has been discharged or released from active duty in the armed forces under honorable conditions provided they have served on active duty for a minimum of one hundred eighty (180) consecutive days. As used in this subsection and chapter, "active duty" means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the secretary of the military department concerned.~~

SECTION 2. That Section 65-503, Idaho Code, be, and the same is hereby amended to read as follows:

65-503. ELIGIBILITY FOR PREFERENCE. The following individuals are eligible for preference:

- (1) Veterans as defined in section 65-203, Idaho Code, and disabled veterans as defined in section 65-502, Idaho Code;
- (2) A widow or widower of any veteran as long as he or she remains unmarried; and
- (3) The wife or husband of a service-connected disabled veteran if the veteran cannot qualify for any public employment because of a service-connected disability.

SECTION 3. That Section 49-123, Idaho Code, be, and the same is hereby amended to read as follows:

49-123. DEFINITIONS -- V. (1) "Variable load suspension axle" means an axle or axles designed to support a part of the vehicle and load and which can be regulated to vary the amount of load supported by such an axle or axles and which can be deployed or lifted by the operator of the vehicle. (See also section 49-117, Idaho Code)

(a) "Fully raised" means that the variable load suspension axle is in an elevated position preventing the tires on such axle from having any contact with the roadway.

(b) "Fully deployed" means that the variable load suspension axle is supporting a portion of the weight of the loaded vehicle as controlled by the preset pressure regulator valve.

(2) "Vehicle" means:

(a) General. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(b) Assembled vehicle or vessel. A vehicle or vessel, not including a salvage vehicle or vessel, that has been constructed using major component parts from two (2) or more vehicles or vessels or that has been repaired using new factory major component parts so that the resulting vehicle or vessel has the same appearance as a vehicle or vessel that was manufactured under a specific make and model by a manufacturer. A vehicle or vessel utilizing a kit for the entire body or a glider kit vehicle is not an assembled vehicle.

(c) Authorized emergency vehicle. Vehicles operated by any fire department or law enforcement agency of the state of Idaho or any political subdivision of the state, ambulances, vehicles belonging to personnel of voluntary fire departments while in performance of official duties only, vehicles belonging to or operated by EMS personnel certified or otherwise recognized by the EMS bureau of the Idaho department of health and welfare while in the performance of emergency medical services, sheriff's search and rescue vehicles that are under the immediate supervision of the county sheriff, wreckers that are engaged in motor vehicle recovery operations and are blocking part or all of one (1) or more lanes of traffic, other emergency vehicles designated by the director of the Idaho state police or vehicles authorized by the Idaho transportation board and used in the enforcement of laws specified in section 40-510, Idaho Code, pertaining to vehicles of ten thousand (10,000) pounds or greater.

(d) Commercial vehicle or commercial motor vehicle. For the purposes of chapters 3 and 9 of this title, driver's licenses and vehicle equipment, a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

- (i) Has a manufacturer's gross combination weight rating (GCWR) in excess of twenty-six thousand (26,000) pounds inclusive of a towed unit with a manufacturer's gross vehicle weight rating (GVWR) of more than ten thousand (10,000) pounds; or
- (ii) Has a manufacturer's gross vehicle weight rating (GVWR) in excess of twenty-six thousand (26,000) pounds; or
- (iii) Is designed to transport sixteen (16) or more people, including the driver; or
- (iv) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the hazardous material transportation act and which require the motor vehicle to be placarded under the hazardous materials regulations (49 CFR part 172, subpart F).

For the purposes of chapter 4, title 49, Idaho Code, motor vehicle registration, a vehicle or combination of vehicles of a type used or maintained for the transportation of persons for hire, compensation or profit, or the transportation of property for the owner of the vehicle, or for hire, compensation, or profit, and shall include fixed load specially constructed vehicles exceeding the limits imposed by chapter 10, title 49, Idaho Code, and including drilling rigs, construction, drilling and wrecker cranes, log jammers, log loaders, and similar vehicles which are normally operated in an overweight or oversize condition or both, but shall not include those vehicles registered pursuant to sections 49-402 and 49-402A, Idaho Code, or exempted by section 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "commercial vehicle" under the provisions of this title relating to equipment requirements, rules of the road, or registration.

(e) Farm vehicle. A vehicle or combination of vehicles owned by a farmer or rancher, or by his designated agent, which are operated over public highways, and used exclusively to transport unprocessed agricultural products raised, owned or grown by the owner of the vehicle to market or place of storage; and shall include the transportation by the farmer or rancher of any equipment, supplies or products purchased by that farmer or rancher for his own use, and used in the farming or ranching operation or used by a farmer partly in transporting agricultural products or livestock from the farm of another farmer that were originally grown or raised on the farm, or when used partly in transporting agricultural supplies, equipment, materials or livestock to the farm of another farmer for use or consumption on the farm but not transported for hire, and shall not include vehicles of husbandry or vehicles registered pursuant to sections 49-402 and 49-402A, Idaho Code.

(f) Foreign vehicle. Every vehicle of a type required to be registered under the provisions of this title brought into this state from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

(g) Glider kit vehicle. Every large truck manufactured from a kit manufactured by a manufacturer of large trucks which consists of a frame, cab complete with wiring, instruments, fenders and hood and front axles and wheels. The "glider kit" is made into a complete assembly by the addition of the engine, transmission, rear axles, wheels and tires.

(h) Motor vehicle. 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.

(i) Multipurpose passenger vehicle (MPV). For the purposes of section 49-966, Idaho Code, a motor vehicle designed to carry ten (10) or fewer persons which is constructed either on a truck chassis or with special features for occasional off-road operation.

(j) Neighborhood electric vehicle (NEV). A self-propelled, electrically powered, four-wheeled motor vehicle which is emission free and conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under federal regulations at 49 CFR part 571. An NEV shall be titled, registered and insured according to law as provided respectively in chapters 4, 5 and 12, title 49, Idaho Code, and shall only be operated by a licensed driver. Operation of an NEV on a highway shall be allowed as provided in section 49-663, Idaho Code.

(k) Noncommercial vehicle. For the purposes of chapter 4, title 49, Idaho Code, motor vehicle registration, a noncommercial vehicle shall not include those vehicles required to be registered under sections 49-402 and 49-402A, Idaho Code, and means all other vehicles or combinations of vehicles which are not commercial vehicles or farm vehicles, but shall include motor homes. A noncommercial vehicle shall include those vehicles having a combined gross weight not in excess of sixty thousand (60,000) pounds and not held out for hire, used for purposes related to private use and not used in the furtherance of a business or occupation for compensation or profit or for transporting goods for other than the owner.

(l) Passenger car. For the purposes of section 49-966, Idaho Code, a motor vehicle, except a multipurpose passenger vehicle, motorcycle or trailer, designed to carry ten (10) or fewer persons.

(m) Rebuilt salvage vehicle or vessel. Every vehicle or vessel previously determined or declared to be a salvage vehicle that has been rebuilt or repaired using like make and model parts and visually appears as a vehicle or vessel that was originally constructed under a distinctive manufacturer. This includes a salvage vehicle or vessel which is damaged to the extent that a "rebuilt salvage" brand is required to be added to the title.

(n) Replica vehicle or vessel. A vehicle or vessel made to replicate any vehicle or vessel previously manufactured, using metal, fiberglass or other composite materials. Replica vehicles must look like the original vehicle being replicated but may use a more modern drive train. At a minimum, replica vehicles shall meet the same federal motor vehicle safety and emission standards in effect for the year and type of vehicle being replicated.

(o) Salvage vehicle or vessel. Any vehicle or vessel for which a salvage certificate of title, salvage bill of sale or other documentation has been issued showing evidence that the vehicle or vessel has been declared salvage or which has been damaged to the extent that the owner, or an insurer, or other person acting on behalf of the owner, determines that the cost of parts and labor minus the salvage value makes it uneconomical to repair or rebuild. When an insurance company has paid money or has made other monetary settlement as compensation for a total loss of any vehicle or vessel, such vehicle shall be considered to be a salvage vehicle or vessel.

(p) Specially constructed vehicle or vessel. Every vehicle or vessel of a type required to be registered not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles or vessels and not materially altered from its

original construction and cannot be visually identified as a vehicle or vessel produced by a particular manufacturer. This includes:

(i) A vehicle or vessel that has been structurally modified so that it does not have the same appearance as a similar vehicle or vessel from the same manufacturer; or

(ii) A vehicle or vessel that has been constructed entirely from homemade parts and materials not obtained from other vehicles or vessels; or

(iii) A vehicle or vessel that has been constructed by using major component parts from one (1) or more manufactured vehicles or vessels and cannot be identified as a specific make or model; or

(iv) A vehicle or vessel constructed by the use of a custom kit that cannot be visually identified as a specific make or model. All specially constructed vehicles of a type required to be registered shall be certified by the owner to meet all applicable federal motor vehicle safety standards in effect at the time construction is completed, and all requirements of chapter 9, title 49, Idaho Code.

(q) Specialty off-highway vehicle. A specialty off-highway vehicle as defined in section 67-7101, Idaho Code.

(r) Tank vehicle.

(i) Any commercial motor vehicle transporting, or designed to transport, any liquid or gaseous materials within:

1. A tank that is either permanently or temporarily attached or secured to the vehicle or chassis and has a rated capacity of one thousand (1,000) gallons or more; or

2. Multiple tanks either permanently or temporarily attached or secured, when the aggregate rated capacity of those tanks is one thousand (1,000) gallons or more, as determined by adding the capacity of each individual tank with a capacity of more than one hundred nineteen (119) gallons.

(ii) If a commercial motor vehicle transports one (1) or more tanks that are manifested either as empty or as residue and that are actually empty or contain only residue, those tanks shall not be considered in determining whether the vehicle is a tank vehicle.

(s) Total loss vehicle. Every vehicle that is deemed to be uneconomical to repair. A total loss shall occur when an insurance company or any other person pays or makes other monetary settlement to the owner when it is deemed to be uneconomical to repair the damaged vehicle. The compensation for total loss as defined herein shall not include payments by an insurer or other person for medical care, bodily injury, vehicle rental or for anything other than the amount paid for the actual damage to the vehicle.

(3) "Vehicle identification number." (See "identifying number," section 49-110, Idaho Code)

(4) "Vehicle salesman" means any person who, for a salary, commission or compensation of any kind, is employed either directly or indirectly, or regularly or occasionally by any dealer to sell, purchase or exchange, or to negotiate for the sale, purchase or exchange of vehicles. (See also "full-time salesman," section 49-107, Idaho Code, and "part-time salesman," section 49-117, Idaho Code)

(5) "Vessel." (See section 67-7003, Idaho Code)

(6) "Veteran." (See section 65-502203, Idaho Code)

(7) "Violation" means a conviction of a misdemeanor charge involving a moving traffic violation, or an admission or judicial determination of the commission of an infraction involving a moving traffic infraction, except bicycle infractions.

SECTION 4. That Section 67-5302, Idaho Code, be, and the same is hereby amended to read as follows:

67-5302. DEFINITIONS. As used in this chapter, and other applicable sections of the Idaho Code, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context. Such terms and their definitions are:

(1) "Administrative employee" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified position as "administrative" within this definition shall be made by the administrator of the division of human resources. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(2) "Administrator" means the administrator of the division of human resources in the governor's office.

(3) "Appointing authority" means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to make appointments to or employ personnel in any department.

(4) "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and other characteristics that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

(5) "Classified officer or employee" means any person appointed to or holding a position in any department of the state of Idaho, which position is subject to the provisions of the merit examination, selection, retention, promotion and dismissal requirements of chapter 53, title 67, Idaho Code.

(6) "Commission" means the Idaho personnel commission.

(7) "Compensatory time" means approved time off from duty provided in compensation for overtime hours worked.

(8) "Computer worker" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified position as "computer worker" within this definition shall be made by the administrator of the division of human resources. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(9) "Department" means any department, agency, institution or office of the state of Idaho.

(10) "Disabled veteran" is as defined in section 65-502, Idaho Code.

(11) "Eligible" means a person who has been determined to be qualified for a classified position and whose name has been placed on the register of eligibles.

(12) "Executive employee" means any person, nonclassified or classified, appointed to a position equivalent to a bureau chief or above as provided in section 67-2402, Idaho Code, or any employee meeting the following criteria:

(a) An individual whose primary duty is management of a department, division or bureau; and

(b) Who customarily and regularly directs the work of at least two (2) or more other employees therein; and

(c) Who has the authority to hire and fire, or to recommend hiring and firing; or whose recommendation on these and other actions affecting employees is given particular weight; and

(d) Who customarily and regularly exercises discretionary powers; and

(e) Who is classified to a position allocated to the pay grade equivalent to two hundred sixty (260) points or higher pursuant to the rating system established by rule.

(f) Final designation of a classified position as "executive" in this definition shall be made by the administrator. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(13) "Exempt employee" means any employee, classified or nonclassified, who is determined to be an executive, professional or administrative employee as defined herein, or who qualifies for any other exemption from cash compensation for overtime under applicable federal law. Final designation of a classified position as exempt shall be made by the administrator.

(14) "Full-time employee" means any employee working a forty (40) hour workweek.

(15) "Holiday" means the following:

January 1 (New Year's Day);

Third Monday in January (Martin Luther King, Jr.-Idaho Human Rights Day);

Third Monday in February (Washington's Birthday);

Last Monday in May (Memorial Day);

July 4 (Independence Day);

First Monday in September (Labor Day);

Second Monday in October (Columbus Day);

November 11 (Veterans Day);

Fourth Thursday in November (Thanksgiving);

December 25 (Christmas).

In addition, the term "holiday" shall mean any day so designated by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday.

In the event that a holiday occurs on a Saturday, the preceding Friday shall be a holiday, and if the holiday falls on a Sunday, the following Monday shall be a holiday.

A holiday is a day of exemption from work granted to nonexecutive employees during which said employees shall be compensated as if they actually worked. Employees classified as executive exempt are entitled to ten (10) paid holidays per year. If such an employee works on one (1) of the official holidays listed in this subsection, then such employee may take an alternative day off but shall not receive additional compensation.

(16) "Hours worked" means those hours actually spent in the performance of the employee's job on any day including holidays and shall not include vacation or sick leave or other approved leave of absence.

(17) "Nonclassified employee" means any person appointed to or holding a position in any department of the state of Idaho, which position is exempted from the provisions of chapter 53, title 67, Idaho Code, as provided for in section 67-5303, Idaho Code.

(18) "Normal workweek" means any forty (40) hours worked during a particular one hundred sixty-eight (168) hour period as previously established by the employee's appointing authority.

(19) "Open competitive examination" means an examination that may be taken by qualified applicants to compete on an equal basis for listing on the register of eligibles.

(20) "Overtime work" means time worked on holidays and time worked in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, except that in the case of those employees engaged in law enforcement, correctional and fire protection activities characterized by irregular shift work schedules, time worked in excess of one hundred sixty (160) hours in a period of twenty-eight (28) consecutive days shall constitute overtime work within the meaning of this chapter. Such employees may also be paid overtime for specific hours worked in addition to their normal schedules upon emergency declaration by the governor or with the approval of the appointing authority and the board of examiners.

(21) "Participating department" means any department of the state of Idaho that employs persons in classified positions subject to the merit examination, selection, retention, promotion and dismissal requirements of this chapter.

(22) "Part-time employee" means any employee whose usually scheduled work is fewer than forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, and who shall not be entitled to sick leave accruals provided in section 67-5333, Idaho Code, vacation leave provided in section 67-5334, Idaho Code, nor holiday pay as defined in subsection (15) of this section, unless contributions are being made to the public employee retirement system in accordance with chapter 13, title 59, Idaho Code, and rules promulgated by the public employee retirement system board.

(23) "Personnel system" means the procedure for administering employees in accordance with this chapter.

(24) "Political office" means a public office for which partisan politics is a basis for nomination, election or appointment.

(25) "Political organization" means a party that sponsors candidates for election to political office.

(26) "Position" means a group of duties and responsibilities legally assigned or delegated by one (1) or more appointing authorities and requiring the employment of one (1) person.

(27) "Professional employee" means any person, nonclassified or classified, appointed to a position that meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. 201 et seq. Final designation of a classified position as "professional" within this definition shall be made by the administrator. Exceptions to this designation that do not violate the federal fair labor standards act, 29 U.S.C. 201 et seq., may be made by the administrator.

(28) "Provisional appointment" means appointment to a classified position pending the establishment of a register for such position, and employment shall not be continued in this status longer than thirty (30) days after establishment of a register.

(29) "Public education entity" means community colleges, public school districts, public charter schools and the Idaho digital learning academy.

(30) "Qualifying examination" means an examination or evaluation given to a selected person to determine eligibility for reclassification or appointment to a position in a classification.

(31) "Register" means a list of names of persons who have been determined to be eligible for employment in a classified position as determined on the basis of examination and merit factors as established by the administrator.

(32) "Seasonal appointment" means an appointment to a position that is permanent in nature but that has intermittent work periods throughout the year.

(33) "Service rating" means a recorded evaluation of work performance and promotional potential of an employee by his supervisor.

(34) "State educational agency" means the following state agencies and educational institutions supervised by the Idaho state board of education:

- (a) Boise state university;
- (b) Idaho state university;
- (c) University of Idaho;
- (d) Lewis-Clark state college;
- (e) Idaho public television;
- (f) The division of vocational rehabilitation;
- (g) The division of career technical education;
- (h) The office of the state board of education; and
- (i) The department of education.

(35) "Temporary appointment" means appointment to a position that is not permanent in nature and in which employment will not exceed one thousand

three hundred eighty-five (1,385) hours during any twelve (12) month period. No person holding a temporary appointment may work in excess of one thousand three hundred eighty-five (1,385) hours during a twelve (12) month period of time for any one (1) department, except upon petition by the appointing authority of the department of lands that demonstrates good cause, the administrator of the division of human resources may extend the one thousand three hundred eighty-five (1,385) hour limit for employees of the department who are required to perform fire suppression activities.

(36) "Vacation leave" means a period of exemption from work granted to employees during which time said employees shall be compensated. The term shall not include compensatory time for overtime work.

(37) "Veteran" is as defined in section 65-502203, Idaho Code.

SECTION 5. That Section 67-5309, Idaho Code, be, and the same is hereby amended to read as follows:

67-5309. RULES OF THE DIVISION OF HUMAN RESOURCES AND THE PERSONNEL COMMISSION. The administrator of the division of human resources shall have the power and authority to adopt, amend, or rescind such rules as may be necessary for proper administration of this chapter. Such rules shall may include:

(a) A rule requiring the administrator, after consulting with each department, to develop, adopt, and make effective a job classification system for positions covered by this chapter, based upon an analysis of the duties and responsibilities of the positions. The job classification shall include an appropriate title for each class and a description of duties and responsibilities of positions in the classes and the requirements of minimum training, experience and other qualifications suitable for the performance of duties of the position.

(b) A rule describing the relevant labor markets and benchmark job classifications used in the administrator's salary surveys.

(c) A rule requiring that all classes of positions which are common to the departments concerned shall have the same titles, minimum requirements and compensation ranges.

(d) A rule providing for review by the administrator of the personnel system including classifications and compensation policies and procedures.

(e) A rule that, notwithstanding the procedure for examination and ranking of eligibles on a register provided in subsection (f) of this section, an agency may appoint an individual directly into an entrance or promotional probation if the division of vocational rehabilitation, Idaho commission for the blind and visually impaired or the industrial commission certifies, with the concurrence of division of human resources staff, that the individual: (1) has a disability or handicap as defined under state or federal law; (2) is qualified to perform the essential functions of a particular classified position with or without reasonable accommodation; and (3) lacks competitiveness in the examination process due to the disability or handicap. The probationary period as provided in subsection (j) of this section shall be the sole examination for such individuals.

(f) A rule requiring fair and impartial selection of appointees to all positions other than those defined as nonclassified in this chapter, on the basis of open competitive merit examinations or evaluations. An application for an examination will be accepted after the closing date of the examination from a person who was serving in the armed forces or undergoing service-connected hospitalization up to one (1) year following discharge. The application must be submitted within one hundred twenty (120) days of separation from the armed forces or hospitalization and prior to the expiration of the register established as a result of the examination. A disabled veteran may file an application at any time up until a selection has been made for any position for which the division maintains a register as a source for

future job openings or for which a register is about to be established, provided he or she has not already been examined twice for the same position and grade for which application is made, does not have current eligibility on that register, or is not serving in a competitive position in the same grade for which application is made. Examinations may be assembled or unassembled and may include various examining techniques such as rating of training and experience, written tests, oral interviews, recognition of professional licensing, performance tests, investigations and any other measure of ability to perform the duties of the position. Examinations shall be scored objectively. Five (5) points shall be added to the earned rating of any veteran as defined in section 65-502203, Idaho Code, and the widow or widower of any veteran as defined in section 65-502203, Idaho Code, as long as he or she remains unmarried. Pursuant to section 65-504, Idaho Code, ten (10) points shall be added to the earned rating of any disabled veteran as defined in section 65-502, Idaho Code, the widow or widower of any disabled veteran as long as he or she remains unmarried, or the spouse of any eligible disabled veteran who cannot qualify for any public employment because of a service-connected disability. Employment registers shall be established in order of final score except that the names of all five (5) and ten (10) point preference eligibles resulting from any merit system or civil service examination shall be placed on the register in accordance with their augmented rating. Certification of eligibility for appointment to vacancies shall be in accordance with a formula that limits selection by the hiring department from among the twenty-five (25) top ranking available eligibles plus the names of all individuals with scores identical to the twenty-fifth ranking eligible on the register. A register with at least five (5) eligibles shall be adequate. Selective certification shall be permitted when justified by the hiring department, under rules to be made by the division defining adequate justification based on the duties and requirements of the positions. Such examinations need not be held until after the rules have been adopted, the service classified and a pay plan established, but shall be held not later than one (1) year after departments commence participation in the personnel system.

(g) A rule that, whenever practicable, a vacancy in a classified position shall be filled by the promotion of a qualified employee of the agency in which the vacancy occurs. An interagency promotion shall be made through competitive examination and all qualified state employees shall have the opportunity to compete for such promotions. If an employee's name appears within certifiable range on a current register for a higher class of position, he shall be eligible for a transfer and promotion.

(h) A rule for development and maintenance of a system of service ratings and the use of such ratings by all departments in connection with promotions, demotions, retentions, separations and reassignments. The rule shall require that an evaluation of each classified employee shall be made after each two thousand eighty (2,080) hour period of credited state service and that a copy of the evaluation shall be filed with the division.

(i) A rule prohibiting disqualification of any person from taking an examination, from appointment to a position, from promotion, or from holding a position because of race or national origin, color, sex, age, political or religious opinions or affiliations, and providing for right of appeal.

(j) A rule establishing a probation period not to exceed one thousand forty (1,040) hours of credited state service for all appointments and promotions, except that peace officers as defined in section 19-5101, Idaho Code, shall be subject to a probation period of two thousand eighty (2,080) hours of credited state service, and for the appointing authority to provide the employee and the administrator a performance evaluation indicating satisfactory or unsatisfactory performance not later than thirty (30) days after the expiration of the probationary period. The rule shall provide that if the appointing authority fails to provide a performance evaluation

within thirty (30) days after the expiration of the probationary period, the employee shall be deemed to have satisfactorily completed the probation unless the appointing authority receives approval from the administrator to extend the probationary period for good cause for an additional specified period not to exceed one thousand forty (1,040) hours of credited state service. If an employee is performing in an unsatisfactory manner during the entrance probationary period, the appointing authority shall ask the employee to resign and, if no resignation is submitted, shall terminate the employment of such employee without the right of grievance or appeal.

(k) A rule concerning temporary appointments.

(l) A rule governing the employment of consultants and persons retained under independent contract.

(m) A rule for the disciplinary dismissal, demotion, suspension or other discipline of employees only for cause with reasons given in writing. Such rule shall provide that any of the following reasons shall be proper cause for the disciplinary dismissal, demotion or suspension of any employee in the state classified service:

1. Failure to perform the duties and carry out the obligations imposed by the state constitution, state statutes and rules of the employee's department, or rules of the administrator or the division.
2. Inefficiency, incompetency, or negligence in the performance of duties, or job performance that fails to meet established performance standards.
3. Physical or mental incapability for performing assigned duties.
4. Refusal to accept a reasonable and proper assignment from an authorized supervisor.
5. Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in the employee's department.
6. Intoxication on duty.
7. Careless, negligent, or improper use or unlawful conversion of state property, equipment or funds.
8. Use of any influence that violates the principles of the merit system in an attempt to secure a promotion or privileges for individual advantage.
9. Conviction of official misconduct in office, or conviction of any felony, or conviction of any other crime involving moral turpitude.
10. Acceptance of gifts in exchange for influence or favors given in the employee's official capacity.
11. Habitual pattern of failure to report for duty at the assigned place and time.
12. Habitual improper use of sick leave privileges.
13. Unauthorized disclosure of confidential information from official records.
14. Absence without leave.
15. Misstatement or deception in the application for the position.
16. Failure to obtain or maintain a current license or certificate lawfully required as a condition for performing the duties of the job.
17. Prohibited participation in political activities.

(n) A rule to establish procedures for maintenance of a record of the employment history and appropriate information relating to performance of all employees under the personnel system. For the purposes of this rule, the state shall be considered one (1) employer.

(o) Rules to provide for recruitment programs in cooperation with department heads and the employment security agency in keeping with current employment conditions and labor market trends.

(p) Rules to establish procedures for examinations as necessary for the purpose of maintaining current registers from which to fill employment vacancies.

(q) Other rules not inconsistent with the foregoing provisions of this section as may be necessary and proper for the administration and enforcement of this chapter.

(r) A rule concerning "project exempt" appointments.

(s) Rules relating to leave for state employees from official duties including, but not limited to, sick leave, military leave, jury duty, leaves of absence without compensation and such other forms of absence from performance of duties in the course of state employment as may be necessary.

(t) A rule providing up to twenty-five percent (25%) shift differential pay based on local market practices.

(u) A rule to establish guidelines for awarding employee suggestion awards set forth in sections 59-1603 and 67-5309D, Idaho Code.

(v) A rule to establish the reimbursement of moving expenses for a current or newly hired state employee.

(w) A rule to allow, at the request of the hiring agency, temporary service time to count toward fulfilling entrance probationary requirements as established in subsection (j) of this section.

(x) A rule to allow, at the request of the hiring agency, acting appointment service time to count toward fulfilling promotional probationary requirements as established in subsection (j) of this section.

Approved March 9, 2020

CHAPTER 45
(H.B. No. 357)

AN ACT

RELATING TO THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION 67-5710A, IDAHO CODE, TO REVISE A PROVISION REGARDING CERTAIN REQUIREMENTS FOR EXISTING PUBLIC WORKS, TO PROVIDE THAT CERTAIN PLANS AND SPECIFICATIONS SHALL COMPLY WITH CERTAIN CODES AND REGULATIONS, TO PROVIDE CERTAIN EXEMPTIONS FROM THE REQUIREMENT OF PRIOR APPROVAL, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-5710A, Idaho Code, be, and the same is hereby amended to read as follows:

67-5710A. REQUIREMENT OF PLANS AND SPECIFICATION APPROVAL BY PERMANENT BUILDING FUND ADVISORY COUNCIL AND DELEGATION OF PROJECT OVERSIGHT BY THE ADMINISTRATOR FOR THE DIVISION OF PUBLIC WORKS.

(1) (a) ~~Unless an emergency exists~~ Except as defined set forth in this section 67-5711B, Idaho Code, an existing public works may not be altered, repaired, constructed or improved on property owned or occupied by any state institution, department, commission, board or agency, if the estimated cost of work exceeds the limit established in section 67-5711, Idaho Code, ~~and except for those institutions and agency exemptions listed in section 67-5711, Idaho Code~~, without regard to source of funding, until the location, design, plans and specifications are approved by the permanent building fund advisory council and the project supervised by the division of public works or its designee.

(b) Facilities to be built with funds under the control of a nonstate entity, and owned or occupied by state entities, must have plans and specifications prepared, and all plans and specifications must be reviewed and approved by the permanent building fund advisory council prior to the advertising, bidding, construction and/or negotiation for construction of the facilities.

(c) Plans and specifications submitted for approval shall comply with public works statutes, life safety and building codes, and other applicable codes and regulations. The plans and specifications must also comply with any guidelines or procedures for design and construction adopted by the division of public works and approved by the permanent building fund advisory council.

(d) The following are exempt from the requirement of prior approval of location, design, plans, and specifications in this section:

(i) Emergency public works contracts issued pursuant to section 67-5711B, Idaho Code; and

(ii) Institutions and agencies exempt from the authority of the department of administration pursuant to section 67-5711, Idaho Code.

(2) (a) The administrator for the division of public works may delegate control over design, construction and all other aspects of a public works or maintenance project which that costs less than one hundred fifty thousand dollars (\$150,000) to agencies of state government on a project-by-project basis, if a responsible party of the state agency requests that delegation in writing and the permanent building fund advisory council approves the delegation.

(i) The state agency to whom control is delegated shall assume all responsibility for project budgets and shall receive funds appropriated for the project upon application and approval by the permanent building fund advisory council.

(ii) Delegation of project control does not exempt the state agency from complying with public works statutes, life safety and building codes or other applicable codes and regulations. The state agency also must comply with any guidelines or procedures for design and construction adopted by the division of public works and the permanent building fund advisory council.

(iii) State agencies that receive delegated projects may not have access to permanent building fund advisory council contingency funds unless approved by the permanent building fund advisory council or authorized by appropriation.

(iv) Prior written approval from the administrator must be granted for any public works utilizing sole source or limited competition. No agency will be delegated the ability to declare an emergency as defined in section 67-5711B, Idaho Code.

(v) The permanent building fund advisory council may elect to audit any project for compliance with applicable codes and policies.

(vi) The delegated state agency will use standard documents for professional services contracts and for construction contracts as adopted by the division of public works.

(vii) Delegation is subject to cancellation by the administrator for the division of public works with the concurrence of the permanent building fund advisory council.

CHAPTER 46
(H.B. No. 350)

AN ACT

RELATING TO THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION 67-5708, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR OF THE DIVISION OF PUBLIC WORKS MAY PROMULGATE RULES, TO PROVIDE THAT THE ADMINISTRATOR OF THE DIVISION OF PUBLIC WORKS MAY CONTRACT WITH A PUBLIC OR PRIVATE ENTITY FOR THE RENTAL OF PARKING FACILITIES IN THE CAPITOL MALL 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 67-5708, Idaho Code, be, and the same is hereby amended to read as follows:

67-5708. LEASING OF FACILITIES FOR STATE USE -- CONTROL OF PARKING. (1) The department of administration shall negotiate for, approve, and make any and all lease or rental agreements for facilities to be used by the various state departments, agencies and institutions in the state of Idaho.

(2) For purposes of this section and sections 67-5708A and 67-5709, Idaho Code, the term "facility or facilities" may be used interchangeably and shall mean real property and improvements, including buildings and structures of any kind, excluding water rights not appurtenant to other facilities, and state endowment lands.

(3) The department of administration shall manage multi-agency multiagency facilities constructed, acquired or refurbished through the state building authority as established in chapter 64, title 67, Idaho Code, and shall sublease the facilities to various state departments, agencies, and institutions in the state of Idaho. The department of administration is directed to operate any facilities acquired for the state and to enter into rental contracts and lease agreements consistent with the use of the facilities for state purposes when so authorized.

(4) The director may authorize and enter into leases of state capitol mall real estate and multi-agency facilities constructed through the state building authority, not needed for state purposes, to other governmental entities or to nonprofit organizations upon such terms as are just and equitable.

(5) The administrator of the division of public works shall ~~shall~~ may promulgate rules for the control of the parking of motor vehicles in the state capitol mall.

(a) Any person who shall violate any of the provisions of the rules shall be subject to a fine of not less than two dollars (\$2.00) nor more than twenty-five dollars (\$25.00); provided however, that any person who shall violate any of the provisions of the rules concerning the altering, counterfeiting or misuse of parking permits shall be subject to a fine of not more than fifty dollars (\$50.00).

(b) Every magistrate and every court having jurisdiction of criminal offenses and the violation of public laws committed in the county of Ada shall have jurisdiction to hear and determine violations of the provisions of the rules and to fix, impose and enforce payment of fines therefor. Alleged violations of the parking rules are not subject to the provisions of chapter 52, title 67, Idaho Code.

(6) The administrator of the division of public works may contract with a public or private entity for the rental of parking facilities in the capitol mall outside of state of Idaho office hours as defined in section 59-1007, Idaho Code, and for special events as declared by the director. The

department of administration may pay costs incurred in the operation and management of those properties from rents received therefrom.

(7) When a facility of the state of Idaho is authorized by concurrent resolution, and a maximum cost for the facility has been set by concurrent resolution, the administrator of the division of public works may enter into lease-purchase or other time-purchase agreements with the Idaho state building authority or other party for the facility. The director may authorize the division of public works to enter into leases incidental to the acquisition of such a facility by the Idaho state building authority.

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 9, 2020

CHAPTER 47
(H.B. No. 339)

AN ACT
RELATING TO PHYSICAL THERAPY; AMENDING SECTION 54-2225, IDAHO CODE, TO REVISE PROVISIONS REGARDING DRY NEEDLING.

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

SECTION 1. That Section 54-2225, Idaho Code, be, and the same is hereby amended to read as follows:

54-2225. PRACTICE OF DRY NEEDLING. (1) A physical therapist may perform dry needling, as defined in section 54-2203, Idaho Code, if the physical therapist has successfully completed minimum education and training requirements ~~as determined by the board from a course in dry needling approved by the federation of state boards of physical therapy or another nationally recognized accrediting body of physical therapy that is as determined and~~ approved by the board.

(2) The board shall have the power to promulgate rules that are necessary to carry out the provisions of this section.

Approved March 9, 2020

CHAPTER 48
(H.B. No. 334)

AN ACT
RELATING TO DISTRIBUTION OF TAX REVENUES FROM TAX ON GASOLINE AND AIRCRAFT ENGINE FUEL; AMENDING SECTION 63-2412, IDAHO CODE, TO INCREASE MONEYS DISTRIBUTED TO THE LOCAL BRIDGE INSPECTION ACCOUNT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 63-2412, Idaho Code, be, and the same is hereby amended to read as follows:

63-2412. DISTRIBUTION OF TAX REVENUES FROM TAX ON GASOLINE AND AIR-CRAFT ENGINE FUEL. (1) The revenues received from the taxes imposed by sections 63-2402 and 63-2421, Idaho Code, upon the receipt or use of gasoline, and any penalties, interest, or deficiency additions, shall be distributed periodically as follows:

(a) An amount of money equal to the actual cost of collecting, administering and enforcing the gasoline tax requirements by the commission, as determined by it shall be retained by the commission. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost of collecting, administering and enforcing the gasoline tax requirements by the commission at the end of each fiscal year shall be distributed as listed in paragraph (f) of this subsection.

(b) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account and those moneys are hereby continuously appropriated for that purpose.

(c) As soon as possible after the beginning of each fiscal year, the sum of two hundred fifty thousand dollars (\$250,000) shall be distributed to the railroad grade crossing protection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 62-304C, Idaho Code.

(d) As soon as possible after the beginning of each fiscal year, the sum of one hundred ~~seventy-five~~ thousand dollars (\$10075,000) shall be distributed to the local bridge inspection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 40-703, Idaho Code.

(e) An amount of money equal to seven percent (7%) shall be distributed to the state highway account established in section 40-702, Idaho Code.

(f) From the balance remaining with the commission after distributing the amounts in paragraphs (a) through (e) of this subsection ~~(1) of this section~~:

1. One and twenty-eight hundredths percent (1.28%) shall be distributed as follows: sixty-six percent (66%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the waterways improvement ~~account~~ fund, as created in chapter 15, title 57, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the waterways improvement account under the provisions of this paragraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the department of parks and recreation shall be returned to the state treasurer for deposit in the waterways improvement account. Thirty-three percent (33%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code. One percent (1%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the search and rescue fund created in section 67-2913, Idaho Code;

2. One and twenty-eight hundredths percent (1.28%) shall be distributed as follows: sixty-six percent (66%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the off-road motor vehicle account, as created in section 57-1901, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the off-road motor vehicle account by this subparagraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the department of parks and recreation shall be returned to the

state treasurer for deposit in the off-road motor vehicle account. Thirty-three percent (33%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code. One percent (1%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the search and rescue fund created in section 67-2913, Idaho Code; and

3. Forty-four hundredths percent (.44%) shall be distributed to the park and recreation capital improvement account as created in section 57-1801, Idaho Code, to be used solely to develop, construct, maintain and repair roads, bridges and parking areas within and leading to parks and recreation areas of the state.

4. The balance remaining shall be distributed to the highway distribution account created in section 40-701, Idaho Code.

(2) Provided however, the distribution pursuant to subsection (1) of this section of revenues received from the taxes imposed pursuant to section 63-2402(2), Idaho Code, shall apply only to twenty-five cents (25¢) of every thirty-two cents (32¢) received. The remaining seven cents (7¢) of every thirty-two cents (32¢) received pursuant to the provisions of section 63-2402(2), Idaho Code, shall be distributed as follows:

(a) Sixty percent (60%) to the state highway account; and

(b) Forty percent (40%) to be distributed pursuant to the provisions of section 40-709, Idaho Code, in the same manner as distribution of moneys appropriated from the highway distribution account to local units of government.

(3) The revenues received from the taxes imposed by section 63-2408, Idaho Code, and any penalties, interest, and deficiency amounts, shall be distributed as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account, and those moneys are hereby continuously appropriated.

(b) The balance remaining of all the taxes collected shall be distributed to the state aeronautics ~~account~~ fund, as provided in section 21-211, Idaho Code.

Approved March 9, 2020

CHAPTER 49
(H.B. No. 365)

AN ACT

RELATING TO THE LEGISLATURE; AMENDING SECTION 67-419, IDAHO CODE, TO REMOVE A PROVISION REGARDING AN EMERGENCY INTERIM SUCCESSOR TO A LEGISLATOR AND TO PROVIDE CORRECT TERMINOLOGY.

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

SECTION 1. That Section 67-419, Idaho Code, be, and the same is hereby amended to read as follows:

67-419. RECORDING AND PUBLICATION. Each designation of an emergency interim successor shall become effective when the legislator or party leader making the designation files with the secretary of state the successor's name, address and rank in order of succession. The removal of an emergency interim successor or change in order of succession shall become effective when the legislator or party leader so acting files this information with the secretary of state. All such data shall be open to public inspection.

~~The secretary of state shall inform the governor, the department of disaster relief and civil defense Idaho office of emergency management, the presiding officer of the house concerned and all emergency interim successors, of all such designations, removals and changes in order of succession. The presiding officer of each house shall cause to be entered all information regarding emergency interim successors for the house in its public journal at the beginning of each legislative session and shall cause to be entered all changes in membership or order of succession as soon as possible after their occurrence.~~

Approved March 9, 2020

CHAPTER 50
(H.B. No. 382)

AN ACT

RELATING TO WATER; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1406C, IDAHO CODE, TO PROVIDE FOR THE BEAR RIVER WATER RIGHTS ADJUDICATION; AMENDING SECTION 42-1425, IDAHO CODE, TO PROVIDE FOR ACCOMPLISHED TRANSFERS REGARDING THE BEAR RIVER BASIN AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 42-1426, IDAHO CODE, TO REVISE PROVISIONS REGARDING ENLARGEMENTS.

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

SECTION 1. That Chapter 14, 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 42-1406C, Idaho Code, and to read as follows:

42-1406C. BEAR RIVER WATER RIGHTS ADJUDICATION -- COMMENCEMENT. (1) Effective management of the waters of the Bear River basin requires that a comprehensive determination of the nature, extent, and priority of the rights of all users of surface and ground water be determined. Therefore, the director of the department of water resources is authorized to petition the district court to commence an adjudication within the terms of the McCarran amendment, 43 U.S.C. 666, of the water rights from surface water and ground water sources in the Bear River basin. The petition shall describe the boundaries of the water source(s) to be adjudicated and contain a request that a commencement order be issued only if the court determines it is possible to defer the adjudication of domestic and stock water rights as defined by subsections (4) and (11) of section 42-1401A, Idaho Code, within the terms of the McCarran amendment.

(2) For purposes of adjudicating water rights, the Bear River basin is defined as all waters of the state of Idaho, both ground water and surface water, flowing into or toward the Bear River or flowing toward the Great Salt Lake in the Great Basin.

(3) The adjudication shall be brought before a court of special jurisdiction for water right adjudications. Unless otherwise ordered by the supreme court, special jurisdiction for the general adjudication authorized by this section shall reside in the Snake River Basin Adjudication district court of the fifth judicial district of the state of Idaho, in and for the county of Twin Falls. The clerk of the district court in which the petition is filed shall send to the supreme court a true and certified copy of the petition. The supreme court, by order, shall assign the judge to preside over the general adjudication. Venue of the general adjudication shall be determined by order or rule of the supreme court, and venue of hearings under the general adjudication shall be determined by order of the presiding judge.

(4) Once the district court issues an order that authorizes the director to commence an investigation and determination of the water rights within the boundaries of the adjudication and defines the boundaries of the adjudication, the director of the department of water resources shall proceed in the manner provided under the provisions of chapter 14, title 42, Idaho Code, to the extent not inconsistent with the provisions of this section.

SECTION 2. That Section 42-1425, Idaho Code, be, and the same is hereby amended to read as follows:

42-1425. ACCOMPLISHED TRANSFERS. (1) Legislative findings regarding accomplished transfers and the public interest.

(a) The legislature finds and declares that, prior to the commencement of the Snake River basin adjudication, and the northern Idaho adjudications, and the Bear River basin adjudication, many persons entitled to the use of water or owning land to which water has been made appurtenant either by decree of the court or under provisions of the constitution and statutes of this state changed the place of use, point of diversion, nature or purpose of use, or period of use of their water rights without compliance with the transfer provisions of sections 42-108 and 42-222, Idaho Code.

(b) The legislature finds that many of these changes occurred with the knowledge of other water users and that the water has been distributed to the right as changed. The legislature further finds and declares that the continuation of the historic water use patterns resulting from these changes is in the local public interest provided no other existing water right was injured at the time of the change. Denial of a claim based solely upon a failure to comply with sections 42-108 and 42-222, Idaho Code, where no injury or enlargement exists, would cause significant undue financial impact to a claimant and the local economy. Approval of the accomplished transfer through the procedure set forth in this section avoids the harsh economic impacts that would result from a denial of the claim.

(c) The legislature further finds and declares that examination of these changes by the director through the procedures of section 42-222, Idaho Code, would be impractical and unduly burdensome. The more limited examination of these changes provided for in this section, constitutes a reasonable procedure for an expeditious review by the director while ensuring that the changes do not injure other existing water rights or constitute an enlargement of use of the original right.

(2) Any change of place of use, point of diversion, nature or purpose of use, or period of use of a water right by any person entitled to use of water or owning any land to which water has been made appurtenant, either by decree of the court or under the provisions of the constitution and statutes of this state, prior to November 19, 1987, the date of commencement of the Snake River basin adjudication, and prior to January 1, 2006, for the northern Idaho adjudications authorized by section 42-1406B, Idaho Code, and prior to the date of commencement of the Bear River basin adjudication authorized by section 42-1406C, Idaho Code, may be claimed in the applicable general adjudication even though the person has not complied with sections 42-108 and 42-222, Idaho Code, provided no other water rights existing on the date of the change were injured and the change did not result in an enlargement of the original right. Except for the consent requirements of section 42-108, Idaho Code, all requirements of sections 42-108 and 42-222, Idaho Code, are hereby waived in accordance with the following procedures:

(a) If an objection is filed to a recommendation for accomplished change of place of use, point of diversion, nature or purpose of use, or period of use, the district court shall remand the water right to the

director for further hearing to determine whether the change injured a water right existing on the date of the change or constituted an enlargement of the original right. After a hearing, the director shall submit a supplemental report to the district court setting forth his findings and conclusions. If the claimant or any person who filed an objection to the accomplished transfer is aggrieved by the director's determination, they may seek review before the district court. If the change is disallowed, the claimant shall be entitled to resume use of the original water right, provided such resumption of use will not cause injury or can be mitigated to prevent injury to existing water rights. The unapproved change shall not be deemed a forfeiture or abandonment of the original water right.

(b) This section is not applicable to any claim based upon an enlargement of use.

SECTION 3. That Section 42-1426, Idaho Code, be, and the same is hereby amended to read as follows:

42-1426. ENLARGEMENTS -- WAIVER OF MANDATORY PERMIT REQUIREMENTS. (1) Legislative findings regarding enlargements:

(a) The legislature finds that prior to the commencement of the Snake River basin adjudication and several adjudications of water rights were commenced or will be commenced in the state of Idaho subsequent to the mandatory permit system provided in sections 42-201 and 42-229, Idaho Code, persons. These adjudications include the following, with associated commencement dates:

(i) Snake River basin adjudication, November 19, 1987;

(ii) Coeur d'Alene-Spokane River basin adjudication, November 12, 2008;

(iii) Palouse River basin adjudication, March 1, 2017;

(iv) Clark Fork-Pend Oreille River basin adjudication, not yet commenced; and

(v) Bear River basin adjudication, not yet commenced.

Persons entitled to the use of water or owning any land to which water has been made appurtenant by decree, license or constitutional appropriation have, through water conservation and other means, enlarged the use of said water without increasing the rate of diversion and without complying with the mandatory permit system adopted by the legislature. Enlargements have been done with the knowledge of other water users, and water has been distributed based upon the right as enlarged. Junior water users made appropriations based upon a water system that reflected these enlarged uses. Thus, the legislature further finds and declares that it is in the public interest to waive the mandatory permit requirements for these enlargements in use prior to the commencement of a general adjudication, so as long as such enlargements in use did not increase the rate of diversion of the original water right or exceed the rate of diversion for irrigation provided in section 42-202, Idaho Code, after the enlargement of use, and the enlargement of use did not reduce the quantity of water available to other water rights existing on the date of the enlargement in use.

(b) The legislature further finds that it is in the public interest to waive certain statutory provisions for the appropriation of water that has been diverted and applied to beneficial use to ~~insure~~ ensure the economic and agricultural base in the state of Idaho as it existed on the date of the commencement of the ~~Snake River basin~~ an adjudication and to maintain historic water use patterns existing on that date.

(2) The mandatory permit requirements of sections 42-201 and/or 42-229, Idaho Code, are waived, and a new water right may be decreed for the enlarged use of the original water right based upon the diversion and appli-

cation to beneficial use, with a priority date as of the date of completion of the enlargement of use for any enlargement occurring on or before ~~November 19, 1987~~ the commencement date of an adjudication; provided however, that the rate of diversion of the original water right and the separate water right for the enlarged use, combined, shall not exceed the rate of diversion authorized for the original water right; and further provided, that the enlargement in use did not injure water rights existing on the date of the enlargement of use. An enlargement may be decreed if conditions directly related to the injury can be imposed on the original water right and the new water right that mitigate any injury to a water right existing on the date of enactment of this act. If injury to a water right later in time cannot be mitigated, then the new right for the enlarged use shall be advanced to a date one (1) day later than the priority date for the junior water right injured by the enlargement. It is further provided that any such enlargement of use allowed in a general adjudication shall not constitute an abandonment or forfeiture of the original water right to the extent of current use.

(3) The director shall publish a notice of enlargement of water right for all water rights recommended under this section. The notice shall contain a summary of the notice of claim and shall be published in the same manner as notices for applications to appropriate water in section 42-203A, Idaho Code. Any person who has filed an application for a water right prior to the enactment of this act or who has been issued a permit for a water right prior to ~~enactment of this act~~ commencement of an adjudication but who has not filed a claim in an adjudication shall have thirty (30) days from the date of last publication of the notice of enlargement of a water right under this section to file a petition with the department of water resources to assert any claimed injury from the enlargement. No appeal of the determination of the department shall be allowed. If the applicant or permittee is dissatisfied with the determination of the department on any claim of injury, the sole remedy is to intervene in the general adjudication and assert their claim of injury in an objection to the water right.

Approved March 9, 2020

CHAPTER 51
(H.B. No. 367)

AN ACT

RELATING TO PHOSPHOGYPSUM; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-176A, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSE; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-176B, IDAHO CODE, TO PROVIDE FOR SCOPE AND APPLICABILITY; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-176C, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-176D, IDAHO CODE, TO PROVIDE FOR THE POWER OF THE BOARD; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-176E, IDAHO CODE, TO PROVIDE CONSTRUCTION REQUIREMENTS FOR CERTAIN PHOSPHOGYPSUM STACKS; AND AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-176F, IDAHO CODE, TO PROVIDE FOR DESIGN AND CONSTRUCTION PLANS.

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

SECTION 1. That Chapter 1, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-176A, Idaho Code, and to read as follows:

39-176A. LEGISLATIVE FINDINGS AND PURPOSE. (1) The legislature finds that:

- (a) A domestic supply of phosphate fertilizers is critical to our nation's food security and Idaho's agricultural economy;
- (b) The production of phosphoric acid is a key ingredient in phosphate fertilizers and, given Idaho's rich supply of phosphate rock, the state is home to phosphoric acid production facilities;
- (c) Phosphogypsum is a calcium sulfate by-product produced by the reaction of sulfuric acid with phosphate rock to produce phosphoric acid and is disposed of and placed in phosphogypsum stacks near phosphoric acid production facilities;
- (d) The United States congress and the environmental protection agency exempted certain high-volume, low-toxicity solid wastes, including phosphogypsum and process water from phosphoric acid production, from regulation as a hazardous waste under subtitle C of the resource conservation and recovery act (42 U.S.C. 6901 et seq.), as amended; and
- (e) To both facilitate and encourage the continued manufacturing of phosphate fertilizers, and to benefit the surface water and groundwater environmental resources, the legislature recognizes the need for the department of environmental quality to develop a program to assure the proper design and construction of phosphogypsum stacks and phosphogypsum stack systems.

(2) Therefore, it is the intent of the legislature to authorize the board of environmental quality to initiate negotiated rulemaking consistent with the requirements of sections 39-176A through 39-176F, Idaho Code.

SECTION 2. That Chapter 1, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-176B, Idaho Code, and to read as follows:

39-176B. SCOPE AND APPLICABILITY. (1) Nothing in this chapter shall be construed as superseding, amending, or modifying the mineral processing waste exemption provided in 40 CFR 261.4(b)(7) and IDAPA 58.01.05.005, for process wastewater and phosphogypsum from phosphoric acid production.

(2) Nothing in this chapter is intended to supersede or modify any existing agreement with or approvals from the environmental protection agency or the department of environmental quality relating to the construction of a phosphogypsum stack, phosphogypsum stack system, or component thereof.

(3) The requirements in sections 42-1710 through 42-1721, Idaho Code, shall not apply to phosphogypsum stacks and phosphogypsum stack systems.

(4) This chapter establishes minimum design and construction requirements to ensure that phosphogypsum stack system impoundments meet critical safety standards and do not cause unplanned releases into the environment.

SECTION 3. That Chapter 1, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-176C, Idaho Code, and to read as follows:

39-176C. DEFINITIONS. Wherever used or referred to in sections 39-176A through 39-176F, Idaho Code, unless a different meaning clearly appears from the context:

(1) "Auxiliary holding pond" (AHP) means a lined storage pond typically used to hold process wastewater for the purpose of increasing system storage above that otherwise provided by a collection pond or ponds.

(2) "Board" means the Idaho board of environmental quality.

(3) "Lateral expansion" means a horizontal expansion of the waste boundaries of an existing phosphogypsum stack system.

(4) "Leachate" means liquid or drainable pore water that has passed through or emerged from phosphogypsum and that may be collected within the phosphogypsum stack system or in a seepage collection drain.

(5) "Operator" means any person or persons, any partnership, limited partnership, corporation, or any association of persons, either natural or artificial, that own, control, or direct the management of a phosphogypsum stack.

(6) "Phosphogypsum" means calcium sulfate and by-products produced by the reaction of an acid, such as sulfuric acid or fluoride acid, with phosphate rock to produce phosphoric acid.

(7) "Phosphogypsum stack" means any defined geographic area associated with a phosphoric acid production facility in which phosphogypsum and process wastewater from phosphoric acid production are disposed of or stored, other than within a fully enclosed building, container, or tank.

(8) "Phosphogypsum stack system" means the defined geographic area associated with the phosphoric acid production facility in which phosphogypsum and process wastewater are disposed of or stored together, including all components such as pumps, piping, ditches, drainage, conveyances, water control structures, collection ponds, cooling ponds, decant ponds, surge ponds, auxiliary holding ponds, and any other collection or conveyance system associated with the transport of phosphogypsum from the plant to the phosphogypsum stack, its management at the stack, and the process wastewater return to phosphoric acid production to the phosphogypsum stack. This includes toe drain systems and ditches and other leachate collection systems, but does not include conveyances within the confines of the fertilizer production plant or emergency diversion impoundments used in emergency circumstances caused by power outages or rainfall events.

(9) "Process wastewater" means process wastewater from phosphoric acid production operations.

SECTION 4. That Chapter 1, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-176D, Idaho Code, and to read as follows:

39-176D. BOARD POWERS. In addition to the other duties and powers of the board prescribed by law, the board is granted and shall be entitled to proceed with negotiated rulemaking and adopt rules consistent with the requirements of sections 39-176A through 39-176F, Idaho Code, regarding the construction and lateral expansion and the management of phosphogypsum stacks and phosphogypsum stack systems and other such rules as may be necessary to carry out the intent and purposes of sections 39-176A through 39-176F, Idaho Code.

SECTION 5. That Chapter 1, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-176E, Idaho Code, and to read as follows:

39-176E. CONSTRUCTION REQUIREMENTS FOR NEW PHOSPHOGYPSUM STACKS -- LATERAL EXPANSIONS OF EXISTING PHOSPHOGYPSUM STACKS. Any operator desiring to construct a new phosphogypsum stack, a material component thereof, or a lateral expansion shall submit to the department of environmental quality for review and approval prior to commencing construction a design and construction plan, including construction quality control, that includes minimum design and construction requirements to control and minimize the movement of waste and waste constituents into the environment. Plans and specifications submitted to satisfy the requirements of sections 39-176A through 39-176F, Idaho Code, shall be certified by a registered professional engineer. The minimum design requirements include the following features and standards:

(1) Run-on and runoff controls for the phosphogypsum stack systems for the collection, control, and treatment, as needed, of run-on and runoff from the systems;

(2) Liner and leachate control systems that achieve the following minimum design standards:

(a) Phosphogypsum stacks shall be constructed atop a composite liner or approved alternative of equivalent hydraulic conductivity and durability. Liners shall be constructed of materials that have appropriate physical, chemical, and mechanical properties to prevent failure;

(b) All liner and leachate control system components shall have appropriate quality control and quality assurance standards, specifications, and procedures for construction.

(c) Phosphogypsum stacks shall have a leachate control system. Any leachate emanating from a phosphogypsum stack system shall be routed to a collection pond, such as a decant pond or similar water structure, to be contained within the system or recirculated to the production plant, or, if discharged, treated if required to meet applicable water quality and discharge requirements. Collection ponds shall be constructed with a composite liner or an approved alternative of equivalent hydraulic conductivity and durability;

(d) Auxiliary holding ponds shall be designed with a synthetic liner or an approved alternative of equivalent hydraulic conductivity and durability; and

(e) Process wastewater conveyances shall be constructed with a liner or pipe.

(3) Perimeter dikes that shall incorporate minimum design standards for freeboard, safety, and slope stability design factors, construction methods, and other related parameters. Appropriate quality control and quality assurance standards, specifications, and procedures for perimeter dike construction shall be implemented;

(4) Any lateral expansion must be constructed in accordance with the same requirements as a new phosphogypsum stack. Except for incidental deposits of phosphogypsum entrained in the process wastewater, or conditioned phosphogypsum used as a cushion layer against rock slope, placement of phosphogypsum outside the phosphogypsum stack footprint is considered a lateral expansion; and

(5) A groundwater monitoring plan.

SECTION 6. That Chapter 1, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-176F, Idaho Code, and to read as follows:

39-176F. PLAN -- APPROVAL OR REJECTION BY DEPARTMENT. (1) Upon receipt by the department of environmental quality of a design and construction plan submitted by an operator, the department shall have ninety (90) days to review the plan.

(2) Upon determination by the department that a design and construction plan submitted by an operator meets the requirements of this section, the department shall deliver to the operator, in writing, a notice of approval of such plan, and thereafter said plan shall govern and determine the nature and extent of the obligations of the operator for compliance with sections 39-176A through 39-176F, Idaho Code, with respect to the phosphogypsum stack system for which the plan was submitted.

(3) If the department determines that a design and construction plan fails to fulfill the requirements of this section, it shall deliver to the operator, in writing, a notice of rejection of the plan and shall set forth in said notice of rejection the reasons for such a finding. Upon receipt of said notice of rejection, the operator may submit amended plans within forty-five (45) days. The department shall have sixty (60) days to review an amended

plan. Upon further determination by the department that the amended plan does not fulfill the provisions of sections 39-176A through 39-176F, Idaho Code, it shall deliver to the operator, in writing, a notice of rejection of the amended plan in the same manner as provided for rejection of the original plan.

(4) A notice of rejection may be appealed by the operator to the board.

(5) The time periods in this section may be adjusted if agreed to by both the department and the operator.

(6) A construction completion report shall be submitted to the department within ninety (90) days of completion of construction activities. The report shall include final record drawings and conformance of construction to the approved design and construction plan, including construction quality control plans for phosphogypsum stack components.

(7) The board may require a fee sufficient for the review and approval of plans and associated documents required by this section.

Approved March 9, 2020

CHAPTER 52
(H.B. No. 366)

AN ACT

RELATING TO WATER; AMENDING SECTION 42-605, IDAHO CODE, TO REVISE PROVISIONS REGARDING MEETINGS AND TO REVISE PROVISIONS REGARDING WATERMASTERS; AMENDING SECTION 42-605A, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 42-606, IDAHO CODE, TO REVISE PROVISIONS REGARDING WATERMASTER REPORTS; AMENDING SECTION 42-607, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISTRIBUTION OF WATER; AMENDING SECTION 42-610, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE COMPENSATION OF WATERMASTERS AND WATERMASTER ASSISTANTS AND THE ASSESSMENT OF SUCH COMPENSATION; AMENDING SECTION 42-612, IDAHO CODE, TO REVISE PROVISIONS REGARDING WATER DISTRICT BUDGETS; REPEALING SECTION 42-613, IDAHO CODE, RELATING TO BUDGETS, COLLECTION, AND THE PAYMENT OF DISTRICT EXPENSES; AMENDING CHAPTER 6, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-613, IDAHO CODE, TO PROVIDE FOR BUDGETS, TO PROVIDE FOR CERTAIN RESOLUTIONS, TO PROVIDE FOR THE COLLECTION OF CERTAIN AMOUNTS, TO PROVIDE FOR PENALTIES AND INTEREST FOR UNPAID EXPENSES, TO PROVIDE FOR THE WITHHOLDING OR SUSPENSION OF CERTAIN WATER DELIVERIES, AND TO PROVIDE FOR THE CONTENT OF CERTAIN NOTICE; REPEALING SECTION 42-615, IDAHO CODE, RELATING TO PROPOSED BUDGETS FOR THE SUCCEEDING YEAR; REPEALING SECTION 42-617, IDAHO CODE, RELATING TO THE COLLECTION OF BUDGETS, THE WITHHOLDING OF THE DELIVERY OF WATER UNTIL CHARGES PAID, FILING OF RESOLUTIONS, AND COLLECTION OF CERTAIN AMOUNTS; REPEALING SECTION 42-618, IDAHO CODE, RELATING TO ALTERNATE PLANS OF COLLECTING EXPENSES; AND AMENDING SECTION 42-619, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ELECTION AND APPOINTMENT OF WATER DISTRICT TREASURERS, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES TO FIX THE TREASURER'S COMPENSATION, TO REVISE PROVISIONS REGARDING THE TRANSMITTAL OF CERTAIN MONEYS TO WATER DISTRICTS, AND TO REMOVE PROVISIONS REGARDING THE ELECTION OR APPOINTMENT OF WATER DISTRICT TREASURERS BY RESOLUTION UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Section 42-605, Idaho Code, be, and the same is hereby amended to read as follows:

42-605. DISTRICT MEETINGS -- WATERMASTER AND ASSISTANTS -- ELECTION -- REMOVAL -- OATH AND BOND -- ADVISORY COMMITTEE. (1) There shall be held on the first Monday in March in each year, except as provided in subsection (2) of this section, a meeting of all persons owning or having the use of a water right, in the waters of the stream or water supply comprising such district that is assessed or proposed to be assessed by such district, which right has been adjudicated or decreed by the court or is represented by valid permit or license issued by the department of water resources.

(2) Such meeting shall be held at some place within the water district, or at some nearby location convenient to a majority of those entitled to vote thereat. The director of the department of water resources shall, at least twenty-one (21) days prior to the meeting date, send notification by regular mail to all persons, companies, corporations or other entities known by the director to hold rights ~~to the use of the waters of~~ that are assessed or proposed to be assessed by such district, which right has been adjudicated or decreed by the court or is represented by valid permit or license issued by the department of water resources, of the time, date, location and purpose of the annual meeting. At any annual meeting, the water users may vote to waive the requirement for notice by mail and provide for notice to be given for future meetings by publication of the time, date, location and purpose of the meeting in a newspaper or newspapers in general circulation in the district or on the department of water resources website. Published notice in a newspaper or newspapers shall be made once per week for two (2) consecutive weeks with the second notice appearing at least fourteen (14) and not more than thirty (30) days prior to the meeting. Notice on the department of water resources website shall be posted at least twenty-one (21) days prior to the meeting date. At any annual meeting, the water users may vote to change the date for annual meetings in subsequent years to any day, except Saturday and Sunday, between the second Monday of January and the fourth Tuesday of May, ~~in which case the director shall send notification at least twenty-one (21) days prior to said meeting date~~. At an annual meeting, the water users may adopt resolutions to assure or improve the distribution of the waters of the district within state law and may provide that such resolutions shall continue from year to year.

(3) At the meeting of the water users of a district, there shall be elected a watermaster for such water district, who may be authorized to employ such other regular assistants as the water users shall deem necessary, and who, upon appointment by the director, shall be responsible for distribution of water within said water district. Notwithstanding any personnel classification assigned to the watermaster and assistants pursuant to the provisions of chapter 53, title 67, Idaho Code, the water users shall, prior to the election of such watermaster and approval of the employment of assistants, fix the compensation to be paid them during the time actually engaged in the performance of their duties.

(4) Voting shall be by majority vote of the water users present at the meeting unless one (1) or more water users requests voting using the procedure which follows in this subsection. In such case, the meeting chairman shall appoint a credentials committee to determine the number of votes each water user present is authorized to cast. If requested, each person present, owning, or having who owns or has the use for the ensuing season of any water right in the stream or water supply comprising such water district that is assessed or proposed to be assessed by such district, which right has been adjudicated or decreed by the court or is represented by valid permit or license issued by the department of water resources, shall be entitled to a number of votes equal to the average annual dollar amount and any fraction thereof assessed for that person's qualifying water right for the previous five (5) years, or such lesser number of years as the right has been assessed. If a right has not previously been assessed, a person present, ~~owning or having who owns or has the use of the right for the ensuing season~~ shall be enti-

tled to a number of votes equal to the dollar amount and any fraction thereof which that the right would have been assessed had it existed and been reasonably used when water was available under the priority of the right during the previous season. Absentee voting and voting by proxy are prohibited.

(5) At such meeting, the water users shall choose a meeting chairman and meeting secretary. The water users of any water district that collects or pays district expenses in accordance with section 42-6183(3) or 42-619, Idaho Code, shall also elect a water district treasurer. Within five (5) business days after such meeting, the meeting chairman and meeting secretary shall forward a certified copy of the minutes of such meeting to the department of water resources. The meeting chairman, or the meeting secretary, if the meeting chairman is not present, from the immediately preceding annual meeting shall call the meeting to order and preside over the election of officers for the meeting.

(6) At such meeting, the water users may choose an advisory committee to be composed of members selected as may be determined at the meeting, which committee shall serve as advisors to the director and the watermaster in matters pertaining to the distribution of water within the district. The advisory committee may be authorized to carry out policies as set forth in resolutions duly adopted by the water users at the annual meeting or at a special meeting. The advisory committee may also serve as the local committee to facilitate the rental of stored water if appointed by the water resource board for such purpose under the provisions of section 42-1765, Idaho Code.

(7) A corporation or a water delivery organization, including but not limited to ~~a corporation~~ a water company, an irrigation district, an irrigation company or a canal company, shall be considered a person for the purpose of this section and shall designate someone to cast its vote.

(8) Should said meeting not be held, or should said watermaster not be elected or the watermaster's compensation not be fixed as above provided, then the director is authorized to appoint a watermaster and fix the watermaster's compensation.

(9) The director may remove any watermaster whenever such watermaster fails to perform the watermaster's duty, upon complaint made to the director in writing, by one (1) person owning or having the right to the use of a water right ~~in that is assessed by~~ such district, which right has been adjudicated or decreed by the court or is represented by valid permit or license issued by the department of water resources, provided, that upon investigation the director, after a hearing with the other water users of said district, which shall be held in the district or at some location convenient to the water users of the district, finds such charge to be true, and the director may appoint a successor for the unexpired term.

(10) Before entering upon the duties of the watermaster's office, said watermaster shall take and subscribe to an oath before some officer authorized by the laws of the state to administer oaths, to faithfully perform the duties of the watermaster's office, as provided in section 42-607, Idaho Code, and shall file that oath with the department of water resources. Upon appointment by the director, the actions taken by a watermaster in fulfillment of the duties of his the office are covered by the state group surety bond as provided by sections 59-801 through 59-804, Idaho Code. A duly appointed watermaster that is reelected in consecutive years shall not be required to take and file additional oaths with the department of water resources for each consecutive year the watermaster is reelected. If a duly elected or appointed watermaster resigns, dies or is physically unable to perform his the duties of the office during the remainder of the elected or appointed watermaster term of service, then the director is authorized to appoint a successor for the unexpired term as provided in paragraphs (a) and (b) of this subsection.

(a) If a water district advisory committee has been chosen as provided in subsection (6) of this section, the water district advisory commit-

tee shall meet to either nominate a successor watermaster or request a special meeting as provided in subsection (11) of this section to elect a new watermaster. Upon receipt of a nomination from a majority of the members of the water district advisory committee, the director is authorized to appoint the nominated successor watermaster for the unexpired term.

(b) If a water district advisory committee has not been chosen, the director of the department of water resources is authorized to appoint a temporary successor watermaster. The temporary appointment extends through the unexpired term unless a special meeting is requested as provided in subsection (11) of this section and water users elect a new watermaster.

(11) The director shall call a special meeting of the water users ~~of a~~ district upon receipt of a written request for such meeting from a majority of the members of the advisory committee for a district, a written request from water users representing thirty percent (30%) or more of the votes cast at the last regular annual meeting, a written request from the watermaster, or on the director's own motion if the director determines a meeting is necessary to address matters that cannot be delayed until the next regular annual meeting. Notice of the time, place and purpose of the special meeting shall be given by the director in the manner provided in subsection (2) of this section, provided however, that a special meeting notice shall be sent at least fourteen (14) days prior to the meeting date.

(12) The water users may, by resolution, authorize the watermaster to acquire, hold and dispose of such real and personal property, equipment and facilities in the name of the water district as necessary for the proper distribution of water, administration of the water district and enhancement of water supplies, and shall provide that all such real and personal property shall remain in the custody of the watermaster and the watermaster's successor.

(13) The water users may, by resolution, authorize the watermaster to develop, coordinate or provide, through contract or by other means, for weather modification projects involving cloud seeding that are designed to increase the water supplies of the water district by enhancing natural precipitation and which conform to state water planning objectives.

SECTION 2. That Section 42-605A, Idaho Code, be, and the same is hereby amended to read as follows:

42-605A. NONCONSUMPTIVE WATER RIGHTS -- ASSESSMENTS -- VOTING. (1) Notwithstanding other provisions of this chapter, the setting of annual water district assessments and the voting of permitted, licensed and decreed water rights administered by the watermaster solely for nonconsumptive purposes shall be determined in accordance with the provisions of this section. For purposes of this chapter, a water right is nonconsumptive if so designated by provisions of the permit or license issued by the department of water resources, or otherwise so designated by the director, or by decree of the court allowing use of the right to continue when the diversion of earlier priority water rights from the same source has been reduced or stopped by action of the watermaster.

(2) A nonconsumptive water right is subject to the provisions of this section if water is taken into man-made facilities for beneficial use whether or not the water leaves the river or stream channel. Instream flow water rights held in the name of governmental entities or agencies for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality shall be exempt from the payment of assessments and the rights shall not be voted. The procedure for collection and payment of the assessments shall be the same as used for consumptive water rights under this chapter.

(3) In preparing the next year's budget, the watermaster shall determine an assessment for the ensuing year for each water right used solely for nonconsumptive purposes. The assessment shall be sufficient to pay the additional costs and expenses for watermaster services for data collection, water measurement, delivery of water, and record keeping directly attributable to delivery of the water right.

(4) The assessment shall not become final until adopted as part of the water district budget at the annual meeting of water users in accordance with section 42-612, Idaho Code. The assessment shall not exceed an amount necessary to pay for watermaster services associated with the nonconsumptive right. Nothing in this section shall affect the right, under section 42-612, Idaho Code, of the water users at the annual meeting to provide by resolution for a minimum charge for watermaster services, except as to those instream flow rights exempt from the payment of assessments under this section.

(5) The holder of a water right assessed under the provisions of this section who desires to contest the amount of an assessment for a nonconsumptive water right shall file a written petition with the director of the department of water resources stating the grounds for contesting the assessment and requesting a hearing. The petition must be filed with the director within thirty (30) days after the billing is mailed to the holder of the water right as provided in section 42-613 ~~or 42-618~~, Idaho Code. The hearing before the director and any judicial review thereof shall be in accordance with the provisions of section 42-1701A, Idaho Code. The filing of a petition under this section shall not relieve the holder of a nonconsumptive water right from the obligation to pay the assessment when due and payable. The amount of any excessive or deficient assessment determined by a final order of the director shall be credited or collected in the succeeding year in the manner provided under section 42-606, Idaho Code.

(6) At water district meetings, each person present holding a water right used solely for nonconsumptive purposes shall be entitled to a number of votes equal to the average dollar amount and any fraction thereof assessed in accordance with subsection (3) of this section for that person's qualifying nonconsumptive water right for the previous five (5) years, or such lesser number of years as the right has been assessed in accordance with subsection (3) of this section. If a nonconsumptive right has not been assessed in previous years using subsection (3) of this section, a person present owning or having the use of the right for the ensuing season shall be entitled to a number of votes equal to the dollar amount and any fraction thereof which the right is assessed under subsection (3) of this section for the ensuing season.

SECTION 3. That Section 42-606, Idaho Code, be, and the same is hereby amended to read as follows:

42-606. REPORTS OF WATERMASTERS. All watermasters shall make an annual report to the department of water resources prior to the expiration of the watermaster's appointment for the current year. This report shall show the total amount volume of water delivered by the watermaster during the preceding year, the amount volume delivered to each water user, the total expense of delivery and the apportionment of expenses among users and all debits and credits to be carried over to the following year. Such report shall also include the number of days the watermaster and watermaster assistants have devoted to the distribution of such water and any records of stream flow the watermaster used or made in the process of distributing water supplies. The director may ask for other information deemed necessary in assuring proper distribution of water supplies within the district. The reports of watermasters to the department of water resources shall be filed and kept in the office of the department.

SECTION 4. That Section 42-607, Idaho Code, be, and the same is hereby amended to read as follows:

42-607. DISTRIBUTION OF WATER. It shall be the duty of said watermaster to distribute the waters of the public stream, streams, or water supply, comprising a water district, among the several ditches water users taking water therefrom according to the prior rights of each respectively, in whole or in part, and to shut and fasten, or cause to be shut or fastened, under the direction of the department of water resources, the headgates of the ditches or other facilities or controlling works for the diversion of water from such stream, streams, or water supply, when in during times of water scarcity, of water it is necessary so to do in order to supply the prior rights of others in from such stream or water supply; provided, that any person or corporation claiming the right to the use of the waters of the stream or water supply comprising a water district, but not owning or having the use of an adjudicated or decreed right therein, or right therein evidenced by permit or license issued by the department of water resources, shall, for the purposes of distribution during the scarcity times of water scarcity, be held to have a right subsequent to any adjudicated, decreed, permit, or licensed right in from such stream or water supply, and the watermaster shall close all headgates or controlling works of ditches or other diversions having no adjudicated, decreed, permit or licensed right if necessary to supply adjudicated, decreed, permit or licensed right in such stream or water supply. So As long as a duly elected watermaster is charged with the administration of the waters within a water district, no water user within such district can adversely possess the right of any other water user.

SECTION 5. That Section 42-610, Idaho Code, be, and the same is hereby amended to read as follows:

42-610. COMPENSATION OF WATERMASTERS -- ALLOTMENT AND CHARGE AGAINST LAND -- CHARGE AGAINST CANAL. Watermasters herein provided for shall make up a sworn statement which shall be approved by the department of water resources, and shall show the number of days said watermaster has devoted to the distribution of such water, and the number of days the watermaster's assistant or assistants have devoted to the same purpose, and such statement shall also show the volume of water, stated in cubic feet per second, the watermaster has by virtue of the allotment of said waters delivered to each user each day. The pay for the services of said the watermaster and the watermaster's assistants shall be a charge assessed against the land of the water users to which said water was so delivered, the expense for said services being first divided between all classes as to priority of allotment or decree, in the proportion which the number of days such water is received by all users in the same class of priority of allotment or decree bears to the whole number of days said watermaster is engaged in distributing said water; the amount charged to each user in the same class of priority of allotment or decree bearing the same proportion to the amount charged to all users in the same class of priority of allotment or decree as. The amount assessed to each user shall be a pro rata share based on the volume of water delivered to each water user bears in proportion to the whole amount delivered to all of like class of priority of allotment or decree, by the said watermaster and the watermaster's assistants. This statement, which shall show the proper distribution of the said expenses among the various users, shall be filed with the auditor and recorder of the county or counties in which the said water was delivered, unless such county or counties have elected to not provide county services for the collection of assessments and payment of district expenses as provided in section 42-619, Idaho Code: provided, that in counties which have not so elected to decline providing the services, when water users. When any portion of the allotted waters is distributed by said

~~watermaster to the canal of any duly organized canal company water delivery organization, the amount of the expense chargeable for such services shall be a charge assessed against such canal and the account of such charge to be paid by the county in the manner herein provided shall be charged as a tax against such canal, which tax shall be collected in the manner provided by law for the collection of other taxes, and no canal in this state shall be exempt from the payment of such tax, whether the water right be decreed or undecreed, or whether the water so distributed to said canal be the natural flow of the stream, or stored water, or whatever may be its source, nature or description.~~

SECTION 6. That Section 42-612, Idaho Code, be, and the same is hereby amended to read as follows:

~~42-612. PROPOSED WATER DISTRICT BUDGET FOR SUCCEEDING YEAR -- ADOPTION AND CONTENTS OF BUDGET OF WATER DISTRICT -- ADOPTION AND CONTENTS -- DEBT OF WATER USER. (1) Each watermaster shall, at least fourteen (14) days prior to the annual meeting of the water users of the water district, prepare a proposed budget for the succeeding year, together with a distribution of the pro rata amounts of the budget assessed to the respective water users or water delivery organizations using the actual volume of water delivered for the past season or seasons. The proposed budget and distribution of pro rata assessments shall be presented to the water users for consideration and approval at the next annual meeting.~~

~~(2) At any annual meeting, the water users must adopt a budget covering the estimated expenses of delivering the water of the district for the ensuing year, and by resolution determine that the budget shall be collected. The compensation of the watermaster and the watermaster's assistants and any other expenses of delivering the water of the district to the users thereof, including the costs of the advisory committee in implementing resolutions adopted by the water users of the district for activities other than the payment of the salary and operating expenses of the watermaster and assistants, shall be paid in the manner hereinafter, in this section, provided.~~

~~(23) To the extent possible, funding for advisory committee expenses associated with implementing resolutions adopted by the water users for other than the payment of the salary and operating expenses of the watermaster and assistants shall come from funds available pursuant to section 42-613A, Idaho Code. If funds available pursuant to section 42-613A, Idaho Code, are not sufficient to cover expenses incurred in implementing resolutions adopted by the water users, then such expenses shall come from assessments.~~

~~(34) The budget shall show the aggregate amount to be collected from all the water users in the district, and the amount to be paid by each ditch, canal company, irrigation district water delivery organization or other water user. For the purpose of computing the respective amounts to be paid by each water user, the actual volume of water delivered to the various ditches, canal companies, irrigation districts each water delivery organization or other water users during the past season or seasons, not exceeding five (5) seasons, shall be used as a basis. If a right has not previously been assessed or if past season delivery records are not available, the watermaster may, by resolution of the water users, estimate the volume of water delivered or reasonably used when water was available under the priority of the right during the past season or seasons.~~

(45) Upon the adoption of the budget, the amount payable by each ditch, canal company, irrigation district water delivery organization or other water user, as shown by the budget, shall become the debt of each respectively and shall become due and payable as hereinafter provided. Other provisions of chapter 6, title 42, Idaho Code, notwithstanding, water users may at the annual meeting by resolution provide for an annual minimum charge not to exceed two hundred fifty dollars (\$250) per water user for watermaster services. The minimum charge is applicable whenever the prorated charge against any ditch, canal company, irrigation district water delivery organization or other water user is less than the minimum charge.

(56) Other provisions of chapter 6, title 42, Idaho Code, notwithstanding, water users at the annual meeting may provide, by resolution, that the respective amounts owed by each water user as shown in the adopted budget shall constitute a final determination of the amount due for that year without the need to carry forward any water user debits or credits to the following year.

SECTION 7. That Section 42-613, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Chapter 6, 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 42-613, Idaho Code, and to read as follows:

42-613. BUDGET -- FILING OF RESOLUTIONS AND COPIES -- COLLECTION -- TIME FOR COLLECTION OF BUDGET -- PAYMENT OF DISTRICT EXPENSES BY COUNTY -- WATER NOT DELIVERED UNTIL CHARGES PAID. (1) The budget when adopted shall be filed with the secretary of the meeting and thereupon the watermaster shall immediately prepare and file a certified copy of the budget, along with a copy of all resolutions adopted at the annual meeting, with the director of the department of water resources.

(2) At any annual meeting, the water users may, by resolution, designate the county or counties in which water is delivered to collect the compensation of the watermaster and watermaster assistants, and other expenses of delivering water within the district, in the manner provided by law for the collection of other taxes. When the county or counties are so designated, a certified copy of the budget, along with a copy of all resolutions adopted at the meeting and under the provisions of this section, shall be filed with the county or counties so designated. If more than one (1) county is designated, then the budget shall show the amount to be collected in each county and from which water users each county shall collect. Each county or counties so designated shall immediately prepare a roll showing the total amount of the budget to be collected by the county and the respective amounts to be collected from each water delivery organization or other water user. When the roll is completed, the county auditor shall deliver the roll to the county treasurer for collection. The county treasurer shall thereupon mail a notice to each water delivery organization or other water user of the amount payable by each such water user for the distribution of water and other expenses of the district for the ensuing year. The county treasurer, upon receipt of the roll, shall open a special account to be known as "Water District Funds" and shall credit to the account all moneys received from the water users of said district. The water users may, by resolution, designate the county or counties that collect the expenses of the district to pay the compensation of the watermaster and watermaster assistants and any other charges against said water district from the funds of said account in the same manner as bills against the county are paid, unless such county or counties have determined not to provide county services for the payment of district expenses as provided in section 42-619, Idaho Code.

(3) At any annual meeting, the water users may, by resolution, authorize the watermaster or water district treasurer to collect the compensation of the watermaster and watermaster assistants, and other expenses of delivering water within the district, directly from the water users. When so authorized, the watermaster or water district treasurer shall collect such compensation and expenses directly from the water users and shall turn the collected funds over to the water district treasurer for deposit and disbursement in accordance with section 42-619, Idaho Code.

(4) In any water district, whether expenses are collected from water users either by a county or directly by the water district watermaster or treasurer, the water users may, by resolution at an annual meeting, fix a date upon which the amount shall be due and payable of said year and if not paid when due shall bear a penalty not to exceed ten percent (10%) of the amount owed and interest of one percent (1%) per month, both of which shall be fixed by resolution from said date until paid.

(5) The water users in such water districts may also, at any annual meeting, authorize the watermaster to withhold water deliveries, or suspend water deliveries in the event delivery has commenced, from those users who have not paid their pro rata share of the cost of operating the district as levied until such time as said pro rata share of the cost is paid.

(6) Notice of the amount due by each water user, as shown by the adopted budget at the annual meeting, to be mailed to each respective water user by the county treasurer or the water district watermaster or treasurer, shall also state the substance of any resolution adopted pursuant to this section.

SECTION 9. That Section 42-615, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Section 42-617, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Section 42-618, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Section 42-619, Idaho Code, be, and the same is hereby amended to read as follows:

42-619. ALTERNATE PLAN FOR PAYMENT OF DISTRICT EXPENSES -- TREASURER -- ELECTION -- OATH AND BOND -- REMOVAL -- COMPENSATION. (1) The county commissioners of any county, having determined that providing the service of payment of water district expenses by the county treasurer from water district funds pursuant to section 42-613(2), Idaho Code, is an undue burden upon the county and shall no longer be provided, shall notify the director of the department of water resources of this action by December 1 in the year preceding the year for which the action shall first be effective by providing to the director a certified copy of the resolution of the commissioners taking such action.

(2) Notice of the action of the county commissioners shall be given to the water users of the district by the department of water resources together with the notice of the annual meeting given pursuant to section 42-605, Idaho Code.

(3) At each annual meeting of a district for which the county commissioners have taken the action provided for in subsection (1) of this section, or for which the water users have taken the action provided for in section 42-613(3), Idaho Code, the water users shall provide for the election or appointment of a water district treasurer. If a water district treasurer is not elected at the annual meeting, and one is found to be necessary, the director of the department of water resources shall is authorized to appoint a water district treasurer and fix the treasurer's compensation. The water district treasurer shall keep a complete, accurate and permanent record of

all moneys received by and disbursed for and on behalf of the district. The water district treasurer shall deposit all moneys of the district in a designated depository approved at the annual meeting, and shall comply with the public depository law as contained in chapter 1, title 57, Idaho Code.

(4) Before undertaking the duties of the office, the water district treasurer shall take and subscribe to an oath before an officer authorized by the laws of the state to administer oaths, to faithfully perform the duties of the office, and shall file the oath with the director of the department of water resources. Upon issuance by the director of a certificate confirming the election or appointment of a water district treasurer, the actions taken by the water district treasurer in fulfillment of the duties of the office are covered by the state group surety bond as provided in sections 59-801 through 59-804, Idaho Code. A duly appointed treasurer that is reelected in consecutive years shall not be required to take and file additional oaths with the department of water resources for each consecutive year the treasurer is reelected.

(5) The water district treasurer shall serve until a successor is elected or appointed, and qualified. A water district treasurer may be removed from office by the director for failure to perform the duties of the office in the manner provided for removal of a watermaster as provided by section 42-605(9), Idaho Code.

(6) Compensation for the services of the water district treasurer shall be set at the annual meeting and may be established on a fixed-sum, per diem, or voluntary basis. If a water district treasurer is appointed by the director in the absence of being elected at the annual meeting, the director shall fix the compensation to be paid, if any.

(7) With respect to any district for which the county commissioners have taken the action provided for in subsection (1) of this section, or for which the water users have taken the action provided for in ~~subsection (10) of this section 42-613(3)~~, Idaho Code, and have notified the county thereof, the county auditor shall in the time and manner provided by section 63-1202, Idaho Code, transmit to the water district treasurer of the water district a settlement of all moneys belonging to such district paid into the county treasury and apportioned to such water district on or after the second Monday of the preceding month; provided, however, that in the months of July and January, the money may be transmitted no later than the 25th of the month. The treasurer of the water district shall immediately deposit the funds in the designated depository for the district.

(8) The treasurer of the water district shall ~~only~~ disburse moneys from the water district account only upon submission of a written voucher approved by the watermaster for expenses incurred for water district purposes related to the delivery of water or by a voucher approved by the chairman of the advisory committee for activities pursuant to resolutions adopted by the water users from district funds or funds retained pursuant to section 42-613A, Idaho Code.

(9) It shall be the duty of the water district treasurer to prepare a statement of the financial affairs of the district at the end of each fiscal year and to file the statement with the director of the department of water resources. An audit of the financial affairs of the district shall be made as required in section 67-450B, Idaho Code. A certified copy of the audit shall be filed with the director of the department of water resources following the audit.

~~(10) In any water district for which the county commissioners have not taken the action provided for in subsection (1) of this section, the water users may at the annual meeting of the district approve a resolution authorizing the election or appointment of a water district treasurer who shall exercise all duties and responsibilities of a treasurer provided for in this section.~~

(11) In water districts with an annual budget of seven thousand five hundred dollars (\$7,500) or less, the water users may, by resolution adopted at the annual meeting, authorize the watermaster to serve as water district treasurer. Watermasters in water districts with annual budgets in excess of seven thousand five hundred dollars (\$7,500) shall not be authorized to act as water district treasurer.

Approved March 9, 2020

CHAPTER 53
(H.B. No. 313)

AN ACT

RELATING TO ACUPUNCTURE; REPEALING SECTION 54-4709, IDAHO CODE, RELATING TO WAIVER OF REQUIREMENTS; AMENDING CHAPTER 47, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-4709, IDAHO CODE, TO PROVIDE FOR ENDORSEMENT LICENSURE; AND AMENDING SECTION 54-4711, IDAHO CODE, TO ESTABLISH ADDITIONAL GROUNDS FOR LICENSE SUSPENSION AND REVOCATION AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 54-4709, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 47, 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 54-4709, Idaho Code, and to read as follows:

54-4709. ENDORSEMENT LICENSURE. An applicant who proves to the satisfaction of the board that he is licensed or registered under the laws of another state, territory, or jurisdiction of the United States that, in the opinion of the board, imposes substantially equivalent licensing requirements as this chapter may, upon the payment of the required fee and the approval of the application, be licensed by endorsement pursuant to this chapter.

SECTION 3. That Section 54-4711, Idaho Code, be, and the same is hereby amended to read as follows:

54-4711. SUSPENSION AND REVOCATION. To protect the health, safety and welfare of the public, the board, in accordance with the requirements of chapter 52, title 67, Idaho Code, may refuse to issue or may refuse to renew a license, certification or permit, or may suspend or revoke a license, certification or permit, under such conditions as the board may require, if the applicant or holder of the license, certification or permit has:

(1) Been convicted of a felonious act, or crime ~~involving moral turpitude~~ that reflects on the qualifications, functions, or duties of an acupuncturist;

(2) Obtained or attempted to obtain the issuance or renewal of a license, certification or permit pursuant to this chapter by means of fraud, misrepresentation or concealment of material facts;

(3) Engaged in the practice of acupuncture in a manner which that does not meet the generally accepted standards for the practice of acupuncture within the state of Idaho;

(4) Failed to maintain the confidentiality of records or other information pertaining to an identifiable client, except as required or authorized by law;

(5) Engaged in any conduct that constitutes an abuse or exploitation of a client arising out of the trust and confidence placed in the acupuncturist by the client;

(6) Engaged in conduct that violates the provisions of this chapter, the rules of the board or the terms of any permit issued by the board; ~~or~~

(7) Failed to comply with a board order entered in a disciplinary matter;

(8) Had a license revoked or suspended or has been otherwise disciplined by the board or the proper authorities of another state, territory, or jurisdiction of the United States or another country; or

(9) Had a license or certification in a related field revoked or suspended or has been otherwise disciplined in Idaho or another state, territory, or jurisdiction of the United States or another country.

Approved March 9, 2020

CHAPTER 54
(H.B. No. 310)

AN ACT

RELATING TO CRIMINAL HISTORY AND BACKGROUND CHECKS; AMENDING SECTION 56-1004A, IDAHO CODE, TO REMOVE A REFERENCE TO THE NATIONAL CRIME INFORMATION CENTER.

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

SECTION 1. That Section 56-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

56-1004A. CRIMINAL HISTORY AND BACKGROUND CHECKS. (1) To assist in the protection of children and vulnerable adults, the legislature hereby authorizes the department of health and welfare to conduct criminal history and background checks of individuals who provide care or services to vulnerable adults or children and are identified in rule as being required to have a criminal history and background check.

(2) To further assist in the protection of vulnerable adults, the department of health and welfare may:

(a) Conduct criminal history and background checks of those seeking guardianship or conservatorship and those who reside in an incapacitated person's proposed residence;

(b) Make the findings of such criminal history and background checks available to visitors, guardians ad litem and evaluation committees appointed pursuant to chapter 5, title 15 or chapter 4, title 66, Idaho Code; and

(c) Promulgate such rules as are necessary to carry out the provisions of this section.

The provisions of subsection (6) of this section shall not apply to criminal history and background checks conducted pursuant to this subsection.

(3) Criminal history and background checks will be conducted by the department of health and welfare when:

(a) Required or ordered by the court pursuant to chapter 5, title 15 or chapter 4, title 66, Idaho Code;

- (b) Requested by those required to undergo such checks; and
- (c) Paid for in full by those required to undergo such checks.

(4) The criminal history and background check will be a fingerprint-based check of state and national records and may include information from the following:

- (a) Statewide criminal identification bureau;
- (b) Federal bureau of investigation (FBI);
- (c) ~~National crime information center;~~
- ~~(d) Statewide sex offender registry;~~
- (ed) Idaho transportation department driving records;
- (fe) Adult and child protection registries;
- (gf) Nurse aide registry; and
- (hg) Department of health and human services office of the inspector general list of excluded individuals and entities.

(5) The department of health and welfare shall promulgate rules to further define those individuals who are required to have a criminal history and background check and the effective date. Each individual shall complete an application, which includes a notarized signature, on forms provided by the department. The completed application authorizes the department to obtain and release information in accordance with state and federal law. The applicant must disclose all information requested, including information on past convictions, driver's license revocations, and known adult or child protection findings. Once an application has been completed, the employer, at its discretion, may allow the individual to provide care or services prior to the individual completing fingerprinting and pending completion of the criminal history and background check by the department. The department shall promulgate rules defining the time frame for submitting the application. Under no circumstances may the individual be allowed to provide care or services where the employer has reviewed the completed application and the individual has disclosed a designated crime as set forth in rule.

(6) The department shall review the information received from the criminal history and background check and determine whether the applicant has a criminal or other relevant record that would disqualify the individual. The department shall determine which crimes disqualify the applicant and for what period of time according to promulgated rules. The process for the check and the issuance of a clearance or denial is set forth in department rules. The applicant shall be provided an opportunity for a formal review of a denial. The department shall communicate clearance or denial to the applicant and the applicant's employer.

(7) Applicants are responsible for the cost of the criminal history and background check except where otherwise provided by department rules.

(8) The department, or an employer of an applicant, who acts in reasonable reliance on the results of the criminal history and background check in making an employment decision, is immune from liability for that decision when it is based on such results.

(9) The department, its officers and employees are immune from liability for the consequences of including or excluding classes of individuals in the criminal history and background check process.

(10) Clearance through the criminal history and background check process is not a determination of suitability for employment.

Approved March 9, 2020

CHAPTER 55
(H.B. No. 379)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-411A, IDAHO CODE, TO REVISE PROVISIONS REGARDING A CHANGE OF POLITICAL PARTY AFFILIATION BEFORE A PRESIDENTIAL PRIMARY ELECTION.

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

SECTION 1. That Section 34-411A, Idaho Code, be, and the same is hereby amended to read as follows:

34-411A. PRIMARY ELECTIONS -- CHANGING PARTY AFFILIATION -- UNAFFILIATED ELECTORS. (1) For a primary election, including a presidential primary election, an elector may change such elector's political party affiliation or become "unaffiliated" by filing a signed form with the county clerk no later than the last day a candidate may file for partisan political office prior to such primary election, as provided for in section 34-704 or 34-732, Idaho Code. An "unaffiliated" elector may affiliate with the party of the elector's choice by filing a signed form up to and including election day. The application form described in section 34-1002, Idaho Code, shall also be used for this purpose.

(2) For a primary election, an "unaffiliated" elector may select a political party affiliation only prior to voting in the primary election. An elector may make such selection on or before election day, by declaring such political party affiliation to the poll worker or other appropriate election personnel. The poll worker or other appropriate election personnel shall then record in the poll book the elector's choice. After the primary election, the county clerk shall record the party affiliation so recorded in the poll book as part of such elector's record within the voter registration system as provided for in section 34-437A, Idaho Code.

Approved March 9, 2020

CHAPTER 56
(H.B. No. 329)

AN ACT

RELATING TO WATER RESOURCES; AMENDING SECTION 42-1805, IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES TO RECEIVE, FILE, RECORD, OR RETAIN DOCUMENTS OF RECORD ON MEDIA OTHER THAN PAPER AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 42-1805, Idaho Code, be, and the same is hereby amended to read as follows:

42-1805. ADDITIONAL DUTIES. In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

(1) To represent the state in all matters pertaining to interstate and international water rights affecting Idaho water resources; and to cooperate with all agencies, now existing or hereafter to be formed, within the state or within other jurisdictions, in matters affecting the development of the water resources of this state.

(2) To prepare a present and continuing inventory of the water resources of this state, ascertain means and methods of conserving and augmenting these and determine as accurately as possible the most effective means by which these water resources may be applied for the benefit of the people of this state.

(3) To conduct surveys, tests, investigations, research, examinations, studies, and estimates of cost relating to availability of unappropriated water, effective use of existing supply, conservation, storage, distribution and use of water.

(4) To prepare and compile information and data obtained and to make the same available to interested individuals or agencies.

(5) To cooperate with and coordinate activities with the director of the department of environmental quality as such activities relate to the functions of either or both departments concerning water quality. Such cooperation and coordination shall specifically require that:

(a) The director meet at least quarterly with the director of the department of environmental quality and his staff to discuss water quality programs. A copy of the minutes of such meeting shall be transmitted to the governor.

(b) The director transmit to the director of the department of environmental quality reports and information prepared by him pertaining to water quality programs, and proposed rules pertaining to water quality programs.

(c) The director shall make available to the director of the department of environmental quality and the director of the department of environmental quality shall make available to the director all notices of hearings relating to the promulgation of rules relating to water quality, waste discharge permits, and stream channel alteration, as such directly affect water quality, and notices of any other hearings and meetings which relate to water quality.

(6) To perform administrative duties and such other functions as the board may, from time to time, assign to the director to enable the board to carry out its powers and duties.

(7) After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

(8) To promulgate, adopt, modify, repeal and enforce rules implementing or effectuating the powers and duties of the department.

(9) To seek a preliminary or permanent injunction, or both, or a temporary restraining order restraining any person from violating or attempting to violate:

(a) ~~Those~~ provisions of law relating to all aspects of the appropriation of water, distribution of water, headgates and measuring devices; or

(b) ~~The~~ administrative or judicial orders entered in accordance with the provisions of law.

(10) To develop, coordinate and provide, through contract or by other means, for weather modification projects involving cloud seeding that are designed to increase the water supplies of the state by enhancing natural precipitation and ~~which that~~ conform to state water planning objectives. To accomplish these purposes, the director is authorized to accept and use funds acquired through legislative appropriation or by gift, grant, contribution or funding received from any private or public individual or entity. All funds accepted under this provision shall be transmitted to the state treasurer for deposit in the water administration fund account and shall be reserved and made available until expended as ordered by the director for weather modification purposes determined by the director to be beneficial.

(11) To develop and implement a plan for data gathering to determine any effect of the weather modification efforts in which the department is involved.

(12) To receive, file, record, or retain documents of record on media other than paper.

Approved March 9, 2020

CHAPTER 57
(H.B. No. 392)

AN ACT

RELATING TO VOLUNTEER HEALTH CARE PROVIDER IMMUNITY; AMENDING SECTION 39-7702, IDAHO CODE, TO REVISE A DEFINITION.

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

SECTION 1. That Section 39-7702, Idaho Code, be, and the same is hereby amended to read as follows:

39-7702. DEFINITIONS. As used in this chapter:

(1) "Community health screening event" means an event sponsored by a school, a church, a civic club or another community organization for the purpose of providing health screenings by health care providers who are not compensated for their volunteer service at the event.

(2) "Compensation" means any remuneration, whether by way of salary, fee or otherwise, for health care services rendered. Compensation does not include actual and necessary expenses that are incurred by a volunteer health care provider in connection with the services provided or the duties performed by the health care provider on behalf of a free clinic, and that are reimbursed to the volunteer health care provider.

(3) "Free medical clinic" means a facility other than a hospital or health care provider's office which is an organized community-based program, registered with the department of health and welfare, at which primary medical care is provided without charge to individuals unable to pay for it, and at which the care provided does not include the use of general anesthesia or require an overnight stay in a health care facility.

(4) "Health care provider" means any physician, dentist, optometrist, physician assistant, ~~or~~ nurse, or other person who is licensed, certified, or registered under title 54, Idaho Code, to provide health care or other professional services or who is otherwise authorized to practice in Idaho. "Health care provider" also includes an individual enrolled in an accredited education or training program for licensure, certification, or registration under title 54, Idaho Code, while the individual is providing services under the direct supervision of a person who is licensed, certified, or registered under title 54, Idaho Code, and practicing within his regulated scope of practice, as long as the patient has been notified that the individual is a student.

(5) "Health screening" means an examination, an evaluation or another health care assessment of a person by a licensed health care provider practicing within the provider's scope of practice to determine the fitness of an individual to participate in an event or activity or to determine whether an individual needs additional health care evaluation or treatment.

(6) "Voluntary provision of health care services" means providing professional services by a health care provider without compensation.

Approved March 9, 2020

CHAPTER 58
(H.B. No. 504)

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; 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 the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2019, through June 30, 2020:

FOR:

Personnel Costs	\$118,600
Operating Expenditures	100,000
Capital Outlay	<u>40,000</u>
TOTAL	\$258,600

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 9, 2020

CHAPTER 59
(H.B. No. 493)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-416, IDAHO CODE, TO PROVIDE FOR ARCHERY AND MUZZLELOADER PERMIT FEES FOR DISABLED AMERICAN VETERANS.

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

SECTION 1. 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
<u>Disabled American</u>		
<u>Veteran Archery Permit</u>	<u>2.00</u>	<u>4.00</u>
Muzzleloader Permit	17.75	18.25
<u>Disabled American</u>		
<u>Veteran Muzzleloader Permit</u>	<u>2.00</u>	<u>4.00</u>
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 9, 2020

CHAPTER 60
(H.B. No. 456)

AN ACT

RELATING TO PARDON, COMMUTATION, OR REMISSION OF FINES AND FORFEITURES;
AMENDING CHAPTER 2, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW
SECTION 20-240B, IDAHO CODE, TO PROVIDE THAT THE EXECUTIVE DIRECTOR
SHALL HAVE CERTAIN DUTIES REGARDING A PARDON, COMMUTATION, OR REMISSION
OF FINES AND FORFEITURES; AND REPEALING SECTION 20-232, IDAHO CODE,
RELATING TO REMISSION OF A FINE OR PENALTY.

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

SECTION 1. That Chapter 2, 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 20-240B, Idaho Code, and to read as follows:

20-240B. NOTICE OF PARDON, COMMUTATION, OR REMISSION OF FINES AND FORFEITURES. When, by action of the commission or the governor, a pardon, commutation, or remission of fines and forfeitures is granted as provided by law, the executive director shall:

- (1) Retain an original pardon, commutation, or remission of fines and forfeitures document at the commission;
- (2) File a copy of the original pardon, commutation, or remission of fines and forfeitures document in the office of the secretary of state;
- (3) Provide an original pardon, commutation, or remission of fines and forfeitures document to the individual petitioner;
- (4) File notice with the state courts, in a manner approved by the supreme court, that a pardon, commutation, or remission of fines and forfeitures has been granted in the case; and
- (5) Provide such additional notice that a pardon, commutation, or remission of fines and forfeitures has been granted as the commission may adopt by rule.

SECTION 2. That Section 20-232, Idaho Code, be, and the same is hereby repealed.

Approved March 9, 2020

CHAPTER 61
(H.B. No. 453)

AN ACT

RELATING TO ANNUAL BUDGET REQUESTS; AMENDING SECTION 67-3502, IDAHO CODE, TO EXTEND THE BUDGET SUBMISSION DEADLINE FOR THE LEGISLATIVE AND JUDICIAL DEPARTMENTS AND THE DEPARTMENT OF ADMINISTRATION'S DIVISION OF PUBLIC WORKS.

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

SECTION 1. That Section 67-3502, Idaho Code, be, and the same is hereby amended to read as follows:

67-3502. **FORMAT AND PREPARATION OF ANNUAL BUDGET REQUESTS.** In the preparation of a state budget, the administrator of the division of financial management shall, not later than the fifteenth day of July, have available for all departments, offices and institutions of the state government forms necessary to prepare budget requests. Such forms, whether in electronic or written format, shall be developed by the administrator of the division and the legislative services office to provide the following information:

(1) For the preceding fiscal year, each of the entities listed above shall report all funds available to them regardless of source, including legislative appropriations, and their expenditures by fund and object of all sums received from all sources, segregated as provided for on the forms.

(2) For the current fiscal year, each of the entities listed above shall report their estimates of all funds available to them regardless of source, including legislative appropriations, and their estimated expenditures by fund and object of all sums received from all sources, segregated as provided for on the forms, including a statement of the purposes for which anticipated funds are expected to be expended.

(3) An estimate of appropriations needed for the succeeding fiscal year, showing each primary program or major objective as a separate item of the request and itemized by object code.

(4) A report concerning the condition and management of programs, program performance, and progress toward accomplishing program objectives.

(5) A report that discloses any known future reductions or eliminations of federal funds reported to the division of financial management under section 67-1910, Idaho Code, and the agency's plan for operating if there is a reduction of ten percent (10%) or more in the federal funds that the state agency receives.

The completed forms shall, not later than the first day of September, except with special permission and agreement of the administrator of the division of financial management and the director of the legislative services office, be filed in the office of the administrator of the division of financial management and the legislative services office. The legislative and judicial departments and the department of administration's division of public works shall, as early as practicable and in any event no later than the ~~first~~ fifteenth day of November, prepare and file in the office of the governor and the legislative services office upon the forms described in this section a report of all of the information required in this section. The judicial department shall include in its filing the budget request of the judicial council as submitted by the judicial council.

Approved March 9, 2020

CHAPTER 62
(H.B. No. 427)

AN ACT

RELATING TO THE STATE BOARD OF CORRECTION; AMENDING SECTION 20-240, IDAHO CODE, TO REMOVE PROVISIONS REGARDING COMMUTATIONS AND PARDONS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 2, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-240A, IDAHO CODE, TO AUTHORIZE THE COMMISSION OF PARDONS AND PAROLE TO GRANT COMMUTATIONS AND PARDONS, TO PROVIDE FOR APPROVAL OR DISAPPROVAL BY THE GOVERNOR IN CERTAIN INSTANCES, TO PROVIDE FOR CERTAIN CRIMES WHERE THE COMMISSION SHALL HAVE FULL AND FINAL AUTHORITY, AND TO PROVIDE THAT THE COMMISSION SHALL CONDUCT PROCEEDINGS PURSUANT TO CERTAIN RULES AND REGULATIONS.

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

SECTION 1. That Section 20-240, Idaho Code, be, and the same is hereby amended to read as follows:

20-240. ~~RESPITES, AND REPRIEVES, COMMUTATIONS AND PARDONS -- TREASON OR IMPEACHMENT.~~ (1) The governor shall have power to grant respites or reprieves in all cases of convictions for offenses against the state, except treason or imprisonment on impeachment, but such respites or reprieves shall not extend beyond the next session of the commission; and such commission shall at such session continue or determine such respite or reprieve, or may commute or pardon the offense as herein provided.

(2) In cases of conviction of treason, the governor shall have the power to suspend the execution of the sentence until the case shall be reported to the legislature at its next regular session, when the legislature shall either pardon or commute the sentence, direct its execution or grant a further reprieve. ~~The commission shall have full and final authority to grant commutations and pardons except with respect to sentences for murder, voluntary manslaughter, rape, kidnapping, lewd and lascivious conduct with a minor child, and manufacture or delivery of controlled substances. The commission shall conduct commutation and pardon proceedings pursuant to rules and regulations adopted in accordance with law and may attach such conditions as it deems appropriate in granting pardons or commutations. With respect to commutations and pardons for the offenses named above, the commission's determination shall only constitute a recommendation subject to approval or disapproval by the governor. No commutation or pardon for such named offenses shall be effective until presented to and approved by the governor. Any commutation or pardon recommendation not so approved within thirty (30) days of the commission's recommendation shall be deemed denied.~~

SECTION 2. That Chapter 2, 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 20-240A, Idaho Code, and to read as follows:

20-240A. COMMUTATIONS AND PARDONS. (1) The commission shall have full and final authority to grant commutations and pardons after conviction and judgment in all cases of offenses against the state except treason or impeachment and as otherwise provided in this section.

(2) With respect to commutations and pardons for offenses, or conspiracies to commit any offense, for which the maximum punishment allowed by law at the time of sentencing is death or life imprisonment, the commission's determination shall only constitute a recommendation subject to approval or disapproval by the governor. No commutation or pardon for such offenses shall be effective until presented to and approved by the governor. Any

commutation or pardon recommendation not so approved within thirty (30) days of the commission's recommendation shall be deemed denied.

(3) Notwithstanding subsection (2) of this section, the commission shall have full and final authority to grant pardons and commutations for:

(a) Any offense in violation of chapter 27, title 37, Idaho Code, for which the maximum punishment allowed by law at the time of sentencing is life imprisonment; and

(b) Any offense for which the maximum punishment allowed by law at the time of sentencing is enhanced by chapter 25, title 19, Idaho Code, to life imprisonment.

(4) The commission shall conduct commutation and pardon proceedings pursuant to rules and regulations adopted in accordance with law and may attach such conditions as it deems appropriate in granting pardons or commutations.

Approved March 9, 2020

CHAPTER 63
(H.B. No. 411)

AN ACT

RELATING TO TOWING AND STORAGE OF MOTOR VEHICLES; AMENDING CHAPTER 18, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1806A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A CERTAIN NOTIFICATION OF TOWING AND TO PROVIDE PROCEDURES FOR SUCH NOTIFICATION.

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

SECTION 1. That Chapter 18, 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 49-1806A, Idaho Code, and to read as follows:

49-1806A. VEHICLES REMOVED FROM POSTED PROPERTY -- NOTIFICATION. (1) Notwithstanding other provisions of this chapter, whenever a vehicle is towed pursuant to section 49-1806(1), Idaho Code, the tow company shall, within seventy-two (72) hours, excluding weekends and holidays, make a request to the department for the names and addresses of all persons having an interest in the vehicle as appears in the department's records.

(2) Within one (1) business day after receipt of the information requested pursuant to subsection (1) of this section, the tow company shall send notice by first class mail to all owners, lienholders, and any other person shown on the department's records. The notice shall include the following information:

(a) A description of the vehicle that includes, if available, make, model year, model, identification number, license plate number, and state of registration;

(b) The names and addresses of the registered owners and lienholders, if known, and any other person known to have an interest in the vehicle;

(c) The name and telephone number of the tow company;

(d) The date and time of tow;

(e) The location of the place of storage; and

(f) The amount of the lien and the facts concerning the claim that gave rise to the lien.

Approved March 9, 2020

CHAPTER 64
(H.B. No. 388)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-524, IDAHO CODE, TO PROVIDE FOR ADVANCE ENROLLMENT IN OR REGISTRATION AT A PUBLIC SCHOOL BY DEPENDENTS OF MILITARY MEMBERS; AND AMENDING SECTION 33-5206, IDAHO CODE, TO PROVIDE FOR ADVANCE ENROLLMENT IN OR REGISTRATION AT A PUBLIC CHARTER SCHOOL BY DEPENDENTS OF MILITARY MEMBERS.

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

SECTION 1. That Chapter 5, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-524, Idaho Code, and to read as follows:

33-524. ADVANCE ENROLLMENT FOR MILITARY DEPENDENTS. Each school district shall establish a process under which a child may enroll in or register for courses at a school in the school district, regardless of where such child resides at the time of enrollment or registration, if the child is a dependent of a member of the United States armed forces who has received transfer orders to a location in Idaho and will, upon such transfer, reside in the school district.

SECTION 2. 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 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 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.

(c) Each public charter school shall establish a process under which a child may apply for enrollment or register for courses, regardless of where such child resides at the time of application or registration, if the child is a dependent of a member of the United States armed forces who has received transfer orders to a location in Idaho and will, upon such transfer, reside in an area served by the public charter school. If capacity is insufficient as described in paragraph (a) or (b) of this subsection, a child described in this paragraph shall be treated as a student residing within the primary attendance area of the public charter school for purposes of preference.

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 65
(H.B. No. 381)

AN ACT

RELATING TO TAXATION; REPEALING CHAPTER 4, TITLE 14, IDAHO CODE, RELATING TO THE ESTATE AND TRANSFER TAX REFORM ACT OF 1988; AND AMENDING SECTION 63-701, IDAHO CODE, TO REVISE THE REQUIREMENTS FOR A CLAIMANT FOR PROPERTY TAX REDUCTION AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Chapter 4, Title 14, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 63-701, Idaho Code, be, and the same is hereby amended to read as follows:

63-701. DEFINITIONS. As used in this chapter:

(1) "Claimant" means a person who has filed an application under section 63-602G, Idaho Code, and has filed a claim under the provisions of sections 63-701 through 63-710, Idaho Code. Except as provided in section 63-702(2), Idaho Code, on January 1 or before April 15 of the year in which the claimant first filed a claim on the homestead in question, a claimant must be an owner of the homestead, a claimant must have lawful presence in the United States pursuant to section 67-7903, Idaho Code, and on January 1 of said year a claimant must be:

(a) Not less than sixty-five (65) years old; or

(b) A child under the age of eighteen (18) years who is fatherless or motherless or who has been abandoned by any surviving parent or parents; or

(c) A widow or widower; or

(d) A disabled person who is recognized as disabled by the social security administration pursuant to title 42 of the United States Code, or by the railroad retirement board pursuant to title 45 of the United States Code, or by the office of management and budget pursuant to title 5 of the United States Code, or, if a person is not within the purview of, and is therefore not recognized as disabled by, any other entity listed in this paragraph, then by the public employee retirement system or public employee disability plan in which the person participates that may be of any state, local unit of government or other jurisdiction in the United States of America; or

(e) A disabled veteran of any war engaged in by the United States, whose disability is recognized as a service-connected disability of a degree of ten percent (10%) or more, or who has a pension for nonservice-connected disabilities, in accordance with laws and regulations administered by the United States department of veterans affairs; or

(f) A person, as specified in 42 U.S.C. 1701, who was or is entitled to receive benefits because he is known to have been taken by a hostile force as a prisoner, hostage or otherwise; or

(g) Blind.

(2) "Homestead" means the dwelling, owner-occupied by the claimant as described in this chapter and used as the primary dwelling place of the claimant and may be occupied by any members of the household as their home, and so much of the land surrounding it, not exceeding one (1) acre, as is reasonably necessary for the use of the dwelling as a home. It may consist of a part of a multidwelling or multipurpose building and part of the land upon which it is built. "Homestead" does not include personal property such as furniture, furnishings or appliances, but a manufactured home may be a homestead.

(3) "Household" means the claimant and the claimant's spouse. The term does not include bona fide lessees, tenants, or roomers and boarders on contract. "Household" includes persons described in subsection (8) (b) of this section.

(4) "Household income" means all income received by the claimant and, if married, all income received by the claimant's spouse, in a calendar year.

(5) "Income" means the sum of federal adjusted gross income as defined in the Internal Revenue Code, as defined in section 63-3004, Idaho Code, and to the extent not already included in federal adjusted gross income:

(a) Alimony;

(b) Support money;

(c) Nontaxable strike benefits;

(d) The nontaxable amount of any individual retirement account, pension or annuity, including railroad retirement benefits, all payments received under the federal social security act except the social security death benefit as specified in this subsection, state unemployment insurance laws, and veterans disability pensions and compensation, excluding any return of principal paid by the recipient of an annuity and excluding rollovers as provided in 26 U.S.C. 402 or 403, and excluding the nontaxable portion of a Roth individual retirement account distribution, as provided in 26 U.S.C. 408A;

(e) Nontaxable interest received from the federal government or any of its instrumentalities or a state government or any of its instrumentalities;

(f) Worker's compensation; and

(g) The gross amount of loss of earnings insurance.

It does not include gifts from nongovernmental sources or inheritances. To the extent not reimbursed, the cost of medical care as defined in section 213(d) of the Internal Revenue Code, incurred ~~or~~ and paid by the claimant and, if married, the claimant's spouse, may be deducted from income. To the extent not reimbursed, personal funeral expenses, including prepaid funeral expenses and premiums on funeral insurance, of the claimant and claimant's spouse only, may be deducted from income up to an annual maximum of five thousand dollars (\$5,000) per claim. "Income" does not include veterans disability pensions received by a person described in subsection (1) (e) of this section who is a claimant or a claimant's spouse if the disability pension is received pursuant to a service-connected disability of a degree of forty percent (40%) or more. "Income" does not include dependency and indemnity compensation or death benefits paid to a person described in subsection (1) of this section by the United States department of veterans affairs and arising from a service-connected death or disability. "Income" does not include lump sum death benefits made by the social security administration pursuant to 42 U.S.C. 402(i). Documentation of medical expenses may be required by the county assessor and state tax commission in such form as the county assessor or state tax commission shall determine. "Income" shall be that received in the calendar year immediately preceding the year in which a claim is filed. Where a claimant and/or the claimant's spouse does not file a federal tax return, the claimant's and/or the claimant's spouse's federal adjusted gross income, for purposes of this section, shall be an income equivalent to federal adjusted gross income had the claimant and/or the claimant's

spouse filed a federal tax return, as determined by the county assessor. The county assessor or state tax commission may require documentation of income in such form as each shall determine, including, but not limited to: copies of federal or state tax returns and any attachments thereto; and income reporting forms such as the W-2 and 1099.

For determining income for certain married individuals living apart, the provisions of sections 2(c) and 7703(b) of the Internal Revenue Code shall apply.

(6) "Occupied" means actual use and possession.

(7) "Owner" means a person holding title in fee simple or holding a certificate of motor vehicle title (either of which may be subject to mortgage, deed of trust or other lien) or who has retained or been granted a life estate or who is a person entitled to file a claim under section 63-702, Idaho Code. "Owner" shall also include any person who:

(a) Is the beneficiary of a revocable or irrevocable trust which is the owner of such homestead and under which the claimant or the claimant's spouse has the primary right of occupancy of the homestead; or

(b) Is a partner of a limited partnership, member of a limited liability company or shareholder of a corporation if such entity holds title in fee simple or holds a certificate of motor vehicle title and if the person holds at least a five percent (5%) ownership in such entity, as determined by the county assessor; or

(c) Has retained or been granted a life estate.

"Owner" includes a vendee in possession under a land sale contract. Any partial ownership shall be considered as ownership for determining initial qualification for property tax reduction benefits; however, the amount of property tax reduction under section 63-704, Idaho Code, and rules promulgated pursuant to section 63-705, Idaho Code, shall be computed on the value of the claimant's partial ownership. "Partial ownership," for the purposes of this section, means any one (1) person's ownership when property is owned by more than one (1) person or where the homestead is held by an entity, as set forth in this subsection, but more than one (1) person has the right of occupancy of such homestead. A person holding either partial title in fee simple or holding a certificate of motor vehicle title together with another person, but who does not occupy the dwelling as his primary dwelling place, shall not be considered an owner for purposes of this section, if such person is a cosignatory of a note secured by the dwelling in question and at least one (1) of the other cosignatories of the note occupies the dwelling as his primary dwelling place. The combined community property interests of both spouses shall not be considered partial ownership as long as the combined community property interests constitute the entire ownership of the homestead, including where the spouses are occupying a homestead owned by an entity, as set forth in this subsection, and the spouses have the primary right of occupancy of the homestead. The proportional reduction required under this subsection shall not apply to community property interests. Where title to property was held by a person who has died without timely filing a claim for property tax reduction, the estate of the deceased person shall be the "owner," provided that the time periods during which the deceased person held such title shall be attributed to the estate for the computation of any time periods under subsection (8) (a) or (b) of this section.

(8) (a) "Primary dwelling place" means the claimant's dwelling place on January 1 or before April 15 of the year for which the claim is made. The primary dwelling place is the single place where a claimant has his true, fixed and permanent home and principal establishment, and to which whenever the individual is absent he has the intention of returning. A claimant must establish the dwelling to which the claim relates to be his primary dwelling place by clear and convincing evidence or by establishing that the dwelling is where the claimant resided on January 1 or before April 15 and:

- (i) At least six (6) months during the prior year; or
- (ii) The majority of the time the claimant owned the dwelling if owned by the claimant less than one (1) year; or
- (iii) The majority of the time after the claimant first occupied the dwelling if occupied by the claimant for less than one (1) year. The county assessor may require written or other proof of the foregoing in such form as the county assessor may determine.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, the property upon which the claimant makes application shall be deemed to be the claimant's primary dwelling place if the claimant is otherwise qualified and resides in a care facility and does not allow the property upon which the claimant has made application to be occupied by persons paying a consideration to occupy the dwelling. Payment of utilities shall not be payment of a consideration to occupy the dwelling. A claimant's spouse who resides in a care facility shall be deemed to reside at the claimant's primary dwelling place and to be a part of the claimant's household. A care facility is a hospital, nursing facility or intermediate care facility for people with intellectual disabilities as defined in section 39-1301, Idaho Code, or a facility as defined in section 39-3302(16), Idaho Code, or a dwelling other than the one upon which the applicant makes application where a claimant who is unable to reside in the dwelling upon which the application is made lives and receives help in daily living, protection and security.

Approved March 9, 2020

CHAPTER 66
(H.B. No. 356)

AN ACT

RELATING TO BEEF CATTLE; AMENDING SECTION 22-4906, IDAHO CODE, TO PROVIDE THAT OPERATIONS ELECTING TO UTILIZE CERTAIN NUTRIENT MANAGEMENT PLANNERS ARE CONSENTING TO ALLOW SUCH PLANS TO BE HOUSED WITH THE IDAHO STATE DEPARTMENT OF AGRICULTURE AND TO PROVIDE THAT CERTAIN INFORMATION SHALL BE EXEMPT FROM DISCLOSURE.

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

SECTION 1. That Section 22-4906, Idaho Code, be, and the same is hereby amended to read as follows:

22-4906. NUTRIENT MANAGEMENT PLAN. Each beef cattle animal feeding operation shall submit a nutrient management plan to the director for approval. Beef cattle animal feeding operations that are operating on or before July 1, 2000, shall submit a nutrient management plan to the director for approval no later than January 1, 2005. Any new operation commencing operations after July 1, 2000, shall not operate prior to the director's approval of a nutrient management plan. An approved nutrient management plan shall be implemented and considered a best management practice.

Following department review and approval, the plan, and all copies of the plan, shall be returned to the operation and maintained on site. Such plans shall be available to the administrator on request. Operations that elect to utilize a web-based nutrient management planner, housed with the Idaho state department of agriculture, are consenting to allow the plan to be housed on file with the Idaho state department of agriculture. The nutrient management plan, information provided and generated in utilization of a web-based nutrient management planner, and all information generated by the beef cattle animal feeding operation as a result of a plan shall be deemed to be trade secrets, production records, or other proprietary information, shall be kept confidential, and shall be exempt from disclosure pursuant to section 74-107, Idaho Code.

Approved March 9, 2020

CHAPTER 67
(H.B. No. 327)

AN ACT

RELATING TO VETERANS; AMENDING THE HEADING FOR TITLE 65, IDAHO CODE, TO REVISE THE TITLE HEADING.

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

SECTION 1. That the heading for Title 65, Idaho Code, be, and the same is hereby amended to read as follows:

TITLE 65
SOLDIERS AND SAILORS SERVICE MEMBERS -- VETERANS -- SPOUSES AND DEPENDENTS

Approved March 9, 2020

CHAPTER 68
(H.B. No. 319)

AN ACT

RELATING TO THE STATE APPELLATE PUBLIC DEFENDER; AMENDING SECTION 19-870, IDAHO CODE, TO REVISE THE POWERS OF THE STATE APPELLATE PUBLIC DEFENDER AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 19-870, Idaho Code, be, and the same is hereby amended to read as follows:

19-870. POWERS AND DUTIES. (1) Subject to the provisions of subsection (2) of this section, the state appellate public defender, upon appointment by the court, shall provide representation for indigent defendants ~~in felony criminal actions~~ in the following cases:

- (a) Appeals from convictions or post-judgment orders in district court, where the appellant was convicted on or after September 1, 1998;
- (b) Interlocutory criminal appeals from district court, ~~where the interlocutory appeal was filed on or after September 1, 1998;~~
- (c) Appeals from the district court of misdemeanor cases where the notice of appeal was filed on or after October 1, 2020;

(d) Appeals from the district court of orders or final judgments affecting a juvenile offender under the juvenile corrections act, chapter 5, title 20, Idaho Code, where the order or final judgment was entered on or after October 1, 2020;

(e) Appeals from the district court in post-conviction relief proceedings brought pursuant to the uniform post-conviction procedure act, chapter 49, title 19, Idaho Code, where the grant or denial of the post-conviction relief occurred on or after September 1, 1998;

(df) Appeals from the district court in habeas corpus proceedings brought pursuant to chapter 42, title 19, Idaho Code, where the petition was granted or denied on or after September 1, 1998; and

(eg) Post-conviction relief proceedings in district court in capital cases where the appellant was sentenced on or after September 1, 1998, or where the court has appointed the state appellate public defender or the state appellate public defender has accepted the request by the court for representation in the case and such event occurred on or after July 1, 1998, but before March 1, 1999.

(2) The services of the state appellate public defender shall be available only to those counties participating in the capital crimes defense fund established pursuant to section 19-863A, Idaho Code.

(3) The state appellate public defender may employ deputy state appellate public defenders and other employees necessary to carry out the responsibilities of the office. The state appellate public defender, in his discretion, may contract with private attorneys to provide representation on a case-by-case basis when such contracts would conserve budgetary resources.

(a) A deputy state appellate public defender must be licensed to practice law in the state of Idaho and possess any other qualifications required by the state appellate public defender.

(b) The state appellate public defender shall fix the compensation of all employees of the office and they shall serve at his pleasure.

(c) The state appellate public defender, deputy state appellate public defenders and all employees of the office of the state appellate public defender shall be nonclassified employees, pursuant to section 67-5303, Idaho Code.

(4) The state appellate public defender shall have any and all other powers and duties necessary to carry out the purposes of this act, including the authority to promulgate rules in accordance with the provisions of chapter 52, title 67, Idaho Code.

Approved March 9, 2020

CHAPTER 69
(S.B. No. 1268, As Amended)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-702, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS FOR WRITE-IN CANDIDATES AT A PRIMARY ELECTION; AMENDING SECTION 34-702A, IDAHO CODE, TO REVISE PROVISIONS REGARDING A DECLARATION OF INTENT FOR WRITE-IN CANDIDATES; AMENDING SECTION 34-904, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DESIGN OF A PRIMARY ELECTION BALLOT; AMENDING SECTION 34-906, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DESIGN OF A GENERAL ELECTION BALLOT; AND AMENDING SECTION 34-1407, IDAHO CODE, TO REVISE PROVISIONS REGARDING DEADLINES FOR WRITE-IN CANDIDATES TO FILE A DECLARATION OF INTENT.

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

SECTION 1. That Section 34-702, Idaho Code, be, and the same is hereby amended to read as follows:

34-702. REQUIREMENTS FOR WRITE-IN CANDIDATES AT PRIMARY. (1) In addition to possessing all other qualifications, in order to become a candidate of a political party at the general election, those candidates whose names are written in at the primary election must:

(a) ~~R~~receive at least the following number of write-in votes at the primary election:

(1i) One thousand (1,000) for any statewide office;

(2ii) Five hundred (500) for a congressional district office;

(3iii) Fifty (50) for a legislative district office; or

(4iv) Five (5) for a county office; and

(b) ~~F~~file a declaration of ~~eandidaey intent~~ for that office, and must pursuant to section 34-702A, Idaho Code.

(2) Candidates who are required to file with the secretary of state shall pay the filing fee required for that office within ten (10) days following the primary election canvass; provided, however, that no later than the deadline for filing a declaration of intent pursuant to section 34-702A, Idaho Code, or shall file a petition pursuant to section 34-626, Idaho Code.

(3) No write-ins shall be allowed for judicial office.

SECTION 2. That Section 34-702A, Idaho Code, be, and the same is hereby amended to read as follows:

34-702A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATES. (1) No write-in vote for any office in a primary, special, or general election shall be counted unless a declaration of intent has been filed indicating that the person desires the office and is legally qualified to assume the duties of said office if elected. The declaration of intent shall be filed with the secretary of state if for a federal, state, or legislative district office and with the county clerk if for a county office. Such declaration of intent shall be filed ~~not later than twenty-eight (28) days~~ the eighth Friday before the day of election. The secretary of state shall prescribe the form for said declaration.

(2) In those counties which utilize optical scan ballots, an elector shall not place on the ballot a sticker bearing the name of a person, or use any other method or device, except writing, to vote for a person whose name is not printed on the ballot.

SECTION 3. That Section 34-904, Idaho Code, be, and the same is hereby amended to read as follows:

34-904. PRIMARY ELECTION BALLOTS. (1) There shall be a separate primary election ballot for each political party upon which its ticket shall be printed; however, a county may use a separate ballot for the office of precinct committeeman. All candidates who have filed their declarations of candidacy and are subsequently certified shall be listed under the proper office titles on their political party ticket. The secretary of state shall design the primary election ballot to allow for write-in candidates under each office title when needed.

(2) The office titles shall be listed in order beginning with the highest federal office and ending with precinct offices. The secretary of state has the discretion and authority to arrange the classifications of offices as provided by law.

(3) It is not necessary to print a primary ballot for a political party which does not have candidates for more than half of the federal or statewide offices on the ballot if no more than one (1) candidate files for nomination by that party for any of the offices on the ballot. The secretary of state shall certify that no primary election is necessary for that party if such is the case and shall certify to the county clerk the names of candidates for that party for the general election ballot only.

SECTION 4. That Section 34-906, Idaho Code, be, and the same is hereby amended to read as follows:

34-906. BALLOTS FOR GENERAL ELECTIONS. (1) There shall be a single general election ballot on which the complete ticket of each political party shall be printed. Each political party ticket shall include that party's nominee for each particular office. The secretary of state shall design the general election ballot to allow for write-in candidates under each office title when needed.

(2) The office titles shall be listed in order beginning with the highest federal office. The secretary of state has the discretion and authority to arrange the above classifications of offices as provided by law.

(3) At any general election at which the electors are to vote upon constitutional amendments or other issues, the secretary of state shall provide separate general election ballot forms on which such amendments and issues shall be printed.

SECTION 5. That Section 34-1407, Idaho Code, be, and the same is hereby amended to read as follows:

34-1407. WRITE-IN CANDIDATES. (1) No write-in candidate for any non-partisan elective office shall be counted unless a declaration of intent has been filed indicating that the person desires the office and is legally qualified to assume the duties of the office. The declaration of intent shall be filed with the clerk of the political subdivision by no later than the seventh eighth Friday before the date of the election.

(2) If the statutes governing elections within a specific political subdivision provide that no election shall be held in the event that no more than one (1) candidate has filed for an office, that statute shall be interpreted in such a manner as to allow for filing a declaration of intent for a write-in candidate until the seventh eighth Friday preceding the election. However, if no candidate has filed within that time, no election shall be held for that political subdivision. The provisions of this section shall not apply to candidates in the primary or general election covered by the provisions of section 34-702A, Idaho Code.

CHAPTER 70
(S.B. No. 1280)

AN ACT

RELATING TO CAMPAIGN FINANCE; AMENDING SECTION 67-6608, IDAHO CODE, TO REVISE PROVISIONS REGARDING CAMPAIGN FINANCE REPORTING BY CANDIDATES FOR JUDICIAL OFFICE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-6608, Idaho Code, be, and the same is hereby amended to read as follows:

67-6608. SPECIAL PROVISION FOR LOCAL CERTAIN ELECTIONS AND MEASURES. (1) The political treasurer for a candidate for a judicial office or a local government office, or for a political committee that is specifically designated to support or oppose a candidate or local ballot measure, is exempt from filing reports under section 67-6607, Idaho Code, unless and until such time as the candidate receives contributions or expends funds in the amount of five hundred dollars (\$500) or more. Within seven (7) calendar days of the five hundred dollar (\$500) threshold being met, the political treasurer for the candidate shall file a cumulative report covering the period from the first contribution or expenditure to the current date and shall file all subsequent reports according to section 67-6607, Idaho Code, regardless of amounts received or expended.

(2) The political treasurer for a political committee that is not specifically designated to support or oppose any candidate or measure, but that receives contributions and makes expenditures for the purpose of supporting or opposing a candidate for a judicial office, a local government office, or a local ballot measure, is exempt from filing reports under section 67-6607, Idaho Code, unless and until such time as the political committee receives contributions or expends funds in the amount of one thousand dollars (\$1,000) or more. Within seven (7) calendar days of the one thousand dollar (\$1,000) threshold being met, the political treasurer for the political committee shall file a cumulative report covering the period from the first contribution or expenditure to the current date and shall file all subsequent reports according to section 67-6607, Idaho Code, regardless of amounts received or expended.

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 9, 2020

CHAPTER 71
(S.B. No. 1347)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS 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 Juvenile Corrections the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 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	\$3,061,900	\$804,400		\$60,000	\$3,926,300
Miscellaneous Revenue					
Fund	93,700	191,400			285,100
State Juvenile Corrections Center Endowment Income					
Fund	<u>0</u>	<u>0</u>	<u>\$301,600</u>	<u>0</u>	<u>301,600</u>
TOTAL	\$3,155,600	\$995,800	\$301,600	\$60,000	\$4,513,000
II. COMMUNITY, OPERATIONS, AND PROGRAM SERVICES:					
FROM:					
General					
Fund	\$1,193,900	\$95,400		\$4,620,200	\$5,909,500
Juvenile Corrections					
Fund		110,000			110,000
Juvenile Corrections - Cigarette/Tobacco Tax					
Fund				4,375,000	4,375,000
Miscellaneous Revenue					
Fund				327,000	327,000
Federal Grant					
Fund	<u>0</u>	<u>199,600</u>		<u>521,000</u>	<u>720,600</u>
TOTAL	\$1,193,900	\$405,000		\$9,843,200	\$11,442,100
III. INSTITUTIONS:					
FROM:					
General					
Fund	\$24,019,100	\$1,424,600		\$4,013,500	\$29,457,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue					
Fund		238,600		460,000	698,600
State Juvenile Corrections Center Endowment Income					
Fund		1,073,800	\$288,100		1,361,900
Federal Grant					
Fund	<u>180,700</u>	<u>768,400</u>	<u>0</u>	<u>1,195,400</u>	<u>2,144,500</u>
TOTAL	\$24,199,800	\$3,505,400	\$288,100	\$5,668,900	\$33,662,200

IV. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:

FROM:

General

Fund	\$188,400	\$134,200		\$2,680,800	\$3,003,400
GRAND TOTAL	\$28,737,700	\$5,040,400	\$589,700	\$18,252,900	\$52,620,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Juvenile Corrections is authorized no more than four hundred fourteen (414.00) 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 9, 2020

CHAPTER 72
(S.B. No. 1346)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS FOR THE PAYMENT OF OUTSIDE COUNSEL COSTS; AND PROVIDING REQUIREMENTS FOR THE PAYMENT OF CAPITAL REPRESENTATION COSTS.

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

SECTION 1. There is hereby appropriated to the State Appellate Public Defender 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. OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER:			
FROM:			
General			
Fund	\$2,496,400	\$268,800	\$2,765,200
II. CAPITAL AND CONFLICT REPRESENTATION:			
FROM:			
General			
Fund		\$242,100	\$242,100
GRAND TOTAL	\$2,496,400	\$510,900	\$3,007,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Appellate Public Defender is authorized no more than twenty-four (24.00) 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. OUTSIDE COUNSEL COSTS. Notwithstanding any other provision of law to the contrary, of the amount appropriated in Section 1 of this act for the Capital and Conflict Representation Program, \$165,900 from the General Fund, or so much thereof as is necessary, shall be used solely to pay outside counsel for noncapital appeals in which a concurrent conflict of interest is identified and only to the extent such costs are exclusive of, and can be identified and accounted for separately and distinctly from, capital representation costs. Any remaining unexpended and unencumbered amounts not so used shall revert to the General Fund.

SECTION 4. CAPITAL REPRESENTATION COSTS. Notwithstanding any other provision of law to the contrary, of the amount appropriated in Section 1 of this act for the Capital and Conflict Representation Program, \$76,200 from the General Fund, or so much thereof as is necessary, shall be used solely for costs directly related to the provision of representation in capital cases and only to the extent such costs are exclusive of, and can be identified and accounted for separately and distinctly from, outside counsel costs of noncapital appeals. Such costs may include but are not limited to consultation with experts; travel, lodging, and per diem for expert and lay witnesses; depositions; investigation; employee travel associated with witness interviews; court reporting and transcription services; expert witness fees; outside counsel in the event of a concurrent conflict of interest; and preparation of trial exhibits. Any remaining unexpended and unencumbered amounts not so used shall revert to the General Fund.

Approved March 9, 2020

CHAPTER 73
(S.B. No. 1281)

AN ACT
RELATING TO CONSTRUCTION OF STATUTES; REPEALING SECTION 73-120, IDAHO CODE,
RELATING TO SPECIAL AND LOCAL LAWS OF 1919.

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

SECTION 1. That Section 73-120, Idaho Code, be, and the same is hereby repealed.

Approved March 9, 2020

CHAPTER 74
(S.B. No. 1246)

AN ACT
RELATING TO STATE GOVERNMENT; REPEALING CHAPTER 52, TITLE 22, IDAHO CODE,
RELATING TO THE CARBON SEQUESTRATION ADVISORY COMMITTEE; AND REPEALING
CHAPTER 3, TITLE 70, IDAHO CODE, RELATING TO SNAKE RIVER IMPROVEMENTS.

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

SECTION 1. That Chapter 52, Title 22, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 3, Title 70, Idaho Code, be, and the same is hereby repealed.

Approved March 9, 2020

CHAPTER 75
(S.B. No. 1260)

AN ACT
RELATING TO HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS; AMENDING
SECTION 54-5012, IDAHO CODE, TO REVISE THE REGISTRATION PERIOD AND
REGISTRATION FEE FOR AN HVAC APPRENTICE.

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

SECTION 1. That Section 54-5012, Idaho Code, be, and the same is hereby amended to read as follows:

- 54-5012. FEES FOR APPLICATION FOR EXAMINATION, CERTIFICATES OF COMPETENCY AND REGISTRATION OF APPRENTICES. (1) Application for examination.
- (a) HVAC contractor or specialty contractor\$35.00
 - (b) HVAC journeyman or specialty journeyman\$35.00
- (2) Certificate of competency, initial issue, valid for one (1) year; or may be issued at the annual rate for up to three (3) years.
- (a) HVAC contractor or specialty contractor\$75.00
 - (b) HVAC journeyman or specialty journeyman\$50.00

(3) Renewal of certificate of competency, valid for one (1) year; or may be issued at the annual rate for up to three (3) years.

(a) HVAC contractor or specialty contractor\$50.00

(b) HVAC journeyman or specialty journeyman\$25.00

(4) Each apprentice and specialty apprentice is required to register with the division of building safety and maintain such registration during the entire period in which work experience is accrued. An apprentice registration shall be valid for ~~five~~ one (51) years and shall expire on the last day of the month in which it is set to expire unless renewed. A specialty apprentice registration shall be valid for two (2) years and shall expire on the last day of the month in which it is set to expire unless renewed. The registration fee for an apprentice shall be ~~fifty~~ ten dollars (\$~~510~~10.00), and the registration fee for a specialty apprentice shall be twenty dollars (\$20.00).

Approved March 9, 2020

CHAPTER 76
(S.B. No. 1306)

AN ACT

RELATING TO CITY ELECTIONS; AMENDING SECTION 50-405, IDAHO CODE, TO PROVIDE THAT NO CITY ELECTION SHALL BE HELD FOR AN OFFICE UNDER CERTAIN CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 50-405, Idaho Code, be, and the same is hereby amended to read as follows:

50-405. GENERAL AND SPECIAL CITY ELECTIONS. (1) A general election shall be held in each city governed by this title, for officials as in this title provided, on the Tuesday following the first Monday of November in each odd-numbered year. All such officials shall be elected and hold their respective offices for the term specified and until their successors are elected and qualified. All other city elections that may be held under authority of general law shall be known as special city elections.

(2) (a) No city election shall be held for an office if, after the deadline for filing a declaration of intent to be a write-in candidate for the office, it appears:

(i) For the office of mayor, only one (1) person has filed a declaration of candidacy or a declaration of intent to be a write-in candidate;

(ii) For the office of city council member in cities that have established designated seats, as provided in section 50-707, Idaho Code, only one (1) person has filed a declaration of candidacy or a declaration of intent to be a write-in candidate for a particular seat up for election for a two (2) year term or a four (4) year term;

or

(iii) For the office of city council member in cities that do not have designated council seats as provided in section 50-707, Idaho Code, the number of people who have filed a declaration of candidacy or a declaration of intent to be a write-in candidate is equal to or fewer than the number of council positions up for election for a two (2) year term or a four (4) year term.

(b) If the provisions of paragraph (a) of this subsection have been met, the city clerk shall declare such candidate elected. The candidate shall receive a certificate of election and be installed at the first city council meeting in January following the election.

(3) On and after January 1, 2011, notwithstanding any other provisions of law to the contrary, there shall be no more than two (2) elections conducted in any city in any calendar year, except as provided in this section.

(34) The dates on which elections may be conducted are:

(a) The third Tuesday in May of each year; and

(b) The Tuesday following the first Monday in November of each year.

(c) In addition to the elections specified in paragraphs (a) and (b) of this subsection ~~(3)~~, an emergency election may be called upon motion of the city council of a city. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense, or if it is necessary to do emergency work to safeguard life, health or property.

(45) Pursuant to section 34-1401, Idaho Code, all municipal city elections shall be conducted by the county clerk of the county wherein the city lies, and elections shall be administered in accordance with the provisions of title 34, Idaho Code, except as those provisions are specifically modified by the provisions of this chapter. After an election has been ordered, all expenses associated with conducting municipal city general and special elections shall be paid from the county election fund as provided by section 34-1411, Idaho Code. Expenses associated with conducting runoff elections shall be paid by the city adopting runoff elections pursuant to the provisions of section 50-612 or 50-707B, Idaho Code, or both.

(56) The secretary of state is authorized to provide such assistance as necessary, and to prescribe any needed rules or interpretations for the conduct of elections authorized under the provisions of this section.

Approved March 9, 2020

CHAPTER 77
(S.B. No. 1259)

AN ACT

RELATING TO PLUMBERS; AMENDING SECTION 54-2602, IDAHO CODE, TO PROVIDE A CERTAIN EXCEPTION FOR CERTIFICATE OF COMPETENCY REQUIREMENTS; AND AMENDING SECTION 54-2620, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXCEPTIONS TO PERMIT REQUIREMENTS.

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

SECTION 1. That Section 54-2602, Idaho Code, be, and the same is hereby amended to read as follows:

54-2602. EXCEPTIONS. (1) Certificate of competency requirements of this chapter shall not be deemed to apply to:

(a) Any person who does plumbing work in a single or duplex family dwelling, including accessory buildings, quarters and grounds in connection with such dwelling; provided that such person owns or is a contract purchaser of the premises, and provided further that such person shall comply with the minimum standards and rules applicable to plumbing practices provided by this chapter.

(b) Farm buildings located outside the incorporated limits of any city unless such buildings are connected to a public water or sewer system; and a farm building is hereby defined to be a structure located on agricultural zoned property and designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products and includes sheds, barns, corrals or fences. This definition does not include a place for human habitation or a place of regular employment where agricultural products are extracted, processed, treated or packaged; a place used by the public; or conditioned livestock housing.

(c) Logging, mining or construction camps when plumbing installations are made to conform with the recommendations of the department of health and welfare.

(d) Piping systems in industrial processing plants located outside the incorporated limits of any city unless such systems are connected to a public water or sewer system.

(e) Work on plumbing systems on premises owned or operated by an employer who regularly employs maintenance or construction plumbers, provided that alterations, extensions and new construction shall comply with the minimum standards and rules applicable to plumbing practices provided by this chapter.

(f) Nothing contained in this section or any other provision of this code shall be construed or applied to require a sewer contractor, sewage disposal contractor, or any excavating or utility contractor who generally engages in the business of installing, altering or repairing sewers, private and public sewage disposal systems, and water distribution and/or drainage lines outside the foundation walls of any building or structure, to obtain a valid contractor's certificate of competency or to employ only journeymen plumbers possessing a valid journeyman plumber's certificate of competency or registration, or to in any way require that his employees be registered, licensed or declared competent by the board.

(g) Water treatment installations and repairs when installed in residential or business properties, provided the same, when installed, repaired or completed, shall be inspected by a designated, qualified and properly identified agent of the division of building safety as to quality of workmanship and compliance with the applicable provisions of this chapter.

(h) Plumbing work within modular buildings as defined in section 39-4301, Idaho Code, that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the division as being in compliance with the requirements set forth in section 39-4304, Idaho Code.

(i) Individuals holding a current installer license pursuant to the provisions of chapter 21, title 44, Idaho Code, may make connections from manufactured home or mobile home sewer or water facilities to existing sewer or water facilities on-site.

(j) Individuals licensed pursuant to chapter 10, title 54, Idaho Code, or chapter 50, title 54, Idaho Code, as follows:

(i) Individuals holding a current HVAC or electrical license may install electrical circuitry from the disconnecting means to a water heater and electrical connections to the water heater as long as the disconnect is in sight from the unit and the circuit from the disconnecting means to the water heater is no more than fifty (50) feet long.

(ii) Individuals holding a current HVAC license may install gas piping and piping for hydronic systems.

(iii) Individuals holding a current HVAC license may install boilers that are not otherwise subject to inspection by the industrial commission or its authorized agent.

(2) To the extent that an electrical or HVAC installation permit issued by the Idaho division of building safety includes any part of a plumbing installation, the permit issued and inspection performed shall be sufficient to satisfy the permitting and inspecting requirements of this chapter if all required permit fees have been paid.

(3) Apprentice registration requirements shall not apply to high school students enrolled in an educational program recognized by the board in which the performance of plumbing installation is a formal component of the program. The exemption is limited to students performing residential installations as part of such program under the constant on-the-job supervision of a licensed journeyman plumber, and a permit for the work is obtained from the authority having jurisdiction. Work hours performed by such students shall not apply toward apprentice work requirements.

(4) Any person, firm, copartnership, association or corporation making water treatment installations and/or repairs in accordance with the provisions of this chapter shall maintain a surety bond in the amount of two thousand dollars (\$2,000).

SECTION 2. That Section 54-2620, Idaho Code, be, and the same is hereby amended to read as follows:

54-2620. PERMITS REQUIRED -- EXCEPTIONS. It shall be unlawful for any person, firm, copartnership, association or corporation to do, or cause or permit to be done, after the adoption of this act, whether acting as principal, agent or employee, any construction, installation, improvement, extension or alteration of any plumbing system in any building, residence or structure, or service lines thereto, in the state of Idaho, without first procuring a permit from the division of building safety authorizing such work to be done, except:

(1) Within the boundaries of incorporated cities, including those specially chartered, where such work is regulated and enforced by an ordinance or code equivalent to this chapter;

(2) Within such additional area within five (5) miles of the city limits over which such city has elected to exercise jurisdiction relative to building drains and building sewers pursuant to section 50-606, Idaho Code, on buildings, residences and structures being converted from an on-site sewage disposal system to a sewage disposal system supplied by the city, where such work is regulated and enforced by an ordinance or code equivalent to this chapter. Cities shall provide the division of building safety written notice of the area over which such jurisdiction will be exercised. No city may exercise such jurisdiction within the limits of another city unless both cities have agreed by ordinance to allow such jurisdiction. For purposes of this chapter, building drain and building sewer will be defined according to the definition found in the uniform plumbing code or as adopted by the board, pursuant to section 54-2601, Idaho Code.

Permits shall be issued only to a person, ~~or holding a valid certificate of competency,~~ to a firm, copartnership, association or corporation represented by a person holding a valid certificate of competency, or to a person ~~who does his own~~ excepted or for work in a family dwelling as defined in excepted from the certificate of competency requirements pursuant to section 54-2602(1)(a), (1)(e), (1)(f), (1)(g), or (1)(i), Idaho Code, ~~except that p.~~ Permits shall not be required for plumbing work as defined described in section 54-2602(1)(b), (1)(c) and, or (1)(d), Idaho Code.

Provided, a licensed plumber is hereby authorized, after making application for permit and pending receipt of permit, to proceed and complete improvements or alterations to plumbing systems, when the cost of said improvement or alteration does not exceed the sum of five hundred dollars (\$500). Inspection of such work shall be the responsibility of the permit holder pending an official inspection, which shall be made within sixty (60) days after notification of inspection.

Approved March 9, 2020

CHAPTER 78
(S.B. No. 1269)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-1201, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SECURITY OF BALLOTS AFTER BEING COUNTED AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-1201, Idaho Code, be, and the same is hereby amended to read as follows:

34-1201. CANVASS OF VOTES. (1) When the polls are closed the judges must immediately proceed to count the ballots cast at such election. The counting must be continued without adjournment until completed and the result declared.

(2) If the precinct has duplicate ballot boxes, the counting may begin after five (5) ballots have been cast. At this time, the additional clerks shall close the first ballot box and retire to the counting area and count the ballots. Upon completion of this counting, the clerks shall return the ballot box and then proceed to count all of the ballots cast in the second box during this period. This counting shall continue until the polls are closed at which time all election personnel shall complete the counting of the ballots.

(3) The county clerk may designate paper ballots be returned to a central count location for counting by special counting boards. If the paper ballots are to be counted at a central count location, a procedure may be adopted to deliver the voted ballots to the county clerk prior to the closing of the polls. The results of this early count shall not be released to the public until after 8:00 p.m. of election day.

(4) After being counted, all ballots shall be sealed and stored until such time as the recount period has passed or a recount has been completed.

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 9, 2020

CHAPTER 79
(S.B. No. 1341)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE COUNTY AND OUT-OF-STATE PLACEMENT PROGRAM FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE CORRECTIONAL ALTERNATIVE PLACEMENT PROGRAM FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE MEDICAL SERVICES PROGRAM FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE PRISONS ADMINISTRATION PROGRAM 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 173, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Department of Correction for the County and Out-of-State Placement Program \$15,251,500 from the General Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020, for the purpose of population-driven costs.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 173, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Department of Correction for the Correctional Alternative Placement Program \$302,400 from the General Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020, for the purpose of population-driven costs and no-touch kosher meals.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 173, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Department of Correction for the Medical Services Program \$7,845,600 from the General Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020, for the purpose of population-driven costs and an audit compliance plan.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 173, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Department of Correction for the Prisons Administration Program \$245,100 from the Federal Grant Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020, for the purpose of the State Criminal Alien Assistance Program grant.

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 9, 2020

CHAPTER 80
(S.B. No. 1248)

AN ACT

RELATING TO SEED AND PLANT CERTIFICATION; AMENDING SECTION 22-1502, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 22-1503, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 22-1504, IDAHO CODE, TO REMOVE PROVISIONS REGARDING RULES AND REGULATIONS, TO PROVIDE FOR STANDARDS AND REQUIREMENTS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 22-1505, IDAHO CODE, TO REMOVE PROVISIONS REGARDING RULES AND REGULATIONS, TO PROVIDE FOR STANDARDS AND REQUIREMENTS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 22-1506, IDAHO CODE, TO REMOVE PROVISIONS REGARDING RULES AND REGULATIONS, TO PROVIDE FOR STANDARDS AND REQUIREMENTS, AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 22-1507, IDAHO CODE, TO REMOVE PROVISIONS REGARDING RULES AND REGULATIONS, TO PROVIDE FOR STANDARDS AND REQUIREMENTS, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 22-1502, Idaho Code, be, and the same is hereby amended to read as follows:

22-1502. ~~COMPLIANCE WITH REGULATIONS REQUIRED WHERE CERTAIN PHRASES USED.~~ Every person, firm, association or corporation who shall issue, use or circulate, any certificate, advertisement, tag, seal, poster, letterhead, marking, circular, written or printed representation or description, of or pertaining to lots of seeds, tubers, plants or plant parts intended for propagation or sale, or sold or offered for sale wherein the words "Idaho State Certified," "State Certified," "Idaho Certified," or similar words or phrases are used or employed, or wherein are used or employed signs, symbols, maps, diagrams, picture words or phrases expressly or impliedly stating or representing that such seed, tubers, plants or plant parts comply with or conform to the standards ~~or~~ and requirements approved by the Idaho agricultural experiment station in the college of agriculture of the university of Idaho shall be subject to the provisions of this chapter.

SECTION 2. That Section 22-1503, Idaho Code, be, and the same is hereby amended to read as follows:

22-1503. DEFINITIONS. (1) "Breeder seed" means seed or vegetative propagating material directly controlled by the originating, or in certain cases the sponsoring, plant breeder or institution, and which provides the source for the initial increase of foundation seed.

(2) "Certified" means the written assurance, in certificate form, of the college of agriculture of the university of Idaho, or of its agent designated hereunder, that the particular seeds, tubers, plants or plant parts have the necessary genetic purity of strain and/or other characteristics to meet the standards and requirements of the rules and regulations promulgated approved hereunder. Certification by the certifying agent or college of agriculture of the university of Idaho, or its agent, or state of Idaho does not constitute any warranty that the certified seeds, tubers, plants or plant parts will be free from disease or contamination.

(3) "Foundation seed" means the progeny of breeder seed stocks that are so handled as to maintain specific genetic identity and purity, and that are designated or distributed by the Idaho agricultural experiment station or private companies.

(4) "Genetic purity" means that the lot of seeds, tubers, plants or plant parts are ~~homogeneous~~ homogeneous for inheritable characteristics as stated in the official description of the variety or strain represented.

(5) "Lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which that appear in the labeling.

(6) "Plant" or "tubers" or "plants" or "plant parts" means any variety or strain of plant or part thereof which that may be eligible for certification, as hereinafter provided.

(7) "Seed" or "seeds" means the seed of any variety or strain of plant, including tubers, ~~which~~ that may be eligible for certification, as hereinafter provided.

(8) "Variety or strain" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics, by which it can be differentiated from other plants of the same kind.

SECTION 3. That Section 22-1504, Idaho Code, be, and the same is hereby amended to read as follows:

22-1504. ADMINISTRATION OF THE CHAPTER. The regents of the university of Idaho through the Idaho agricultural experiment station in the college of agriculture of the university of Idaho, or the agent of the university of Idaho, an entity or servant of the state, appointed in writing, as hereinafter provided, is hereby authorized to administer the provisions of this chapter to establish, alter, amend and repeal, ~~in compliance with the provisions of chapter 52, title 67, Idaho Code,~~ reasonable rules and regulations standards and requirements as to what shall constitute certified seeds, tubers, plants, and plant parts under the terms of this chapter. Such ~~reasonable rules and regulations standards and requirements~~ standards and requirements shall also comprehend and fix the standards necessary to qualify seeds, tubers, plants, and plant parts for certification hereunder and the procedures for certification by the said college of agriculture or the said agent thereof. All varieties or strains of seed, tubers, plants, and plant parts eligible for certification in the state of Idaho shall be approved by the director of the Idaho agricultural experiment station. Any agent designated hereunder shall be a servant of the state of Idaho and shall be acting in an official capacity for the state of Idaho and under the supervision of the college of agriculture of the university of Idaho and the director of the Idaho experiment station consistent with this chapter.

SECTION 4. That Section 22-1505, Idaho Code, be, and the same is hereby amended to read as follows:

22-1505. ~~RULES AND REGULATIONS -- PREPARATION AND PROMULGATION STANDARDS AND REQUIREMENTS.~~ (1) Every person, firm, association, or corporation that intends to offer for sale, offers or sells seeds, tubers, plants, or plant parts as certified shall comply with the provisions of this chapter and such ~~rules and regulations standards and requirements~~ standards and requirements as are ~~promulgated approved~~ by the Idaho agricultural experiment station in the college of agriculture of the university of Idaho as provided herein, such ~~rules and regulations standards and requirements~~ standards and requirements to contain, among other things, a designation of the crops grown or to be grown in Idaho eligible for certification with standards, requirements, and procedures necessary for certification with designation of the agency authorized to provide certification.

(2) Upon the passage of this chapter, the Idaho agricultural experiment station in the college of agriculture of the university of Idaho shall prepare and issue such ~~rules and regulations standards, requirements, and procedures~~ standards, requirements, and procedures as are required by this chapter ~~in compliance with the provisions of chapter 52, title 67, Idaho Code.~~ Such standards and requirements shall be

made publicly available for review and public comment for a period of no less than thirty (30) days prior to their establishment. At the close of the public comment period, the standards and requirements shall be filed with the college of agriculture of the university of Idaho and shall become effective thirty (30) days from the date they are filed with the college of agriculture of the university of Idaho.

SECTION 5. That Section 22-1506, Idaho Code, be, and the same is hereby amended to read as follows:

22-1506. FEES CHARGED BY CERTIFYING AGENCY. Fees may be charged by the certifying agency, under schedules set forth in rules and regulations standards, requirements, and procedures for certification of seeds, tubers, plants, and plant parts under this chapter, but these fees shall have a reasonable relation to the cost, and may be used only for expenses in connection with certification and improvement of certification services.

SECTION 6. That Section 22-1507, Idaho Code, be, and the same is hereby amended to read as follows:

22-1507. MAINTENANCE OF SEED STOCKS. The Idaho agricultural experiment station or an agent of the university of Idaho appointed, in writing, shall be responsible to obtain and maintain sources of basic seed stocks ~~which~~ that include breeder class and foundation class seed of public varieties or strains of crops deemed appropriate by the director of the Idaho agricultural experiment station. Basic seed stocks, limited generation certified seed tubers, plants, or plant parts shall first be made available for production in Idaho. This shall be accomplished through a system of equitable allocation to any person, firm, partnership, association, corporation, or entity located in this state unless a contract or agreement entered into with another public research entity or institution provides otherwise. Price established for the basic seed stocks of seed, tubers, plants, or plant parts shall be in reasonable relation to the cost of production, maintenance, handling, storage, and processing necessary to meet standards set forth in the ~~rules and regulations~~ standards and requirements.

Approved March 10, 2020

CHAPTER 81
(S.B. No. 1310)

AN ACT

RELATING TO RECALL ELECTIONS; AMENDING SECTION 34-1707, IDAHO CODE, TO REVISE PROVISIONS REGARDING RECALL PETITIONS AND SPECIAL RECALL ELECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-1707, Idaho Code, be, and the same is hereby amended to read as follows:

34-1707. SUFFICIENCY OF PETITION -- NOTIFICATION -- EFFECT OF RESIGNATION -- SPECIAL ELECTION. (1) In the event that a petition filed with the secretary of state is found by the secretary of state to contain the required number of certified signatures, the secretary of state shall promptly provide written notice to the officer being recalled, and the petitioner ~~informing them~~, that the recall petition is in proper form. If

the officer being recalled is the secretary of state, the governor shall also be notified.

(a) If the officer being recalled resigns his office within five (5) business days after notice from the secretary of state, his resignation shall be accepted and the resignation shall take effect on the day it is offered, and the vacancy shall be filled as provided by law.

(b) If the officer being recalled does not resign his office within five (5) business days after notice from the secretary of state, a special election shall be ordered by the secretary of state, unless he is the officer being recalled, in which event the governor shall order such special election. The special election must be held on the date prescribed in section 34-106, Idaho Code. If the officer being recalled is one (1) specified in section 34-1701(1) (a), Idaho Code, the special election shall be conducted statewide. If the officer being recalled is one (1) specified in section 34-1701(1) (b), Idaho Code, the special election shall be conducted only in the legislative district.

(2) In the event that a petition filed with the county clerk is found by the county clerk to contain the required number of certified signatures, the county clerk shall promptly provide written notice to the officer being recalled, and the petitioner, ~~informing them~~ that the recall petition is in proper form. If the officer being recalled is the county clerk, the secretary of state shall also be notified.

(a) If the officer being recalled resigns his office within five (5) business days after notice from the county clerk, his resignation shall be accepted and the resignation shall take effect on the day it is offered, and the vacancy shall be filled as provided by law.

(b) If the officer being recalled does not resign his office within five (5) business days after notice from the county clerk, a special election shall be ordered by the county clerk, unless the county clerk is the officer being recalled, in which event the secretary of state shall order the special election. The special election must be held on the date prescribed in section 34-106, Idaho Code. The special election shall be conducted countywide.

(3) In the event that a petition filed with the county clerk concerning the recall of an official of a ~~special district~~ local government office is found by the county clerk to contain the required number of certified signatures, the county clerk shall promptly provide written notice to the officer being recalled, and the petitioner, and the governing board ~~of the special district~~ informing them responsible for the local government official, if any, that the recall petition is in proper form.

(a) If the officer being recalled resigns his office within five (5) business days after notice from the county clerk, his resignation shall be accepted and the resignation shall take effect on the day it is offered, and the vacancy shall be filled as provided by law.

(b) If the officer being recalled does not resign his office within five (5) business days after notice from the county clerk, a special election shall be ordered by the ~~governing board of the special district~~ county clerk. The special election must be held on the date prescribed in section 34-106, Idaho Code. The election shall be conducted by the county clerk in the manner provided in section 34-1401, Idaho Code.

~~(4) In the event that a petition filed with a city clerk is found by the city clerk to contain the required number of certified signatures, the city clerk shall promptly provide written notice to the officer being recalled, and the petitioner, informing them that the recall petition is in proper form.~~

~~(a) If the officer being recalled resigns his office within five (5) business days after notice from the city clerk, his resignation shall be accepted and the resignation shall take effect on the day it is offered, and the vacancy shall be filled as provided by law.~~

~~(b) If the officer being recalled does not resign his office within five (5) business days after notice from the city clerk, a special election shall be ordered by the city clerk. The special election must be held on the date prescribed in section 34-106, Idaho Code. The election shall be conducted by the county clerk in the manner provided in section 34-1401, Idaho Code, and shall be conducted citywide.~~

(5) In the event that a petition is found not to have the required number of signatures, the officer shall continue in office and no new recall petition may be circulated for a period of ninety (90) days against the same officer.

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 10, 2020

CHAPTER 82
(S.B. No. 1334)

AN ACT

RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 6-210, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 6-416, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 15-3-303, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-3-308, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-3-1302, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 15-7-601, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 16-1508, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 16-2428, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-3302, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE; AMENDING SECTION 18-4629, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-6706, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 19-2524, IDAHO CODE, TO PROVIDE A CORRECT REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-517, IDAHO CODE, TO PROVIDE A CORRECT REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-1325A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 26-206, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-4-613, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 30-14-411, IDAHO CODE, TO PROVIDE CORRECT REFERENCES; AMENDING SECTION 30-23-102, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 30-23-103, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-23-107, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-23-109, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 30-23-111, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-23-401, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-23-402, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-23-406, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-23-601, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 30-23-702, IDAHO CODE, TO PROVIDE A CORRECT

CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 30-23-803, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-23-901, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-24-204, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-24-801, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 30-24-803, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 31-3517, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-4121, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-2202, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-3621, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6602, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-6621, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE; AMENDING CHAPTER 93, TITLE 67, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 206, LAWS OF 2019, TO REDESIGNATE THE CHAPTER; AND AMENDING SECTION 72-1019, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 6-210, Idaho Code, be, and the same is hereby amended to read as follows:

6-210. RECOVERY OF DAMAGES FOR ECONOMIC LOSS WILLFULLY CAUSED BY A MINOR. (1) Any person shall be entitled to recover damages in an amount not to exceed two thousand five hundred dollars (\$2,500) in a court of competent jurisdiction from the parents of any minor, under the age of eighteen (18) years, living with the parents, who shall willfully cause economic loss to such person, except as otherwise provided in section 49-310, Idaho Code. "Person" means any municipal corporation, county, city school district, or any individual, partnership, corporation or association, or any religious organization, whether incorporated or unincorporated.

(2) Economic loss shall include, but not be limited to, the value of property, as that term is defined in section 18-2402(8), Idaho Code, taken, destroyed, broken or otherwise harmed, lost wages and direct out-of-pocket losses or expenses such as medical expenses resulting from the minor's willful conduct, but shall not include less tangible damage such as pain and suffering, wrongful death or emotional distress.

(3) As used in this section, "parents" shall mean any persons or entities who have legal custody of the minor, or any persons or entities who are licensed to accept children for child care under chapter 12, title 39, Idaho Code. "Legal custody" shall be as that term is defined in section 16-2002, Idaho Code.

(4) In the event the parents are providing foster care for the minor at the time of the minor's willful act, and the parents are licensed pursuant to ~~section 39-1211~~ chapter 12, title 39, Idaho Code, and the minor is in the legal custody of the department of health and welfare, any person is entitled to recover damages in a court of competent jurisdiction within the above stated limits. Such recovery shall be insured by the state of Idaho.

SECTION 2. That Section 6-416, Idaho Code, be, and the same is hereby amended to read as follows:

6-416. OCCUPANT OF REAL ESTATE -- DETERMINATION OF RIGHT TO POSSESSION -- TENANTS IN COMMON -- PARTITION PROCEDURE. The owner in the main action may thereupon pay the value of the improvements determined on trial and take the property, but should he fail to do so after a reasonable time not to exceed one (1) year, to be fixed by the court, the claimant may take the property upon paying its value determined on trial, less any amount paid by

claimant or his predecessor on a judicial or tax sale, exclusive of the improvements. If this is not done within said time, to be fixed by the court, the parties will be held to be tenants in common of all the real estate, including the improvements, each holding an interest proportionate to the values ascertained on the trial; provided, further, that thereafter, upon the motion of either party, proceedings may be had for partition thereof in accordance with chapter 5, title 56, Idaho Code.

SECTION 3. That Section 15-3-303, Idaho Code, be, and the same is hereby amended to read as follows:

15-3-303. INFORMAL PROBATE -- PROOF AND FINDINGS REQUIRED. (a) In an informal proceeding for original probate of a will or informal statement of intestacy where the estate is community and there is a surviving spouse, the registrar shall determine whether:

- (1) ~~the~~ application is complete;
- (2) ~~the~~ applicant has made oath or affirmation that the statements contained in the application are true to the best of his knowledge and belief;
- (3) ~~the~~ applicant appears from the application to be an interested person as defined in subsection (245) of section 15-1-201 of ~~this code,~~ Idaho Code;
- (4) ~~on~~ the basis of the statements in the application, venue is proper;
- (5) ~~a~~ An original, duly executed and apparently unrevoked will is in the registrar's possession;
- (6) ~~a~~ Any notice required by section 15-3-204 of ~~this code,~~ Idaho Code, has been given and that the application is not within section 15-3-304 of ~~this part,~~ and, Idaho Code;
- (7) ~~it~~ It appears from the application that the time limit for original probate has not expired; and
- (8) ~~if~~ If the application is for a statement of intestacy of a community estate with a surviving spouse, on the basis of statements in the application and affidavit: 1. the decedent left no will, 2. the decedent's estate consists solely of community property of the decedent and the surviving spouse, and 3. the decedent left a surviving spouse. In addition to this, the registrar shall set out the name of the surviving spouse.

(b) The application shall be denied if it indicates that a personal representative has been appointed in another county of this state or, except as provided in subsection (d) of this section, if it appears that this or another will of the decedent has been the subject of a previous probate order.

(c) A will which appears to have the required signatures and which contains an attestation clause showing that requirements of execution under section 15-2-502, 15-2-503 or 15-2-506 of ~~this code,~~ Idaho Code, have been met shall be probated without further proof. In other cases, the registrar may assume execution if the will appears to have been properly executed, or he may accept a sworn statement or affidavit of any person having knowledge of the circumstances of execution, whether or not the person was a witness to the will.

(d) Informal probate of a will which that has been previously probated elsewhere may be granted at any time upon written application by any interested person, together with deposit of an authenticated copy of the will and of the statement probating it from the office or court where it was first probated.

(e) A will from a place which that does not provide for probate of a will after death, and which that is not eligible for probate under subsection (a) of this section, may be probated in this state upon receipt by the registrar of a duly authenticated copy of the will and a duly authenticated certificate

of its legal custodian that the copy filed is a true copy and that the will has become operative under the law of the other place.

SECTION 4. That Section 15-3-308, Idaho Code, be, and the same is hereby amended to read as follows:

15-3-308. INFORMAL APPOINTMENT PROCEEDINGS -- PROOF AND FINDINGS REQUIRED. (a) In informal appointment proceedings, the registrar must determine whether:

- (1) ~~t~~The application for informal appointment of a personal representative is complete;
- (2) ~~t~~The applicant has made oath or affirmation that the statements contained in the application are true to the best of his knowledge and belief;
- (3) ~~t~~The applicant appears from the application to be an interested person as defined in subsection (245) of section 15-1-201 ~~of this code, Idaho Code~~;
- (4) ~~e~~On the basis of the statements in the application, venue is proper;
- (5) ~~a~~Any will to which the requested appointment relates has been formally or informally probated; but this requirement does not apply to the appointment of a special administrator;
- (6) ~~a~~Any notice required by section 15-3-204 ~~of this code, Idaho Code~~, has been given;
- (7) ~~f~~From the statements in the application, the person whose appointment is sought has priority entitling him to the appointment.

(b) Unless section 15-3-612 ~~of this code, Idaho Code~~, controls, the application must be denied if it indicates that a personal representative who has not filed a written statement of resignation as provided in subsection (c) of section 15-3-610 ~~of this code, Idaho Code~~, has been appointed in this or another county of this state, that (unless the applicant is the domiciliary personal representative or his nominee) the decedent was not domiciled in this state, and that a personal representative whose appointment has not been terminated has been appointed by a court in the state of domicile, or that other requirements of this section have not been met.

SECTION 5. That Section 15-3-1302, Idaho Code, be, and the same is hereby amended to read as follows:

15-3-1302. DEFINITIONS. As use used in this part:

- (a) "Apportionable estate" means the value of the gross estate as finally determined for purposes of the estate tax to be apportioned reduced by:
- (1) Any claim or expense allowable as a deduction for purposes of the tax;
 - (2) The value of any interest in property that, for purposes of the tax, qualifies for a marital or charitable deduction or otherwise is deductible or is exempt; and
 - (3) Any amount added to the decedent's gross estate because of a gift tax on transfers made before death.
- (b) "Estate tax" means a federal, state, or foreign tax, however denominated, imposed because of the death of an individual and interest and penalties associated with the tax. The term does not include an inheritance tax, income tax, or generation-skipping transfer tax other than a generation-skipping transfer tax incurred on a direct skip taking effect at death.
- (c) "Gross estate" means, with respect to an estate tax, all interests in property subject to the tax.
- (d) "Person" has the same meaning set forth in section 15-1-201(334), Idaho Code.

(e) "Ratable" means apportioned or allocated pro rata according to the relative values of interests to which the term is to be applied. "Ratably" has a corresponding meaning.

(f) "Time-limited interest" means an interest in property which terminates on a lapse of time or on the occurrence or nonoccurrence of an event or which is subject to the exercise of discretion that could transfer a beneficial interest to another person. The term does not include a cotenancy unless the cotenancy itself is a time-limited interest.

(g) "Value" means, with respect to an interest in property, fair market value as finally determined for purposes of the estate tax that is to be apportioned, reduced by any outstanding debt secured by the interest without reduction:

- (1) For taxes paid or required to be paid; or
- (2) For any special valuation adjustment.

SECTION 6. That Section 15-7-601, Idaho Code, be, and the same is hereby amended to read as follows:

15-7-601. PURPOSE TRUSTS. (1) A trust may be created for any purpose, charitable or noncharitable, under the terms of a trust agreement or will. A noncharitable trust so created is a purpose trust and shall exist to serve a purpose.

(2) A purpose trust does not need a beneficiary.

(3) A purpose trust shall be enforceable on the terms set forth in the trust agreement by the person named to enforce the trust; provided, however, that the failure to name a person to enforce the trust shall not void the trust or otherwise cause it to be unenforceable.

(4) A person named to enforce a purpose trust may resign or be removed or replaced in accordance with the trust.

(5) If the person named to enforce the trust resigns, or is removed, or is unwilling or unable to act, and if no successor is named in accordance with the trust, the trustee shall forthwith apply to the court having jurisdiction of the purpose trust for directions or for a person to be appointed by the court to enforce the trust. The court having jurisdiction of the purpose trust shall be empowered to make an order appointing a person to enforce the trust on such terms as it sees fit and to designate how successors will be named.

(6) During any period of time when no person is named or acting to enforce a purpose trust, the court having jurisdiction of the purpose trust shall have the right to exercise all powers necessary to enforce the trust in order to serve the purpose for which it was created.

(7) Any interested person, as defined in section 15-1-201 (245), Idaho Code, may bring an action under law or equity to enforce a purpose trust.

(8) Charitable trusts are not governed by this section.

(9) A purpose trust created prior to July 1, 2005, shall be valid and enforceable from the date of the trust's creation.

SECTION 7. That Section 16-1508, Idaho Code, be, and the same is hereby amended to read as follows:

16-1508. EFFECT OF ADOPTION. A child or adult, when adopted, may take the name of the person adopting, and the two (2) shall thenceforth sustain toward each other the legal relation of parent and child, and shall have all the rights and shall be subject to all the duties of that relation, including all of the rights of a child of the whole blood to inherit from any person, in all respects, under the provisions of section ~~14-103~~ 15-2-103, Idaho Code, and to the same extent as a child of the whole blood.

SECTION 8. That Section 16-2428, Idaho Code, be, and the same is hereby amended to read as follows:

16-2428. CONFIDENTIALITY AND DISCLOSURE OF INFORMATION. All certificates, applications, records, and reports directly or indirectly identifying a patient or former patient or an individual whose involuntary treatment has been sought under this chapter shall be kept confidential and shall not be disclosed by any person except with the consent of the person identified or his legal guardian, if any, or as disclosure may be necessary to carry out any of the provisions of this chapter, or as a court may direct upon its determination that disclosure is necessary and that failure to make such disclosure would be contrary to public interest.

(1) No person in possession of confidential statements made by a child over the age of fourteen (14) years in the course of treatment may disclose such information to the child's parent or others without the written permission of the child, unless such disclosure is necessary to obtain insurance coverage, to carry out the treatment plan or to prevent harm to the child or others, or, unless authorized to disclose such information by order of a court.

(2) The child has the right of access to information regarding his treatment and has the right to have copies of information and to submit clarifying or correcting statements and other documentation of reasonable length for inclusion with his treatment record.

(3) Nothing in this section shall prohibit the denial of access to records, by a child when a physician or other mental health professional believes and notes in the child's medical records that the disclosure would be damaging to the child. In any case, the child has the right to petition the court for an order granting access.

(4) Access to records by the state protection and advocacy system shall be governed by 42 U.S.C. ~~10108~~ 10801 et seq., as amended.

SECTION 9. 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 of Idaho 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 emer-

agency 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.

SECTION 10. That Section 18-4629, Idaho Code, be, and the same is hereby amended to read as follows:

18-4629. PENALTY FOR TRANSPORTATION OF FOREST PRODUCTS WITHOUT A PERMIT, CONTRACT, BILL OF SALE, OR PRODUCT LOAD RECEIPT. Violation of the provisions of this section 18-4629~~8~~, Idaho Code, shall constitute a misdemeanor, and, upon conviction, be punishable by a fine of not to exceed one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six (6) months, or both.

SECTION 11. That Section 18-6706, Idaho Code, be, and the same is hereby amended to read as follows:

18-6706. AUTHORIZATION FOR INTERCEPTION OF WIRE, ELECTRONIC OR ORAL COMMUNICATIONS. The prosecuting attorney of any county is authorized to make application to a judge of competent jurisdiction for an order authorizing or approving the interception of wire, electronic or oral communications and may apply to such judge for, and such judge may grant in conformity with section ~~2581~~ 2518 of chapter 119, title 18 U.S.C.A., and in conformity with the provisions of this chapter, an order authorizing or approving the interception of wire, electronic or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, extortion, or dealing in narcotic drugs, marijuana or other dangerous drugs, or other crime dangerous to life, limb, or property, and punishable by imprisonment for more than one (1) year, or any conspiracy to commit any of the foregoing offenses.

SECTION 12. That Section 19-2524, Idaho Code, be, and the same is hereby amended to read as follows:

19-2524. CONSIDERATION OF COMMUNITY-BASED TREATMENT TO MEET BEHAVIORAL HEALTH NEEDS IN SENTENCING AND POST-SENTENCING PROCEEDINGS. (1) After a defendant has pled guilty to or been found guilty of a felony, and at any time thereafter while the court exercises jurisdiction over the defendant,

behavioral health needs determinations shall be conducted when, and as provided by, this section.

(a) As part of the presentence process, a screening to determine whether a defendant is in need of a substance use disorder assessment and/or a mental health examination shall be made in every felony case unless the court waives the requirement for a screening. The screening shall be performed within seven (7) days after the plea of guilty or finding of guilt.

(b) At any time after sentencing while the court exercises jurisdiction over the defendant, the court may order such a screening to be performed by individuals authorized or approved by the department of correction if the court determines that one is indicated. The screening shall be performed within seven (7) days after the order of the court requiring such screening.

(2) Substance use disorder provisions.

(a) Should a screening indicate the need for further assessment of a substance use disorder, the necessary assessment shall be timely performed so as to avoid any unnecessary delay in the criminal proceeding and not later than thirty-five (35) days after a plea of guilty or finding of guilt or other order of the court requiring such screening. The assessment may be performed by qualified employees of the department of correction or by private providers approved by the department of health and welfare. If the screening or assessment is not timely completed, the court may order that the screening be performed by another qualified provider.

(b) Following completion of the assessment, the results of the assessment, including a determination of whether the defendant meets diagnostic criteria for a substance use disorder and the recommended level of care, shall be submitted to the court as part of the presentence investigation report or other department of correction report to the court.

(c) Following the entry of a plea of guilty or a finding of guilt, the court may order, as a condition of the defendant's continued release on bail or on the defendant's own recognizance, that, if the assessment reflects that the defendant meets diagnostic criteria for a substance use disorder, the defendant shall promptly, and prior to sentencing, begin treatment at the recommended level of care.

(d) If the court concludes at sentencing, or at any time after sentencing while the court exercises jurisdiction over the defendant, that the defendant meets diagnostic criteria for a substance use disorder, and if the court places the defendant on probation, the court may order the defendant, as a condition of probation, to undergo treatment at the recommended level of care, subject to modification of the level of care by the court. If substance use disorder treatment is ordered, all treatment shall be performed by a qualified private provider approved by the department of health and welfare. The court may order that, if the level of care placement or the treatment plan is modified in any material term, the department of correction shall notify the court stating the reason for the modifications and informing the court as to the clinical alternatives available to the defendant. The level of care for substance use treatment shall be based upon each probationer's risk assessment with priority given to probationers with high or moderate risk levels.

(e) In no event shall the persons or facility doing the substance use assessment be the person or facility that provides the substance use treatment unless this requirement is waived by the court or where the assessment and treatment are provided by or through a federally recognized Indian tribe or federal military installation, where diagnosis and treatment are appropriate and available.

(f) Defendants who have completed department of correction institutional programs may receive ~~after-care~~ aftercare services from qualified employees of the department of correction.

(g) The expenses of all screenings and assessments for substance use disorder provided or ordered under this section shall be borne by the department of correction. The expenses for treatment provided or ordered under this section shall be borne by the department of correction unless the defendant is placed in a treatment program which that is funded by an alternate source. The department of correction shall be entitled to any payment received by the defendant or to which he may be entitled from any public or private source available to the department of correction for the service provided to the defendant. The department of correction may promulgate rules for a schedule of fees to be charged to the defendants for the substance use disorder assessments and treatments provided to the defendants based upon the actual costs of such services and the ability of a the defendant to pay. The department of correction shall use the state-approved financial eligibility form and reimbursement schedule as set forth in IDAPA 16.07.01.

(3) Mental health provisions.

(a) Should the mental health screening indicate that a serious mental illness may be present, then the department of correction shall refer the defendant to the department of health and welfare for further examination. The examination shall be timely performed so as to avoid any unnecessary delay in the criminal proceeding and not later than thirty-five (35) days after a plea of guilty or finding of guilt or other order of the court requiring such screening.

(b) The examination may be performed by qualified department of health and welfare employees or by private providers under contract with the department of health and welfare, provided that such examination shall at a minimum include an in-depth evaluation of the following:

- (i) Mental health concerns;
- (ii) Psychosocial risk factors;
- (iii) Medical, psychiatric, developmental and other relevant history;
- (iv) Functional impairments;
- (v) Mental status examination;
- (vi) Multiaxial diagnoses; and
- (vii) Any other examinations necessary to provide the court with the information set forth in paragraph (c) of this subsection.

(c) Upon completion of the mental health examination, the court shall be provided, as part of the presentence report or other department of health and welfare report to the court, a copy of the mental health assessment along with a summary report. The summary report shall include the following:

- (i) Description and nature of the examination;
- (ii) Multiaxial diagnoses;
- (iii) Description of the defendant's diagnosis and if the defendant suffers from a serious mental illness (SMI) as that term is now defined, or is hereafter amended, in IDAPA 16.07.33.0101, to also include post-traumatic stress disorder;
- (iv) An analysis of the degree of impairment due to the defendant's diagnosis;
- (v) Consideration of the risk of danger the defendant may create for the public; and
- (vi) If the defendant suffers from a serious mental illness, the report shall also include a plan of treatment that addresses the following:

1. An analysis of the relative risks and benefits of treatment versus nontreatment;

2. Types of treatment appropriate for the defendant; and
3. Beneficial services to be provided.

(d) If the court, after receiving a mental health examination and plan of treatment, determines that additional information is needed regarding the mental condition of the defendant or the risk of danger such condition may create for the public, the court may order additional evaluations and/or recommendations for treatment to be furnished by a psychiatrist, licensed physician or licensed psychologist.

(e) If the court concludes that the defendant suffers from a serious mental illness as defined in paragraph (c) (iii) of this subsection and that treatment is available for such serious mental illness, then the court may order, as a condition of the defendant's release on bail or on the defendant's own recognizance or as a condition of probation, that the defendant undergo treatment consistent with the plan of treatment, subject to modification of the plan of treatment by the court. If the plan of treatment is modified in any material term, the department of health and welfare shall notify the court in a timely manner stating the reasons for the modification and informing the court as to the clinical alternatives available to the defendant.

(f) If treatment is ordered, all treatment shall be performed by a provider approved by the department of health and welfare.

(g) Mental health examinations and/or treatment provided or ordered under this section shall be secured by the department of health and welfare. The department of health and welfare shall exhaust efforts to assist the defendant in gaining access to health care benefits that will cover the defendant's mental health treatment needs. To the extent that health care benefits are not available to the defendant for the treatment, the expenses for treatment shall be borne by the department of health and welfare. The expenses of all mental health examinations provided or ordered under this section shall be borne by the department of health and welfare. The department of health and welfare shall be entitled to any payment received by the defendant or to which he may be entitled from any public or private source available to the department of health and welfare for the service provided to the defendant. The department of health and welfare is authorized to promulgate rules for a schedule of fees to be charged to the defendants for the mental health examinations and treatments provided to the defendants based upon the actual costs of such services and the ability of a the defendant to pay. The department of health and welfare shall use the state-approved financial eligibility form and reimbursement schedule as set forth in IDAPA 16.07.01. ~~Defendants~~ The defendant shall pay the fee for the mental health examinations and treatments consistent with the rules of the department of health and welfare.

(4) Unless otherwise ordered by the court, if the defendant is in treatment for a substance use disorder or mental illness, any substance use disorder assessment required under subsection (2) of this section or mental health examination required under subsection (3) of this section need not be performed while the defendant is in such treatment. In such circumstances, the court may make such order as it finds appropriate to facilitate the completion of the sentencing process or other proceeding before the court, including providing for the assessment and treatment records to be included in the presentence investigation report or other report to the court.

(5) Any substance use disorder assessment including any recommended level of care or mental health examination including any plan of treatment shall be delivered to the court, the defendant and the prosecuting attorney prior to any sentencing hearing or probation revocation hearing.

(6) A substance use disorder assessment prepared pursuant to the provisions of this section shall satisfy the requirement of an alcohol evaluation prior to sentencing set forth in section 18-8005(11), Idaho Code, and shall

also satisfy the requirement of a substance abuse evaluation prior to sentencing set forth in section 37-2738, Idaho Code.

(7) If the defendant is sentenced to the custody of the board of correction, then any substance use disorder assessment, mental health examination or plan of treatment shall be sent to the department of correction along with the presentence report.

SECTION 13. That Section 20-517, Idaho Code, be, and the same is hereby amended to read as follows:

20-517. DETENTION ACCOMMODATIONS. (1) The county commissioners shall provide a detention center for the detention of juvenile offenders to be conducted by the court, or, subject to the approval of the court, by other appropriate public agency, provided that such detention shall comply with the provisions of section 20-518, Idaho Code, or within the limits of funds provided by the county commissioners.

(2) For the purpose of carrying out the provisions of this section, the county commissioners may enter into contracts or agreements with public or private agencies, individuals, other counties, or the department of juvenile corrections, which may include the expenditures of moneys outside the county boundaries. If the county in which the court is located has made an agreement with another governmental unit or agency located outside the county or the judicial district for the detention of juvenile offenders under this act, then any court in the county may order a juvenile offender detained outside of the county or outside of the judicial district in the detention center described in such agreement. All detention centers in this section shall be in compliance with section 20-518, Idaho Code, and IDAPA 11-11-02 05.01.02.

(3) The county wherein any court has entered an order for the detention of a juvenile offender outside of the county or outside of the judicial district as provided by subsection (2) of this section shall pay all direct and indirect costs of the detention of the juvenile offender to the governmental unit or agency owning or operating the detention center in which the juvenile offender was detained. The amount of such cost may be determined by agreement between the county wherein the court entered the order of detention and the county or governmental unit or agency owning or operating such detention center.

(4) All moneys appropriated by the state for the planning and design of regional detention centers shall be administered and distributed by the director of the department of administration for the planning and design of regional detention centers in accordance with the requirements or directives of such appropriation. In administering such moneys, the director of the department of administration shall consult with the designated county officials of every county involved or affected by a proposed regional detention center and shall abide by the decision of the designated representatives of each of the counties so involved or affected.

SECTION 14. That Section 23-1325A, Idaho Code, be, and the same is hereby amended to read as follows:

23-1325A. SERVICES PERMITTED INCIDENT TO STOCKING, ROTATION AND RESTOCKING OF WINE. For the purposes of section 23-1325-~~(1)-(e)~~ (4), Idaho Code, a distributor may, with the permission of the retailer, and in accordance with space allocations directed by the retailer, set, remove, replace, reset or relocate all wine upon the shelves of the retailer. Labor performed or schematics prepared by the distributor relating to conduct authorized pursuant to the provisions of this section shall not constitute prohibited conduct or unlawful aid to a retailer.

SECTION 15. That Section 26-206, Idaho Code, be, and the same is hereby amended to read as follows:

26-206. PREFERRED STOCK. (1) Subject to the provisions of the bank act, and by and with the approval and consent of the director, any bank now or hereafter incorporated under the laws of this state, may issue such part of its capital as is approved by the director, as preferred stock having such special rights, preferences, privileges, immunities, qualifications and restrictions as to voting, dividends, redemption, retirement, participation in corporate assets, not common to other stock, as provided in its articles of incorporation as hereafter adopted or amended, and as are not inconsistent with the provisions of the bank act and the provisions of its articles of incorporation or amendments thereto.

(2) Dividends on preferred stock may be declared and paid only from net profits as defined by section ~~26-503~~ 26-106, Idaho Code, but such net profits may be current profits or those accumulated as surplus. No dividend shall be declared nor paid, any retirement or redemption of such stock be made, nor any other distribution or payment of corporate assets made thereon or therefor at any time when the total common stock and surplus is below or will be thereby reduced below the minimum common stock required by law plus a surplus fund equal to ten percent (10%) of such minimum common stock or the amount of common stock required by the director at the time the bank's charter was issued plus a surplus fund equal to ten percent (10%) of such required common stock.

(3) Preferred stock under the provisions of this act must be subscribed and paid for at not less than par value.

(4) Except as otherwise provided in the bank's articles of incorporation or by the bank act, preferred stock authorized by this act is capital and shall be considered as such in computing the capital structure of the bank within the meaning of all provisions of the bank act.

SECTION 16. That Section 28-4-613, Idaho Code, be, and the same is hereby amended to read as follows:

28-4-613. ERRONEOUS PAYMENT ORDERS. (1) If an accepted payment order was transmitted pursuant to a security procedure for the detection of error and the payment order (i) erroneously instructed payment to a beneficiary not intended by the sender, (ii) erroneously instructed payment in an amount greater than the amount intended by the sender, or (iii) was an erroneously transmitted duplicate of a payment order previously sent by the sender, the following rules apply:

(a) If the sender proves that the sender or a person acting on behalf of the sender pursuant to section 28-4-614, Idaho Code, complied with the security procedure and that the error would have been detected if the receiving bank had also complied, the sender is not obliged to pay the order to the extent stated in subsections paragraphs (2b) and (3c) of this subsection.

(b) If the funds transfer is completed on the basis of an erroneous payment order described in clause (i) or (iii) of this subsection ~~(1) of this section,~~ the sender is not obliged to pay the order and the receiving bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

(c) If the funds transfer is completed on the basis of a payment order described in clause (ii) of this subsection ~~(1) of this section,~~ the sender is not obliged to pay the order to the extent the amount received by the beneficiary is greater than the amount intended by the sender. In that case, the receiving bank is entitled to recover from the benefi-

ciary the excess amount received to the extent allowed by the law governing mistake and restitution.

(2) If (i) the sender of an erroneous payment order described in subsection (1) of this section is not obliged to pay all or part of the order, and (ii) the sender receives notification from the receiving bank that the order was accepted by the bank or that the sender's account was debited with respect to the order, the sender has a duty to exercise ordinary care, on the basis of information available to the sender, to discover the error with respect to the order and to advise the bank of the relevant facts within a reasonable time, not exceeding ninety (90) days, after the bank's notification was received by the sender. If the bank proves that the sender failed to perform that duty, the sender is liable to the bank for the loss the bank proves it incurred as a result of the failure, but the liability of the sender may not exceed the amount of the sender's order.

(3) This section applies to amendments to payment orders to the same extent it applies to payment orders.

SECTION 17. That Section 30-14-411, Idaho Code, be, and the same is hereby amended to read as follows:

30-14-411. POSTREGISTRATION REQUIREMENTS. (a) Financial requirements. Subject to section 15(h) of the securities exchange act of 1934 (15 U.S.C. 78o(h)) or section 222 of the investment advisers act of 1940 (15 U.S.C. 80b-2218a), a rule adopted or an order issued under this chapter may establish minimum financial requirements for broker-dealers registered or required to be registered under this chapter and investment advisers registered or required to be registered under this chapter.

(b) Financial reports. Subject to section 15(h) of the securities exchange act of 1934 (15 U.S.C. 78o(h)) or section 222(b) of the investment advisers act of 1940 (15 U.S.C. 80b-2218a), a broker-dealer registered or required to be registered under this chapter and an investment adviser registered or required to be registered under this chapter shall file such financial reports as are required by a rule adopted or an order issued under this chapter. If the information contained in a record filed under this subsection is or becomes inaccurate or incomplete in a material respect, the registrant shall promptly file a correcting amendment.

(c) Recordkeeping. Subject to section 15(h) of the securities exchange act of 1934 (15 U.S.C. 78o(h)) or section 222 of the investment advisers act of 1940 (15 U.S.C. 80b-2218a):

(1) A broker-dealer registered or required to be registered under this chapter and an investment adviser registered or required to be registered under this chapter shall make and maintain the accounts, correspondence, memoranda, papers, books and other records required by a rule adopted or an order issued under this chapter;

(2) Broker-dealer records required to be maintained under subsection (c) (1) of this section may be maintained in any form of data storage acceptable under section 17(a) of the securities exchange act of 1934 (15 U.S.C. 78q(a)) if they are readily accessible to the administrator; and

(3) Investment adviser records required to be maintained under subsection (c) (1) of this section may be maintained in any form of data storage required by a rule adopted or an order issued under this chapter.

(d) Audits or inspections. The records of every person issuing or guaranteeing any securities subject to the provisions of this chapter, if such person is registered or required to be registered under this chapter, and of every broker-dealer, agent, investment adviser or investment adviser representative registered or required to be registered under this chapter are subject to such reasonable periodic, special or other audits or inspections by a representative of the administrator, within or without this state, as the administrator considers necessary or appropriate in the public inter-

est and for the protection of investors. An audit or inspection may be made at any time and without prior notice. The administrator may copy, and may remove for audit or inspection copies of, all records the administrator reasonably considers necessary or appropriate to conduct the audit or inspection. The administrator may assess a reasonable charge for conducting an audit or inspection under this subsection.

(e) Custody and discretionary authority bond or insurance. Subject to section 15(h) of the securities exchange act of 1934 (15 U.S.C. 78o(h)) or section 222 of the investment advisers act of 1940 (15 U.S.C. 80b-2218a), a rule adopted or an order issued under this chapter may require a broker-dealer or investment adviser that has custody of or discretionary authority over funds or securities of a customer or client to obtain insurance or post a bond or other satisfactory form of security in an amount not to exceed twenty-five thousand dollars (\$25,000). The administrator may determine the requirements of the insurance, bond or other satisfactory form of security. Insurance or a bond or other satisfactory form of security may not be required of a broker-dealer registered under this chapter whose net capital exceeds, or of an investment adviser registered under this chapter whose minimum financial requirements exceed, the amounts required by rule or order under this chapter. The insurance, bond or other satisfactory form of security must permit an action by a person to enforce any liability on the insurance, bond or other satisfactory form of security if instituted within the time limitations in section 30-14-509(j) (2), Idaho Code.

(f) Requirements for custody. Subject to section 15(h) of the securities exchange act of 1934 (15 U.S.C. 78o(h)) or section 222 of the investment advisers act of 1940 (15 U.S.C. 80b-2218a), an agent may not have custody of funds or securities of a customer except under the supervision of a broker-dealer and an investment adviser representative may not have custody of funds or securities of a client except under the supervision of an investment adviser or a federal covered investment adviser. A rule adopted or an order issued under this chapter may prohibit, limit, or impose conditions on a broker-dealer regarding custody of funds or securities of a customer and on an investment adviser regarding custody of securities or funds of a client.

(g) Investment adviser brochure rule. With respect to an investment adviser registered or required to be registered under this chapter, a rule adopted or an order issued under this chapter may require that information or other record be furnished or disseminated to clients or prospective clients in this state as necessary or appropriate in the public interest and for the protection of investors and advisory clients.

(h) Continuing education. A rule adopted or an order issued under this chapter may require an individual registered under section 30-14-402 or 30-14-404, Idaho Code, to participate in a continuing education program approved by the securities and exchange commission and administered by a self-regulatory organization or, in the absence of such a program, a rule adopted or an order issued under this chapter may require continuing education for an individual registered under section 30-14-404, Idaho Code.

SECTION 18. That Section 30-23-102, Idaho Code, be, and the same is hereby amended to read as follows:

30-23-102. DEFINITIONS. (a) In this chapter:

- (1) "Business" includes every trade, occupation and profession.
- (2) "Contribution," except in the phrase "right of contribution," means property or a benefit described in section 30-23-403, Idaho Code, that is provided by a person to a partnership to become a partner or in the person's capacity as a partner.
- (3) "Distribution" means a transfer of money or other property from a partnership to a person on account of a transferable interest or in a person's capacity as a partner. The term:

(A) Includes:

(i) A redemption or other purchase by a partnership of a transferable interest; and

(ii) A transfer to a partner in return for the partner's relinquishment of any right to participate as a partner in the management or conduct of the partnership's business or have access to records or other information concerning the partnership's business; and

(B) Does not include amounts constituting reasonable compensation for present or past service or payments made in the ordinary course of business under a bona fide retirement plan or other bona fide benefits program.

(4) "Foreign limited liability partnership" means a foreign partnership whose partners have limited liability for the debts, obligations, or other liabilities of the foreign partnership under a provision similar to section 30-23-306(c), Idaho Code.

(5) "Foreign partnership" means an unincorporated entity formed under the law of a jurisdiction other than this state which would be a partnership if formed under the law of this state. The term includes a foreign limited liability partnership.

(6) "Limited liability partnership" means a partnership that has filed a statement of qualification under section ~~30-21-503~~ 30-23-901, Idaho Code, and does not have a similar statement in effect in any other jurisdiction.

(7) "Partner" means a person that:

(A) Has become a partner in a partnership under section 30-23-402, Idaho Code, or was a partner in a partnership when the partnership became subject to this chapter under section 30-23-110, Idaho Code; and

(B) Has not dissociated as a partner under section 30-23-601, Idaho Code.

(8) "Partnership" means an association of two (2) or more persons to carry on as co-owners a business for profit formed under this chapter or that becomes subject to this chapter under article part 2 of this chapter or section 30-23-110, Idaho Code. The term includes a limited liability partnership.

(9) "Partnership agreement" means the agreement, whether or not referred to as a partnership agreement and whether oral, implied, in a record, or in any combination thereof, of all the partners of a partnership concerning the matters described in section ~~33-22-105~~ 30-23-105(a), Idaho Code. The term includes the agreement as amended or restated.

(10) "Partnership at will" means a partnership in which the partners have not agreed to remain partners until the expiration of a definite term or the completion of a particular undertaking.

(11) "Transferable interest" means the right, as initially owned by a person in the person's capacity as a partner, to receive distributions from a partnership in accordance with the partnership agreement, whether or not the person remains a partner or continues to own any part of the right. The term applies to any fraction of the interest, by whomever owned.

(12) "Transferee" means a person to which all or part of a transferable interest has been transferred, whether or not the transferor is a partner.

(b) The following definitions outside this chapter apply to this chapter:

(1) "Debtor in bankruptcy" - section 30-21-102(7), Idaho Code.

(2) "Jurisdiction" - section 30-21-102(22), Idaho Code.

(3) "Jurisdiction of formation" - section 30-21-102(23), Idaho Code.

- (4) "Person" - section 30-21-102(35), Idaho Code.
- (5) "Principal office" - section 30-21-102(36), Idaho Code.
- (6) "Property" - section 30-21-102(41), Idaho Code.
- (7) "Record" - section 30-21-102(44), Idaho Code.
- (8) "Registered agent" - section 30-21-102(45), Idaho Code.
- (9) "Sign" - section 30-21-102(47), Idaho Code.
- (10) "State" - section 30-21-102(48), Idaho Code.
- (11) "Transfer" - section 30-21-102(50), Idaho Code.

SECTION 19. That Section 30-23-103, Idaho Code, be, and the same is hereby amended to read as follows:

30-23-103. KNOWLEDGE -- NOTICE. (a) A person knows a fact if the person:

- (1) Has actual knowledge of it; or
- (2) Is deemed to know it under subsection (d) (1) of this section or law other than this chapter.

(b) A person has notice of a fact if the person:

- (1) Has reason to know the fact from all the facts known to the person at the time in question; or
- (2) As deemed to have notice of the fact under subsection (d) (2) of this section.

(c) Subject to section 30-21-212, Idaho Code, a person notifies another person of a fact by taking steps reasonably required to inform the other person in ordinary course, whether or not those steps cause the other person to know the fact.

(d) A person not a partner is deemed:

- (1) To know of a limitation on authority to transfer real property as provided in section 30-23-303(g), Idaho Code; and
- (2) To have notice of:

(A) A person's dissociation as a partner ninety (90) days after a statement of dissociation under section 30-23-704, Idaho Code, becomes effective; and

(B) A partnership's:

- (i) Dissolution ninety (90) days after a statement of dissolution under section 30-23-802, Idaho Code, becomes effective;
- (ii) Termination ninety (90) days after a statement of termination under section 30-23-802, Idaho Code, becomes effective; and
- (iii) Participation in a merger, interest exchange, conversion, or domestication ninety (90) days after articles of merger, interest exchange, conversion, or domestication under chapter 212, title 30, Idaho Code, become effective.

(e) A partner's knowledge or notice of a fact relating to the partnership is effective immediately as knowledge of or notice to the partnership, except in the case of a fraud on the partnership committed by or with the consent of that partner.

SECTION 20. That Section 30-23-107, Idaho Code, be, and the same is hereby amended to read as follows:

30-23-107. PARTNERSHIP AGREEMENT -- EFFECT ON THIRD PARTIES AND RELATIONSHIP TO RECORDS EFFECTIVE ON BEHALF OF PARTNERSHIP. (a) A partnership agreement may specify that its amendment requires the approval of a person that is not a party to the agreement or the satisfaction of a condition. An amendment is ineffective if its adoption does not include the required approval or satisfy the specified condition.

(b) The obligations of a partnership and its partners to a person in the person's capacity as a transferee or person dissociated as a partner are governed by the partnership agreement. Subject only to a court order issued under section 30-23-504(b)(2), Idaho Code, to effectuate a charging order, an amendment to the partnership agreement made after a person becomes a transferee or is dissociated as a partner:

- (1) Is effective with regard to any debt, obligation, or other liability of the partnership or its partners to the person in the person's capacity as a transferee or person dissociated as a partner; and
- (2) Is not effective to the extent the amendment:
 - (A) Imposes a new debt, obligation, or other liability on the transferee or person dissociated as a partner; or
 - (B) Prejudices the rights under section 30-23-701, Idaho Code, of a person that dissociated as a partner before the amendment was made.

(c) If a record delivered by a partnership to the secretary of state for filing becomes effective under this chapter and contains a provision that would be ineffective under section 33-22-105 30-23-105(c) or (d)(3), Idaho Code, if contained in the partnership agreement, the provision is ineffective in the record.

(d) Subject to subsection (c) of this section, if a record delivered by a partnership to the secretary of state for filing becomes effective and conflicts with a provision of the partnership agreement:

- (1) The agreement prevails as to partners, persons dissociated as partners, and transferees; and
- (2) The record prevails as to other persons to the extent they reasonably rely on the record.

SECTION 21. That Section 30-23-109, Idaho Code, be, and the same is hereby amended to read as follows:

30-23-109. LIABILITY FOR INACCURATE INFORMATION IN FILED RECORD. (a) If a record delivered to the secretary of state for filing under this act and filed by the secretary of state contains inaccurate information, a person that suffers loss by reliance on the information may recover damages for the loss from a partner if:

- (1) A person ~~that~~ signed the record, or caused another to sign it on the person's behalf, and knew the information to be inaccurate at the time the record was signed; and
- (2) Subject to subsection (b) of this section:
 - (A) The record was delivered for filing on behalf of the partnership; and
 - (B) The partner had notice of the inaccuracy for a reasonably sufficient time before the information was relied upon so that, before the reliance, the partner reasonably could have:
 - (i) Effected an amendment under section 30-23-901(f), Idaho Code;
 - (ii) Filed a petition under section 30-23-112 30-21-210, Idaho Code; or
 - (iii) Delivered to the secretary of state for filing a statement of change under section 30-23-906 30-21-407, Idaho Code, or a statement of correction under section 30-23-116 30-21-205, Idaho Code.

(b) To the extent the partnership agreement expressly relieves a partner of responsibility for maintaining the accuracy of information contained in records delivered on behalf of the partnership to the secretary of state for filing under this act and imposes that responsibility on one (1) or more other partners, the liability stated in subsection (a)(2) of this section

applies to those other partners and not to the partner that the partnership agreement relieves of the responsibility.

(c) An individual who signs a record authorized or required to be filed under this act affirms under penalty of perjury that the information stated in the record is accurate.

SECTION 22. That Section 30-23-111, Idaho Code, be, and the same is hereby amended to read as follows:

30-23-111. SUBJECTS COVERED OUTSIDE CHAPTER. The following subjects are covered outside this chapter:

- (1) Delivery of record - section 30-21-104, Idaho Code.
- (2) Signing and filing pursuant to judicial order - section 30-21-210, Idaho Code.
- (3) Filing requirements - section 30-21-201, Idaho Code.
- (4) Effective date and time - section 30-21-203, Idaho Code.
- (5) Withdrawal of filed record before effectiveness - section 30-21-204, Idaho Code.
- (6) Correcting filed record - section 30-21-205, Idaho Code.
- (7) Duty of secretary of state to file; review of refusal to file; delivery of record by secretary of state - sections 30-21-206 and 30-21-211~~2~~, Idaho Code.
- (8) Reservation of power to amend or repeal - section 30-21-701, Idaho Code.
- (9) Supplemental principles of law - section 30-21-702, Idaho Code.

SECTION 23. That Section 30-23-401, Idaho Code, be, and the same is hereby amended to read as follows:

30-23-401. PARTNER'S RIGHTS AND DUTIES. (a) Each partner is entitled to an equal share of the partnership profits and, except in the case of a limited liability partnership, is chargeable with a share of the partnership losses in proportion to the partner's share of the profits.

(b) A partnership shall reimburse a partner for any payment made by the partner in the course of the partner's activities on behalf of the partnership, if the partner complied with this section and section 30-23-409, Idaho Code, in making the payment.

(c) A partnership shall indemnify and hold harmless a person with respect to any claim or demand against the person and any debt, obligation, or other liability incurred by the person by reason of the person's former or present capacity as partner, if the claim, demand, debt, obligation, or other liability does not arise from the person's breach of this section or section 30-23-407 or 30-23-409, Idaho Code.

(d) In the ordinary course of its business, a partnership may advance reasonable expenses, including attorney's fees and costs, incurred by a person in connection with a claim or demand against the person by reason of the person's former or present capacity as a partner, if the person promises to repay the partnership if the person ultimately is determined not to be entitled to be indemnified under subsection (c) of this section.

(e) A partnership may purchase and maintain insurance on behalf of a partner against liability asserted against or incurred by the partner in that capacity or arising from that status even if, under section ~~33-22-105~~ 30-23-105(c) (7), Idaho Code, the partnership agreement could not eliminate or limit the person's liability to the partnership for the conduct giving rise to the liability.

(f) A partnership shall reimburse a partner for an advance to the partnership beyond the amount of capital the partner agreed to contribute.

(g) A payment or advance made by a partner which gives rise to a partnership obligation under subsection (b) or (f) of this section constitutes a loan to the partnership which accrues interest from the date of the payment or advance.

(h) Each partner has equal rights in the management and conduct of the partnership's business.

(i) A partner may use or possess partnership property only on behalf of the partnership.

(j) A partner is not entitled to remuneration for services performed for the partnership, except for reasonable compensation for services rendered in winding up the business of the partnership.

(k) A difference arising as to a matter in the ordinary course of business of a partnership may be decided by a majority of the partners. An act outside the ordinary course of business of a partnership, and an amendment to the partnership agreement, may be undertaken only with the affirmative vote or consent of all of the partners.

SECTION 24. That Section 30-23-402, Idaho Code, be, and the same is hereby amended to read as follows:

30-23-402. BECOMING PARTNER. (a) Upon formation of a partnership, a person becomes a partner under section 30-23-202 (a) , Idaho Code.

(b) After formation of a partnership, a person becomes a partner:

- (1) As provided in the partnership agreement;
- (2) As a result of a transaction effective under chapter 21~~2~~, title 30, Idaho Code; or
- (3) With the affirmative vote or consent of all the partners.

(c) A person may become a partner without:

- (1) Acquiring a transferable interest; or
- (2) Making or being obligated to make a contribution to the partnership.

SECTION 25. That Section 30-23-406, Idaho Code, be, and the same is hereby amended to read as follows:

30-23-406. LIMITATIONS ON DISTRIBUTIONS BY LIMITED LIABILITY PARTNERSHIP. (a) A limited liability partnership may not make a distribution, including a distribution under section 30-23-806, Idaho Code, if after the distribution:

- (1) The partnership would not be able to pay its debts as they become due in the ordinary course of the partnership's business; or
- (2) The partnership's total assets would be less than the sum of its total liabilities plus the amount that would be needed, if the partnership were to be dissolved and wound up at the time of the distribution, to satisfy the preferential rights upon dissolution and winding up of partners and transferees whose preferential rights are superior to the rights of persons receiving the distribution.

(b) A limited liability partnership may base a determination that a distribution is not prohibited under subsection (a) of this section on:

- (1) Financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances; or
- (2) A fair valuation or other method that is reasonable under the circumstances.

(c) Except as otherwise provided in subsection (e) of this section, the effect of a distribution under subsection (a) of this section is measured:

- (1) In the case of a distribution as defined in section 30-23-102 (4a) (3) (A) , Idaho Code, as of the earlier of:

- (A) The date money or other property is transferred or debt is incurred by the limited liability partnership; or

- (B) The date the person entitled to the distribution ceases to own the interest or rights being acquired by the partnership in return for the distribution;
- (2) In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed; and
- (3) In all other cases, as of the date:
- (A) The distribution is authorized, if the payment occurs not later than one hundred twenty (120) days after that date; or
- (B) The payment is made, if the payment occurs more than one hundred twenty (120) days after the distribution is authorized.
- (d) A limited liability partnership's indebtedness to a partner or transferee incurred by reason of a distribution made in accordance with this section is at parity with the partnership's indebtedness to its general, unsecured creditors, except to the extent subordinated by agreement.
- (e) A limited liability partnership's indebtedness, including indebtedness issued as a distribution, is not a liability for purposes of subsection (a) of this section if the terms of the indebtedness provide that payment of principal and interest is made only if and to the extent that a payment of a distribution could then be made under this section. If the indebtedness is issued as a distribution, each payment of principal or interest is treated as a distribution, the effect of which is measured on the date the payment is made.
- (f) In measuring the effect of a distribution under section 30-23-806, Idaho Code, the liabilities of a dissolved limited liability partnership do not include any claim that has been disposed of under section 30-23-807, 30-23-808 or 30-23-809, Idaho Code.

SECTION 26. That Section 30-23-601, Idaho Code, be, and the same is hereby amended to read as follows:

30-23-601. EVENTS CAUSING DISSOCIATION. A person is dissociated as a partner when:

- (1) The partnership has notice of the person's express will to withdraw as a partner, but, if the person has specified a withdrawal date later than the date the partnership knew or had notice, on that later date;
- (2) An event stated in the partnership agreement as causing the person's dissociation occurs;
- (3) The person is expelled as a partner pursuant to the partnership agreement;
- (4) The person is expelled as a partner by the affirmative vote or consent of all the other partners if:
- (A) It is unlawful to carry on the partnership business with the person as a partner;
- (B) There has been a transfer of all of the person's transferable interest in the partnership other than:
- (i) A transfer for security purposes; or
- (ii) A charging order in effect under section 30-23-504, Idaho Code, that has not been foreclosed;
- (C) The person is an entity and:
- (i) The partnership notifies the person that it will be expelled as a partner because the person has filed a statement of dissolution or the equivalent, the person has been administratively dissolved, the person's charter or the equivalent has been revoked, or the person's right to conduct business has been suspended by the person's jurisdiction of formation; and
- (ii) Not later than ninety (90) days after the notification, the statement of dissolution or the equivalent has not been withdrawn, rescinded or revoked or the person's charter or the equivalent or right to conduct business has not been reinstated; or

- (D) The person is an unincorporated entity that has been dissolved and whose activities and affairs are being wound up;
- (5) On application by the partnership or another partner, the person is expelled as a partner by judicial order because the person:
- (A) Has engaged or is engaging in wrongful conduct that has affected adversely and materially, or will affect adversely and materially, the partnership's business;
- (B) Has committed willfully or persistently, or is committing willfully or persistently, a material breach of the partnership agreement or a duty or obligation under section 30-23-409, Idaho Code; or
- (C) Has engaged or is engaging in conduct relating to the partnership's business which makes it not reasonably practicable to carry on the business with the person as a partner;
- (6) The person:
- (A) Becomes a debtor in bankruptcy;
- (B) Executes an assignment for the benefit of creditors; or
- (C) Seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the person or of all or substantially all the person's property;
- (7) In the case of an individual:
- (A) The individual dies;
- (B) A guardian or general conservator for the individual is appointed; or
- (C) A court orders that the individual has otherwise become incapable of performing the individual's duties as a partner under this chapter or the partnership agreement;
- (8) In the case of a person that is a testamentary or inter vivos trust or is acting as a partner by virtue of being a trustee of such a trust, the trust's entire transferable interest in the partnership is distributed;
- (9) In the case of a person that is an estate or is acting as a partner by virtue of being a personal representative of an estate, the estate's entire transferable interest in the partnership is distributed;
- (10) In the case of a person that is not an individual, the existence of the person terminates;
- (11) The partnership participates in a merger under chapter 212, title 30, Idaho Code, and:
- (A) The partnership is not the surviving entity; or
- (B) Otherwise as a result of the merger, the person ceases to be a partner;
- (12) The partnership participates in an interest exchange under chapter 212, title 30, Idaho Code, and, as a result of the interest exchange, the person ceases to be a partner;
- (13) The partnership participates in a conversion under chapter 212, title 30, Idaho Code;
- (14) The partnership participates in a domestication under chapter 212, title 30, Idaho Code, and, as a result of the domestication, the person ceases to be a partner;
- (15) The partnership dissolves and completes winding up;
- (16) In the case of a professional entity, restrictions or limitations are placed upon a partner's ability to continue to render professional services.

SECTION 27. That Section 30-23-702, Idaho Code, be, and the same is hereby amended to read as follows:

30-23-702. POWER TO BIND AND LIABILITY OF PERSON DISSOCIATED AS PARTNER. (a) After a person is dissociated as a partner without the dissociation resulting in a dissolution and winding up of the partnership business and before the partnership is merged out of existence, converted, or domesticated

under chapter 21~~2~~, title 30, Idaho Code, or dissolved, the partnership is bound by an act of the person only if:

- (1) The act would have bound the partnership under section 30-23-301, Idaho Code, before dissociation; and
 - (2) At the time the other party enters into the transaction:
 - (A) Less than two (2) years has passed since the dissociation; and
 - (B) The other party does not know or have notice of the dissociation and reasonably believes that the person is a partner.
- (b) If a partnership is bound under subsection (a) of this section, the person dissociated as a partner that caused the partnership to be bound is liable:
- (1) To the partnership for any damage caused to the partnership arising from the obligation incurred under subsection (a) of this section; and
 - (2) If a partner or another person dissociated as a partner is liable for the obligation, to the partner or other person for any damage caused to the partner or other person arising from the liability.

SECTION 28. That Section 30-23-803, Idaho Code, be, and the same is hereby amended to read as follows:

30-23-803. RESCINDING DISSOLUTION. (a) A partnership may rescind its dissolution, unless a statement of termination applicable to the partnership is effective or the district court has entered an order under section 30-23-801(4) or (5), Idaho Code, dissolving the partnership.

(b) Rescinding dissolution under this section requires:

- (1) The affirmative vote or consent of each partner;
- (2) If the partnership has delivered to the secretary of state for filing a statement of dissolution and:
 - (A) The statement of dissolution has not become effective, delivery to the secretary of state for filing of a statement of withdrawal under section ~~30-21-114~~ 30-21-204, Idaho Code, applicable to the statement of dissolution; or
 - (B) If a statement of dissolution applicable to the partnership is effective, the delivery to the secretary of state for filing of a statement of recession stating the name of the partnership and that dissolution has been rescinded under this section.

(c) If a partnership rescinds its dissolution:

- (1) The partnership resumes carrying on its business as if dissolution had never occurred;
- (2) Subject to paragraph (3) of this subsection, any liability incurred by the partnership after the dissolution and before the rescission is effective is determined as if dissolution had never occurred; and
- (3) The rights of a third party arising out of conduct in reliance on the dissolution before the third party knew or had notice of the rescission may not be adversely affected.

SECTION 29. That Section 30-23-901, Idaho Code, be, and the same is hereby amended to read as follows:

30-23-901. STATEMENT OF QUALIFICATION. (a) A partnership may become a limited liability partnership pursuant to this section.

(b) The terms and conditions on which a partnership becomes a limited liability partnership must be approved by the affirmative vote or consent necessary to amend the partnership agreement except, in the case of a partnership agreement that expressly addresses obligations to contribute to the partnership, the affirmative vote or consent necessary to amend those provisions.

(c) After the approval required by subsection (b) of this section, a partnership may become a limited liability partnership by delivering to the secretary of state for filing a statement of qualification. The statement must contain:

- (1) The name of the partnership;
- (2) The street and mailing addresses of the partnership's principal office and, if different, the street address of an office in this state, if any;
- (3) The information required by section 30-21-404(a), Idaho Code;
- (4) A statement that the partnership elects to become a limited liability partnership; and
- (5) If the partnership is a professional entity, a statement that the partnership is a professional limited liability partnership and the principal profession or professions for which the partnership's partners are duly licensed or otherwise legally authorized to render professional services.

(d) A partnership's status as a limited liability partnership remains effective, regardless of changes in the partnership, until it is canceled pursuant to subsection (f) of this section or administratively revoked pursuant to section 30-23-9023, Idaho Code.

(e) The status of a partnership as a limited liability partnership and the protection against liability of its partners for the debts, obligations, or other liabilities of the partnership while it is a limited liability partnership is not affected by errors or later changes in the information required to be contained in the statement of qualification.

(f) A limited liability partnership may amend or cancel its statement of qualification by delivering to the secretary of state for filing a statement of amendment or cancellation. The statement must be approved by the affirmative vote or consent of all the partners and state the name of the limited liability partnership and in the case of:

- (1) An amendment, state the text of the amendment; and
- (2) A cancellation, state that the statement of qualification is canceled.

SECTION 30. That Section 30-24-204, Idaho Code, be, and the same is hereby amended to read as follows:

30-24-204. SUBJECTS COVERED OUTSIDE CHAPTER. The following subjects are covered outside this chapter:

- (1) Signing and filing pursuant to judicial order - section 30-21-210, Idaho Code.
- (2) Liability for inaccurate information in filed record - section 30-21-211, Idaho Code.
- (3) Filing requirements - section 30-21-201, Idaho Code.
- (4) Effective date and time - section 30-21-203, Idaho Code.
- (5) Withdrawal of filed record before effectiveness - section 30-21-204, Idaho Code.
- (6) Correcting filed record - section 30-21-205, Idaho Code.
- (7) Duty of secretary of state to file; review of refusal to file; delivery of record by secretary of state - sections 30-21-206 and 30-21-211~~2~~, Idaho Code.
- (8) Certificate of good standing or registration - section 30-21-208, Idaho Code.
- (9) Annual report for secretary of state - section 30-21-213, Idaho Code.

SECTION 31. That Section 30-24-801, Idaho Code, be, and the same is hereby amended to read as follows:

30-24-801. EVENTS CAUSING DISSOLUTION. (a) A limited partnership is dissolved, and its activities and affairs must be wound up, upon the occurrence of any of the following:

- (1) An event or circumstance that the partnership agreement states causes dissolution;
 - (2) The affirmative vote or consent of all general partners and of limited partners owning a majority of the rights to receive distributions as limited partners at the time the vote or consent is to be effective;
 - (3) After the dissociation of a person as a general partner:
 - (A) If the partnership has at least one (1) remaining general partner, the affirmative vote or consent to dissolve the partnership not later than ninety (90) days after the dissociation by partners owning a majority of the rights to receive distributions as partners at the time the vote or consent is to be effective; or
 - (B) If the partnership does not have a remaining general partner, the passage of ninety (90) days after the dissociation, unless before the end of the period:
 - (i) Consent to continue the activities and affairs of the partnership and admit at least one (1) general partner is given by limited partners owning a majority of the rights to receive distributions as limited partners at the time the consent is to be effective; and
 - (ii) At least one (1) person is admitted as a general partner in accordance with the consent;
 - (4) The passage of ninety (90) consecutive days after the dissociation of the partnership's last limited partner, unless before the end of the period the partnership admits at least one (1) limited partner;
 - (5) The passage of ninety (90) consecutive days during which the partnership has only one (1) partner, unless before the end of the period:
 - (A) The partnership admits at least one (1) person as a partner;
 - (B) If the previously sole remaining partner is only a general partner, the partnership admits the person as a limited partner; and
 - (C) If the previously sole remaining partner is only a limited partner, the partnership admits a person as a general partner;
 - (6) On application by a partner, the entry by the district court of an order dissolving the partnership on the grounds that:
 - (A) The conduct of all or substantially all the partnership's activities and affairs is unlawful; or
 - (B) It is not reasonably practicable to carry on the partnership's activities and affairs in conformity with the certificate of limited partnership and partnership agreement; or
 - (7) The signing and filing of a statement of administrative dissolution by the secretary of state under section ~~30-21-811~~ 24-1-602, Idaho Code.
- (b) If an event occurs that imposes a deadline on a limited partnership under subsection (a) of this section and before the partnership has met the requirements of the deadline, another event occurs that imposes a different deadline on the partnership under subsection (a) of this section:
- (1) The occurrence of the second event does not affect the deadline caused by the first event; and
 - (2) The partnership's meeting of the requirements of the first deadline does not extend the second deadline.

SECTION 32. That Section 30-24-803, Idaho Code, be, and the same is hereby amended to read as follows:

30-24-803. RESCINDING DISSOLUTION. (a) A limited partnership may rescind its dissolution, unless a statement of termination applicable to the partnership is effective, the district court has entered an order under section 30-24-801(a) (6), Idaho Code, dissolving the partnership, or the secretary of state has dissolved the partnership under section ~~30-24-811~~ 30-21-602, Idaho Code.

(b) Rescinding dissolution under this section requires:

(1) The affirmative vote or consent of each partner; and
(2) If the limited partnership has delivered to the secretary of state for filing an amendment to the certificate of limited partnership stating that the partnership is dissolved and:

(A) The amendment is not effective, the filing by the partnership of a statement of withdrawal under section 30-21-204, Idaho Code, applicable to the amendment; or

(B) The amendment is effective, the delivery by the partnership to the secretary of state for filing of an amendment to the certificate of limited partnership stating that dissolution has been rescinded under this section.

(c) If a limited partnership rescinds its dissolution:

(1) The partnership resumes carrying on its activities and affairs as if dissolution had never occurred;

(2) Subject to paragraph (3) of this subsection, any liability incurred by the partnership after the dissolution and before the rescission is effective is determined as if dissolution had never occurred; and

(3) The rights of a third party arising out of conduct in reliance on the dissolution before the third party knew or had notice of the rescission may not be adversely affected.

SECTION 33. That Section 31-3517, Idaho Code, be, and the same is hereby amended to read as follows:

31-3517. ESTABLISHMENT OF A CATASTROPHIC HEALTH CARE COST PROGRAM. (1) The governing board of the catastrophic health care cost program created by the counties pursuant to a joint exercise of powers agreement, dated October 1, 1984, and serving on June 30, 1991, is hereby continued as such through December 31, 1992, to complete the affairs of the board, to continue to pay for those medical costs incurred by participating counties prior to October 1, 1991, until all costs are paid or the moneys in the catastrophic health care cost account contributed by participating counties are exhausted, and to pay the balance of such contributions back to the county of origin in the proportion contributed. County responsibility shall be limited to the first eleven thousand dollars (\$11,000) per claim. The remainder of the eligible costs of the claim shall be paid by the state catastrophic health care cost program.

(2) Commencing October 1, 1991, a catastrophic health care cost program board is hereby established for the purpose of administering the catastrophic health care cost program. This board shall consist of twelve (12) members, with six (6) county commissioners, one (1) from each of the six (6) districts or regions established by the Idaho association of counties, four (4) members of the legislature, with one (1) each being appointed by the president pro tempore of the senate, the leader of the minority party of the senate, the speaker of the house of representatives and the leader of the minority party of the house of representatives, one (1) member appointed by the director of the department and one (1) member appointed by the governor.

(a) The county commissioner members shall be elected by the county commissioners of the member counties of each district or region, with each board of county commissioners entitled to one (1) vote. The process and procedures for conducting the election and determining the members shall be determined by the board itself, except that the election must be conducted, completed and results certified by December 31 of each year in which an election for members is conducted. The board recognized in subsection (1) of this section shall authorize and conduct the election in 1991.

(b) The term of office of a member shall be two (2) years, commencing on January 1 next following election or appointment, except that for commissioner members elected in 1991, the commissioner members from districts or regions 1, 3 and 5 shall serve for a term of one (1) year, and the commissioner members from districts or regions 2, 4 and 6 shall serve for a term of two (2) years. Members may be reelected or reappointed. Election or appointment to fill vacancies shall be for the balance of the unexpired term.

(c) The board shall have an executive committee consisting of the chair, ~~vice-chair~~ vice chair, secretary and such other members of the board as determined by the board. The executive committee may exercise such authority as may be delegated to it by the board between meetings.

(d) The member appointed by the governor shall be reimbursed as provided in section 59-509(b), Idaho Code, from the catastrophic health care cost account.

(3) The board shall meet at least once each year at the time and place fixed by the chair. Other necessary meetings may be called by the chair by giving notice as may be required by state statute or rule. Notice of all meetings shall be given in the manner prescribed by law.

(4) Except as may otherwise be provided, a majority of the board constitutes a quorum for all purposes, and the majority vote of the members voting shall constitute the action of the board. The secretary of the board shall take and maintain the minutes of board proceedings. Meetings shall be open and public except the board may meet in closed session to prepare, approve and administer applications submitted to the board for approval by the respective counties.

(5) At the first meeting of the board in January of each year, the board shall organize by electing a chair, a ~~vice-chair~~ vice chair, a secretary and such other officers as desired.

(6) ~~catastrophic health care cost~~ All moneys received or expended by the program shall be audited annually by a certified public accountant, designated by the governing board, who shall furnish a copy of such audit to the director of legislative services.

(7) The board shall submit a request to the governor and the legislature in accordance with the provisions of chapter 35, title 67, Idaho Code, for an appropriation for the maintenance and operation of the catastrophic health care cost program.

SECTION 34. That Section 31-4121, Idaho Code, be, and the same is hereby amended to read as follows:

31-4121. ALTERATION AND ANNEXATION OF TRANSLATOR DISTRICT BOUNDARIES -- PROCEDURE. The boundaries of a translator district created by authority of this act, may be altered and outlying areas be annexed from territory contiguous to the district in the following manner:

a- (1) A petition shall be signed by resident real property owners within the proposed area, equal in number to not less than sixty per-cent percent (60%), within the area to be annexed;

b. (2) The petition shall designate the boundaries of the contiguous area to be annexed and ask that it be annexed to the existing translator district;

e. (3) The petition shall be transmitted to the clerk and recorder and the hearing and notice thereof shall be the same as provided by sections 6 through 8 of this act 31-4106 through 31-4108, Idaho Code;

d. (4) After the hearing, the board of county commissioners shall adopt a resolution either annexing the area to the existing television district or denying the petition.

SECTION 35. That Section 55-2202, Idaho Code, be, and the same is hereby amended to read as follows:

55-2202. DEFINITIONS. As used in this chapter:

(1) "Administrator" means the administrator of the division of building safety.

(2) "Board" means the damage prevention board.

(3) "Business day" means any day other than Saturday, Sunday, or a legal, local, state, or federal holiday.

(4) "Damage" means any impact or exposure that results in the substantial weakening of structural or lateral support of an underground facility, or the penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the partial or complete destruction of the facility, or the severance, partial or complete, of any underground facility to the extent that the project owner or the affected underground facility owner determines that repairs are required.

(5) "Emergency" means any sudden or unforeseen condition constituting a clear and present danger to life, health or property, or a customer service outage, or the blockage of roads or transportation facilities that requires immediate action.

(6) "End user" means any customer or consumer of any utility service or commodity provided by an underground facility owner.

(7) "Excavation" means any operation in which earth, rock, or other material in the ground is moved or otherwise displaced by any means including, but not limited to, explosives.

(8) "Excavator" means any person who engages directly in excavation.

(9) "Excavator downtime" means lost time for an excavation project due to failure of one (1) or more stakeholders to comply with applicable damage prevention regulations.

(910) "Hand digging" means any excavation involving nonmechanized tools or equipment that when used properly will not damage underground facilities. Hand digging includes, but is not limited to, hand shovel digging, manual posthole digging, vacuum excavation, and soft digging.

(101) "Identified but unlocatable underground facility" means an underground facility that has been identified but cannot be located with reasonable accuracy.

(112) "Identified facility" means any underground facility that is indicated in the project plans as being located within the area of proposed excavation.

(123) "Locatable underground facility" means an underground facility that can be field-marked with reasonable accuracy.

(134) "Locator" means a person who identifies and marks the location of an underground facility owned or operated by an underground facility owner.

(135) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility.

(146) "One-number notification service" means a service through which a person can notify owners of underground facilities and request field-marking of their underground facilities.

(157) "Person" means an individual, partnership, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(168) "Public right-of-way" means the area on, below, or above a public roadway, highway, street, lane, path, sidewalk, alley, or other right-of-way dedicated for compatible uses.

(179) "Reasonable accuracy" or "reasonably accurate" means location within twenty-four (24) inches horizontally of the outside dimensions of each side of an underground facility.

(1820) "Rural underground facility owner" means an underground facility owner that is a public utility or a member-owned cooperative that serves fewer than five thousand (5,000) total customers in a county or counties with populations that do not exceed fifty thousand (50,000) people.

(1921) "Service lateral" means any underground facility located in a public right-of-way or underground facility easement that is used to convey water (unless being delivered primarily for irrigation), stormwater, or sewage and connects an end user's building or property to an underground facility owner's main utility line.

(1922) "Soft digging" means any excavation using tools or equipment that utilize air or water pressure as the direct means to break up soil or earth for removal by vacuum excavation.

(203) "Stakeholder" means any party with an interest in protecting underground facilities including, but not limited to, persons, property owners, underground facility owners, excavators, contractors, cities, counties, highway districts, railroads, public entities that deliver irrigation water and those engaged in agriculture.

(214) "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water (unless being delivered primarily for irrigation), stormwater, sewage, electronic, telephonic or telegraphic communications, cable television, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including, but not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors ~~below ground~~ belowground.

(225) "Underground facility easement" means a nonpossessory right to operate, control, bury, install, maintain, or access an underground facility.

(236) "Underground facility owner" means any person who owns or operates an underground facility or who provides any utility service or commodity to an end user via an underground facility.

SECTION 36. That Section 63-3621, Idaho Code, be, and the same is hereby amended to read as follows:

63-3621. IMPOSITION AND RATE OF THE USE TAX -- EXEMPTIONS. An excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property acquired on or after October 1, 2006, for storage, use, or other consumption in this state at the rate of six percent (6%) of the value of the property, and a recent sales price shall be presumptive evidence of the value of the property unless the property is wireless telecommunications equipment, in which case a recent sales price shall be conclusive evidence of the value of the property.

(a) Every person storing, using, or otherwise consuming, in this state, tangible personal property is liable for the tax. His liability is not extinguished until the tax has been paid to this state except that a receipt from a retailer maintaining a place of business in this state or engaged in

business in this state given to the purchaser is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers. A retailer shall not be considered to have stored, used or consumed wireless telecommunications equipment by virtue of giving, selling or otherwise transferring such equipment at a discount as an inducement to a consumer to commence or continue a contract for telecommunications service.

(b) Every retailer engaged in business in this state, and making sales of tangible personal property for the storage, use, or other consumption in this state, not exempted under section 63-3622, Idaho Code, shall, at the time of making the sales or, if storage, use or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the state tax commission.

(c) The provisions of this section shall not apply when the retailer pays sales tax on the transaction and collects reimbursement for such sales tax from the customer.

(d) Every retailer engaged in business in this state or maintaining a place of business in this state shall register with the state tax commission and give the name and address of all agents operating in this state, the location of all distributions or sales houses or offices or other places of business in this state, and such other information as the state tax commission may require.

(e) For the purpose of the proper administration of this act and to prevent evasion of the use tax and the duty to collect the use tax, it shall be presumed that tangible personal property sold by any person for delivery in this state is sold for storage, use, or other consumption in this state. The burden of proving the sale is tax exempt is upon the person who makes the sale unless he obtains from the purchaser a resale certificate to the effect that the property is purchased for resale or rental. It shall be presumed that sales made to a person who has completed a resale certificate for the seller's records are not taxable and the seller need not collect sales or use taxes unless the tangible personal property purchased is taxable to the purchaser as a matter of law in the particular instance claimed on the resale certificate.

A seller may accept a resale certificate from a purchaser prior to the time of sale, at the time of sale, or at any reasonable time after the sale when necessary to establish the privilege of the exemption. The resale certificate relieves the person selling the property from the burden of proof only if taken from a person who is engaged in the business of selling or renting tangible personal property and who holds the permit provided for by section 63-3620, Idaho Code, or who is a retailer not engaged in business in this state, and who, at the time of purchasing the tangible personal property, intends to sell or rent it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose. Other than as provided elsewhere in this section, when a resale certificate, properly executed, is presented to the seller, the seller has no duty or obligation to collect sales or use taxes in regard to any sales transaction so documented regardless of whether the purchaser properly or improperly claimed an exemption. A seller so relieved of the obligation to collect tax is also relieved of any liability to the purchaser for failure to collect tax or for making any report or disclosure of information required or permitted under this chapter.

The resale certificate shall bear the name and address of the purchaser, shall be signed by the purchaser or his agent, shall indicate the number of the permit issued to the purchaser, or that the purchaser is an out-of-state retailer, and shall indicate the general character of the tangible personal property sold by the purchaser in the regular course of business. The cer-

tificate shall be substantially in such form as the state tax commission may prescribe.

(f) If a purchaser who gives a resale certificate makes any storage or use of the property other than retention, demonstration or display while holding it for sale in the regular course of business, the storage or use is taxable as of the time the property is first so stored or used.

(g) Any person violating any provision of this section is guilty of a misdemeanor and punishable by a fine not in excess of one hundred dollars (\$100), and each violation shall constitute a separate offense.

(h) It shall be presumed that tangible personal property shipped or brought to this state by the purchaser was purchased from a retailer, for storage, use or other consumption in this state.

(i) It shall be presumed that tangible personal property delivered outside this state to a purchaser known by the retailer to be a resident of this state was purchased from a retailer for storage, use, or other consumption in this state. This presumption may be controverted by evidence satisfactory to the state tax commission that the property was not purchased for storage, use, or other consumption in this state.

(j) When the tangible personal property subject to use tax has been subjected to a general retail sales or use tax by another state of the United States in an amount equal to or greater than the amount of the Idaho tax, and evidence can be given of such payment, the property will not be subject to Idaho use tax. If the amount paid the other state was less, the property will be subject to use tax to the extent that the Idaho tax exceeds the tax paid to the other state. For the purposes of this subsection, a registration certificate or title issued by another state or subdivision thereof for a vehicle or trailer or a vessel as defined in section 67-7003, Idaho Code, shall be sufficient evidence of payment of a general retail sales or use tax.

(k) The use tax herein imposed shall not apply to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than a cumulative period of time totaling ninety (90) days in any consecutive twelve (12) months, and which is not required to be registered or licensed under the laws of this state. The use tax herein shall also not apply to any use of a motor vehicle which is registered or licensed under the laws of the state of residence of a nonresident student while such nonresident student is enrolled as a full-time student in an institution of postsecondary education that is both physically located in Idaho and recognized as accredited by the state board of education.

(l) The use tax herein imposed shall not apply to the use of household goods, personal effects and personally owned vehicles or personally owned aircraft by a resident of this state if such articles were acquired by such person in another state while a resident of that state and primarily for use outside this state and if such use was actual and substantial, but if an article was acquired less than three (3) months prior to the time he entered this state, it will be presumed that the article was acquired for use in this state and that its use outside this state was not actual and substantial. The use tax herein imposed shall not apply to the use of household goods, personal effects and personally owned vehicles or personally owned aircraft by active duty military personnel temporarily assigned in this state and spouses who accompany them if such articles were acquired prior to receipt of orders to transfer to Idaho or three (3) months prior to moving to Idaho, whichever time period is shorter. For purposes of this subsection, "resident" shall be as defined in section 63-3013 or 63-3013A, Idaho Code.

(m) The use tax herein imposed shall not apply to the storage, use or other consumption of tangible personal property which is or will be incorporated into real property and which has been donated to and has become the property of:

- (1) A nonprofit organization as defined in section 63-36220, Idaho Code; or
- (2) The state of Idaho; or
- (3) Any political subdivision of the state.

This exemption applies whether the tangible personal property is incorporated in real property by the donee, a contractor or subcontractor of the donee, or any other person.

(n) The use tax herein imposed shall not apply to tastings of food and beverages including, but not limited to, wine and beer. For the purposes of this subsection, a tasting of wine and beer shall be defined as the maximum serving allowed by state or federal laws for such occasions provided to a potential customer, at no charge, at a location where like or similar beverages are sold. For nonalcoholic beverages and food, a tasting shall be defined as a sample from a unit available for sale at the tasting location.

(o) The use tax herein imposed shall not apply to donations of food or beverages, or both, to individuals or nonprofit organizations. For the purposes of this section, "nonprofit organization" means those nonprofit entities currently registered with the secretary of state pursuant to section 30-3-2 30-30-102, Idaho Code.

(p) The use tax herein imposed shall not apply to a retailer supplying prepared food or beverages free of charge to its employee when that retailer sells prepared food or beverages in its normal course of business.

SECTION 37. That Section 67-6602, Idaho Code, be, and the same is hereby amended to read as follows:

67-6602. DEFINITIONS. As used in this chapter, the following terms have the following meanings:

(1) "Candidate" means an individual who seeks nomination, election, or reelection to public office and who has taken any of the following actions:

- (a) Announced the individual's candidacy publicly;
- (b) Filed for public office;
- (c) Received a contribution for the purpose of promoting the individual's candidacy for office; or
- (d) Made an expenditure, contracted for services, or reserved space with the intent of promoting the individual's candidacy for office.

For purposes of this chapter, an incumbent shall be presumed to be a candidate in the subsequent election for his or her office, until the incumbent has failed to file a declaration of candidacy by the statutory deadline.

(2) "Compensation" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to do any of the foregoing, for services rendered or to be rendered, but does not include reimbursement of expenses if such reimbursement does not exceed the amount actually expended for such expenses and is substantiated by an itemization of such expenses.

(3) "Contractor" means a person who receives compensation from another person for either full-time or part-time work based on a contract or compensation agreement, but who is not an employee of that person.

(4) "Contribution" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, subscription or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution, in support of or in opposition to any candidate, political committee or measure. Such term also includes personal funds or other property of a candidate or members of his household expended or transferred to cover expenditures incurred in support of such candidate but

does not include personal funds used to pay the candidate filing fee. Such term also includes the rendering of personal and professional services for less than full consideration, but does not include ordinary home hospitality or the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers or advisors or incidental expenses not in excess of twenty-five dollars (\$25.00) personally paid for by any volunteer campaign worker. "Part-time" services, for the purposes of this definition, means services in addition to regular full-time employment, or, in the case of an unemployed person or persons engaged in part-time employment, services rendered without compensation or reimbursement of expenses from any source other than the candidate or political committee for whom such services are rendered. For the purposes of this act, contributions, other than money or its equivalent shall be deemed to have a money value equivalent to the fair market value of the contribution.

(5) "Election" means any state or local general, special, recall, or primary election.

(6) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a measure.

(7) (a) "Electioneering communication" means any communication broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences, or telephone calls made to personal residences, or otherwise distributed that:

- (i) Unambiguously refers to any candidate; and
- (ii) Is broadcasted, printed, mailed, delivered, made or distributed within thirty (30) days before a primary election or sixty (60) days before a general election; and
- (iii) Is broadcasted to, printed in a newspaper, distributed to, mailed to or delivered by hand to, telephone calls made to, or otherwise distributed to an audience that includes members of the electorate for such public office.

(b) "Electioneering communication" does not include:

- (i) Any news articles, editorial endorsements, opinion or commentary, writings, or letter to the editor printed in a newspaper, magazine, or other periodical not owned or controlled by a candidate, political committee, or political party;
- (ii) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate, political committee, or political party;
- (iii) Any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;
- (iv) Any communication that refers to any candidate only as part of the popular name of a bill or statute;
- (v) A communication that constitutes an expenditure or an independent expenditure under this chapter.

(8) "Employee" means an individual who performs a service for wages or other compensation from which the individual's employer withholds federal employment taxes under a contract for hire, written or oral.

(9) "Executive official" means:

(a) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general, superintendent of public instruction and any deputy or staff member of any of those individuals who, within the course and scope of his or her employment, is directly involved in major policy-influencing decisions for the office;

(b) A state department or agency director, deputy director, division administrator or bureau chief as established and enumerated in sections 67-2402 and 67-2406, Idaho Code;

(c) The membership and the executive or chief administrative officer of any board or commission that is authorized to make rules or conduct rulemaking activities pursuant to section 67-5201, Idaho Code;

(d) The membership and the executive or chief administrative officer of any board or commission that governs any of the state departments enumerated in section 67-2402, Idaho Code, not including public school districts;

(e) The membership and the executive or chief administrative officer of the Idaho public utilities commission, the Idaho industrial commission, and the Idaho state tax commission; and

(f) The members of the governing board of the state insurance fund and the members of the governing board and the executive or chief administrative officer of the Idaho housing and finance association, the Idaho energy resources authority, and the Idaho state building authority.

(10) "Expenditure" includes any payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

(11) "Independent expenditure" means any expenditure by a person for a communication expressly advocating the election, passage or defeat of a clearly identified candidate or measure that is not made with the cooperation or with the prior consent of, or in consultation with, or at the consent of, or in consultation with, or at the request of a suggestion of, a candidate or any agent or authorized committee of the candidate or political committee supporting or opposing a measure. As used in this subsection, "expressly advocating" means any communication containing a message advocating election, passage or defeat including, but not limited to, the name of the candidate or measure, or expression such as "vote for," "elect," "support," "cast your ballot for," "vote against," "defeat" or "reject."

(12) "Lobby" and "lobbying" each means attempting through contacts with, or causing others to make contact with, members of the legislature or legislative committees or an executive official to influence the approval, modification or rejection of any legislation by the legislature of the state of Idaho or any committee thereof or by the governor or to develop or maintain relationships with, promote goodwill with, or entertain members of the legislature or executive officials. "Lobby" and "lobbying" shall also mean communicating with an executive official for the purpose of influencing the consideration, amendment, adoption or rejection of any rule or rulemaking as defined in section 67-5201, Idaho Code, or any ratemaking decision, procurement, contract, bid or bid process, financial services agreement, or bond issue. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization; and provided that neither "lobby" nor "lobbying" includes communicating with an executive official for the purpose of carrying out ongoing negotiations following the award of a bid or a contract, communications involving ongoing legal work and negotiations conducted by and with attorneys for executive agencies, interactions between parties in litigation or other contested matters, or communications among and between members of the legislature and executive officials and their employees, or by state employees while acting in their official capacity or within the course and scope of their employment.

(13) "Lobbyist" includes any person who lobbies.

(14) "Lobbyist's client" means the person on whose behalf the lobbyist is acting, directly or indirectly, as a contractor, and by whom the lobbyist or lobbyist's employer is compensated for acting as a lobbyist.

(15) "Lobbyist's employer" means the person or persons for whom a lobbyist is an employee, and by whom the lobbyist is compensated for acting as a lobbyist.

(136) "Local government office" means any publicly elected office for any political subdivision of the state or special district that is not a legislative, judicial, statewide, or federal office.

(167) "Measure" means any proposal submitted to the people for their approval or rejection at an election, including any initiative, referendum, recall election, or revision of or amendment to the state constitution. An initiative or referendum proposal shall be deemed a measure when the attorney general, county prosecutor, or city attorney, as appropriate, reviews it and gives it a ballot title. A recall shall be deemed a measure upon approval of the recall petition as to form pursuant to section 34-1704, Idaho Code.

(178) "Nonbusiness entity" means any group of two (2) or more individuals, a corporation, association, firm, partnership, committee, club or other organization that:

(a) Does not have as its principal purpose the conduct of business activities for profit; and

(b) Received during the preceding or current calendar year contributions, gifts or membership fees, which in the aggregate exceeded ten percent (10%) of its total receipts for such year.

(189) "Person" means an individual, corporation, association, firm, partnership, committee, political party, club or other organization or group of persons.

(1920) "Political committee" means:

(a) Any person specifically designated to support or oppose any candidate or measure; or

(b) Any person who receives contributions and makes expenditures in an amount exceeding one thousand dollars (\$1,000) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures. Any entity registered with the federal election commission shall not be considered a political committee for purposes of this chapter.

(c) A county, district or regional committee of a recognized political party shall not be considered a political committee for the purposes of this chapter unless such party committee has expenditures exceeding five thousand dollars (\$5,000) in a calendar year.

(201) "Political treasurer" means an individual appointed by a candidate or political committee as provided in section 67-6603, Idaho Code.

(212) "Public office" means any local, legislative, judicial, or state office or position that is filled by election but does not include the office of precinct committeeman.

SECTION 38. That Section 67-6621, Idaho Code, be, and the same is hereby amended to read as follows:

67-6621. DUTIES OF LOBBYISTS. A person required to register as a lobbyist under this chapter shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person, and such person's employer or client, if such employer or client aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this chapter:

(1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of at least three (3) years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the secretary of state at any reasonable time during such three (3) year period; provided, however, that if a lobbyist

is required under the terms of his employment contract to turn any records over to his employer or client, responsibility for the preservation of such records under this subsection shall rest with such employer or client.

(2) In addition, a person required to register as a lobbyist shall not:

(a) Engage in any activity as a lobbyist before registering as such;

(b) Knowingly deceive or attempt to deceive any legislator to any fact pertaining to any pending or proposed legislation;

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

(d) Knowingly represent an interest adverse to any of his employers or clients without first obtaining such employers' or clients' consent thereto after full disclosure to such employers or clients of such adverse interest;

(e) Exercise any economic reprisal, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation;

(f) Accept any employment as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the legislature or of either branch thereof or of any committee thereof. This contingent fee prohibition shall also apply to lobbying activities that pertain to communications with executive officials as described in section 67-6602(9), Idaho Code. 7

SECTION 39. That Chapter 93, Title 67, Idaho Code, as enacted by Section 1, Chapter 206, Laws of 2019, be, and the same is hereby amended to read as follows:

CHAPTER 935

COMPENSATORY MITIGATION FOR IMPACTS TO WETLANDS

67-93019501. LEGISLATIVE FINDINGS AND PURPOSE. (1) The purpose of this chapter is to promote the availability of all types of compensatory mitigation projects in the state of Idaho, consistent with the provisions of section 404 of the federal clean water act and the regulations promulgated pursuant to it, for the development of projects with unavoidable impacts to wetlands.

(2) In 2008, the United States army corps of engineers and the environmental protection agency issued revised regulations governing compensatory mitigation for impacts to wetlands under section 404 of the federal clean water act, which are contained at 33 CFR parts 325 and 332 and 40 CFR part 230 and referred to as the 2008 compensatory mitigation for losses of aquatic resources rule. These regulations establish equivalent and effective standards for all three (3) types of compensatory mitigation projects: mitigation banks, in-lieu fee mitigation, and permittee-responsible mitigation.

(3) State agencies may review or permit activities associated with applications for United States army corps of engineers section 404 permits and the corps' determinations regarding compensatory mitigation under the mitigation rule.

67-93029502. DEFINITIONS. As used in this chapter:

(1) "Compensatory mitigation" means the restoration, re-establishment or rehabilitation, establishment or creation, enhancement, and in certain circumstances preservation of aquatic resources for the purpose of offsetting unavoidable adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

(2) "Compensatory mitigation project" means compensatory mitigation implemented by the permittee as a requirement of a corps of engineers section 404 wetland permit, i.e., permittee-responsible mitigation, or by a mitigation bank, or an in-lieu fee program.

(3) "Impact" or "impacts" means adverse effects.

(4) "Mitigation rule" or "2008 mitigation rule" means the federal regulations promulgated by the United States army corps of engineers and the environmental protection agency, on April 28, 2008, pursuant to the federal clean water act, contained at 33 CFR parts 325 and 332 and 40 CFR part 230, and known as the 2008 compensatory mitigation for losses of aquatic resources rule.

(5) "Permittee" means any person making application for a federal clean water act section 404 permit from the United States army corps of engineers.

(6) "Person" means any individual, partnership, corporation, association, governmental subdivision or agency, or public or private organization or entity of any character.

(7) "State agency" means each state board, commission, department or officer, but does not include the legislative or judicial branches, executive officers listed in section 1, article IV, of the constitution of the state of Idaho, in the exercise of powers derived directly and exclusively from the constitution, the state militia, or the state board of correction.

67-93039503. LIMITATIONS. (1) No state agency, officer, or employee shall, as part of any action related to issuance of a federal clean water act section 404 permit, require mitigation for impacts to wetlands that is more stringent than federal compensatory mitigation requirements for impacts to wetlands under section 404 and the 2008 mitigation rule.

(2) The appropriate state agencies may assist the permittee as needed to meet the requirements of the 2008 mitigation rule, including identification of any compensatory mitigation project, when such mitigation is required by the United States army corps of engineers under the mitigation rule. No state agency shall mandate the type of compensatory mitigation project to be proposed to the United States army corps of engineers by a permittee, nor shall any state approval be unreasonably withheld from a permittee because of the type of compensatory mitigation project proposed.

(3) Individual federal clean water act section 404 permit applications and the associated draft section 401 certifications shall be timely posted on the department of environmental quality website.

(4) The provisions of this chapter shall not apply to or modify the provisions of chapter 38, title 42, Idaho Code, regarding the alteration of channels of streams.

SECTION 40. That Section 72-1019, Idaho Code, be, and the same is hereby amended to read as follows:

72-1019. COMPENSATION BENEFITS. (1) A claimant is entitled to weekly compensation benefits when the claimant has a total actual loss of wages due to injury as a result of criminally injurious conduct. During the time the claimant seeks such weekly benefits, the claimant, as a result of such injury, must have no reasonable prospect of being regularly employed in the normal labor market. The weekly benefit amount is sixty-six and two-thirds percent (66 2/3%) of the wages received at the time of the criminally injurious conduct, subject to a maximum of one hundred seventy-five dollars (\$175). Weekly compensation payments shall be made at the end of each two (2) week period. No weekly compensation payments may be paid for the first week after the criminally injurious conduct occurred, but if total actual loss of wages continues for one (1) week, weekly compensation payments shall be paid from the date the wage loss began. Weekly compensation payments shall

continue until the claimant has a reasonable prospect of being regularly employed in the normal labor market.

(2) The commission may order payment of reasonable expenses actually incurred by the claimant for reasonable services by a physician or surgeon, reasonable hospital services and medicines, mental health counseling and care, and such other treatment as may be approved by the commission for the injuries suffered due to criminally injurious conduct. Payment for the costs of forensic and medical examinations of alleged victims of sexual assault performed for the purposes of gathering evidence for possible prosecution, after collections from any federal or ~~federally-financed~~ federally financed third party who has liability, shall be made by the commission; provided however that payment for the costs of forensic and medical examinations of alleged victims under eighteen (18) years of age shall be made by the commission after collections from any third party who has liability. The commission shall establish a procedure for summary processing of such claims.

(3) (a) The dependents of a victim who is killed as a result of criminally injurious conduct are entitled to receive aggregate weekly benefits amounting to sixty-six and two-thirds percent (66 2/3%) of the wages received at the time of the criminally injurious conduct causing the death, subject to a maximum of one hundred seventy-five dollars (\$175) per week. Weekly compensation payments shall be made at the end of each two (2) week period.

(b) Benefits under paragraph (a) of this subsection shall be paid to the spouse for the benefit of the spouse and other dependents unless the commission determines that other payment arrangements should be made. If a spouse dies or remarries, benefits under paragraph (a) of this subsection shall cease to be paid to the spouse but shall continue to be paid to the other dependents as long as their dependent status continues.

(4) Reasonable funeral and burial or cremation expenses of the victim, together with actual expenses of transportation of the victim's body, shall be paid in an amount not exceeding five thousand dollars (\$5,000) if all other collateral sources have properly paid such expenses but have not covered all such expenses.

(5) (a) Compensation payable to a victim and all of the victim's dependents in cases of the victim's death, because of injuries suffered due to an act or acts of criminally injurious conduct involving the same offender and occurring within a six (6) month period, may not exceed twenty-five thousand dollars (\$25,000) in the aggregate.

(b) The limitation of paragraph (a) of this subsection is subject to the further limitation that payments for mental health treatment received as a result of the victim's injury may not exceed two thousand five hundred dollars (\$2,500) unless the industrial commission finds extenuating circumstances. If the commission finds a victim to have extenuating circumstances as defined in section 72-1003, Idaho Code, the victim is eligible for payments up to the maximum benefit allowed under paragraph (a) of this subsection. The commission shall reevaluate the victim's qualifications for extenuating circumstances not less often than annually.

(6) Compensation benefits are not payable for pain and suffering or property damage.

(7) (a) A person who has suffered injury as a result of criminally injurious conduct and, as a result of such injury, has no reasonable prospect of being regularly employed in the normal labor market, who was employable but was not employed at the time of such injury, may in the discretion of the commission be awarded weekly compensation benefits in an amount determined by the commission not to exceed one hundred fifty dollars (\$150) per week. Weekly compensation payments

shall continue until the claimant has a reasonable prospect of being regularly employed in the normal labor market or for a shorter period as determined by the commission. The claimant shall be awarded benefits as provided in subsection (2) of this section.

(b) The dependents of a victim who is killed as a result of criminally injurious conduct and who was employable but not employed at the time of death may, in the discretion of the commission, be awarded, in an aggregate amount payable to all dependents, a sum not to exceed one hundred fifty dollars (\$150) per week, which shall be payable in the manner and for the period provided by subsection (3) (b) of this section or for such shorter period as determined by the commission. The claimant shall be awarded benefits as provided in subsection (4) of this section.

(c) Compensation payable to a victim or a victim's dependents under this subsection may not exceed twenty thousand dollars (\$20,000), and the limitations of subsection (65) of this section apply to compensation under this subsection.

(8) Amounts payable as weekly compensation may not be commuted to a lump sum and may not be paid less frequently than every two (2) weeks.

(9) (a) Subject to the limitations in paragraphs (b) and (c) of this subsection, the spouse, parent, grandparent, child, grandchild, brother or sister of a victim who is killed, kidnapped, sexually assaulted or subjected to domestic violence or child injury is entitled to reimbursement for mental health treatment received as a result of such criminally injurious conduct.

(b) Total payments made under paragraph (a) of this subsection may not exceed five hundred dollars (\$500) for each person or one thousand five hundred dollars (\$1,500) for a family.

(c) With regard to claims filed pursuant to this section, in order for family members of victims of crime to be entitled to benefits, the victim of the crime must also have been awarded benefits for the crime itself.

(10) A claimant or a spouse, parent, child or sibling of a claimant or victim may be reimbursed for his or her expenses for necessary travel incurred in connection with obtaining benefits covered pursuant to this chapter and in accordance with rules of the commission.

Approved March 10, 2020

CHAPTER 83
(H.B. No. 373)

AN ACT

RELATING TO THE STATE BOARD OF CORRECTION; AMENDING THE HEADING FOR CHAPTER 4, TITLE 20, IDAHO CODE; AMENDING SECTION 20-401, IDAHO CODE, TO REVISE THE SHORT TITLE; AMENDING SECTION 20-402, IDAHO CODE, TO DEFINE TERMS AND TO REVISE A DEFINITION; AMENDING SECTION 20-404, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 20-406, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-407, IDAHO CODE, TO REMOVE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-408, IDAHO CODE, TO REMOVE A PROVISION REGARDING JURISDICTION OF THE DEPARTMENT OF CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 20-410, IDAHO CODE, RELATING TO THE WORK OF INMATES ASSIGNED TO DO CONSERVATION WORK; AMENDING SECTION 20-412, IDAHO CODE, TO REVISE PROVISIONS REGARDING TRAINING STIPENDS, TO REVISE A PROVISION REGARDING WORKER'S COMPENSATION AND UNEMPLOYMENT, TO REVISE TERMINOLOGY, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-413A, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTRACTS FOR AGRICULTURAL TRAINING PROGRAMS, TO PROVIDE FOR CERTAIN DEDUCTIONS FROM A TRAINING STIPEND, AND TO REVISE TERMINOLOGY; AMENDING SECTION 20-414, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 2, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-209I, IDAHO CODE, TO PROVIDE FOR THE ASSIGNMENT OF INMATES TO DO CERTAIN CONSERVATION WORK.

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

SECTION 1. That the Heading for Chapter 4, Title 20, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 4
IDAHO CORRECTIONAL INDUSTRIES ACT

SECTION 2. That Section 20-401, Idaho Code, be, and the same is hereby amended to read as follows:

20-401. SHORT TITLE. This act shall be known and cited as the "Idaho Correctional Industries Act."

SECTION 3. That Section 20-402, Idaho Code, be, and the same is hereby amended to read as follows:

20-402. CORRECTIONAL INSTITUTION PRODUCTS DEFINITIONS. As used in this chapter:

(1) "Agricultural employer" is as defined in section 44-1601, Idaho Code.

(2) "Agricultural products" is as defined in section 22-2602, Idaho Code.

(3) "Board" means the state board of correction.

(4) The term "eCorrectional institution products" as used in this act, means all services and labor provided, goods, wares and merchandise manufactured or produced wholly or in part, except "hobby-craft" articles, by inmates employed by trainees in the Idaho state correctional industries training program.

(5) "Enterprise" means an operation, including services and labor, or a group of closely related operations.

(6) "Trainee" means an inmate enrolled in an Idaho correctional industries training program.

SECTION 4. That Section 20-404, Idaho Code, be, and the same is hereby amended to read as follows:

20-404. AUTHORITY AND DUTIES VESTED IN BOARD. The authority and duties herein established in this chapter are vested in the board of correction.

SECTION 5. That Section 20-406, Idaho Code, be, and the same is hereby amended to read as follows:

20-406. COMPENSATION AND EXPENSES. All members shall also receive their actual and necessary expenses of travel and accommodations incurred in attending meetings of the board, attending other functions related to correctional industries, and in making investigations, either as a board or individually as members of the board at the request of the chairman.

SECTION 6. That Section 20-407, Idaho Code, be, and the same is hereby amended to read as follows:

20-407. JURISDICTION OF BOARD. (1) The jurisdiction of the board of correction may extend to all productive enterprises in the prison facilities.

~~As used in this chapter, "an enterprise" means an operation, including services and labor, or group of closely related operations within the institution.~~

(2) At each regular meeting of the board, the chairman shall report on the condition of each enterprise.

SECTION 7. That Section 20-408, Idaho Code, be, and the same is hereby amended to read as follows:

20-408. DUTIES OF BOARD. The board of correction shall:

(a1) Recommend productive enterprises ~~in the penal institutions under the jurisdiction of the department of correction,~~ in such volume and of such kinds as to eliminate unnecessary idleness among the inmates and to provide diversified work activities which that will serve as a means of vocational education and rehabilitation, as well as financial support;

(b2) Determine the advisability and suitability of establishing, expanding, diminishing, or discontinuing any enterprise;

(e3) Hold hearings and make rules for conducting such hearings. The board may, in its discretion, hold public hearings on any subject within its jurisdiction;

(d4) Conduct programs of research, education and publicity for correctional industries products;

(e5) Secure new markets for correctional industries products;

(f6) Enter into such contracts and agreements as may be necessary or advisable pursuant to the provisions of this ~~aet~~ chapter;

(g7) Appoint and employ all necessary officers, agents and other personnel, including any experts in any correctional industries enterprise pursuit, prescribe their duties and fix their compensation;

(h8) Cooperate with any local, state or national organization or agency and to enter into contracts and agreements with such agencies for carrying on and promoting the purposes of this ~~aet~~ chapter;

(i9) Adopt, rescind, modify and amend all necessary and proper orders, rules and regulations for the exercise of its powers and the performance of its duties ~~herein,~~ as described in this section; and

(j10) Keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all collections, receipts, deposits, withdrawals, disbursements, paid-outs, moneys, and other financial transactions made and done pursuant to this act chapter. The books, records and accounts shall be open to inspection and audit by the legislative council and the public at all times.

SECTION 8. That Section 20-410, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Section 20-412, Idaho Code, be, and the same is hereby amended to read as follows:

20-412. COMPENSATION TRAINING STIPEND -- AMOUNT -- CREDITING TRAINEES' INMATE ACCOUNTS OF PRISONER -- CIVIL RIGHTS -- PRISONERS TRAINEES NOT EMPLOYEES. (1) Each prisoner, who is trainee engaged in productive work as an Idaho correctional industries training program authorized by this chapter, may receive for his work participation such compensation training stipend as the board shall determine, to be paid out of any funds available in the correctional industries betterment account. Such compensation training stipend, if any, shall be in accordance with a graduated schedule based on quantity and quality of work performed knowledge, ability, and skills required for its performance. Compensation The training stipend shall be credited to the a trainee's inmate account of the prisoner pursuant to section 20-209H, Idaho Code, and as otherwise authorized by law or by rule adopted by the board, and paid from the correctional industries betterment account.

(2) Nothing in this section or in this act chapter is intended to restore, in whole or in part, the civil rights of any inmate trainee. No inmate trainee who is compensated receives a training stipend under this act chapter shall be considered to be an employee of or employed by the state, the board of correction, or any private agricultural employer that is a party to a contract for inmate labor with Idaho correctional industries pursuant to section 20-413A, Idaho Code. No inmate trainee engaged in productive work an Idaho correctional industries training program as authorized by this chapter shall be entitled to worker's compensation benefits or unemployment compensation under this chapter 4 or chapter 13, title 72, Idaho Code, whether on behalf of himself or any other person, except as may be required for training programs certified by the prison industry enhancement certification program.

SECTION 10. That Section 20-413A, Idaho Code, be, and the same is hereby amended to read as follows:

20-413A. CONTRACTS FOR AGRICULTURAL LABOR TRAINING PROGRAMS. (1) The board may contract with private agricultural employers as that term is defined in section 44-1601, Idaho Code, for the use of inmate labor trainees in the production, harvesting, and processing of perishable agricultural feed products as that term is defined in section 6-2002, Idaho Code. The use of inmate labor trainees may not result in the displacement of employed workers within the local region in which the agricultural work training program is being performed operated.

(2) The board shall establish by rule factors to be considered by the board prior to entering into such contract including, but not limited to, ensuring that employed workers are not displaced, inmate safety and any security risks and needs. All moneys derived from such contracts shall be deposited into the correctional industries betterment account established in section 20-415, Idaho Code.

(3) Inmates Trainees shall be compensated receive a stipend for their services participation pursuant to section 20-412, Idaho Code. The board shall establish by rule factors to be considered in dispersing inmate trainee earnings. Deductions shall be made for:

- (a) Reducing or offsetting costs of incarceration from the general fund;
- (b) Satisfying court-ordered restitution, fines and other legal judgments;
- (c) Providing resources for successful reentry by inmates; and
- (d) ~~Other fees and deductions as deemed necessary by the board~~ Reentry savings; and
- (e) Any other deduction otherwise authorized by law or adopted by rule of the board.

SECTION 11. That Section 20-414, Idaho Code, be, and the same is hereby amended to read as follows:

20-414. DISPOSITION OF PRODUCTS. All articles, materials, and supplies~~7~~ produced or manufactured under the provisions of this act~~7~~, chapter shall be solely and exclusively for public or nonprofit organization use and no article, material, or supplies~~7~~ produced or manufactured under the provisions of this chapter shall ever be sold, supplied, furnished, and exchanged, or given away for any private use or profit, except as allowed by ~~the preceding section 20-413, Idaho Code~~. However, by-products and surpluses of agricultural and animal husbandry enterprises may be sold to private persons, at private sale, under rules prescribed by the board of correction.

SECTION 12. That Chapter 2, 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 20-209I, Idaho Code, and to read as follows:

20-209I. ASSIGNMENT OF INMATES TO DO CONSERVATION WORK. (1) Inmates may be assigned to do conservation work on a permanent or temporary basis. The board or its designated agent may, at such times as it deems proper and on such terms as it deems wise, enter into contracts or cooperative agreements with any public agency, state or federal, for the performance of conservation projects that are appropriate and under conditions consistent with policies established by the board.

(2) Inmates may be assigned to perform public conservation projects including, but not limited to, forest fire prevention and control, forest and watershed management, recreational area development, fish and game management, soil conservation, and forest watershed revegetation.

Approved March 10, 2020

CHAPTER 84
(H.B. No. 345)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-1806, IDAHO CODE, TO PROVIDE THAT CERTAIN VEHICLES SHALL NOT BE SUBJECT TO REMOVAL OR BOOTING.

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

SECTION 1. That Section 49-1806, Idaho Code, be, and the same is hereby amended to read as follows:

49-1806. REMOVAL -- BOOTING OF UNAUTHORIZED AND ABANDONED VEHICLE FROM REAL PROPERTY. (1) Any person having possession or control of real property who finds an unauthorized vehicle standing upon his property is permitted to have the vehicle removed or booted if there is posted on or near the property in a clearly conspicuous location, in large print, a sign or notice that unauthorized vehicles will be removed or booted at the owner's expense and designating the name of the towing firm. Unauthorized vehicles need not meet the provision of section 49-102(2), Idaho Code, in this instance. No vehicle shall be considered unauthorized and subject to removal or booting pursuant to the provisions of this subsection solely on the basis of the vehicle having expired or improper vehicle registration.

(2) Any person having possession or control of real property who finds an abandoned vehicle standing on his property, where the property is not posted as set out in subsection (1) of this section, may contact an authorized officer, who must in turn comply with the provisions of section 49-1804, Idaho Code, in accomplishing the removal of the vehicle except under those circumstances set out in subsection (3) of this section.

(3) Where access into or out of private property or substantial interference with the use and enjoyment of private property is created by an unauthorized or abandoned vehicle being parked or otherwise left on private property, the person owning or controlling the property may contact an authorized officer who may, without regard for the provisions of section 49-1804, Idaho Code, immediately proceed to have the vehicle removed to a garage or nearest place of safety. All other provisions of this chapter shall be complied with.

Approved March 10, 2020

CHAPTER 85
(H.B. No. 396)

AN ACT

RELATING TO SHOOTING RANGES; AMENDING SECTION 36-104, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS AND DUTIES OF THE FISH AND GAME COMMISSION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 36-106, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF FISH AND GAME SHALL CONSULT WITH OTHER AGENCIES TO IDENTIFY SUITABLE LAND FOR SHOOTING RANGES AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 36-412A, IDAHO CODE, RELATING TO CERTAIN EDUCATION PROGRAMS AND MONEYS PROVIDED TO LOCAL SHOOTING RANGES; AND AMENDING CHAPTER 4, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-418, IDAHO CODE, TO PROVIDE FOR THE PUBLIC SHOOTING RANGE FUND.

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

SECTION 1. That Section 36-104, Idaho Code, be, and the same is hereby amended to read as follows:

36-104. GENERAL POWERS AND DUTIES OF COMMISSION. (a) Organization -- Meetings. The members of the commission shall annually meet at their offices and organize by electing from their membership a chairman, who shall hold office for a period of one (1) year, or until his successor has been duly elected. In addition to the regular annual meeting, to be held in January, said commission shall hold other regular quarterly meetings each year at such places within the state as the commission shall select for the transaction of business. Special meetings may be called at any time and place by the chairman or a majority of the members of the commission. Notice of the time, place and purpose of any and all special meetings shall be given by the secretary to each member of the commission prior to said meeting.

(b) Authorization for Commission Powers and Duties. For the purpose of administering the policy as declared in section 36-103, Idaho Code, the commission is hereby authorized and empowered to:

1. Investigate and find facts regarding the status of the state's wildlife populations in order to give effect to the policy of the state hereinbefore announced.

2. Hold hearings for the purpose of hearing testimony, considering evidence and determining the facts as to when the supply of any of the wildlife in this state will be injuriously affected by the taking thereof, or for the purpose of determining when an open season may be declared for the taking of wildlife. Whenever said commission determines that the supply of any particular species of wildlife is being, or will be, during any particular period of time, injuriously affected by depletion by permitting the same to be taken, or if it should find a longer or different season, or different bag limit should be adopted for the better protection thereof, or if it finds that an open season may be declared without endangering the supply thereof, then it shall make a rule or proclamation embodying its findings in respect to when, under what circumstances, in which localities, by what means, what sex, and in what amounts and numbers the wildlife of this state may be taken.

3. Whenever it finds it necessary for the preservation, protection, or management of any wildlife of this state, by reason of any act of God or any other sudden or unexpected emergency, declare by temporary rule or proclamation the existence of such necessity, and the cause thereof, and prescribe and designate all affected areas or streams, and close the same to hunting, angling or trapping, or impose such restrictions and conditions upon hunting, angling or trapping as said commission shall

find to be necessary. Every such temporary rule shall be made in accordance with the provisions of chapter 52, title 67, Idaho Code.

4. At any time it shall deem necessary for the proper management of wildlife on any game preserve in the state of Idaho, declare an open season in any game preserve as it deems appropriate.

5. (A) Upon notice to the public, cause to be held pursuant to the provisions of section 36-104A, Idaho Code, a drawing giving to license holders, under the wildlife laws of this state, the privilege of drawing by lot for a controlled hunt permit or tag authorizing the person to whom issued to hunt, kill, or attempt to kill any species of wild animals or birds designated by the commission under such rules as it shall prescribe.

(B) The commission may, under rules or proclamations as it may prescribe, authorize the director to issue additional controlled hunt permits or tags and collect fees therefor authorizing landowners of property valuable for habitat or propagation purposes of deer, elk, antelope, bear or turkey, or the landowner's designated agent(s) to hunt deer, elk, antelope, bear or turkey in controlled hunts containing the eligible property owned by those landowners in units where any permits or tags for deer, elk, antelope, bear or turkey are limited.

(C) A nonrefundable fee as specified in section 36-416, Idaho Code, shall be charged each applicant for a controlled hunt permit or tag. Successful applicants for controlled hunt permits or tags shall be charged the fee as specified in section 36-416, Idaho Code. Additionally, a fee may be charged for telephone and credit card orders in accordance with subsection (e)11. of section 36-106, Idaho Code. The department shall include a checkoff form to allow applicants to designate one dollar (\$1.00) of such nonrefundable application fee for transmittal to the reward fund of citizens against poaching, inc., an Idaho nonprofit corporation. The net proceeds from the nonrefundable fee shall be deposited in the fish and game account and none of the net proceeds shall be used to purchase lands.

(D) The commission may by rule establish procedures relating to the application for the purchase of controlled hunt bonus or preference points by sportsmen and the fee for such application shall be as specified in section 36-416, Idaho Code.

6. Adopt rules pertaining to the importation, exportation, release, sale, possession or transportation into, within or from the state of Idaho of any species of live, native or exotic wildlife or any eggs thereof.

7. Acquire for and on behalf of the state of Idaho, by purchase, condemnation, lease, agreement, gift, or other device, lands or waters suitable for the purposes hereinafter enumerated in this paragraph. Whenever the commission proposes to purchase a tract of land in excess of fifteen (15) acres, the commission shall notify the board of county commissioners of the county where this land is located of the intended action. The board of county commissioners shall have ten (10) days after official notification to notify the commission whether or not they desire the commission to hold a public hearing on the intended purchase in the county. The commission shall give serious consideration to all public input received at the public hearing before making a final decision on the proposed acquisition. Following any land purchase, the fish and game commission shall provide, upon request by the board of county commissioners, within one hundred twenty (120) days, a management plan for the area purchased that would address noxious weed control, fencing, water management and other important issues raised during the public hearing. When considering purchasing lands pursuant to this para-

graph, the commission shall first make a good faith attempt to obtain a conservation easement, as provided in chapter 21, title 55, Idaho Code, before it may begin proceedings to purchase, condemn or otherwise acquire such lands. If the attempt to acquire a conservation easement is unsuccessful and the commission then purchases, condemns or otherwise acquires the lands, the commission shall record in writing the reasons why the attempt at acquiring the conservation easement was unsuccessful and then file the same in its records and in a report to the joint finance-appropriations committee. The commission shall develop, operate, and maintain the lands, waters or conservation easements for said purposes, which are hereby declared a public use:

(A) For fish hatcheries, nursery ponds, or game animal or game bird farms;

(B) For game, bird, fish or fur-bearing animal restoration, propagation or protection;

(C) For public hunting, fishing or trapping areas to provide places where the public may fish, hunt, or trap in accordance with the provisions of law, or the regulation of the commission;

(D) For public shooting ranges to provide places where the public may engage in target shooting, training, and competition.

(E) To extend and consolidate, by exchange, lands or waters suitable for the above said purposes.

8. Enter into cooperative agreements with educational institutions, and state, federal, or other agencies to promote wildlife research and to train students for wildlife management.

9. Enter into cooperative agreements with state and federal agencies, municipalities, corporations, organized groups of landowners, associations, and individuals for the development of wildlife rearing, propagating, management, protection and demonstration projects.

10. In the event owners or lawful possessors of land have restricted the operation of motor-propelled vehicles upon their land, the commission, upon consultation with all other potentially affected landowners, and having held a public hearing, if requested by not less than ten (10) residents of any county in which the land is located, may enter into cooperative agreements with those owners or possessors to enforce those restrictions when the restrictions protect wildlife or wildlife habitat. Provided, however, the commission shall not enter into such agreements for lands which that either lie outside or are not adjacent to any adjoining the proclaimed boundaries of the national forests in Idaho.

(A) The landowners, with the assistance of the department, shall cause notice of the restrictions, including the effective date thereof, to be posted on the main traveled roads entering the areas to which the restrictions apply. Provided, however, that nothing in this subsection shall allow the unlawful posting of signs or other information on or adjacent to public highways as defined in subsection (5) of section 40-109, Idaho Code.

(B) Nothing in this section authorizes the establishment of any restrictions that impede normal forest or range management operations.

(C) No person shall violate such restrictions on the use of motor-propelled vehicles or tear down or lay down any fencing or gates enclosing such a restricted area or remove, mutilate, damage or destroy any notices, signs or markers giving notice of such restrictions. The commission may promulgate rules to administer the restrictions and cooperative agreements addressed in this subsection.

11. Capture, propagate, transport, buy, sell or exchange any species of wildlife needed for propagation or stocking purposes, or to exercise control of undesirable species.

12. Adopt rules pertaining to the application for, issuance of and administration of a lifetime license certificate system.

13. Adopt rules governing the application and issuance of permits for and administration of fishing contests on waters under the jurisdiction of the state. The fee for each permit shall be as provided for in section 36-416, Idaho Code.

14. Adopt rules governing the application for and issuance of licenses by telephone and other electronic methods.

15. Enter into agreements with cities, counties, recreation districts or other political subdivisions for the lease of lands or waters, in accordance with all other applicable laws, including applicable provisions of titles 42 and 43, Idaho Code, to cost-effectively provide recreational opportunities for taxpayers or residents of those local governments or political subdivisions.

16. Adopt rules governing a mentored hunting program.

17. Enter into agreements with and assist counties, cities, recreation districts, other political subdivisions, and nonprofit clubs or associations in locating or relocating shooting ranges.

(c) Limitation on Powers. Nothing in this title shall be construed to authorize the commission to change any penalty prescribed by law for a violation of its provisions, or to change the amount of license fees or the authority conferred by licenses prescribed by law.

(d) Organization of Work. The commission shall organize the department, in accordance with the provisions of title 67, Idaho Code, into administrative units as may be necessary to efficiently administer said department. All employees of the department except the director shall be selected and appointed by the director in conformance with the provisions of chapter 53, title 67, Idaho Code.

SECTION 2. That Section 36-106, Idaho Code, be, and the same is hereby amended to read as follows:

36-106. DIRECTOR OF DEPARTMENT OF FISH AND GAME. (a) Office of Director Created. The commission shall appoint a director of the department of fish and game, hereinafter referred to as the director, who shall be a person with knowledge of, and experience in, the requirements for the protection, conservation, restoration, and management of the wildlife resources of the state. The director shall not hold any other public office, nor any office in any political party organization, and shall devote his entire time to the service of the state in the discharge of his official duties, under the direction of the commission.

(b) Secretary to Commission. The director or his designee shall serve as secretary to the commission.

(c) Compensation and Expenses. The director shall receive such compensation as the commission, with the concurrence and approval of the governor, may determine and shall be reimbursed at the rate provided by law for state employees for all actual and necessary traveling and other expenses incurred by him in the discharge of his official duties.

(d) Oath and Bond. Before entering upon the duties of his office, the director shall take and subscribe to the official oath of office, as provided by section 59-401, Idaho Code, and shall, in addition thereto, swear and affirm that he holds no other public office, nor any position under any political committee or party. Such oath, or affirmation, shall be signed in the office of the secretary of state.

The director shall be bonded to the state of Idaho in the time, form and manner prescribed by chapter 8, title 59, Idaho Code.

(e) Duties and Powers of Director.

1. The director shall have general supervision and control of all activities, functions, and employees of the department of fish and game, under the supervision and direction of the commission, and shall enforce all the provisions of the laws of the state, and rules and proclamations of the commission relating to wild animals, birds, and fish and, further, shall perform all the duties prescribed by section 67-2405, Idaho Code, and other laws of the state not inconsistent with this act, and shall exercise all necessary powers incident thereto not specifically conferred on the commission.
2. The director is hereby authorized to appoint as many classified employees as the commission may deem necessary to perform administrative duties, to enforce the laws and to properly implement management, propagation, and protection programs established for carrying out the purposes of the Idaho fish and game code.
3. The appointment of such employees shall be made by the director in accordance with chapter 53, title 67, Idaho Code, and rules promulgated pursuant thereto, and they shall be compensated as provided therein. Said employees shall be bonded to the state of Idaho in the time, form, and manner prescribed by chapter 8, title 59, Idaho Code.
4. The director is hereby authorized to establish and maintain fish hatcheries for the purpose of hatching, propagating, and distributing all kinds of fish.
5. (A) The director, or any person appointed by him in writing to do so, may take wildlife of any kind, dead or alive, or import the same, subject to such conditions, restrictions and rules as he may provide, for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes deemed by him to be of interest to the fish and game resources of the state.
(B) The director shall have supervision over all of the matters pertaining to the inspection, cultivation, propagation and distribution of the wildlife propagated under the provisions of title 36, Idaho Code. He shall also have the power and authority to obtain, by purchase or otherwise, wildlife of any kind or variety which he may deem most suitable for distribution in the state and may have the same properly cared for and distributed throughout the state of Idaho as he may deem necessary.
(C) The director is hereby authorized to issue a license/tag/permit to a nonresident landowner who resides in a contiguous state for the purpose of taking one (1) animal during an emergency depredation hunt which includes the landowner's Idaho property subject to such conditions, restrictions or rules as the director may provide. The fee for this license/tag/permit shall be equal to the costs of a resident hunting license, a resident tag fee and a resident depredation permit.
(D) Unless relocation is required pursuant to subparagraph (E) herein, notwithstanding the provisions of section 36-408, Idaho Code, to the contrary, the director shall not expend any funds, or take any action, or authorize any employee or agent of the department or other person to take any action, to undertake actual transplants of bighorn sheep into areas they do not now inhabit for the purpose of augmenting existing populations until:
 - (i) The boards of county commissioners of the counties in which the release is proposed to take place have been given reasonable notice of the proposed release.
 - (ii) The affected federal and state land grazing permittees and owners or leaseholders of private land in or contiguous to the proposed release site have been given reasonable notice of the proposed release.

(iii) The president pro tempore of the senate and the speaker of the house of representatives have received from the director a plan for the forthcoming year that details, to the best of the department's ability, the proposed transplants which shall include the estimated numbers of bighorn sheep to be transplanted and a description of the areas the proposed transplant or transplants are planned for.

Upon request, the department shall grant one (1) hearing per transplant or relocation if any affected individual or entity expresses written concern within ten (10) days of notification regarding any transplants or relocations of bighorn sheep and shall take into consideration these concerns in approving, modifying or canceling any proposed bighorn sheep transplant or relocation. Any such hearing shall be held within thirty (30) days of the request. It is the policy of the state of Idaho that existing sheep or livestock operations in the area of any bighorn sheep transplant or relocation are recognized and that the potential risk, if any, of disease transmission and loss of bighorn sheep when the same invade domestic livestock or sheep operations is accepted. Prior to any transplant or relocation of bighorn sheep into areas they do not now inhabit or a transplant or relocation for the purpose of augmenting existing populations, the department shall provide for any affected federal or state land grazing permittees or owners or leaseholders of private land a written agreement signed by all federal, state and private entities responsible for the transplant or relocation stating that the existing sheep or livestock operations in the area of any such bighorn sheep transplant or relocation are recognized and that the potential risk, if any, of disease transmission and loss of bighorn sheep when the same invade domestic livestock or sheep operations is accepted.

(E) The Idaho department of fish and game: (1) shall develop a state management plan to maintain a viable, self-sustaining population of bighorn sheep in Idaho which shall consider as part of the plan the current federal or state domestic sheep grazing allotment(s) that currently have any bighorn sheep upon or in proximity to the allotment(s); (2) within ninety (90) days of the effective date of this act will cooperatively develop best management practices with the permittee(s) on the allotment(s). Upon commencement of the implementation of best management practices, the director shall certify that the risk of disease transmission, if any, between bighorn and domestic sheep is acceptable for the viability of the bighorn sheep. The director's certification shall continue for as long as the best management practices are implemented. The director may also certify that the risk of disease transmission, if any, between bighorn and domestic sheep is acceptable for the viability of the bighorn sheep based upon a finding that other factors exist, including but not limited to previous exposure to pathogens that make separation between bighorn and domestic sheep unnecessary.

6. (A) The director shall have the power, at any time when it is desired to introduce any new species, or if at any time any species of wildlife of the state of Idaho shall be threatened with excessive shooting, trapping, or angling or otherwise, to close any open season or to reduce the bag limit or possession limit for such species for such time as he may designate; in the event an emergency is declared to exist, such closure shall become effective forthwith upon written order of the director; in all other cases, upon publication and posting as provided in section 36-105, Idaho Code.

(B) (i) In order to protect property from damage by wildlife, including bear and turkey, the fish and game commission may delegate to the director or his designee the authority to declare an open season upon that particular species of wildlife to reduce its population. The director or his designee shall make an order embodying his findings in respect to when, under what circumstances, in which localities, by what means, and in what amounts, numbers and sex the wildlife subject to the hunt may be taken. In the event an emergency is declared to exist, such open season shall become effective forthwith upon written order of the director or his designee; in all other cases, upon publication and posting as provided in section 36-105, Idaho Code.

(ii) In the event a kill permit is issued by the director or his designee, the individual or landowner with the kill permit, in conjunction with their responsibility for field dressing the animals taken, may keep one (1) animal for their personal use. In the event the director or his designee issues a subsequent kill permit for the same individual or landowner due to continued depredation, the director or his designee may authorize the individual or landowner to keep a second subsequently taken animal for their personal use.

(C) Any season closure order issued under authority hereof shall be published in at least one (1) newspaper of general circulation in the area affected by the order for at least once a week for two (2) consecutive weeks, and such order shall be posted in public places in each county as the director may direct.

(D) During the closure of any open season or the opening of any special depredation season by the director, all provisions of laws relating to the closed season or the special depredation season on such wildlife shall be in force and whoever violates any of the provisions shall be subject to the penalties prescribed therefor.

(E) Prior to the opening of any special depredation hunt, the director or his designee shall be authorized to provide up to a maximum of fifty percent (50%) of the available permits for such big game to the landholder(s) of privately owned land within the hunt area or his designees. If the landholder(s) chooses to designate hunters, he must provide a written list of the names of designated individuals to the department. If the landholder(s) fails to designate licensed hunters, then the department will issue the total available permits in the manner set by rule. All hunters must have a current hunting license and shall have equal access to both public and private lands within the hunt boundaries. It shall be unlawful for any landholder(s) to receive any form of compensation from a person who obtains or uses a depredation controlled hunt permit.

7. The director shall make an annual report to the governor, the legislature, and the secretary of state, of the doings and conditions of his office.

8. The director may sell or cause to be sold publications and materials in accordance with section 59-1012, Idaho Code.

9. Any deer, elk, antelope, moose, bighorn sheep or bison imported or transported by the department of fish and game shall be tested for the presence of certain communicable diseases that can be transmitted to domestic livestock. Those communicable diseases to be tested for shall be arrived at by mutual agreement between the department of fish and game and the department of agriculture. Any moneys expended by the department of fish and game on wildlife disease research shall be mutually agreed upon by the department of fish and game and the department of agriculture.

In addition, a comprehensive animal health program for all deer, elk, antelope, moose, bighorn sheep, or bison imported into, transported, or resident within the state of Idaho shall be implemented after said program is mutually agreed upon by the department of fish and game and the department of agriculture.

10. In order to monitor and evaluate the disease status of wildlife and to protect Idaho's livestock resources, any suspicion by fish and game personnel of a potential communicable disease process in wildlife shall be reported within twenty-four (24) hours to the department of agriculture. All samples collected for disease monitoring or disease evaluation of wildlife shall be submitted to the division of animal industries, department of agriculture.

11. (A) The director is authorized to enter into an agreement with an independent contractor for the purpose of providing a telephone order and credit card payment service for controlled hunt permits, licenses, tags, and permits.

(B) The contractor may collect a fee for its service in an amount to be set by contract.

(C) All moneys collected for the telephone orders of such licenses, tags, and permits shall be and remain the property of the state, and such moneys shall be directly deposited by the contractor into the state treasurer's account in accordance with the provisions of section 59-1014, Idaho Code. The contractor shall furnish a good and sufficient surety bond to the state of Idaho in an amount sufficient to cover the amount of the telephone orders and potential refunds.

(D) The refund of moneys for unsuccessful controlled hunt permit applications and licenses, tags, and permits approved by the department may be made by the contractor crediting the applicant's or licensee's credit card account.

12. The director may define activities or facilities that primarily provide a benefit: to the department; to a person; for personal use; to a commercial enterprise; or for a commercial purpose.

13. The director shall consult with other agencies to identify eligible land suitable for the location or relocation of shooting ranges.

SECTION 3. That Section 36-412A, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 4, Title 36, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 36-418, Idaho Code, and to read as follows:

36-418. PUBLIC SHOOTING RANGE FUND. (1) It is the intent of the legislature that public shooting ranges shall be established and preserved throughout the state for the training and enjoyment of the citizens.

(2) The state public shooting range fund is hereby established. The commission shall administer the fund and shall annually prepare a report to the legislature detailing the revenues and expenditures of the fund.

(3) The fund shall consist of:

(a) Fines and forfeitures remitted for violations of fish and game laws pursuant to section 19-4705, Idaho Code;

(b) Revenues, unless otherwise prohibited by law, derived from the sale or lease of real property owned by the commission and acquired for or used for the purpose of providing public shooting ranges and moneys received from the sale of goods and services from commission-owned shooting ranges;

(c) Gifts, grants, or other contributions; and

(d) Such other funds as the legislature shall appropriate.

(4) Moneys in the fund are continuously appropriated and shall be used for purposes enumerated in this chapter. Interest earned on moneys in the fund shall be credited to the fund.

(5) The commission shall determine the amount available to distribute under this section, the distributions, and the recipients. Distributions from the fund may be made to shooting ranges open to the public and operated by government or nonprofit entities for the following purposes:

- (a) Shooting range engineering and studies;
- (b) Noise abatement;
- (c) Safety enhancement;
- (d) Shooting range design;
- (e) New shooting range sites and construction;
- (f) Shooting range relocation; and
- (g) Other projects that are necessary to enhance or preserve a shooting range under good practices and management.

(6) The director shall appoint a committee to act in an advisory capacity to the department on matters relating to evaluation of applications for grants to be awarded from the public shooting range fund according to the purposes enumerated in this section. The committee shall include representation by active recreational shooters.

Approved March 10, 2020

CHAPTER 86
(H.B. No. 410)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-443, IDAHO CODE, TO PROVIDE THAT A LICENSE PLATE FURNISHED BY THE DEPARTMENT SHALL BE VALID FOR A PERIOD OF TEN YEARS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 49-443B, IDAHO CODE, TO PROVIDE THAT LICENSE PLATES FOR STATE VEHICLES AND VEHICLES BELONGING TO TAXING DISTRICTS SHALL BE VALID FOR A PERIOD OF TEN YEARS.

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

SECTION 1. That Section 49-443, Idaho Code, be, and the same is hereby amended to read as follows:

49-443. LICENSE PLATES TO BE FURNISHED BY DEPARTMENT -- FORM AND CONTENTS. (1) The assessor or the department shall furnish to every owner whose vehicle is registered or licensed by that office, pursuant to sections 49-402 and 49-402A, Idaho Code, one (1) license plate for vehicles registered under the provisions of section 49-406, 49-406A or 49-408, Idaho Code, or a motorcycle, trailer, truck-tractor, or semitrailer; one (1) restricted vehicle license plate for all-terrain vehicles, utility type vehicles and motorbikes licensed pursuant to this chapter; and two (2) license plates for every other motor vehicle. If a vehicle is issued one (1) plate only, that plate shall be displayed in accordance with the provisions of section 49-428, Idaho Code. For vehicles registered under the provisions of section 49-407, Idaho Code, the applicant shall provide one (1) plate to be displayed on the rear of the vehicle.

Commencing January 1, 1992, the color and design of the plates shall be comparable to the color and design of the statehood centennial issue of license plates with blue numerals and letters on a multicolored red, white and blue background. Each license plate must bear upon its face the inscriptions "Famous Potatoes" and "Scenic Idaho." The restricted vehicle license plate for all-terrain vehicles, utility type vehicles and motorbikes shall be a

white background with black numerals and letters, with "Idaho Restricted Vehicle" and the year of its expiration on its face and no other inscription. The restricted vehicle license plate shall be the same size required for the motorcycle license plate.

Every license plate shall have displayed upon it the registration number assigned to the vehicle and its owner and the name "Idaho" which may be abbreviated. The plates issued under the provisions of section 49-402(1), Idaho Code, and the required letters and numerals, including an identification of the county in which the motor vehicle to which the plates will be affixed is registered, shall be of sufficient size to be plainly readable from a distance of seventy-five (75) feet during daylight, and each license plate and registration sticker shall be treated with a fully reflectorized material according to specifications prescribed by the board.

(2) License plates shall be valid for a period of seven ten (~~7~~10) years beginning with the date of issuance of new plates. At the end of the sixth ninth year, the registered owner shall receive notice of the date upon which the plates will expire.

For specialty license plate programs discontinued pursuant to the provisions of section 49-402C, Idaho Code, a registrant with a specialty license plate currently registered under the program may use such license plate for up to seven ten (~~7~~10) years from the date of issuance. This provision is intended to permit the use of the specialty plate by the registrant regardless of the number of persons who purchase the specialty plate. The registrant shall be required to pay the special plate program fees provided for specialty plates pursuant to this chapter. Such fees shall be deposited into the state highway account. For purposes of section 49-434, Idaho Code, as it applies to commercial vehicles, and section 49-435, Idaho Code, the department shall provide new plates bearing the same number or, upon request from the registered owner, the next available number.

(3) If a license plate number has expired as provided in subsection (2) of this section and is not renewed within sixty (60) days of its expiration, the plate number shall be available for use by another registrant. To obtain a specific number in the recycled license plate number file, the owner of a registered vehicle may contact the county regarding availability.

The provisions of this subsection shall apply only to vehicles registered under the provisions of section 49-402(1), Idaho Code, and section 49-434(1), Idaho Code, as it applies to noncommercial vehicles.

(4) License plates issued for vehicles required to be registered in accordance with the provisions of sections 49-402 and 49-402A, Idaho Code, shall be issued color-coded red, white or blue registration validation stickers showing the year of registration. Each registration validation sticker shall bear a number from 1 through 12, which number shall correspond to the month of the calendar year in which the registration of the vehicle expires and shall be affixed to the lower right-hand corner of the plates within the outlined rectangular area.

(5) License plates for utility trailers registered under the provisions of section 49-402A, Idaho Code, that are issued for five (5) or ten (10) years and license plates for rental utility trailers registered under the provisions of section 49-434, Idaho Code, that are issued for up to five (5) years shall use the design in effect on the date of manufacture. If a design change occurs, plates from the effective date of the design change shall be manufactured using the new design. Unexpired plates need not be reissued to conform to a design change.

(6) For license plates that are lost, stolen, mutilated, or illegible, the owner shall apply for a duplicate or substitute. The assessor shall also furnish for each registration, and to validate the license plate, a pressure-sensitive, uniquely numbered, color-coded red, white or blue registration sticker, except for trailers and semitrailers registered under the nonexpiring provisions in section 49-434, Idaho Code. License plates is-

sued for state, county and city motor vehicles shall be valid for seven ten (710) years pursuant to subsection (2) of this section and remain on the vehicle for which issued from year to year, and need no renewal or validation sticker.

(7) Whenever a vehicle is completely destroyed by fire or accident and the operator submits satisfactory proof of that destruction to the department or appropriate assessor's office, or the owner wishes to transfer the remaining registration, use increment and fees shall be transferred to the replacement vehicle for a service transfer fee of five dollars (\$5.00), which fee shall be retained by the registering authority. None of the original fees shall be subject to refund.

(8) The department shall furnish to every owner whose vehicle is registered under sections 49-434 and 49-435, Idaho Code, a pressure-sensitive, uniquely numbered, color-coded red, white or blue registration sticker to validate the license plate, provided however, the provisions of this subsection shall not apply to trailers and semitrailers registered under the provisions of section 49-434(4), Idaho Code.

(9) The board shall have authority to require the return to the department of all license plates and registration stickers upon termination of the lawful use of them by the owner.

(10) The board may promulgate such rules as are necessary to implement the provisions of this section.

SECTION 2. That Section 49-443B, Idaho Code, be, and the same is hereby amended to read as follows:

49-443B. LICENSE PLATES FOR STATE VEHICLES AND VEHICLES BELONGING TO TAXING DISTRICTS. (1) License plates for state vehicles and vehicles belonging to taxing districts shall be valid for a period of seven ten (710) years pursuant to section 49-443(2), Idaho Code, and shall remain on the vehicle to which it is issued until transferred to another vehicle or until it is canceled by the department. The department shall be reimbursed by state agencies and the taxing districts for the cost of providing license plates. The department may develop rules to administer this license plate program.

(2) Each license plate issued pursuant to this section shall bear a designator to identify the agency, entity or office to which a vehicle belongs or, for trailers or motorcycles, to specify the plate type. Any vehicle with a license plate issued pursuant to this section that does not comply with the provisions of this subsection as of the effective date of this act shall be reregistered, subject to a reregistration fee of twelve dollars and fifty cents (\$12.50), within sixty (60) days of the effective date of this act. The designators shall be as follows:

Designator	Agency, entity, office, or plate type
A	Trailer (all weights); small plate
C	School district or miscellaneous city or county agencies, entities or offices
D	Highway district
F	Fire district
G	Fish and game
H	Department of health and welfare
ISP	Idaho state police
J	Department of commerce or department of labor
L	Law enforcement
M	Motorcycle; small plate

P	City police
R	Department of parks and recreation
SO	Sheriff's office
T	Department of transportation
X	Miscellaneous state agencies, entities or offices
Y	Irrigation district
Z	Department of lands

(3) Personalized or specialty license plates are exempt from the provisions of subsection (2) of this section.

Approved March 10, 2020

CHAPTER 87
(H.B. No. 478)

AN ACT

RELATING TO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2006, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN ELECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2022, IDAHO CODE, TO REMOVE A REQUIREMENT REGARDING THE NUMBER OF CERTAIN COURSES REQUIRED AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2036, IDAHO CODE, TO REMOVE REQUIREMENTS REGARDING PRELICENSE COURSE CLASSROOM HOURS, TO REVISE A REQUIREMENT REGARDING CONTINUING EDUCATION HOURS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2048, IDAHO CODE, TO REMOVE A REQUIREMENT REGARDING THE MARKING AND DATING OF REJECTED OFFERS AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 54-2090, IDAHO CODE, RELATING TO WRITTEN OFFICE POLICIES; AND AMENDING SECTION 55-1813, IDAHO CODE, TO REMOVE A REFERENCE TO THE IDAHO ADMINISTRATIVE RULES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 54-2006, Idaho Code, be, and the same is hereby amended to read as follows:

54-2006. QUALIFICATIONS OF COMMISSIONERS, -- TERM AND ORGANIZATION. (1) Four (4) members of the commission shall be actively licensed Idaho designated real estate brokers or associate brokers who have had at least five (5) years' active license experience as a designated broker or associate broker in the real estate business in Idaho. One (1) member shall be a member of the public from the state at large with an interest in the rights of consumers of real estate services.

(2) Each regular appointment, other than an appointment to fill an unexpired term, shall commence on July 1 of the year of appointment and be for a term of four (4) years. Each commissioner shall hold office until a qualified successor is appointed. Upon the death, resignation or removal of any member of the commission, the governor shall appoint a qualified person to fill out the unexpired term.

(3) Each year, within thirty (30) days after the appointment of the members of the commission, the commission shall call a meeting and elect a chair, a vice chair, and a commissioner to serve on the Idaho real estate education council. Thereafter, the chair may call meetings of the commission whenever he or she deems it advisable, but if the chair refuses to call a meeting upon written demand of the other three (3) members a quorum of the commission, then such members may call the meeting.

(34) The commission may hire an executive director and such other assistants as it may require from either within or without the commission and shall pay these persons a compensation as determined by the commission. The position of executive director shall be a nonclassified state employee, and such person shall be an at-will employee of the commission.

SECTION 2. That Section 54-2022, Idaho Code, be, and the same is hereby amended to read as follows:

54-2022. REAL ESTATE EDUCATION -- PRELICENSE REQUIREMENTS. (1) Except as provided in section 54-2015, Idaho Code, an applicant seeking a primary Idaho license as a real estate salesperson, broker or associate broker shall furnish satisfactory proof to the commission that the applicant has successfully completed current commission-approved and accredited courses of real estate study as follows:

(a) Salesperson's license. For a salesperson's license, the applicant shall complete a total of ninety (90) classroom hours;

(b) Broker's or associate broker's license. Applicants seeking a broker's or associate broker's license shall, in addition to meeting the requirements for a salesperson's license, successfully complete ~~four~~ (4) specified courses in advanced real estate study, for a minimum of ninety (90) additional classroom hours.

(2) Each applicant shall successfully complete all prelicense real estate courses within no more than three (3) years prior to the date of the license application. However, upon written request for special consideration by the license applicant, the commission may waive or modify the three (3) year requirement at its discretion, based on the applicant's experience or additional education. Each waiver request shall be submitted with a current certified license history from Idaho or the applicant's other licensing jurisdiction, which history shall indicate all disciplinary actions taken against the applicant's license and the status and standing of such license in such licensing state or jurisdiction, along with sufficient proof of education completion.

(3) To receive credit for prelicense real estate courses, a student must regularly attend and complete the course, and such course must meet all requirements set forth in section 54-2036, Idaho Code.

(4) No credit will be given for courses taken for audit.

(5) Credit for completion of approved prelicense education coursework will not be granted when the content of a course repeats that for which credit has been previously received.

(6) Upon written request from a license applicant, the commission may waive or modify one (1) or more prelicense course requirements based upon the applicant's satisfactory completion of similar real estate courses in Idaho or another state or jurisdiction. The request for waiver shall be accompanied by an official transcript from the institution that provided the course of instruction, along with a description of the subjects covered in the course and the number of classroom hours involved in the instruction. "Satisfactory completion" means the applicant regularly attended the course and received a final grade of "C" or better.

SECTION 3. That Section 54-2036, Idaho Code, be, and the same is hereby amended to read as follows:

54-2036. CERTIFICATION OF COURSES AND COURSE CONTENT. Every real estate course offered for prelicense or continuing education credit for an Idaho real estate license shall first be certified and accredited by the Idaho real estate commission.

(1) An application for course certification must be submitted in the form and manner required by the commission, with the required fees, at least two (2) months prior to the contemplated date of the first course offering.

(2) Minimum requirements for course certification:

(a) Each course must be certified individually, offered only through a provider certified or approved in Idaho, and taught by an instructor certified or approved in Idaho in accordance with this chapter.

(b) Each ~~prelicense course must contain at least twenty (20) classroom hours, and each~~ continuing education course must contain at least ~~two~~ one (21) classroom hours.

(c) Exam time shall not be included as approved classroom hours of instruction.

(d) A classroom hour is defined as a period of at least fifty (50) minutes of actual instruction.

(e) Distance learning courses. The design and delivery of each distance learning course shall be certified by the association of real estate license law officials or by another institution whose certification standards are deemed equivalent by the commission. The credit hours for a certified distance learning course shall be based upon the same number of hours ~~which that~~ would be credited for an equivalent live course, and must include a commission-approved assessment.

(f) Each prelicense course must include a commission-approved final exam requiring a minimum passing score of seventy percent (70%).

(g) Continuing education course exam. A licensee may receive continuing education course credit without having to take or pass an exam if the licensee personally attends the entire live presentation of an approved course.

(h) Exam retake policy. Each certified course provider may, at its option, allow students who complete a course and then fail the course exam one (1) opportunity to retake the approved course exam within the following time periods:

(i) Prelicense course exam retakes must occur within one (1) month of the original course exam;

(ii) Continuing education course exam retakes must occur within that course's certification period;

(iii) If a student fails the retake exam for any prelicense or continuing education course, the student must repeat the entire course and pass the final exam to receive credit.

(i) Challenge exams. Except where the prelicense requirements have been waived or modified by the commission pursuant to section 54-2022(6), Idaho Code, a student shall not earn credit for any prelicense course by challenging and passing the course exam without otherwise completing all course requirements.

(3) Approved topics. The commission shall establish specific, approved topics for course content for prelicense courses and continuing education courses as it deems appropriate to current real estate practices and laws.

SECTION 4. That Section 54-2048, Idaho Code, be, and the same is hereby amended to read as follows:

54-2048. RESPONSIBLE BROKER FOR THE TRANSACTION -- DUTIES AND RECORD-KEEPING. The "responsible broker," as referred to in this section, shall be responsible to the commission for the transaction, transaction records, the funds and closing in accordance with the requirements of this chapter. The broker who lists and sells any real property shall be deemed the responsible broker in the transaction. In the case of a cooperative sale, the broker who holds entrusted funds in a real estate trust account while the transaction is pending, or who delivers or transfers the funds to the closing agency or any

authorized party other than the cooperating broker in the transaction, shall be deemed the broker responsible for the transaction. The responsible broker shall:

(1) Ensure the correctness and delivery of detailed closing statements which that accurately reflect all receipts and disbursements for their respective accounts to both the buyer and seller in a transaction, even if the closing is completed by a real estate escrow closing agent, title company or other authorized third party and regardless of the responsible broker's agent or nonagent relationship to the buyer or seller.

(2) Show proof of delivery of the closing statement to the buyer and seller by their signatures on copies of such closing statements, which shall be retained in the broker's transaction file. When signatures of the parties cannot be obtained, a copy of the closing statement transmittal letter, sent by certified mail, return receipt requested, or a written certification of delivery signed by an officer of the escrow closing agency, shall be retained in the broker's transaction files.

(3) Create and maintain, for the retention period required in section 54-2049, Idaho Code, a transaction file containing the following documents, as applicable. For all pending, closed or fallen transactions, the original or a true and correct copy of:

(a) Signed closing statements, if applicable;

(b) Written and signed brokerage representation agreements, if any. A responsible broker who is representing both the seller and the buyer in a transaction shall retain properly executed brokerage representation agreements in the transaction file, and, if appropriate to the transaction, a properly executed "consent to limited dual representation" statement. A responsible broker who has a signed brokerage representation agreement with only one (1) party to the transaction, either buyer or seller, must only retain only that one (1) agreement in the transaction file;

(c) All offers accepted, countered or rejected, which must each be retained in the manner required in section 54-2049, Idaho Code;

~~(d) All offers presented to the seller and not accepted by that seller shall be clearly marked and dated as rejected.~~ The original or a true and correct copy of all rejected offers must be retained in the files of the selling broker for the statutory records retention period in section 54-2049, Idaho Code.

SECTION 5. That Section 54-2090, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 55-1813, Idaho Code, be, and the same is hereby amended to read as follows:

55-1813. INVESTIGATIONS AND PROCEEDINGS. (1) The commission may investigate any subdivision offered for disposition in this state and the actions of any person who makes any offer or disposition of subdivided lands requiring registration under this chapter. In the conduct of the investigation, the commission may:

(a) Rely upon any relevant information concerning a subdivision obtained from the federal housing administration, the United States department of veterans administration affairs or any other federal agency or any state agency having comparable duties in relation to subdivisions;

(b) Require the applicant to submit reports prepared by competent engineers as to any hazard to which any subdivision offered for disposition is subject or any factor that affects the utility of interests within the subdivision, and require evidence of compliance in removing or minimizing all hazards reflected in engineering reports;

(c) Require an on-site inspection of the subdivision by a person or persons designated by it. All expenses incurred in connection with an on-site inspection shall be defrayed by the applicant, and the commission shall require a deposit sufficient to defray such expenses in advance;

(d) Make public or private investigations within or outside this state to determine whether any person has violated or is about to violate the provisions of this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in prescribing rules and forms hereunder; and

(e) Require or permit any person to file a statement in writing, under oath or otherwise as the commission determines, as to all the facts and circumstances concerning the matter to be investigated.

(2) For the purpose of any investigation or proceeding under this chapter, the commission or any person designated by it may administer oaths or affirmations, and upon its own motion or upon the request of any party the commission or any person designated by it shall have the power to administer oaths, take depositions of witnesses in and out of the state of Idaho in the manner of civil cases, require the attendance of such witnesses and the production of such books, records and papers as it may desire at any hearing before it or deposition authorized by it, pertaining in any manner to any matters of which it has authority to investigate, and for that purpose the commission may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers that shall be served and returned in the same manner as a subpoena in a civil case is returned. The fees and mileage of witnesses shall be the same as that allowed in the district courts in civil cases.

(3) The commission may permit a person registered with the commission whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules or letters of censure or warning, whether formal or informal, may be entered against said person.

(4) Except as otherwise provided in this chapter, all proceedings under this chapter shall be in accordance with chapter 52, title 67, Idaho Code, and IDAPA 33.01.02, ~~rules of practice and procedure of the Idaho real estate commission governing contested cases.~~

Approved March 10, 2020

CHAPTER 88
(H.B. No. 477)

AN ACT

RELATING TO REAL ESTATE LICENSURE; AMENDING SECTION 54-2050, IDAHO CODE, TO PROVIDE THAT A REAL ESTATE SALES ASSOCIATE WHO OBTAINS A SIGNED BROKERAGE REPRESENTATION AGREEMENT SHALL PROVIDE A COPY OF SUCH AGREEMENT TO THE DESIGNATED BROKER, TO REVISE A PROVISION REGARDING BROKERAGE REPRESENTATION AGREEMENTS, AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-2051, IDAHO CODE, TO PROVIDE THAT A REAL ESTATE SALES ASSOCIATE SHALL SUBMIT CERTAIN SIGNED DOCUMENTS TO A BROKER AND PARTIES PRINCIPAL TO A REAL ESTATE TRANSACTION.

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

SECTION 1. That Section 54-2050, Idaho Code, be, and the same is hereby amended to read as follows:

54-2050. BROKERAGE REPRESENTATION AGREEMENTS -- REQUIRED ELEMENTS. All real estate brokerage representation agreements, whether with a buyer or seller, must be in writing in the manner required by section 54-2085, Idaho Code, and must contain the following contract provisions:

(1) Seller representation agreements. Each seller representation agreement, whether exclusive or nonexclusive, must contain the following provisions:

- (a) Conspicuous and definite beginning and expiration dates;
- (b) A description of the property to be bought or sold which that sufficiently identifies the property so as to evidence an understanding of the parties as to the location of the real property. Nothing in this section shall be construed to require a legal description, nor a metes and bounds description of the property. Provided further, a representation agreement shall not be held invalid for lack of a legal description or a metes and bounds description;
- (c) Price and terms;
- (d) All fees or commissions; and
- (e) The signature of the owner of the real estate or the owner's legal, appointed and duly qualified representative, and the date of such signature.

(2) Buyer representation agreements. Each buyer representation agreement, whether exclusive or nonexclusive, must contain the following provisions:

- (a) Conspicuous and definite beginning and expiration dates;
- (b) All financial obligations of the buyer or prospective buyer, if any, including, but not limited to, fees or commissions;
- (c) The manner in which any fee or commission will be paid to the broker; and
- (d) Appropriate signatures and their dates.

(3) Prohibited provisions and exceptions -- Automatic renewal clauses. No buyer or seller representation agreement shall contain a provision requiring the party signing the agreement to notify the broker of the party's intention to cancel the agreement after the definite expiration date, unless the representation agreement states that it is completely nonexclusive and it contains no financial obligation, fee or commission due from the party signing the agreement.

(4) Copies required. A sales associate who obtains a signed brokerage representation agreement of any kind shall provide a true and legible copy of such representation agreement to the designated broker or broker's office prior to the end of the next business day.

(5) Copies required. A broker or salesperson who obtains a written signed brokerage representation agreement of any kind shall, at the time of securing such agreement, give the person or persons signing such agreement, a legible, signed, true and correct copy thereof. To the extent the parties have agreed in writing, copies that are electronically generated or transmitted, faxed or delivered in another method shall be deemed true and correct.

(56) Electronically generated agreements. To the extent the parties have agreed in writing, brokerage representation agreements with a buyer or seller that are electronically generated or transmitted, faxed or delivered in another method shall be deemed true and correct and enforceable as originals.

SECTION 2. That Section 54-2051, Idaho Code, be, and the same is hereby amended to read as follows:

54-2051. OFFERS TO PURCHASE. (1) A broker or sales associate shall, as promptly as practicable, tender to the seller every written offer to purchase obtained on the real estate involved, up until time of closing. A purchase and sale agreement signed by the prospective buyer shall be deemed in all respects an offer to purchase.

(2) Immediately upon receiving any offer to purchase signed and dated by the buyer and any consideration, a broker or salesperson shall provide a copy of the offer to purchase to the buyer as a receipt.

(3) ~~Upon obtaining a properly signed and dated acceptance of an offer to purchase, the broker or sales associate shall promptly deliver true and legible copies of such accepted offer~~ any document signed by a buyer or seller, a sales associate shall provide a true and legible copy of such document to the designated broker or broker's office prior to the end of the next business day. If the document is a fully executed purchase and sale agreement, counter offer, or addendum, such sales associate shall also provide a true and legible copy of such document to both the buyer and the seller.

(4) The broker or sales associate shall make certain that all offers to purchase real property or any interest therein are in writing and contain all of the following specific terms, provisions and statements:

(a) All terms and conditions of the real estate transaction as directed by the buyer or seller;

(b) The actual form and amount of the consideration received as earnest money;

(c) The name of the responsible broker in the transaction, as defined in section 54-2048, Idaho Code;

(d) The "representation confirmation" statement required in section 54-2085(4), Idaho Code, and, only if applicable to the transaction, the "consent to limited dual representation" as required in section 54-2088, Idaho Code;

(e) A provision for division of earnest money retained by any person as forfeited payment should the transaction not close;

(f) All appropriate signatures and the dates of such signatures; and

(g) A legal description of the property.

(5) All changes made to any offer to purchase or other real estate purchase agreement shall be initialed and dated by the parties to the transaction.

Approved March 10, 2020

CHAPTER 89
(H.B. No. 480)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-524, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A BILITERACY DIPLOMA.

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

SECTION 1. That Chapter 5, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-524, Idaho Code, and to read as follows:

33-524. BILITERACY DIPLOMA. (1) For purposes of this section, "world language" means a language other than English.

(2) A public school student who successfully completes all graduation requirements established by the state board of education may receive a high school diploma bearing a state seal of biliteracy if the student:

(a) Demonstrates proficiency in English according to an assessment or other method designated by the state board of education; and

(b) Demonstrates proficiency in at least one (1) world language by:

(i) Passing a foreign language advanced placement examination with a score of three (3) or higher;

(ii) Passing an international baccalaureate examination with a score of four (4) or higher;

(iii) Demonstrating intermediate mid level proficiency or higher in the world language based on the American council on the teaching of foreign languages (ACTFL) proficiency guidelines, using assessments approved by the state board of education;

(iv) Qualifying for four (4) competency-based credits by demonstrating proficiency in the world language at the intermediate mid level or higher based on the ACTFL proficiency guidelines, according to the school district's or public charter school's policy and procedure for competency-based credits for world languages; or

(v) Demonstrating proficiency in speaking, writing, and reading the world language through other national or international assessments approved by the state board of education at a level comparable to the intermediate mid level or higher in the ACTFL proficiency guidelines.

(3) This section does not require a student to complete more than the total credits required to graduate as determined by the state board of education.

(4) Each school district and public charter school may create a diploma indicating that a student has earned the state seal of biliteracy for students who meet the requirements of this section.

(5) The state board of education shall promulgate rules necessary to implement the provisions of this section.

Approved March 10, 2020

CHAPTER 90
(S.B. No. 1358)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF ENERGY AND MINERAL RESOURCES FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE OFFICE OF ENERGY AND MINERAL RESOURCES 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 Energy and Mineral Resources 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:					
Indirect Cost Recovery					
Fund	\$89,300	\$38,900			\$128,200
Renewable Energy Resources					
Fund	263,400	41,700			305,100
Miscellaneous Revenue					
Fund	10,100	10,100			20,200
Petroleum Price Violation					
Fund	256,200	158,200	\$5,800	\$58,000	478,200
Federal Grant					
Fund	<u>267,000</u>	<u>159,000</u>	<u>0</u>	<u>0</u>	<u>426,000</u>
TOTAL	\$886,000	\$407,900	\$5,800	\$58,000	\$1,357,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Energy and Mineral Resources is authorized no more than eight (8.00) 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 10, 2020

CHAPTER 91
(S.B. No. 1352)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE CHILD WELFARE AND FOSTER AND ASSISTANCE PAYMENTS PROGRAMS FOR FISCAL YEAR 2020; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE CHILD WELFARE PROGRAM 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 237, Laws of 2019, and any other appropriation provided by law, 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, 2019, through June 30, 2020:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CHILD WELFARE:			
FROM:			
Technology Infrastructure Stabilization			
Fund	\$1,438,000		\$1,438,000
Cooperative Welfare (Federal)			
Fund	<u>1,438,000</u>		<u>1,438,000</u>
TOTAL	\$2,876,000		\$2,876,000
II. FOSTER AND ASSISTANCE PAYMENTS:			
FROM:			
Cooperative Welfare (General)			
Fund		\$2,946,800	\$2,946,800
Cooperative Welfare (Federal)			
Fund		<u>2,946,800</u>	<u>2,946,800</u>
TOTAL		\$5,893,600	\$5,893,600
GRAND TOTAL	\$2,876,000	\$5,893,600	\$8,769,600

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Child Welfare Program in Section 1, Chapter 237, Laws of 2019, from the Cooperative Welfare (Dedicated) Fund is hereby reduced by \$555,600 for trustee and benefit payments for the period July 1, 2019, through June 30, 2020.

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 10, 2020

CHAPTER 92
(S.B. No. 1307)

AN ACT

RELATING TO THE STATE BUDGET; AMENDING SECTION 67-3516, IDAHO CODE, TO PROVIDE THAT RECEIPTS FROM THE SALE OF A MOTOR VEHICLE MAY BE TRANSFERRED TO OPERATING EXPENDITURES IN CERTAIN INSTANCES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-3516, Idaho Code, be, and the same is hereby amended to read as follows:

67-3516. APPROPRIATION ACTS DEEMED FIXED BUDGETS -- RATE OF EXPENDITURE. (1) Appropriation acts when passed by the legislature of the state of Idaho, and spending authority made thereunder, whether the appropriation is fixed or continuing, are fixed budgets beyond which state officers, departments, bureaus and institutions may not expend.

(2) Funds available to any agency from sources other than state funds, if not cognizable at the time when appropriations were made whether state fiscal liability is increased or not, must have prior approval of the administrator of the division of financial management and the board of examiners in order that funds may be expended, except those funds received under such conditions that preclude approval by the administrator of the division and/or the board of examiners. Receipts from the sale of capital outlay items and insurance claim settlements may, with the approval of the division of financial management, be included as an increase to an agency's appropriation and must be identified at an object code level. Expenditure of such receipts must be for capital outlay items, except in the case of a sale of a motor vehicle, which, notwithstanding section 67-3511(3), Idaho Code, may be transferred to operating expenditures with the approval of the division of financial management.

(3) One state agency may bill another state agency for goods and services, provided the billing agency receives prior approval in writing from the billed agency or such billing is provided for by law. This process will be known as interagency billing to which the following rules will apply:

(a) The state controller will treat interagency receipts as revenue and not classify such revenue as a reduction of the expenditures of the receiving agency. Interagency billing credits for all funds shall be deposited to the appropriate fund of that agency.

(b) Interagency receipts may be expended by the collecting agency to the extent that authority to do so has been requested and approved by the legislature through an appropriation.

(c) The agency which is billed for the goods and services shall classify, treat and account for such expenses in the same manner as if such expenses had been paid by warrant, and may encumber unexpended balances to liquidate known or anticipated interagency billing expenses at the end of a fiscal year. The state controller shall provide for the method of liquidation of these encumbrances.

(4) State agencies selling goods, products, and services to another state agency must use the interagency process detailed by subsection (3) above of this section. State agencies, departments and institutions may sell goods, products, and services to the public and/or other political entities. These cash receipts may be expended according to the following rules:

- (a) The state controller will classify these moneys as receipts.
- (b) Receipts for all funds shall be deposited to the appropriate fund of that agency.
- (c) The collecting agency may expend all such receipts only to the extent that authority to do so has been requested and approved by the legislature through an appropriation, except receipts received by agencies under the circumstances cited in subsection (2) of this section.

Approved March 11, 2020

CHAPTER 93
(S.B. No. 1359)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION OF PARDONS AND PAROLE FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE COMMISSION OF PARDONS AND PAROLE 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 of Pardons and Parole 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	\$2,819,600	\$654,900	\$3,474,500
Miscellaneous Revenue			
Fund	<u>0</u>	<u>70,700</u>	<u>70,700</u>
TOTAL	\$2,819,600	\$725,600	\$3,545,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission of Pardons and Parole is authorized no more than thirty-seven (37.00) 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 11, 2020

CHAPTER 94
(S.B. No. 1367)

AN ACT

RELATING TO THE APPROPRIATION TO THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2021; AND EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho for the Agricultural Research and Cooperative Extension Service the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2020, through June 30, 2021:

FOR:

Personnel Costs	\$27,622,500
Operating Expenditures	3,835,900
Capital Outlay	<u>650,000</u>
TOTAL	\$32,108,400

SECTION 2. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. The Agricultural Research and Cooperative Extension Service is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated to it for the period July 1, 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 11, 2020

CHAPTER 95
(S.B. No. 1373)

AN ACT

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

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

SECTION 1. There is hereby appropriated to the Lieutenant Governor 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	\$166,000
Operating Expenditures	<u>16,100</u>
TOTAL	\$182,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Lieutenant Governor is authorized no more than three (3.00) 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 TRANSFER LIMITATIONS. The Lieutenant Governor is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated to it for the period July 1, 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 11, 2020

CHAPTER 96
(H.B. No. 318)

AN ACT

RELATING TO OCCUPATIONAL LICENSES; TO PROVIDE LEGISLATIVE INTENT; AMENDING SECTION 67-2601, IDAHO CODE, TO REMOVE REFERENCE TO THE BUREAU OF OCCUPATIONAL LICENSES, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES, AND TO PROVIDE THAT THE GOVERNOR SHALL HAVE CERTAIN AUTHORITY REGARDING THE ORGANIZATION OF STATE GOVERNMENT; REPEALING SECTION 67-2602, IDAHO CODE, RELATING TO THE BUREAU OF OCCUPATIONAL LICENSES; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2602, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 67-2602A, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 67-2603, IDAHO CODE, TO REMOVE REFERENCE TO THE BUREAU OF OCCUPATIONAL LICENSES, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES, AND TO PROVIDE FOR THE DIVISION ADMINISTRATOR; AMENDING SECTION 67-2604, IDAHO CODE, TO REMOVE REFERENCE TO THE BUREAU OF OCCUPATIONAL LICENSES, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES, TO PROVIDE FOR CERTAIN RESPONSIBILITIES OF THE DIVISION'S LEGAL COUNSEL, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-2605, IDAHO CODE, TO REMOVE REFERENCE TO THE BUREAU OF OCCUPATIONAL LICENSES AND TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 67-2606, IDAHO CODE, TO REMOVE REFERENCE TO THE BUREAU OF OCCUPATIONAL LICENSES AND TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 67-2608, IDAHO CODE, TO PROVIDE FOR THE ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 67-2609, IDAHO CODE, TO REMOVE REFERENCES TO THE BUREAU OF OCCUPATIONAL LICENSES AND TO CERTAIN RULES AND EDUCATIONAL REQUIREMENTS, TO ESTABLISH PROVISIONS REGARDING THE REGISTRATION OF OCCUPATIONS, AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 67-2610, IDAHO CODE, RELATING TO EXAMINERS' REPORT; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2610, IDAHO CODE, TO PROVIDE FOR REEXAMINATIONS; REPEALING SECTION 67-2611, IDAHO CODE, RELATING TO DESIGNATION OF EXAMINERS; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2611, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF LICENSES AND DUPLICATE LICENSES AND TO PROVIDE FOR FEES; REPEALING SECTION 67-2612, IDAHO CODE, RELATING TO REEXAMINATIONS; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2612, IDAHO CODE, TO PROVIDE FOR THE RECORDING OF LICENSES; REPEALING SECTION

67-2613, IDAHO CODE, RELATING TO THE ISSUANCE OF LICENSES AND DUPLICATE LICENSES; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2613, IDAHO CODE, TO PROVIDE FOR LIMITED APPLICATION OF THE CHAPTER; REPEALING SECTION 67-2614, IDAHO CODE, RELATING TO RENEWAL OR REINSTATEMENT OF LICENSES; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2614, IDAHO CODE, TO PROVIDE FOR RENEWAL AND REINSTATEMENT OF LICENSES; REPEALING SECTION 67-2615, IDAHO CODE, RELATING TO LIMITED APPLICATION OF THE CHAPTER; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2615, IDAHO CODE, TO PROVIDE FOR REEXAMINATION AND PAYMENT OF CERTIFICATE FEES; REPEALING SECTION 67-2616, IDAHO CODE, RELATING TO THE RECORDING OF LICENSES; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2616, IDAHO CODE, TO PROVIDE FOR THE CLARIFICATION OF CERTAIN DEFINITIONS; REPEALING SECTION 67-2617, IDAHO CODE, RELATING TO PAYMENT OF REEXAMINATION AND CERTIFICATE FEES; REPEALING SECTION 67-2618, IDAHO CODE, RELATING TO ATTORNEY GENERAL REPRESENTATION; REPEALING SECTION 67-2619, IDAHO CODE, RELATING TO CLARIFICATION OF DEFINITIONS; 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 that following the effective date of this Act any references to the Bureau of Occupational Licenses in Idaho Code be understood to refer to the Division of Occupational and Professional Licenses.

SECTION 2. That Section 67-2601, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) The department shall consist of the following:

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

(b) Professional and occupational licensing boards: Idaho state board of accountancy, as provided by chapter 2, title 54, Idaho Code; board of acupuncture, as provided by chapter 47, title 54, Idaho Code; board of architectural examiners, as provided by chapter 3, title 54, Idaho Code; state athletic commission, as provided by chapter 4, title 54, Idaho Code; board of commissioners of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code; board of chiropractic physicians, as provided by chapter 7, title 54, Idaho Code; Idaho state licensing board of professional counselors and marriage and family therapists, as provided by chapter 34, title 54, Idaho Code; state board of dentistry, as provided by chapter 9, title 54, Idaho Code; state board of dentistry, as provided by chapter 33, title 54, Idaho Code; Idaho board of licensure of professional engineers and professional land surveyors, as pro-

vided by chapter 12, title 54, Idaho Code; state board of registration for professional geologists, as provided by chapter 28, title 54, Idaho Code; speech and hearing services licensure board, as provided by chapter 29, title 54, Idaho Code; Idaho physical therapy licensure board, as provided by chapter 22, title 54, Idaho Code; Idaho state board of landscape architects, as provided by chapter 30, title 54, Idaho Code; liquefied petroleum gas safety board, as provided by chapter 53, title 54, Idaho Code; state board of medicine, as provided by chapter 18, title 54, Idaho Code; state board of morticians, as provided by chapter 11, title 54, Idaho Code; board of naturopathic medical examiners, as provided by chapter 51, title 54, Idaho Code; board of nursing, as provided by chapter 14, title 54, Idaho Code; board of examiners of nursing home administrators, as provided by chapter 16, title 54, Idaho Code; state board of optometry, as provided by chapter 15, title 54, Idaho Code; Idaho outfitters and guides licensing board, as provided by chapter 21, title 36, Idaho Code; board of pharmacy, as provided by chapter 17, title 54, Idaho Code; state board of podiatry, as provided by chapter 6, title 54, Idaho Code; Idaho state board of psychologist examiners, as provided by chapter 23, title 54, Idaho Code; Idaho real estate commission, as provided by chapter 20, title 54, Idaho Code; real estate appraiser board, as provided by chapter 41, title 54, Idaho Code; board of social work examiners, as provided by chapter 32, title 54, Idaho Code; the board of veterinary medicine, as provided by chapter 21, title 54, Idaho Code; the board of examiners of residential care facility administrators, as provided by chapter 42, title 54, Idaho Code; the certified shorthand reporters board, as provided by chapter 31, title 54, Idaho Code; the driving businesses licensure board, as provided by chapter 54, title 54, Idaho Code; the board of drinking water and wastewater professionals, as provided by chapter 24, title 54, Idaho Code; the board of midwifery, as provided by chapter 55, title 54, Idaho Code; and the barber and cosmetology services licensing board, as provided by chapter 58, title 54, Idaho Code.

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

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

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

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

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

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

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

(4) Notwithstanding any other provision of law to the contrary, the governor shall have the authority to assign entities listed in subsection (2) of this section to divisions, sections, or units in such a manner as will tend to provide an orderly arrangement in the administrative organization of state government.

SECTION 3. That Section 67-2602, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 26, 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 67-2602, Idaho Code, and to read as follows:

67-2602. DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES. (1) The division of occupational and professional licenses created in the department of self-governing agencies by section 67-2601, Idaho Code, shall be empowered by written agreement between the division and each agency for which it provides administrative or other services as provided by law to provide such services. The division may charge a reasonable fee for such services provided on behalf of and for any agency not otherwise provided for by law and shall maintain proper accounting methods for all funds under its jurisdiction.

(2) Notwithstanding the statutes governing specific boards, for any board that contracts with the division of occupational and professional licenses, each board member shall hold office until a successor has been duly appointed and qualified.

(3) For the purposes of proceedings authorized by law and held before any agency that the division serves, including the revocation or suspension of licenses, registrations, permits, or certifications, or the imposition of fines or other discipline on persons holding such licenses, registrations, permits, or certification notwithstanding any other provision of law, the division may administer oaths, take depositions of witnesses within or without the state in the manner provided by the administrative rules adopted by the division, and shall have power throughout the state of Idaho to issue subpoenas and compel the attendance of witnesses.

(4) Agencies that contract with the division of occupational and professional licenses for administrative services may assess and the division may collect costs, fees, and attorney's fees reasonably incurred in the investigation and prosecution or defense of a licensee or registrant, pursuant to the provisions of section 12-117(5), Idaho Code.

SECTION 5. That Section 67-2602A, Idaho Code, be, and the same is hereby amended to read as follows:

67-2602A. LICENSE FEES -- MILITARY EXEMPTION. All persons holding occupational or professional licenses issued by the state of Idaho and who are serving in the armed forces of the United States, or their allies, or auxiliary services thereof, and any prisoners of war in custody of the enemy countries of the United States or their allies, ~~including those in the armed services and auxiliary services and any prisoners of war as of July 1, 1942,~~ shall be exempt from the payment of any professional or occupational license or renewal fee required by any law of this state for the period during which such persons shall be engaged in the military services of the United States, or its auxiliary branches, or held as prisoners. And during such period of military service, or service in the auxiliary branches thereof, or servitude and for six (6) months following the discharge from such military service or auxiliary service ~~or servitude in the present war~~, such license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.

SECTION 6. That Section 67-2603, Idaho Code, be, and the same is hereby amended to read as follows:

67-2603. ~~BUREAU-CHIEF DIVISION ADMINISTRATOR~~ -- EXPENSES. The chief administrative officer of the ~~bureau of occupational licenses~~ division of occupational and professional licenses shall be the ~~bureau chief division administrator~~, who shall be appointed by the governor and shall serve at the pleasure of the governor. The expenses of the ~~bureau chief division administrator~~, and such ~~secretarial administrative~~, technical or other personnel as he may deem ~~be deemed~~ necessary for the conduct of the affairs of the ~~bureau division~~, shall be paid from the occupational licenses fund.

SECTION 7. That Section 67-2604, Idaho Code, be, and the same is hereby amended to read as follows:

67-2604. AUTHORITY GRANTED BY WRITTEN AGREEMENT. Unless otherwise provided for by law, and pursuant to the terms of a written agreement executed between the ~~bureau division~~ and the agency for which it shall act as authorized agent, the ~~bureau of occupational licenses~~ division of occupational and professional licenses shall provide such services, and have and exercise such powers, duties and authority as the agreement shall specify. Each agreement so executed shall specify the following:

(1) ~~The~~ specific statutory authority by which the ~~bureau division~~ shall act as authorized agent for the agency;

(2) ~~The~~ specific actions which the ~~bureau chief division administrator~~ may, as executive officer of the ~~bureau division~~, take when acting in the interest of such agency;

(3) ~~The~~ actions which may be taken by the ~~bureau chief division administrator~~ acting in discretion without specific authorization from the agency for which the ~~bureau division~~ may act;

(4) ~~The~~ approximate cost of the services provided the agency by the ~~bureau division~~, if not otherwise provided by law, the terms of compensation to the ~~bureau division~~ for services rendered, and the provision of bond for personnel of the ~~bureau division~~ pursuant to chapter 8, title 59, Idaho Code;

(5) ~~Each~~ agreement executed between the ~~bureau division~~ and the agency for which the ~~bureau division~~ is authorized to act shall include the terms, conditions and procedures by which the ~~bureau chief division administrator~~ may initiate proceedings to assure the collection and payment for services rendered by the ~~bureau division~~ which are not otherwise provided for by law;

(6) ~~The~~ terms and conditions under which either party executing the agreement shall be able, without penalty, to terminate said agreement;

(7) ~~The~~ provision that all funds transferred to the ~~bureau division~~ in compensation for services rendered shall be deposited in the occupational licenses fund against which warrants shall be drawn by the ~~bureau chief division administrator~~ in payment of expenses of the ~~bureau division~~ in the administration of this ~~act~~ chapter; and

(8) ~~The~~ provision that each such agreement so executed by the ~~bureau division~~ and agency for which it may provide said services shall be approved by the ~~attorney general~~ legal counsel for consistency with law before execution shall be valid.

SECTION 8. That Section 67-2605, Idaho Code, be, and the same is hereby amended to read as follows:

67-2605. OCCUPATIONAL LICENSES ACCOUNT CREATED -- DISPOSITION OF FEES. There is hereby created a special account to be known as the occupational licenses account. All fees and renewal fees received by the ~~bureau of occupational licenses~~ division of occupational and professional licenses

for licenses to engage in trades, businesses, occupations or professions shall be deposited to the credit of the occupational licenses account.

SECTION 9. That Section 67-2606, Idaho Code, be, and the same is hereby amended to read as follows:

67-2606. OCCUPATIONAL LICENSES ACCOUNT -- PAYMENT OF EXPENSES OF BUREAU DIVISION FROM -- MANNER. No moneys in the occupational license account may be expended except by appropriation. All expenses of the bureau of ~~occupational licenses~~ division of occupational and professional licenses, including salaries and/or wages of employees, incurred in administering the provisions of law relative to the licensing of trades, businesses, occupations and professions shall be paid out of the occupational licenses account by warrants drawn by the state controller upon the treasurer upon allowance of verified claims by the state board of examiners in the manner provided by law, but no claim shall be allowed except by the approval of the ~~chief of the bureau of occupational licenses~~ administrator of the division of occupational and professional licenses.

SECTION 10. That Section 67-2608, Idaho Code, be, and the same is hereby amended to read as follows:

67-2608. ~~BUREAU CHIEF~~ DIVISION ADMINISTRATOR TO COOPERATE WITH OTHER AGENCIES. The ~~chief of the bureau of occupational licenses~~ administrator of the division of occupational and professional licenses may, in the administration of this chapter, share information and otherwise cooperate with government regulatory and law enforcement agencies.

SECTION 11. That Section 67-2609, Idaho Code, be, and the same is hereby amended to read as follows:

67-2609. REGISTRATION OF OCCUPATIONS. ~~(a) The bureau of occupational licenses~~ division of occupational and professional licenses shall, wherever the several laws regulating professions, trades, and occupations which are devolved upon the ~~bureau~~ division for administration so require or pursuant to written agreement as provided in section 67-2604, Idaho Code, exercise, in its name, or as authorized agent, but subject to the provisions of this chapter, the following powers:

- (1) To conduct examinations to ascertain the qualifications and fitness of applicants to exercise the profession, trade, or occupation for which an examination is held;
- (2) ~~To~~ pass upon the qualifications of applicants for reciprocal licenses, certificates, and authorities;
- (3) To require applications to be verified under oath;
- (4) To require applicants to provide a clear and legible copy of a government-issued photo identification;
- (5) To pass to the agencies it serves complete applications, which include all required documentation and fees for licenses, certificates, and authorities;
- (6) To require all application materials be submitted to the division at least seven (7) days in advance of the scheduled meeting of an agency in order for the application to be reviewed by an agency for final action;
- (7) Notwithstanding any other provisions of law, to terminate an application that has not had any activity within one (1) year;
- (8) To issue a license, certificate, or authority only on behalf of an agency that has administrative rules approved by the legislature;

(29) To prescribe rules for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades, or occupations;

~~(3) To prescribe rules defining, for the respective professions, trades and occupations, what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing and to determine the reputability and good standing of a school, college or university, or department of a university, or other institution, by reference to a compliance with such rules;~~

~~(4) To establish a standard of preliminary education deemed requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities;~~

(510) To conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates or authorities of persons exercising the respective professions, trades, or occupations, and to revoke or refuse to renew such licenses, certificates, or authorities;

(611) To formulate rules for adoption by the boards allowing the boards to assess costs and fees incurred in the investigation and prosecution or defense of a licensee in accordance with the provisions of section 12-117(5), Idaho Code, and with the contested case provisions of chapter 52, title 67, Idaho Code, for an alleged violation of laws or rules of the boards;

(712) To formulate rules for adoption by the boards establishing a schedule of civil fines which may be imposed upon a licensee prosecuted in accordance with the contested case provisions of chapter 52, title 67, Idaho Code, for a violation of laws or rules of the boards. Any civil fine collected by a board for a violation of its laws or rules shall not exceed one thousand dollars (\$1,000), unless otherwise provided by statute, and shall be deposited in the bureau of occupational licensing account;

(813) To formulate rules when required in any act to be administered; and

(914) To collect and pay such fees as are required for criminal background checks of applicants, licensees, or registrants;

(15) To provide an honorarium as set forth in section 59-509(p), Idaho Code;

(16) To receive a fee not to exceed twenty-five dollars (\$25.00) for the making of copies of records or for a search of the files when no copies are made;

(17) To implement application processes that provide for clear administration of all licenses, registrations, permits, and certificates, including their status and history; and

(18) To ensure that fees collected by the division are not waived or refunded unless authorized by board rule or law.

~~(b) None of the functions and duties in subsection (a) of this section shall be exercised by the bureau of occupational licenses except upon the action and report in writing of persons designated from time to time by the chief of the bureau of occupational licenses to take such action and to make such report, for the respective professions, trades and occupations.~~

SECTION 12. That Section 67-2610, Idaho Code, be, and the same is hereby repealed.

SECTION 13. That Chapter 26, 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 67-2610, Idaho Code, and to read as follows:

67-2610. REGISTRATION OF OCCUPATIONS -- REEXAMINATIONS. Whenever the division administrator is satisfied that substantial justice has not been done either in an examination or in the revocation of or refusal to renew a license, certificate, or authority, he may order reexamination or rehearings.

SECTION 14. That Section 67-2611, Idaho Code, be, and the same is hereby repealed.

SECTION 15. That Chapter 26, 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 67-2611, Idaho Code, and to read as follows:

67-2611. ISSUANCE OF LICENSES -- ISSUANCE OF DUPLICATE -- FEE. (1) All certificates, licenses, and authorities, upon written application of the owner of a certificate, license, or authority, shall be issued by the division of occupational and professional licenses in the name of such division, with the Idaho state seal attached.

(2) The division of occupational and professional licenses may assess a reasonable fee for the issuance of an original or duplicate certificate, license, or authority.

SECTION 16. That Section 67-2612, Idaho Code, be, and the same is hereby repealed.

SECTION 17. That Chapter 26, 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 67-2612, Idaho Code, and to read as follows:

67-2612. RECORDING OF LICENSES. Every license that may be issued by the division of occupational and professional licenses as a prerequisite to engage in a trade, occupation, or profession shall be recorded in the office of the division, which shall relieve the licensee from being required to record the same in the office of the county recorder in the county in which the licensee intends to practice. No fee shall be charged for recording of the license by the division.

SECTION 18. That Section 67-2613, Idaho Code, be, and the same is hereby repealed.

SECTION 19. That Chapter 26, 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 67-2613, Idaho Code, and to read as follows:

67-2613. LIMITED APPLICATION OF THIS CHAPTER. The provisions of this chapter prescribing powers and duties of the division of occupational and professional licenses concerning regulation, examination, licensure, fees, and deposit thereof for trades, occupations, or professions shall be applicable only where such powers and duties are not invested by other provisions of law in any other board, commission, department, or agency.

SECTION 20. That Section 67-2614, Idaho Code, be, and the same is hereby repealed.

SECTION 21. That Chapter 26, 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 67-2614, Idaho Code, and to read as follows:

67-2614. RENEWAL OR REINSTATEMENT OF LICENSES. (1) All licenses or registrations issued by the boards served by the division of occupational and professional licenses as a prerequisite to engaging in a trade, occupation, or profession shall be subject to annual renewal and shall expire and be canceled unless renewed prior to expiration as provided by this section. The required fees for annual renewals and reinstatements shall be the amounts set forth in the rules of the governing board. As used in this section, the term "person," unless otherwise indicated, shall mean a natural person or an entity applying for licensure or registration pursuant to the laws or rules of a board served by the division.

(2) All natural persons required to procure a license or registration must annually renew the same on or before the birthday of the holder of the license or registration in the manner prescribed in subsection (4) of this section. However, the first renewal of the license or registration shall not be required until twelve (12) months after the holder's next birthday following the initial licensure or registration.

(3) All persons required to procure a license or registration for an entity or a facility as a prerequisite for operating a business or place of business in which a trade, occupation, or profession is practiced must annually renew the same on or before the anniversary of the original issue date of the license or registration in the manner prescribed in subsection (4) of this section.

(4) Licenses or registrations may be renewed up to six (6) weeks prior to the expiration date.

(a) Submission of an approved and completed paper or electronic renewal application prior to expiration is the responsibility of each licensee or registrant. Failure to receive a renewal application or notice shall not excuse failure to comply with renewal requirements.

(b) The renewal application shall be submitted to the division along with the required renewal fee and confirmation of compliance with renewal requirements of the relevant board, including but not limited to insurance, completion of any continuing education, and payment of all fines, costs, fees, including attorney's fees, or other amounts that are due and owing to the board or in compliance with a payment arrangement with the board.

(5) Applicants, licensees, permittees, and registrants are responsible for keeping their information up to date as follows:

(a) Whenever a change of the applicant's, licensee's, or registrant's address of record occurs, the licensee or registrant must immediately notify the division in writing of the change. The division will use the most recent mailing or electronic mail address it has on file for purposes of written communication with a licensee or registrant. It is the responsibility of each applicant, licensee, and registrant to keep the division informed of a current mailing and electronic mail address and any other contact information; and

(b) All substantive changes in professional status must be reported to the division in writing within ninety (90) days. Substantive changes may include but are not limited to:

(i) Any criminal convictions of felonies or misdemeanors other than traffic violations;

(ii) Administrative adjudicative proceedings against the applicant, licensee, or registrant in other states or jurisdictions;

(iii) Adjudicated ethics violations or other sanctions levied against the applicant, licensee, or registrant by a professional association or specialty association; and

(iv) Any civil proceedings adjudicated against the applicant, licensee, or registrant related to his license, registration, or certificate.

(6) Fees for renewal and reinstatement cannot be waived or refunded unless otherwise provided by board law or rule.

(7) If a license or registration is not renewed on or before the expiration date, it shall be immediately canceled by the division following the date of expiration. Within five (5) years of the date of expiration, the division may reinstate a license or registration canceled for failure to renew upon receiving documentation of compliance with requirements for timely renewal as set forth in subsection (4) (b) of this section and any other reinstatement requirements of the board plus payment of a reinstatement fee as provided by board rule.

(8) (a) When a license or registration has been canceled for a period of more than five (5) years, the person so affected shall be required to make application for a new license or registration to the division. The application shall consist of the following:

(i) All forms and information required of an application for a new license or registration; and

(ii) The fee currently required of an applicant for a new license or registration.

(b) In addition to the application, the person shall provide all moneys due and owing to the board or proof that the person is in compliance with a payment arrangement made with the board.

(c) The person shall fulfill certain requirements as determined by the board that demonstrate the person's competency to resume practice in this state. Such requirements may include but are not limited to education, supervised practice, and examination. The board may consider the person's practice in another jurisdiction in determining the person's competency.

(d) Persons who fulfill the conditions and requirements of this subsection shall be issued a new license or registration.

SECTION 22. That Section 67-2615, Idaho Code, be, and the same is hereby repealed.

SECTION 23. That Chapter 26, 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 67-2615, Idaho Code, and to read as follows:

67-2615. REEXAMINATION AND PAYMENT OF CERTIFICATE FEES. Should an applicant who is required to procure a license from the division of occupational and professional licenses as a prerequisite for engaging in a trade, occupation, or profession fail to pass the required examination, the applicant may be reexamined at any regular or special meeting of the division as it may be authorized to act for such board of examiners. Every person who is licensed by the division of occupational and professional licenses as a prerequisite to engage in a trade, occupation, or profession may, upon the payment of a fee, receive a certificate setting forth that the holder thereof is duly registered and licensed to practice his profession in the state of Idaho.

SECTION 24. That Section 67-2616, Idaho Code, be, and the same is hereby repealed.

SECTION 25. That Chapter 26, 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 67-2616, Idaho Code, and to read as follows:

67-2616. CLARIFICATION OF DEFINITIONS. Solely for the purposes of chapter 14, title 67, Idaho Code, the associations created in chapters 36 and 43, title 41, Idaho Code, shall be considered self-governing entities as defined in this chapter, which creates the department of self-governing agencies.

SECTION 26. That Section 67-2617, Idaho Code, be, and the same is hereby repealed.

SECTION 27. That Section 67-2618, Idaho Code, be, and the same is hereby repealed.

SECTION 28. That Section 67-2619, Idaho Code, be, and the same is hereby repealed.

SECTION 29. 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 11, 2020

CHAPTER 97
(H.B. No. 370)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1352A, 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 59-1352A, Idaho Code, be, and the same is hereby amended to read as follows:

59-1352A. PUBLIC SAFETY OFFICER PERMANENT DISABILITY BENEFIT. (1) A public safety officer who is ruled by the retirement system to be permanently disabled, as provided in sections 59-1302(12) and 59-1352, Idaho Code, on or after July 1, 2009, as a result of bodily injury or disease sustained in the line of duty is eligible for a ~~one-time~~ onetime permanent disability benefit in the amount of one hundred thousand dollars (\$100,000), which shall be payable as provided in this section to the permanently disabled public safety officer.

(2) Public safety officers who qualify and who seek the benefit under this section shall apply to the retirement board. No benefit shall be payable unless the retirement board determines that:

(a) The permanent disability occurred in the line of duty;

(b) The permanent disability was not caused by the intentional misconduct of the public safety officer or by the public safety officer's intentional infliction of injury; and

(c) The public safety officer was not voluntarily intoxicated at the time of the event causing the permanent disability.

(3) As used in this section, "public safety officer" means an active member of the retirement system who, when injured:

- (a) Was designated as a police officer member under section 59-1303, Idaho Code;
 - (b) Was a firefighter as defined in section 59-1302(16), Idaho Code; or
 - (c) Was a paid firefighter as defined in section 72-1403(A), Idaho Code.
- (4) The benefit payable under this section is as follows:
- (a) Separate from and independent of any benefits payable to the public safety officer under this chapter;
 - (b) Not dependent upon years of service or age of the public safety officer; and
 - (c) Shall not be subject to state income taxes.
- (5) It is the intent of the legislature that this benefit shall be funded solely by public safety officers in perpetuity, and not by an employer, as defined in section 59-1302(15), Idaho Code. Therefore, the costs associated with providing this benefit, as determined by the board, shall be paid solely by the public safety officers.

Approved March 11, 2020

CHAPTER 98
(H.B. No. 395)

AN ACT

RELATING TO HIGHER EDUCATION; AMENDING SECTION 33-3101, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ESTABLISHMENT OF LEWIS-CLARK STATE COLLEGE.

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

SECTION 1. That Section 33-3101, Idaho Code, be, and the same is hereby amended to read as follows:

33-3101. ESTABLISHMENT OF SCHOOL. An institute of higher education for the state of Idaho is hereby established in the city of Lewiston, in the county of Nez Perce, to be called the Lewis-Clark State College, heretofore called the Lewis-Clark Normal School, the purposes of which shall be the offering and the giving of instruction in ~~four (4) year~~ college courses in the sciences, arts and literature, professional, technical, and such courses or programs of higher education as are usually included in liberal arts colleges and universities leading to the granting of the degree of Bachelor, upon completion of such courses or programs appropriate collegiate degrees as have been approved by the state board of education.

~~The board of trustees may also establish educational, professional-technical and other courses or programs of less than four (4) years, as it may deem necessary, and such courses or programs may be given or conducted on or off campus, or in night school, summer schools, or by extension courses.~~

Approved March 11, 2020

CHAPTER 99
(H.B. No. 398)

AN ACT

RELATING TO THE IDAHO ELEVATOR SAFETY CODE ACT; AMENDING SECTION 39-8603, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 39-8614, IDAHO CODE, TO REVISE REFERENCES TO CERTAIN SAFETY CODES AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 39-8603, Idaho Code, be, and the same is hereby amended to read as follows:

39-8603. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meanings unless the context clearly indicates another meaning:

(1) "Administrator" means the administrator of the division of building safety for the state of Idaho.

(2) "ANSI" means the American national standards institute.

(3) "ASME" means the American society of mechanical engineers.

(4) "Conveyance" includes elevators, escalators, moving walks, platform lifts, material lifts, and dumbwaiters.

(5) "Division" means the Idaho division of building safety.

(6) "Dumbwaiter" means a hoisting and lowering mechanism equipped with a car of limited size that is used exclusively for carrying materials and that moves in guide rails and serves two (2) or more landings.

(7) "Elevator" means a hoisting or lowering machine equipped with a car or platform that moves in guides and services two (2) or more floors or landings of a building or structure.

(8) "Escalator" means a power-driven, inclined, continuous stairway used for raising and lowering passengers.

(9) "Installation" means a complete conveyance including any hoistway, hoistway enclosures and related construction, and all machinery and equipment for its operation.

(a) "Existing installation" means an installation that has been completed or upon which construction was commenced prior to July 1, 2004.

(b) "New installation" means any installation not classified as an existing installation by definition, or an existing conveyance moved to a new location subsequent to July 1, 2004.

(10) "Maintenance" means a process of routine examination, lubrication, cleaning, adjustment, and replacement of parts for the performance in accordance with applicable code requirements.

(11) "Major alteration" means any change to equipment or other maintenance, repair or replacement where work is defined by any applicable code requirement.

(12) "Material lift" means a hoisting and lowering mechanism normally classified as an elevator, equipped with a car that moves within a guide system installed at an angle of greater than seventy degrees (70) from the horizontal, serving two (2) or more landings, for the purpose of transporting materials which that are manually or automatically loaded or unloaded.

(13) "Modernization" means the replacing or upgrading of any major operating component(s) of a conveyance.

(14) "Moving walks" means a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

(15) "Owner" includes the designated agent or representative of the owner.

(16) "Platform lift" means a hoisting and lowering mechanism that moves within a guide system and serves two (2) or more landings, and may include vertical or inclined platform lifts used by persons who are mobility impaired.

(17) "Private residence" means a separate dwelling or a separate apartment in a multiple dwelling occupied only by the members of a single family unit.

(18) "Qualified elevator inspector" or "QEI" means a person who is currently certified by the National Association of Elevator Safety Authorities International (NAESA International) accredited certifying organization as meeting the requirements of the NAESA International ASME QEI-1 Standard, for the Qualification of Elevator Inspectors and who is employed by or under contract to the division of building safety.

(19) "Repair" means the process of rehabilitation, upgrading or replacement of parts that are basically the same as the originals for the purpose of ensuring performance in accordance with the applicable code requirements.

(20) "Replacement" means the substitution of a device or component in its entirety with a new unit that is basically the same as the original for the purpose of ensuring performance in accordance with the applicable code requirements.

SECTION 2. That Section 39-8614, Idaho Code, be, and the same is hereby amended to read as follows:

39-8614. ADOPTION OF CODES. (1) The following codes, including those updates, addenda and amendments thereto hereafter adopted by the division as set forth in the duly promulgated administrative rules, are hereby adopted for all conveyances subject to this chapter as may be applicable below:

(a) ANSI/ASME, A17.1 Safety Code for Elevators and Escalators.

~~(b) ANSI/ASME, Guide for Inspection of Elevators, Escalators, and Moving Walks.~~

~~(c) ANSI/ASME, A17.3 Safety Code for Existing Elevators and Escalators.~~

~~(d) ANSI/ASME, A17.4 Guide for Emergency Personnel.~~

~~(e) ANSI/ASME, Standards for A17.5 Elevator and Escalator Electrical Equipment.~~

(f) ANSI/ASME, A17.6 Standard for Elevator Suspension, Compensation, and Governor Systems.

(g) ANSI/ASME, A17.7 Performance-Based Safety Code for Elevators and Escalators.

(h) ANSI/ASME, A17.8 Standard for Wind Turbine Tower Elevators.

~~(i) ANSI/ASME, Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition of Operations.~~

~~(j) ICC/ANSI, American National Standard, A117.1 Accessible and Usable Buildings and Facilities.~~

(k) ANSI/ASME, A18.1 Safety Standards for Platform Lifts and Stairway Chairlifts.

(l) ASME, QEI-1 Standards for the Qualification of Elevator Inspectors.

(2) Conveyances placed into operation after July 1, 2004, shall comply with those codes in effect on the date the division received the application for the permit or certificate for the conveyance.

(3) Conveyances placed into operation prior to July 1, 2004, shall be required to comply only with the Safety Code for Existing Elevators and Escalators.

CHAPTER 100
(H.B. No. 401)

AN ACT

RELATING TO MORTGAGE PRACTICES; AMENDING SECTION 26-2239, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; REPEALING CHAPTER 28, TITLE 26, IDAHO CODE, RELATING TO MORTGAGE COMPANIES; AMENDING SECTION 26-31-102, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE A TERM, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-31-201, IDAHO CODE, TO REVISE A DEFINITION, TO REMOVE DEFINITIONS, TO DEFINE A TERM, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-31-202, IDAHO CODE, TO REVISE AN EXEMPTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-31-206, IDAHO CODE, TO REMOVE REFERENCES TO A QUALIFIED PERSON AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-31-207, IDAHO CODE, TO REMOVE A REFERENCE TO A QUALIFIED PERSON AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-31-211, IDAHO CODE, TO REVISE A CERTAIN PROHIBITED PRACTICE, TO REMOVE A REFERENCE TO A QUALIFIED PERSON, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 31, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-31-212, IDAHO CODE, TO PROVIDE FOR CERTAIN REQUIREMENTS REGARDING RESERVE ACCOUNTS; AMENDING CHAPTER 31, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-31-213, IDAHO CODE, TO PROVIDE FOR CERTAIN ANNUAL STATEMENTS; AMENDING CHAPTER 31, TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-31-214, IDAHO CODE, TO PROVIDE FOR A NOTICE OF TRANSFER OF A BORROWER'S RESIDENTIAL MORTGAGE LOAN; AND AMENDING SECTION 26-31-304, IDAHO CODE, TO PROVIDE FOR TEMPORARY AUTHORITY TO ORIGINATE LOANS IN CERTAIN INSTANCES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 26-2239, Idaho Code, be, and the same is hereby amended to read as follows:

26-2239. EXEMPTIONS. The provisions of this act shall not apply to the following:

(1) Persons licensed to practice law in this state, to the extent that they are retained by their clients to engage in activities authorized by this act, and such activities are incidental to the practice of law. Such exemption shall not apply to an attorney engaged in a separate business conducting the activities authorized by this act;

(2) Any regulated lender as defined in section 28-41-301, Idaho Code, and its subsidiary, affiliate or agent, to the extent that the regulated lender, subsidiary, affiliate or agent collects for the regulated lender or engages in acts governed by this act which are incidental to the business of a regulated lender;

(3) Any bank, trust company, credit union, insurance company or industrial loan company authorized to do business in this state;

(4) Any federal, state or local governmental agency or instrumentality;

(5) Any real estate broker or real estate salesman licensed under the laws of and residing within this state while engaged in acts authorized by his real estate license;

(6) Any person authorized to engage in escrow business in this state while engaged in authorized escrow business;

(7) Any mortgage company lender engaged in the regular business of a mortgage company lender as defined in section 26-280231-201, Idaho Code, except a mortgage company lender engaged in a separate business conducting the activities authorized by this act;

(8) Any court-appointed trustee, receiver or conservator;

(9) Any telephone corporation as defined in subsection (14) of section 62-603, Idaho Code, whose initial request for payment on behalf of such telephone corporation or on behalf of another person is made by the telephone corporation as a part of regular telecommunications billings to its customers and at a time before the account, bill, claim or other indebtedness becomes past due or delinquent;

(10) Any person while acting as a debt collector for another person, both of whom are related by common ownership or affiliated by corporate control, if the person acting as a debt collector does so only for persons to whom he is so related or affiliated and if the principal business of such person is not the collection of debts.

SECTION 2. That Chapter 28, Title 26, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 26-31-102, Idaho Code, be, and the same is hereby amended to read as follows:

26-31-102. GENERAL DEFINITIONS. As used in this chapter and in rules promulgated pursuant to this chapter:

(1) "Borrower" means the person who has applied for a residential mortgage loan from a licensee, or person required to be licensed, under this chapter, or on whose behalf the activities set forth in section 26-31-201(3), (5) or (7) or 26-31-303(7), Idaho Code, are conducted. "Borrower" does not include an organization that, as part of a regular business of constructing or rehabilitating dwellings, makes application for a residential mortgage loan to finance the construction or rehabilitation of a dwelling.

(2) "Control person" means a person who:

(a) ~~Is a person who h~~Has the power, directly or indirectly, to direct the management or policies of a company, including a managing member, general partner, director, executive officer, or other person occupying a similar position or performing similar functions or, in the case of a limited liability company, is a managing member;

(b) Directly or indirectly has the right to vote ten percent (10%) or more of a class of a voting security of a mortgage broker or mortgage lender; or

(c) ~~Is a qualified person in charge as defined in section 26-31-201, Idaho Code; or~~

~~(d) Is an individual identified as a manager of a location for which an applicant is applying for a license under part 2 of this chapter.~~

(3) "Deficiency" means information contained in, or omitted from, an application for a mortgage broker, mortgage lender, or mortgage loan originator license that causes the application to be inaccurate, incomplete, or otherwise not in conformance with the provisions of this chapter, any rule promulgated or order issued under this chapter, application instructions published by the director or the provisions of the NMLSR policy guidebook.

(4) "Department" means the department of finance of the state of Idaho.

(5) "Director" means the director of the department of finance.

(6) "Financial services" means any activity pertaining to securities, commodities, banking, insurance, consumer lending, money services businesses, consumer debt management, or real estate including, but not limited to, acting as or being associated with a bank or savings association, credit union, farm credit system institution, mortgage lender, mortgage broker, real estate salesperson or agent, appraiser, closing agent, title company, escrow agent, payday lender, money transmitter, check casher, pawnbroker, collection agent, debt management company, title lender, or credit repair organization.

(7) "Housing finance agency" means any entity that is:

- (a) Chartered by a state to help meet the affordable housing needs of the residents of the state;
- (b) Supervised, directly or indirectly, by the state government; and
- (c) Subject to audit and review by the state in which it operates.

(8) "Licensee" means a person licensed pursuant to this chapter to engage in the activities regulated by this chapter.

(9) "Nationwide mortgage licensing system and registry" or "NMLSR" means a mortgage licensing system developed and maintained by the conference of state bank supervisors and the American association of residential mortgage regulators for the licensing and registration of mortgage brokers, mortgage lenders, and mortgage loan originators.

(10) "NMLSR policy guidebook" means the conference of state bank supervisor's and the American association of residential mortgage regulator's NMLSR policy guidebook for licensees, published by the NMLSR, as identified by administrative rule.

(11) "Organization" means a person that is not a natural person.

(12) "Person" means a natural person, corporation, company, limited liability company, partnership or association.

(123) "Real estate settlement procedures act" means the act set forth in 12 U.S.C. section 2601 et seq., as identified by administrative rule.

(134) "Regulation X" means regulation X as issued by the federal bureau of consumer protection and codified at 12 CFR 1024 et seq., as identified by administrative rule.

(145) "Regulation Z" means regulation Z as issued by the federal bureau of consumer protection and codified at 12 CFR 1026 et seq., as identified by administrative rule.

(156) "Residential mortgage loan" means any loan that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling, as defined in section 103(w) of the truth in lending act, located in Idaho, or on residential real estate.

(167) "Residential real estate" means any real property located in Idaho upon which is constructed or intended to be constructed a dwelling as defined in section 103(w) of the truth in lending act.

(178) "Truth in lending act" means the act set forth in 15 U.S.C. section 1601 et seq., as identified by administrative rule.

(189) "Unique identifier" means a number or other identifier assigned by protocols established by the NMLSR.

SECTION 4. That Section 26-31-201, Idaho Code, be, and the same is hereby amended to read as follows:

26-31-201. DEFINITIONS. As used in this part and in rules promulgated pursuant to this chapter and pertinent to this part:

(1) "Agent" means a person who acts with the consent and on behalf of a licensee and is subject to the licensee's direct or indirect control, and may include an independent contractor.

(2) "Loan modification" means an adjustment or compromise of an existing residential mortgage loan. The term "loan modification" does not include a refinancing transaction.

(3) "Loan modification activities" means, for compensation or gain, or in the expectation of compensation or gain, engaging in or offering to engage in effecting loan modifications in this state. The definition of "debt counselor" or "credit counselor" in section 26-2222(9), Idaho Code, shall not apply to loan modification activities.

(4) "Mortgage broker" means any nonexempt organization that performs the activities described in subsection (5) of this section, with respect to a residential mortgage loan.

(5) "Mortgage brokering activities" means, for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly, accepting or offering to accept an application for a residential mortgage loan, assisting or offering to assist in the preparation of an application for a residential mortgage loan on behalf of a borrower, negotiating or offering to negotiate the terms or conditions of a residential mortgage loan with any person making residential mortgage loans, or engaging in loan modification activities on behalf of a borrower.

(6) "Mortgage lender" means any nonexempt organization that makes residential mortgage loans to borrowers and performs the activities described in subsection (7) of this section.

(7) "Mortgage lending activities" means, for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly, accepting or offering to accept applications for residential mortgage loans, or assisting or offering to assist in the preparation of an application for a residential mortgage loan, or servicing a residential mortgage loan on behalf of any person.

(8) ~~"Organization" means a person that is not a natural person.~~

~~(9) "Qualified person in charge" means the person designated, pursuant to section 26-31-206, Idaho Code, as being in charge of, and primarily responsible for, the operation of a licensed location of a mortgage broker or mortgage lender licensed under this part~~ "Servicing" means collecting payments of principal, interest, or any other payment obligations required pursuant to the terms of a residential mortgage loan.

SECTION 5. That Section 26-31-202, Idaho Code, be, and the same is hereby amended to read as follows:

26-31-202. EXEMPTIONS. The provisions of this part do not apply to:

- (1) Agencies of the United States and agencies of this state and its political subdivisions;
- (2) An owner of real property who offers credit secured by a contract of sale, mortgage, or deed of trust on the property sold;
- (3) A loan that is made by a person to an employee of that person if the proceeds of the loan are used to assist the employee in meeting his housing needs;
- (4) Regulated lenders licensed under the Idaho credit code and regularly engaged in making regulated consumer loans other than those secured by a security interest in real property;
- (5) Trust companies as defined in section 26-3203, Idaho Code;
- (6) Any person licensed or chartered under the laws of any state or of the United States as a bank, savings and loan association, credit union, or industrial loan company. The terms "bank," "savings and loan association," "credit union," and "industrial loan company" shall include employees and agents of such organizations as well as wholly owned subsidiaries of such organizations, provided that the subsidiary is regularly examined by the chartering state or federal agency for consumer compliance purposes;
- (7) Attorneys duly authorized to practice in this state, to the extent that they are retained by their clients to engage in activities authorized by this part and such activities are ancillary to the attorney's representation of the client;
- (8) Accountants with an active license under chapter 2, title 54, Idaho Code, provided that they are retained by their clients to engage in activities authorized by this part and such activities are ancillary to the representation of the client;
- (9) Persons employed by, or who contract with, a licensee under this part to perform only clerical or administrative functions on behalf of such licensee, and who do not solicit borrowers or negotiate the terms of loans on behalf of the licensee;

(10) Any person not making more than five (5) residential mortgage loans ~~primarily for personal, family or household use and primarily secured by a security interest on residential real property,~~ with his own funds for his own investment, in any period of twelve (12) consecutive months; ~~nor or~~

(11) Any person who funds a residential mortgage loan which that has been originated and processed by a licensee under this part or by an exempt person under this part, who does not directly or indirectly solicit borrowers in this state for the purpose of making residential mortgage loans, and who does not participate in the negotiation of residential mortgage loans with the borrower. For the purpose of this subsection, "negotiation of residential mortgage loans" does not include setting the terms under which a person may buy or fund a residential mortgage loan originated by a licensee under this part or an exempt person under this part.

SECTION 6. That Section 26-31-206, Idaho Code, be, and the same is hereby amended to read as follows:

26-31-206. LICENSE TO DO BUSINESS AS A MORTGAGE BROKER OR MORTGAGE LENDER. (1) The director shall receive and act on all applications for licenses to do business as a mortgage broker or mortgage lender. Applications shall be filed through the NMLSR, or as otherwise prescribed by the director, shall contain such information as the director may reasonably require, shall be updated through the NMLSR, or as otherwise prescribed by the director, as necessary to keep the information current, and shall be accompanied by a nonrefundable application fee of three hundred fifty dollars (\$350).

(2) An application for license may be denied if the director finds that:

(a) The financial responsibility, character and fitness of the license applicant, or of the officers and directors thereof, if the applicant is a corporation, partners thereof if the applicant is a partnership, members or managers thereof if the applicant is a limited liability company and individuals designated in charge of the applicant's places of business, or other control persons, are not such as to warrant belief that the business will be operated honestly and fairly within the purposes of this part;

(b) ~~The qualified person in charge of the applicant's places of business has not been issued a license under part 3 of this chapter or does not have a minimum of three (3) years' experience in residential mortgage brokering or mortgage lending;~~

(c) ~~The applicant or any control person of the applicant has been convicted of or pled nolo contendere to any felony, or has been convicted of or pled nolo contendere to a misdemeanor involving any aspect of financial services, or a court has accepted a finding of guilt on the part of the applicant or any control person of the applicant of any felony, or of a misdemeanor involving any aspect of financial services, fraud, false statement or omission, any theft or wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion or conspiracy to commit any of these offenses;~~

(d) ~~The applicant or any control person of the applicant has had a license to conduct financial services issued by a government agency revoked or suspended under the laws enforced by such agency;~~

(e) ~~The applicant or any control person of the applicant has filed an application for a license which is false or misleading with respect to any material fact;~~

(f) ~~The applicant or any partner, officer, director, manager, member, employee, agent or other control person of the applicant has violated this chapter or any rule promulgated or order issued under this chapter and pertinent to this part;~~

(gf) The applicant or any partner, officer, director, manager, member, employee, agent or other control person of the applicant has violated any state or federal law, rule or regulation pertaining to financial services; or

(hg) The applicant or any control person of the applicant has not provided information on the application as reasonably required by the director pursuant to subsection (1) of this section, or has provided materially false information.

(3) The director is empowered to conduct investigations, as he may deem necessary, to enable him to determine the existence of the requirements set out in subsection (2) of this section.

(4) Upon written request to the director, an applicant is entitled to a hearing on the question of his qualifications for a license if:

(a) The director has notified the applicant in writing that his application has been denied;

(b) The director has not issued a license within sixty (60) days after receipt of a complete license application from an applicant. If a hearing is held, the applicant shall reimburse, pro rata, the director for his reasonable and necessary expenses incurred as a result of the hearing. A request for hearing may not be made more than fifteen (15) days after the director has mailed a writing to the applicant notifying him that the application has been denied and stating in substance the director's finding supporting denial of the application.

(5) A license application shall be deemed withdrawn and void if an applicant submits an incomplete license application and, after receipt of a written notice of the application deficiency, fails to provide the director with information necessary to complete the application within sixty (60) days of receipt of the deficiency notice. A written deficiency notice shall be deemed received by a license applicant when:

(a) Placed in regular U.S. mail by the director or his agent using an address provided by the applicant on the license application; or

(b) E-mailed to the applicant using an e-mail address provided by the applicant on the license application; or

(c) Posted by the director or his agent on the NMLSR.

(6) Every licensee under this part shall maintain a home office located in the United States and licensed under this part as the licensee's principal location for the transaction of mortgage business. The director may, on application through the NMLSR, or as otherwise prescribed by the director, issue additional branch licenses to the same licensee upon compliance with all the provisions of this part governing the issuance of a single license. A separate license shall be required for each place of business from which mortgage brokering activities or mortgage lending activities are directly or indirectly conducted. ~~The qualified person in charge of each place of business shall continuously satisfy the requirements of subsection (2) (b), (c) and (d) of this section.~~

(7) No licensee under this part shall change the location of any place of business, consolidate two (2) or more locations or close any home office location without giving the director at least fifteen (15) days' prior written notice. A licensee under this part shall give written notice to the director within three (3) business days of the closure of any branch location licensed under this part. Written notice of the closure of a home or branch office location shall include a detailed explanation of the disposition of all loan applications pending at the time of closure of the licensed location.

(8) No licensee under this part shall engage in the business of making or brokering residential mortgage loans at any place of business for which he does not hold a license nor shall he engage in business under any other name than that on the license.

(9) The director may suspend action upon a mortgage broker or mortgage lender license application pending resolution of any criminal charges before any court of competent jurisdiction against an applicant which could disqualify that applicant if convicted.

(10) The director may suspend action upon a mortgage broker or mortgage lender license application pending resolution of any civil action or administrative proceeding against an applicant in which the civil action or administrative proceeding involves any aspect of a financial service business and the outcome of which could disqualify the applicant.

(11) A license applicant under this part shall make complete disclosure of all information required in the license application, including information concerning officers, directors, partners, members, managers, employees or agents. A license applicant, or person acting on behalf of the applicant, is not liable in any civil action other than a civil action brought by a governmental agency, related to an alleged untrue statement made pursuant to this part, unless it is shown by clear and convincing evidence that:

(a) The license applicant, or person acting on behalf of the license applicant, knew at the time that the statement was made that it was false in any material respect; or

(b) The license applicant, or person acting on behalf of the applicant, acted in reckless disregard as to the statement's truth or falsity.

(12) Notwithstanding any other provision of this part, an individual licensed under part 3 of this chapter may apply for a license under this section.

SECTION 7. That Section 26-31-207, Idaho Code, be, and the same is hereby amended to read as follows:

26-31-207. REVOCATION OR SUSPENSION OF LICENSE. (1) If the department has reason to believe that grounds exist for revocation or suspension of a license issued pursuant to this part, the department may initiate a contested case against a mortgage broker or mortgage lender, and any partner, officer, director, manager, member, control person, employee or agent whose activities constitute the basis for revocation or suspension, in accordance with chapter 52, title 67, Idaho Code. The director may, after proceedings pursuant to chapter 52, title 67, Idaho Code, suspend the license for a period not to exceed six (6) months, or revoke the license, if he finds that:

(a) The licensee or any partner, officer, director, manager, member, control person, employee or agent of the licensee has violated this chapter or any rule promulgated or order issued under this chapter and pertinent to this part; or

(b) The licensee or any partner, officer, director, manager, member, control person, employee or agent of the licensee has violated any state or federal law, rule or regulation pertaining to mortgage brokering, mortgage lending, or mortgage loan origination activities; or

(c) Facts or conditions exist which that would clearly have justified the director in refusing to grant a license had these facts or conditions been known to exist at the time the license was issued; or

(d) The licensee or any partner, officer, director, manager, member, control person, employee or agent of the licensee has been convicted of any felony, or of a misdemeanor involving any aspect of financial services, or a court has accepted a finding of guilt on the part of the licensee or partner, officer, director, manager, member, control person, employee or agent of the licensee, of any felony, or of a misdemeanor involving any aspect of financial services; or

(e) The licensee or any partner, officer, director, manager, member, control person, employee or agent of the licensee has had a license to conduct financial services, including a license substantially equivalent to a license under this act, revoked or suspended by any government agency; or

(f) The licensee has filed an application for a license which that as of the date the license was issued, or as of the date of an order denying, suspending or revoking a license, was incomplete in any material respect or contained any statement that was, in light of the circumstances under which it was made, false or misleading with respect to any material fact; or

(g) The mortgage broker or mortgage lender licensee has failed to notify the director of the employment or termination of, or the entering into or termination of a contractual relationship with, a licensed mortgage loan originator pursuant to section 26-31-208(2), Idaho Code; or

(h) The mortgage broker or mortgage lender licensee has failed to supervise diligently and control the mortgage-related activities of a mortgage loan originator as defined in part 3 of this chapter and that is employed by the licensee; or

~~(i) The mortgage broker or mortgage lender licensee has failed to designate a new qualified person in charge and notify the director of the same through the NMLSR within thirty (30) days following a change in the qualified person in charge; or~~

~~(j) The licensee has failed to notify the director of the appointment or employment of a control person within thirty (30) days of such occurrence.~~

(2) If the director finds that good cause exists for revocation of a license issued under this part, and that enforcement of this chapter and the public interest require immediate suspension of the license pending investigation, he may, after a hearing upon five (5) days' written notice, enter an order suspending the license for ~~not~~ no more than thirty (30) days.

(3) Any mortgage broker or mortgage lender licensee may relinquish its license by notifying the department in writing of its relinquishment, but this relinquishment shall not affect its liability for acts previously committed, and may not occur after the filing of a complaint for revocation of the license.

(4) The director may, in his discretion, reinstate a license issued under this part, terminate a suspension or grant a new license under this part to a person whose license issued under this part has been revoked or suspended, if no fact or condition then exists which that clearly would justify the department in refusing to grant a license.

SECTION 8. That Section 26-31-211, Idaho Code, be, and the same is hereby amended to read as follows:

26-31-211. PROHIBITED PRACTICES OF MORTGAGE BROKERS AND MORTGAGE LENDERS. No mortgage broker or mortgage lender licensee under this part or person required under this part to have such license shall:

(1) Obtain any exclusive dealing or exclusive agency agreement from any borrower;

(2) Delay closing of any residential mortgage loan for the purpose of increasing interest, costs, fees or charges payable by the borrower;

(3) Accept any fees at closing which that were not previously disclosed fully to the borrower;

(4) Obtain any agreement or instrument in which blanks are left to be filled in after signing by a borrower;

(5) Engage in any misrepresentation or omission of a material fact in connection with a residential mortgage loan;

(6) Make payment, whether directly or indirectly, of any kind to any in-house or fee appraiser for the purpose of influencing the independent judgment of the appraiser with respect to the value of any residential real property which that is to be covered by a residential mortgage loan;

(7) Make any false promise likely to influence or persuade, or pursue a course of misrepresentations and false promises through mortgage loan originators or other agents, or through advertising or otherwise;

(8) Misrepresent, circumvent or conceal, through whatever subterfuge or device, any of the material terms of a residential mortgage loan transaction;

(9) Enter into any agreement, with or without the payment of a fee, to fix in advance a particular interest rate or other term in a residential mortgage loan unless written confirmation of the agreement is delivered to the borrower as required by rule promulgated pursuant to this chapter and pertinent to this part;

(10) Engage in mortgage loan origination activity through any person who at the time of such mortgage loan origination activity does not hold a mortgage loan originator license issued by the department or temporary authority pursuant to this chapter; or

(11) Receive a fee for engaging in loan modification activities except pursuant to a written agreement between the person subject to this part and a person seeking a loan modification. The written agreement must specify the amount of the fee that will be charged to the person seeking a loan modification, specify the terms of the loan for which modification will be sought and disclose the expected impact of the loan modification on the monthly payment and length of the loan; ~~nor~~

~~(12) Employ or otherwise appoint as a qualified person in charge any person who the director has found to have violated standards of conduct adopted by the NMLSR applicable to a person taking a written test administered pursuant to section 26-31-308, Idaho Code, or who has obtained or attempted to obtain credit for education required pursuant to section 26-31-307 or 26-31-310, Idaho Code, by means of false pretenses or representations.~~

SECTION 9. That Chapter 31, 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 26-31-212, Idaho Code, and to read as follows:

26-31-212. RESERVE ACCOUNTS. (1) A mortgage lender shall, conspicuously and specifically, disclose to each borrower all contractual provisions relating to reserve accounts, impound accounts, escrow accounts, or any other account maintained for the borrower in order to pay for property taxes, property insurance, or private mortgage insurance.

(2) Except as otherwise required by the truth in lending act, the real estate settlement procedures act, regulation X, or regulation Z, a mortgage lender shall not keep more than one hundred twenty percent (120%) of the amounts necessary on an annual basis to pay expected insurance, taxes, or other agreed charges. Upon written notice by a borrower to the mortgage lender that reserves being required are excessive, the mortgage lender must, within thirty (30) days, either refund the excess or explain to the borrower why the amounts being required are believed to be reasonable and necessary. If, after notice of hearing under chapter 52, title 67, Idaho Code, the director determines that the reserve account, impound account, escrow account, or any other similar account maintained for a borrower is not reasonable, the director may order the mortgage lender to reduce its reserve requirements for such accounts. In any proceeding under this section, the burden shall be upon the mortgage lender to prove that the amounts required for such reserve accounts are based upon actual and reasonably anticipated charges.

SECTION 10. That Chapter 31, 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 26-31-213, Idaho Code, and to read as follows:

26-31-213. ANNUAL STATEMENTS. (1) A mortgage lender shall deliver to the borrower at least annually, during the month of January, a statement of the borrower's account showing the date and amount of all payments made or credited to the account for the immediately preceding twelve (12) month period and the total unpaid balance. The statement shall also clearly describe in full the amounts received on all tax and insurance reserve accounts, the disposition of such funds, and the amounts held in reserve in such accounts. The statement shall clearly indicate any penalty or interest payments because of failure to pay taxes on time. A fee shall not be charged to the borrower for the statements.

(2) A borrower may request additional statements from a mortgage lender at any time, and the mortgage lender may, unless otherwise prohibited by law, require a fee to provide each such statement. The statement shall be delivered to the borrower within thirty (30) days after receipt of a written request from the borrower.

SECTION 11. That Chapter 31, 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 26-31-214, Idaho Code, and to read as follows:

26-31-214. NOTICE OF TRANSFER. Except as otherwise provided for in the truth in lending act, the real estate settlement procedures act, regulation X, or regulation Z, a mortgage lender shall provide notice to the borrower within fifteen (15) days after any sale or assignment of the borrower's residential mortgage loan to another person wherein the mortgage lender does not retain the loan servicing. A mortgage lender purchasing or receiving assignment of a residential mortgage loan with servicing shall provide to the borrower within thirty (30) days a written statement describing policies relating to the reserve account.

SECTION 12. That Section 26-31-304, Idaho Code, be, and the same is hereby amended to read as follows:

26-31-304. LICENSE AND REGISTRATION REQUIRED -- EXEMPTIONS. (1) Unless specifically exempt under subsection (2) of this section, an individual shall not engage in the business of a mortgage loan originator with respect to any dwelling located in this state without first obtaining and maintaining annually a license under this part. Each licensed mortgage loan originator shall register with and maintain a valid unique identifier issued by the NMLSR.

(2) The following are exempt from this part:

- (a) Registered mortgage loan originators when acting on behalf of an entity described in section 26-31-303(9) (a) through (c), Idaho Code;
- (b) Any individual who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of the individual;
- (c) Any individual who offers or negotiates terms of a residential mortgage loan that is secured by a dwelling that serves as the individual's residence; and
- (d) An attorney duly authorized to practice in this state who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker or other mortgage loan originator or by any agent of such lender, mortgage broker or other mortgage loan originator.

(3) A loan processor or underwriter who is an independent contractor may not engage in the activities of a loan processor or underwriter unless such independent contractor loan processor or underwriter obtains and maintains a license under subsection (1) of this section. Each independent contractor loan processor or underwriter licensed as a mortgage loan originator must have and maintain a valid unique identifier issued by the nationwide mortgage licensing system and registry.

(4) For the purpose of implementing an orderly and efficient application and licensing process, the director may establish licensing rules and interim procedures for licensing and acceptance of applications. For previously registered or licensed individuals, the director may establish expedited review and licensing procedures.

(5) An individual subject to the licensing requirements of this part may obtain temporary authority to originate loans in this state under the conditions of paragraphs (a), (b), and (c) of this subsection.

(a) Upon becoming employed by a mortgage broker or lender that is licensed pursuant to this chapter, an individual who is a registered loan originator shall be deemed to have temporary authority to act as a loan originator in this state for the period described in paragraph (c) of this subsection if the individual:

(i) Has not had an application for a loan originator license denied, revoked, or suspended in any governmental jurisdiction;

(ii) Has not been subject to or served with a cease and desist order in any governmental jurisdiction nor subject to an action pursuant to 12 U.S.C. 5113(c);

(iii) Has not been convicted of a misdemeanor or felony that would preclude licensure under the laws of this state;

(iv) Has submitted an application for a loan originator license under this part; and

(v) Was registered in the NMLSR as a loan originator during the one (1) year period preceding the date on which the information required under this part is submitted.

(b) A loan originator shall be deemed to have temporary authority to act as a loan originator in this state for the period described in paragraph (c) of this subsection if the individual:

(i) Meets the requirements of subparagraphs (i), (ii), (iii), and (iv) of paragraph (a) of this subsection;

(ii) Is employed by a mortgage broker or lender that is licensed pursuant to this act;

(iii) Was licensed as a mortgage loan originator in a state other than this state during the thirty (30) day period preceding the date on which the information required under this part was submitted in connection with an application for a mortgage loan originator license.

(c) The period described in this paragraph shall begin on the date on which a loan originator submits the information required under this part in connection with the application for a mortgage loan originator license and end on the earliest of the date:

(i) On which the loan originator withdraws the application for a mortgage loan originator license submitted pursuant to this part;

(ii) On which the director denies, or issues a notice of intent to deny, the application;

(iii) On which the director grants a mortgage loan originator license; or

(iv) That is one hundred twenty (120) days after the date on which the loan originator submits an application, if the application is listed on the NMLSR as incomplete.

(d) Any person employing an individual who, pursuant to the provisions of this subsection, is deemed to have temporary authority to act as a loan originator in this state shall be subject to the requirements of this chapter and to applicable law to the same extent as if that individual was a loan originator licensed by this state.

(e) An individual who, pursuant to the provisions of this subsection, is deemed to have temporary authority to act as a loan originator in this state and who engages in residential mortgage loan origination activities shall be subject to the requirements of this chapter and to applicable law to the same extent as if that individual was a loan originator licensed by this state.

Approved March 11, 2020

CHAPTER 101
(H.B. No. 406)

AN ACT

RELATING TO FEMALE GENITAL MUTILATION OF A CHILD; AMENDING SECTION 18-1506B, IDAHO CODE, TO PROVIDE THAT CERTAIN ACTS SHALL BE A FELONY; AND AMENDING SECTION 19-5307, IDAHO CODE, TO PROVIDE THAT A FINE MAY BE IMPOSED FOR FEMALE GENITAL MUTILATION OF A CHILD.

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

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

18-1506B. FEMALE GENITAL MUTILATION OF A CHILD -- EXCLUSIONS -- PENALTIES -- DEFINITION. (1) Except as provided in subsection (24) of this section, whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora, labia minora, or clitoris of a child shall be guilty of a felony.

(2) Except as provided in subsection (4) of this section, whoever knowingly gives permission for, or permits on a child, any act prohibited by subsection (1) of this section shall be guilty of a felony.

(3) Except as provided in subsection (4) of this section, whoever knowingly removes or causes, permits, or facilitates the removal of a child from this state for the purpose of facilitating any act prohibited by subsection (1) of this section shall be guilty of a felony.

(4) A surgical operation shall not be a violation of this section if the operation is:

(a) Necessary to the health of the person on whom it is performed and is performed by a person licensed in the place of its performance as a medical practitioner; or

(b) Performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

(35) In applying subsection (24) (a) of this section, no account shall be taken of the effect on the person on whom the operation is to be performed or any belief on the part of that person, or any other person, that the operation is required as a matter of custom or ritual.

(46) Any person convicted of a violation of this section shall be guilty of a felony and shall be imprisoned in the state prison for a term of not more than life.

(57) For the purposes of this section, "child" means any person under eighteen (18) years of age.

SECTION 2. That Section 19-5307, Idaho Code, be, and the same is hereby amended to read as follows:

19-5307. FINES IN CASES OF CRIMES OF VIOLENCE. (1) Irrespective of any penalties set forth under state law, and in addition thereto, the court, at the time of sentencing or such later date as deemed necessary by the court, may impose a fine not to exceed five thousand dollars (\$5,000) against any defendant found guilty of any felony listed in subsections (2) and (3) of this section.

The fine shall operate as a civil judgment against the defendant and shall be entered on behalf of the victim named in the indictment or information, or the family of the victim in cases of homicide or crimes against children, and shall not be subject to any distribution otherwise required in section 19-4705, Idaho Code. The clerk of the district court may collect the fine in the same manner as other fines imposed in criminal cases are collected and shall remit any money collected in payment of the fine to the victim named in the indictment or information or to the family of the victim in a case of homicide or crimes against minor children, provided that none of the provisions of this section shall be construed as modifying the provisions of chapter 6, title 11, Idaho Code, chapter 10, title 55, Idaho Code, or section 72-802, Idaho Code. A fine created under this section shall be a separate written order in addition to any other sentence the court may impose.

The fine contemplated in this section shall be ordered solely as a punitive measure against the defendant and shall not be based upon any requirement of showing of need by the victim. The fine shall not be used as a substitute for an order of restitution as contemplated in section 19-5304, Idaho Code, nor shall such an order of restitution or order of compensation entered in accordance with section 72-1018, Idaho Code, be offset by the entry of such fine.

A defendant may appeal a fine created under this section in the same manner as any other aspect of a sentence imposed by the court. The imposition of a fine created under this section shall not preclude the victim from seeking any other legal remedy; provided that in any civil action brought by or on behalf of the victim, the defendant shall be entitled to offset the amount of any fine imposed pursuant to this section against any award of punitive damages.

(2) The felonies for which a fine created under this section may be imposed are those described in:

- Section 18-805, Idaho Code (Aggravated arson);
- Section 18-905, Idaho Code (Aggravated assault);
- Section 18-907, Idaho Code (Aggravated battery);
- Section 18-909, Idaho Code (Assault with intent to commit a serious felony);
- Section 18-911, Idaho Code (Battery with intent to commit a serious felony);
- Section 18-913, Idaho Code (Felonious administration of drugs);
- Section 18-918, Idaho Code (Felony domestic violence);
- Section 18-923, Idaho Code (Attempted strangulation);
- Section 18-1501, Idaho Code (Felony injury to children);
- Section 18-1506, Idaho Code (Sexual abuse of a child under the age of sixteen);
- Section 18-1506A, Idaho Code (Ritualized abuse of a child);
- Section 18-1506B, Idaho Code (Female genital mutilation of a child);
- Section 18-1507, Idaho Code (Sexual exploitation of a child);
- Section 18-1508, Idaho Code (Lewd conduct with a child under the age of sixteen);
- Section 18-1508A, Idaho Code (Sexual battery of a minor child sixteen or seventeen years of age);

Section 18-4001, Idaho Code (Murder);
Section 18-4006, Idaho Code (Felony manslaughter);
Section 18-4014, Idaho Code (Administering poison with intent to kill);
Section 18-4015, Idaho Code (Assault with intent to murder);
Section 18-4502, Idaho Code (First degree kidnapping);
Section 18-5001, Idaho Code (Mayhem);
Section 18-5501, Idaho Code (Poisoning food, medicine or wells);
Section 18-6101, Idaho Code (Rape);
Section 18-6501, Idaho Code (Robbery).

(3) Notwithstanding the provisions of section 18-306(4) and (5), Idaho Code, the fine created under this section may also be imposed up to five thousand dollars (\$5,000) for attempts of the felonies described in:

Section 18-4001, Idaho Code (Murder);
Section 18-6101, Idaho Code (Rape).

Approved March 11, 2020

CHAPTER 102
(H.B. No. 417)

AN ACT

RELATING TO THE ENDOWMENT CARE CEMETERY ACT; AMENDING SECTION 27-411, IDAHO CODE, TO REVISE A PROVISION REGARDING A FILING FEE.

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

SECTION 1. That Section 27-411, Idaho Code, be, and the same is hereby amended to read as follows:

27-411. ANNUAL REGISTRATION STATEMENT WITH ADMINISTRATOR. Every cemetery authority owning, operating, controlling or managing an endowed care cemetery shall register with the administrator, by filing an annual registration statement on forms furnished by said administrator, which shall show, as of the end of the preceding calendar year or fiscal year, whichever is more convenient to the cemetery authority, the following:

(a) The amount of the principal of the care funds held by the trustee of said funds of such cemetery authority, at the beginning of such year, and in addition thereto all moneys or property received during such year, from the following sources:

(1) Under and by virtue of the sale of a lot, grave, crypt or niche.

(2) Under and by virtue of any gift, grant, devise, bequest, payment or other contribution made subsequent to the effective date of the endowed care cemetery act of 1963.

(b) The income received from such care funds during the preceding calendar or fiscal year as the case may be. Where any of the care funds of a cemetery authority are held by a trustee, other than the board of directors of the cemetery authority, the annual registration statement filed by any cemetery authority shall also contain a certificate signed by the trustee of the care funds of such cemetery authority certifying to the truthfulness of the statements in the report as to:

(1) The total amount of principal of the care funds held by the trustee.

(2) The securities in which such care funds are invested and the cash on hand as of the day of the report; and

(3) The income received from such care funds during the preceding calendar year or fiscal year as the case may be.

Such statement shall be filed by the cemetery authority on or before December 31 of each calendar year with the administrator. If the fiscal year of such cemetery authority is other than on a calendar year basis, then such statement shall be filed within thirty (30) days of the end of its fiscal year. A filing fee in an the amount ~~to be fixed by the administrator but not to exceed the sum~~ of one hundred fifty dollars (\$150) shall be payable at the time of the filing of the annual statement. All reports shall be prepared by an independent certified public accountant or by a member of the Canadian institute of chartered accountants.

Approved March 11, 2020

CHAPTER 103
(H.B. No. 418)

AN ACT

RELATING TO THE UNIFORM SECURITIES ACT; AMENDING SECTION 30-14-402, IDAHO CODE, TO REVISE REFERENCES TO FEDERAL LAW; AMENDING SECTION 30-14-411, IDAHO CODE, TO REVISE REFERENCES TO FEDERAL LAW; AND AMENDING SECTION 30-14-605, IDAHO CODE, TO REVISE REFERENCES TO FEDERAL LAW AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 30-14-402, Idaho Code, be, and the same is hereby amended to read as follows:

30-14-402. AGENT REGISTRATION REQUIREMENT AND EXEMPTIONS. (a) Registration requirement. It is unlawful for an individual to transact business in this state as an agent unless the individual is registered under this chapter as an agent or is exempt from registration as an agent under subsection (b) of this section.

(b) Exemptions from registration. The following individuals are exempt from the registration requirement of subsection (a) of this section:

(1) An individual who represents a broker-dealer in effecting transactions in this state limited to those described in section 15(~~hi~~) (23) of the securities exchange act of 1934 (15 U.S.C. 78o(~~hi~~) (23));

(2) An individual who represents a broker-dealer that is exempt under section 30-14-401(b) or (d), Idaho Code;

(3) An individual who represents an issuer with respect to an offer or sale of the issuer's own securities or those of the issuer's parent or any of the issuer's subsidiaries, and who is not compensated in connection with the individual's participation by the payment of commissions or other remuneration based, directly or indirectly, on transactions in those securities;

(4) An individual who represents an issuer and who effects transactions in the issuer's securities exempted by section 30-14-202, Idaho Code, other than section 30-14-202(14), Idaho Code;

(5) An individual who represents an issuer that effects transactions solely in federal covered securities of the issuer, provided however that an individual who effects transactions in a federal covered security under section 18(b) (3) ~~or~~ 18(b) (4) (D), or 18(b) (4) (F) of the securities act of 1933 (15 U.S.C. 77r(b) (3) ~~or~~ 77r(b) (4) (D) or 77r(b) (4) (F)) is not exempt if the individual is compensated in connection with the agent's participation by the payment of commissions or other remuneration based, directly or indirectly, on transactions in those securities;

(6) An individual who represents a broker-dealer registered in this state under section 30-14-401(a), Idaho Code, or exempt from registration under section 30-14-401(b), Idaho Code, in the offer and sale of securities for an account of a nonaffiliated federal covered investment adviser with investments under management in excess of one hundred million dollars (\$100,000,000) acting for the account of others pursuant to discretionary authority in a signed record;

(7) An individual who represents an issuer in connection with the purchase of the issuer's own securities;

(8) An individual who represents an issuer and who restricts participation to performing clerical or ministerial acts; or

(9) Any other individual exempted by a rule adopted or an order issued under this chapter.

(c) Registration effective only while employed or associated. The registration of an agent is effective only while the agent is employed by or associated with a broker-dealer registered under this chapter or an issuer that is offering, selling or purchasing its securities in this state.

(d) Limit on employment or association. It is unlawful for a broker-dealer, or an issuer engaged in offering, selling or purchasing securities in this state, to employ or associate with an agent who transacts business in this state on behalf of broker-dealers or issuers unless the agent is registered under subsection (a) of this section or is exempt from registration under subsection (b) of this section.

(e) Limit on affiliations. Unless prohibited by a rule adopted or an order issued under this chapter, an individual may act as an agent for more than one (1) broker-dealer or one (1) issuer at a time.

SECTION 2. That Section 30-14-411, Idaho Code, be, and the same is hereby amended to read as follows:

30-14-411. POSTREGISTRATION REQUIREMENTS. (a) Financial requirements. Subject to section 15(hi) of the securities exchange act of 1934 (15 U.S.C. 78o(hi)) or section 222 of the investment advisers act of 1940 (15 U.S.C. 80b-2218a), a rule adopted or an order issued under this chapter may establish minimum financial requirements for broker-dealers registered or required to be registered under this chapter and investment advisers registered or required to be registered under this chapter.

(b) Financial reports. Subject to section 15(hi) of the securities exchange act of 1934 (15 U.S.C. 78o(hi)) or section 222(b) of the investment advisers act of 1940 (15 U.S.C. 80b-2218a), a broker-dealer registered or required to be registered under this chapter and an investment adviser registered or required to be registered under this chapter shall file such financial reports as are required by a rule adopted or an order issued under this chapter. If the information contained in a record filed under this subsection is or becomes inaccurate or incomplete in a material respect, the registrant shall promptly file a correcting amendment.

(c) Recordkeeping. Subject to section 15(hi) of the securities exchange act of 1934 (15 U.S.C. 78o(hi)) or section 222 of the investment advisers act of 1940 (15 U.S.C. 80b-2218a):

(1) A broker-dealer registered or required to be registered under this chapter and an investment adviser registered or required to be registered under this chapter shall make and maintain the accounts, correspondence, memoranda, papers, books and other records required by a rule adopted or an order issued under this chapter;

(2) Broker-dealer records required to be maintained under subsection (c) (1) of this section may be maintained in any form of data storage acceptable under section 17(a) of the securities exchange act of 1934 (15 U.S.C. 78q(a)) if they are readily accessible to the administrator; and

(3) Investment adviser records required to be maintained under subsection (c) (1) of this section may be maintained in any form of data storage required by a rule adopted or an order issued under this chapter.

(d) Audits or inspections. The records of every person issuing or guaranteeing any securities subject to the provisions of this chapter, if such person is registered or required to be registered under this chapter, and of every broker-dealer, agent, investment adviser or investment adviser representative registered or required to be registered under this chapter are subject to such reasonable periodic, special or other audits or inspections by a representative of the administrator, within or without this state, as the administrator considers necessary or appropriate in the public interest and for the protection of investors. An audit or inspection may be made at any time and without prior notice. The administrator may copy, and may remove for audit or inspection copies of, all records the administrator reasonably considers necessary or appropriate to conduct the audit or inspection. The administrator may assess a reasonable charge for conducting an audit or inspection under this subsection.

(e) Custody and discretionary authority bond or insurance. Subject to section 15(hi) of the securities exchange act of 1934 (15 U.S.C. 78o(hi)) or section 222 of the investment advisers act of 1940 (15 U.S.C. 80b-2218a), a rule adopted or an order issued under this chapter may require a broker-dealer or investment adviser that has custody of or discretionary authority over funds or securities of a customer or client to obtain insurance or post a bond or other satisfactory form of security in an amount not to exceed twenty-five thousand dollars (\$25,000). The administrator may determine the requirements of the insurance, bond or other satisfactory form of security. Insurance or a bond or other satisfactory form of security may not be required of a broker-dealer registered under this chapter whose net capital exceeds, or of an investment adviser registered under this chapter whose minimum financial requirements exceed, the amounts required by rule or order under this chapter. The insurance, bond or other satisfactory form of security must permit an action by a person to enforce any liability on the insurance, bond or other satisfactory form of security if instituted within the time limitations in section 30-14-509(j) (2), Idaho Code.

(f) Requirements for custody. Subject to section 15(hi) of the securities exchange act of 1934 (15 U.S.C. 78o(hi)) or section 222 of the investment advisers act of 1940 (15 U.S.C. 80b-2218a), an agent may not have custody of funds or securities of a customer except under the supervision of a broker-dealer and an investment adviser representative may not have custody of funds or securities of a client except under the supervision of an investment adviser or a federal covered investment adviser. A rule adopted or an order issued under this chapter may prohibit, limit, or impose conditions on a broker-dealer regarding custody of funds or securities of a customer and on an investment adviser regarding custody of securities or funds of a client.

(g) Investment adviser brochure rule. With respect to an investment adviser registered or required to be registered under this chapter, a rule adopted or an order issued under this chapter may require that information or other record be furnished or disseminated to clients or prospective clients in this state as necessary or appropriate in the public interest and for the protection of investors and advisory clients.

(h) Continuing education. A rule adopted or an order issued under this chapter may require an individual registered under section 30-14-402 or 30-14-404, Idaho Code, to participate in a continuing education program approved by the securities and exchange commission and administered by a self-regulatory organization or, in the absence of such a program, a rule adopted or an order issued under this chapter may require continuing education for an individual registered under section 30-14-404, Idaho Code.

SECTION 3. That Section 30-14-605, Idaho Code, be, and the same is hereby amended to read as follows:

30-14-605. RULES, FORMS, ORDERS, INTERPRETATIVE OPINIONS, AND HEARINGS. (a) Issuance and adoption of forms, orders, and rules. The administrator may:

- (1) Issue forms and orders and, after notice and comment, may adopt and amend rules necessary or appropriate to carry out this chapter and may repeal rules, including rules and forms governing registration statements, applications, notice filings, reports, and other records;
- (2) By rule, define terms, whether or not used in this chapter, but those definitions may not be inconsistent with this chapter; and
- (3) By rule, classify securities, persons, and transactions and adopt different requirements for different classes.

(b) Findings and cooperation. Under this chapter, a rule or form may not be adopted or amended, or an order issued or amended, unless the administrator finds that the rule, form, order, or amendment is necessary or appropriate in the public interest or for the protection of investors and is consistent with the purposes intended by this chapter. In adopting, amending, and repealing rules and forms, section 30-14-608, Idaho Code, applies in order to achieve uniformity among the states and coordination with federal laws in the form and content of registration statements, applications, reports, and other records, including the adoption of uniform rules, forms, and procedures.

(c) Financial statements. Subject to section 15(hi) of the securities exchange act and section 222 of the investment advisers act of 1940, the administrator may require that a financial statement filed under this chapter be prepared in accordance with generally accepted accounting principles in the United States and comply with other requirements specified by rule adopted or an order issued under this chapter. A rule adopted or an order issued under this chapter may establish:

- (1) Subject to section 15(hi) of the securities exchange act and section 222 of the investment advisers act of 1940, the form and content of financial statements required under this chapter;
- (2) Whether unconsolidated financial statements must be filed; and
- (3) Whether required financial statements must be audited by an independent certified public accountant.

(d) Interpretative opinions. The administrator may provide interpretative opinions or issue determinations that the administrator will not institute a proceeding or an action under this chapter against a specified person for engaging in a specified act, practice, or course of business if the determination is consistent with this chapter. A rule adopted or an order issued under this chapter may establish a reasonable charge for interpretative opinions or determinations that the administrator will not institute an action or a proceeding under this chapter.

(e) Effect of compliance. A penalty under this chapter may not be imposed for, and liability does not arise from, conduct that is engaged in or omitted in good faith believing it conforms to a rule, form, or order of the administrator under this chapter.

(f) Presumption for public hearings. A hearing in an administrative proceeding under this chapter must be conducted in public unless the administrator for good cause consistent with this chapter determines that the hearing will not be so conducted.

CHAPTER 104
(H.B. No. 421)

AN ACT

RELATING TO REAL ESTATE APPRAISERS; AMENDING SECTION 54-4107, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-4113, IDAHO CODE, TO SPECIFY CERTAIN REQUIREMENTS REGARDING FEES RECEIVED BY THE BOARD AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-4126, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO SPECIFY THAT CERTAIN OWNERS AND CONTROLLING PERSONS SHALL MEET MINIMUM FEDERAL REQUIREMENTS, AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 54-4107, Idaho Code, be, and the same is hereby amended to read as follows:

54-4107. DISCIPLINARY PROCEEDINGS. (1) The board may refuse to issue, refuse to renew or may suspend, revoke or otherwise sanction any license or certificate issued under this chapter for any of the following:

- (a) Procuring licensure or certification pursuant to this chapter by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for licensure or certification or through any form of fraud or misrepresentation;
- (b) Being convicted of a felony;
- (c) Making any substantial misrepresentation, false promises or false or fraudulent representation;
- (d) Violating the provisions of this chapter or any rules of the board;
- (e) Being negligent or incompetent, ~~as defined in the uniform standards of professional appraisal practices,~~ in developing an appraisal, in preparing an appraisal report or in communicating an appraisal;
- (f) Accepting an appraisal assignment when the employment is contingent upon the licensed or certified appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment;
- (g) Violating the confidential nature of governmental records to which he gained access through employment as a licensed or certified appraiser by a governmental agency;
- (h) Entering into an agreement to perform specialized services for a contingent fee, and failing to clearly state this fact in each written and oral report;
- (i) Failing as a state-licensed or certified real estate appraiser to actively and personally supervise any person not licensed or certified under the provisions of this chapter, who assists said state licensed or certified appraiser in performing real estate appraisals;
- (j) Having had a license or certificate to practice revoked, suspended or otherwise sanctioned by any other state; or
- (k) Failing to comply with a board order entered in a disciplinary matter.

(2) The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding under this chapter, to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and may apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records and papers as it deems necessary. The fees and mileage of the witnesses shall be the same as that allowed in the district

courts in civil cases, which fees and mileage shall be paid in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of any district court in this state on application by the board to compel compliance with the subpoena by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The state-licensed or certified person accused in such proceedings shall have the same right of subpoena.

(3) Except as otherwise provided in this chapter, all proceedings under this chapter shall be in accordance with the administrative procedure act, chapter 52, title 67, Idaho Code.

SECTION 2. That Section 54-4113, Idaho Code, be, and the same is hereby amended to read as follows:

54-4113. FEES -- ISSUANCE OF LICENSES OR CERTIFICATES. (1) Every person applying for examination or reexamination under this chapter shall pay a fee equal to that charged by the national examining entity. If the result of the examination of any applicant shall be satisfactory to the board, under its rules, it shall issue to such applicant a license or certificate setting forth the fact that he is a state-licensed or certified real estate appraiser and authorized to practice his profession in this state. The fee for obtaining a license or certificate under the provisions of this chapter shall be an amount not to exceed five hundred dollars (\$500). The annual fee for renewal or reinstatement of a license or certificate shall be an amount not to exceed five hundred dollars (\$500), which shall be paid to the bureau. The board shall adopt all fees by rule.

(2) In addition to those fees described in this chapter, the board may collect from applicants for licensure or certification and holders of state licenses or certificates of appraisal and remit to the appropriate agency or instrumentality of the federal government any additional fees as may be required to render Idaho state-licensed residential, certified residential and general real estate appraisers eligible to perform appraisals in connection with federally related transactions.

(3) In addition to those fees described in this chapter, the board may collect from an applicant for appraisal management company registration and from a registered appraisal management company and remit to the appropriate agency or instrumentality of the federal government any additional fees required to provide appraisal management services in connection with federally related transactions.

(4) The board may collect continuing education provider application fees in an amount not to exceed one hundred dollars (\$100) as established by board rule.

(5) All fees received by the board under the provisions of this chapter shall be deposited in the state treasury to the credit of the occupational licenses account in the dedicated fund, and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from the account for such purposes. The fees collected under this chapter shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding.

SECTION 3. That Section 54-4126, Idaho Code, be, and the same is hereby amended to read as follows:

54-4126. OWNERSHIP REQUIREMENTS -- CONTROLLING PERSONS. (1) No AMC shall be registered in this state if the AMC is owned in whole or in part, directly or indirectly, by any person who has had an appraiser license or certificate refused, denied, canceled, surrendered in lieu of revocation, or revoked in any state for substantive cause, as determined by the appropriate state appraiser certifying and licensing agency. An AMC is not barred from registration in this state if the license or certificate of the appraiser with an ownership interest was not revoked for a substantive cause and has been reinstated by the state or states in which the appraiser was licensed or certified.

(2) No AMC shall be registered in this state if any natural person that owns more than ten percent (10%) of the appraisal management company:

(a) Is determined by the board ~~not to have good moral character~~ to not be in compliance with all minimum federal requirements; or

(b) Fails to submit to a background investigation, including a fingerprint-based criminal history check, carried out by the board.

(3) Each appraisal management company applying to the board for a registration in this state shall designate one (1) controlling person that will be the main contact for all communication between the board and the appraisal management company, and notify the board of any change in the appraisal management company's controlling person. The controlling person designated pursuant to this subsection shall:

(a) Have never had a license or certificate to act as an appraiser refused, denied, canceled, revoked or surrendered in lieu of revocation for a substantive reason in any state, unless the person has subsequently had the license or certificate to act as an appraiser granted or reinstated;

(b) ~~Be of good moral character~~ in compliance with all minimum federal requirements, as determined by the board; and

(c) Submit to a background investigation, including a fingerprint-based criminal history check, carried out by the board.

Approved March 11, 2020

CHAPTER 105
(H.B. No. 423)

AN ACT

RELATING TO ATHLETE AGENTS; AMENDING SECTION 54-4802, IDAHO CODE, TO REMOVE A REGISTRATION REQUIREMENT, TO REMOVE DEFINITIONS, AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 54-4803, IDAHO CODE, RELATING TO AUTHORITY OF THE BUREAU OF OCCUPATIONAL LICENSES; REPEALING SECTION 54-4804, IDAHO CODE, RELATING TO MANDATORY ATHLETE AGENT REGISTRATION; REPEALING SECTION 54-4805, IDAHO CODE, RELATING TO ATHLETE AGENT REGISTRATION REQUIREMENTS; REPEALING SECTION 54-4806, IDAHO CODE, RELATING TO CERTIFICATES OF REGISTRATION; REPEALING SECTION 54-4807, IDAHO CODE, RELATING TO REGISTRATION SUSPENSION, REVOCATION, AND NONRENEWAL; REPEALING SECTION 54-4808, IDAHO CODE, RELATING TO TEMPORARY REGISTRATION; REPEALING SECTION 54-4809, IDAHO CODE, RELATING TO REGISTRATION AND RENEWAL FEES; AMENDING SECTION 54-4810, IDAHO CODE, TO REMOVE PROVISIONS REGARDING REGISTRATION; AMENDING SECTION 54-4811, IDAHO CODE, TO REMOVE A REFERENCE TO THE BUREAU OF OCCUPATIONAL LICENSES; AMENDING SECTION 54-4813, IDAHO CODE, TO REVISE A PROVISION REGARDING ENTITIES THAT MAY INSPECT CERTAIN RECORDS; AMENDING SECTION 54-4814, IDAHO CODE, TO REMOVE REGISTRATION REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS; AND REPEALING SECTION 54-4817, IDAHO CODE, RELATING TO A CIVIL PENALTY.

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

SECTION 1. That Section 54-4802, Idaho Code, be, and the same is hereby amended to read as follows:

54-4802. DEFINITIONS. As used in this chapter:

(1) "Agency contract" means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the athlete a professional-sports-services contract or endorsement contract.

(2) "Athlete agent":

(a) Means an individual, ~~whether or not registered under this chapter,~~ who:

(i) Directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization;

(ii) For compensation or in anticipation of compensation related to a student athlete's participation in athletics:

1. Serves the athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or

2. Manages the business affairs of the athlete by providing assistance with bills, payments, contracts or taxes; or

(iii) In anticipation of representing a student athlete for a purpose related to the athlete's participation in athletics:

1. Gives consideration to the student athlete or another person;

2. Serves the athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions; or

3. Manages the business affairs of the athlete by providing assistance with bills, payments, contracts or taxes; but

(b) Does not include an individual who:

(i) Acts solely on behalf of a professional sports team or organization; or

(ii) Is a licensed, registered or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless the individual:

1. Also recruits or solicits the athlete to enter into an agency contract;

2. Also, for compensation, procures employment or offers, promises, attempts or negotiates to obtain employment for the athlete as a professional athlete or member of a professional sports team or organization; or

3. Receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete.

(3) "Athletic director" means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

~~(4) "Bureau" means the bureau of occupational licenses.~~

~~(5) "Educational institution" includes a public or private elementary school, secondary school, technical or vocational school, community college, college and university.~~

(65) "Endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the athlete may have because of publicity, reputation, following or fame obtained because of athletic ability or performance.

(76) "Enrolled" means registered for courses and attending athletic practice or class. "Enrolls" has a corresponding meaning.

(87) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association that promotes or regulates collegiate athletics.

(98) "Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges or universities.

~~(10) "Licensed, registered or certified professional" means an individual licensed, registered or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant or member of a profession, other than that of athlete agent, who is licensed, registered or certified by the state or a nationally recognized organization that licenses, registers or certifies members of the profession on the basis of experience, education or testing.~~

~~(119) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality, or other legal entity.~~

(120) "Professional-sports-services contract" means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.

(131) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(142) "Recruit or solicit" means attempt to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete. The term does not include giving advice on the selection of a particular agent in a family, coaching or social situation unless the individual giving the advice does so because of the receipt or an-

anticipated receipt of an economic benefit, directly or indirectly, from the agent.

~~(15) "Registration" means registration as an athlete agent under this chapter.~~

(163) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound or process.

(174) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(185) "Student athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. The term does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.

SECTION 2. That Section 54-4803, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 54-4804, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 54-4805, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 54-4806, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 54-4807, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 54-4808, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Section 54-4809, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Section 54-4810, Idaho Code, be, and the same is hereby amended to read as follows:

54-4810. REQUIRED FORM OF AGENCY CONTRACT. (1) An agency contract must be in a record signed by the parties.

(2) An agency contract must contain:

(a) ~~A statement that the athlete agent is registered as an athlete agent in this state and a list of any other states in which the agent is registered as an athlete agent;~~

~~(b)~~ The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the agent under the contract and any other consideration the agent has received or will receive from any other source for entering into the contract or providing the services;

~~(e)~~ The name of any person ~~not listed in the agent's application for registration or renewal of registration that~~ who will be compensated because the athlete signed the contract;

~~(d)~~ A description of any expenses the athlete agrees to reimburse;

~~(e)~~ A description of the services to be provided to the athlete;

~~(f)~~ The duration of the contract; and

(~~g~~f) The date of execution.

(3) Subject to subsection (7) of this section, an agency contract must contain a conspicuous notice in boldface type and in substantially the following form:

WARNING TO STUDENT ATHLETE

IF YOU SIGN THIS CONTRACT:

(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;

(2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

(4) An agency contract must be accompanied by a separate record signed by the student athlete or, if the athlete is a minor, the parent or guardian of the athlete acknowledging that signing the contract may result in the loss of the athlete's eligibility to participate in the athlete's sport.

(5) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

(6) At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of the contract and the separate acknowledgment required by subsection (4) of this section.

(7) If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by subsection (3) of this section must be revised accordingly.

SECTION 10. That Section 54-4811, Idaho Code, be, and the same is hereby amended to read as follows:

54-4811. NOTICE TO EDUCATIONAL INSTITUTION. (1) As used in this section, "communicating or attempting to communicate" means contacting or attempting to contact by an in-person meeting, a record or any other method that conveys or attempts to convey a message.

(2) Not later than seventy-two (72) hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends to enroll.

(3) Not later than seventy-two (72) hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete shall inform the athletic director of the educational institution at which the athlete is enrolled that the athlete has entered into an agency contract and the name and contact information of the athlete agent.

(4) If an athlete agent enters into an agency contract with a student athlete and the athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the institution of the existence of the contract not later than seventy-two (72) hours after the agent knew or should have known that the athlete enrolled.

(5) If an athlete agent has a relationship with a student athlete before the athlete enrolls in an educational institution and receives an athletic scholarship from the institution, the agent shall notify the institution of the relationship not later than ten (10) days after the enrollment if the agent knows or should have known of the enrollment and:

(a) The relationship was motivated in whole or in part by the intention of the agent to recruit or solicit the athlete to enter an agency contract in the future; or

(b) The agent directly or indirectly recruited or solicited the athlete to enter an agency contract before the enrollment.

(6) An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with:

(a) The athlete or, if the athlete is a minor, a parent or guardian of the athlete, to influence the athlete or parent or guardian to enter into an agency contract; or

(b) Another individual to have that individual influence the athlete or, if the athlete is a minor, the parent or guardian of the athlete to enter into an agency contract.

(7) If a communication or attempt to communicate with an athlete agent is initiated by a student athlete or another individual on behalf of the athlete, the agent shall notify in a record the athletic director of any educational institution at which the athlete is enrolled. The notification must be made not later than ten (10) days after the communication or attempt.

(8) An educational institution that becomes aware of a violation of this chapter by an athlete agent shall notify ~~the bureau~~ and any professional league or players association with which the institution is aware the agent is licensed or registered of the violation.

SECTION 11. That Section 54-4813, Idaho Code, be, and the same is hereby amended to read as follows:

54-4813. REQUIRED RECORDS. (1) An athlete agent shall create and retain for five (5) years records of the following:

(a) The name and address of each individual represented by the agent;

(b) Each agency contract entered into by the agent; and

(c) The direct costs incurred by the agent in the recruitment or solicitation of each student athlete to enter into an agency contract.

(2) Records described in subsection (1) of this section are open to inspection ~~by the bureau~~ during normal business hours by any educational institution whose student athlete contracts with an athlete agent.

SECTION 12. That Section 54-4814, Idaho Code, be, and the same is hereby amended to read as follows:

54-4814. PROHIBITED CONDUCT. (1) An athlete agent, with the intent to influence a student athlete or, if the athlete is a minor, a parent or guardian of the athlete to enter into an agency contract, may not take any of the following actions or encourage any other individual to take or assist any other individual in taking any of the following actions on behalf of the agent:

(a) Give materially false or misleading information or make a materially false promise or representation;

(b) Furnish anything of value to the athlete before the athlete enters into the contract; or

(c) Furnish anything of value to an individual other than the athlete or another registered athlete agent.

(2) An athlete agent may not intentionally do any of the following or encourage any other individual to do any of the following on behalf of the agent:

~~(a) Initiate contact, directly or indirectly, with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent or guardian to enter an agency contract unless registered under this chapter;~~

~~(b) Fail to create or retain or to permit inspection of the records required by section 54-4813, Idaho Code;~~

~~(c) Fail to register when required by section 54-4804, Idaho Code;~~

~~(d) Provide materially false or misleading information in an application for registration or renewal of registration;~~

(e) Predate or postdate an agency contract; or

(f) Fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, before the athlete, parent or guardian signs an agency contract for a particular sport that the signing may make the athlete ineligible to participate as a student athlete in that sport.

SECTION 13. That Section 54-4817, Idaho Code, be, and the same is hereby repealed.

Approved March 11, 2020

CHAPTER 106
(H.B. No. 476)

AN ACT

RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2038, IDAHO CODE, TO REVISE PROVISIONS REGARDING BROKER AVAILABILITY RESPONSIBILITIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2039, IDAHO CODE, TO REMOVE PROVISIONS REGARDING BROKER AND BRANCH MANAGER ABSENCES; AND AMENDING SECTION 54-2040, IDAHO CODE, TO REMOVE A CODE REFERENCE.

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

SECTION 1. That Section 54-2038, Idaho Code, be, and the same is hereby amended to read as follows:

54-2038. DESIGNATED BROKER -- GENERAL RESPONSIBILITIES -- BROKER PRICE OPINIONS. The requirement that each brokerage company be maintained and conducted in compliance with the Idaho real estate license law and the Idaho real estate brokerage representation act is the responsibility of its designated broker. The designated broker is responsible for the actions of its licensees and associated unlicensed persons performed within the course and scope of their employment or agency, regardless of the location of the company's business or where representation is conducted.

(1) A designated broker is required to:

(a) Supervise and control, in the manner required by law and rule, all office locations, and the activities of all licensees and unlicensed persons associated with that brokerage company or for whom that designated broker is responsible;

(b) Review and approve all real estate agreements including, but not limited to, those related to listing, selling or purchasing property and brokerage representation agreements;

(c) Be reasonably available to manage and supervise the brokerage company during regular business hours. ~~When a broker is a regular full-time employee or is engaged in a full-time activity at a location other than where the broker is licensed to do business, a presumption will be made that the broker is unable to manage and supervise the brokerage company in accordance with these requirements, and no sales associate shall be licensed under the broker until such presumption is overcome by evidence to the contrary, satisfactory to the commission. and will maintain adequate, reasonable, and regular contact with sales associates engaged in real estate transactions so as to prevent or curtail practices by a licensee that would violate any provision of this chapter; and~~

(d) Be reasonably available to the public during business hours in order to discuss or resolve complaints and disputes that arise during the course of real estate transactions in which the designated broker or his sales associate is involved.

(2) A broker who is otherwise qualified to do business in Idaho, but is not able to manage and supervise according to this section, may be licensed as a "limited broker" in Idaho and shall not have any sales associates licensed under that broker.

(3) An actively licensed salesperson or broker may, in the ordinary course of business, give an opinion of the price of real estate for the purpose of a prospective listing or sale. Only an actively licensed broker or associate broker may prepare and render a broker price opinion, as defined in this chapter. An associate broker who prepares and renders a broker price opinion shall notify the designated broker, and the associate broker may not accept any fee except through the designated broker. Any licensee who renders a price opinion that does not comply with this subsection or with the requirements of section 54-4105, Idaho Code, is subject to discipline by the commission.

(4) A designated broker shall not allow any person who is not properly licensed to represent that broker as a sales associate, or otherwise, in any real estate business activities requiring a real estate license. "Properly licensed" means a license or a change in license that has been made effective by the commission.

SECTION 2. That Section 54-2039, Idaho Code, be, and the same is hereby amended to read as follows:

54-2039. ~~BROKER AND BRANCH MANAGER ABSENCES AND CHANGES.~~ (1) Each real estate brokerage company must have a legally qualified individual acting as designated broker at all times. Each branch office licensed under section 54-2016(4), Idaho Code, shall have, at all times, a legally qualified individual acting as branch manager.

~~(1) Broker or branch manager absent for more than twenty-one (21) days. A designated broker who is absent from his main office for more than twenty-one (21) consecutive days shall appoint a qualified designated broker of another office, or an associate broker who is licensed and associated with the absent broker, to manage, supervise and oversee the regular office operations of the company in his absence. A branch manager who is absent for more than twenty-one (21) consecutive days from a branch office in which trust funds and original transaction files are maintained shall appoint a qualified individual to manage, supervise and oversee the regular office operations of the company in his absence. The appointee shall conduct all supervisory activities normally required of the designated broker or branch manager. Except in the event of an emergency, the designated broker or branch~~

~~manager shall notify the commission in writing of the name of the appointee prior to the broker or manager leaving the office for an extended period of more than twenty-one (21) consecutive days.~~

~~(2) Broker or branch manager absent for more than sixty (60) days. A designated broker, or manager of a branch office in which trust funds and original transaction files are maintained, shall not be absent from his main office for a period longer than sixty (60) consecutive days. In the case of such extended absence, another qualified individual shall be designated to act as broker or branch manager. If a designated broker or branch manager is absent from his main office for a period longer than sixty (60) consecutive days, and no new broker or branch manager is appointed to act as broker or branch manager, the commission shall place on inactive status the licenses of the absent broker or branch manager and all licensees associated with him, and in the case of a brokerage company, all brokerage listing agreements and all buyer brokerage agreements shall be terminated.~~

(32) Change of broker in business entity. A license issued to a legal business entity, as defined in this chapter, is effective only as long as the individual designated broker's license is in active status and in effect. If the individual so designated has a license refused, revoked, suspended or otherwise made inactive by the commission, or if the individual designated broker voluntarily surrenders the individual license or ceases to be connected with the entity in the manner required in this chapter, the business entity shall have ten (10) business days in which to designate another qualified individual as designated broker before the entity's license is terminated, and the licenses of all associated licensees are made inactive.

(43) Effective date of changes. No change in designated broker shall be effective until written notice is received and approved by the commission, in the form required.

(54) Failure to comply -- Original broker to remain responsible except in the case of revocation. Where a licensed brokerage company fails to comply with this section and its office is closed, or during any period where the designated broker has left the brokerage company and no new broker has been designated to act for the company, the original designated broker shall remain responsible for trust account funds, pending transactions and records in the manner described in sections 54-2041 through 54-2049, Idaho Code. However, if the license of the original designated broker of the brokerage company is revoked, the license of that brokerage company shall be made inactive and its office closed until the company designates another qualified individual to act as broker.

SECTION 3. That Section 54-2040, Idaho Code, be, and the same is hereby amended to read as follows:

54-2040. MAIN OFFICE OR BUSINESS LOCATION. (1) Definite location required. Each individual licensed as a designated real estate broker under the provisions of this chapter shall be required to have and maintain a definite, physical place of business, which place shall serve as his main office for the transaction of business and be regarded for the intent and purpose of this chapter as his principal place of business. Notice in writing shall be given to the commission of any change by the broker of the business name, location, or mailing address. No other location may be used as a main office location until proper notice is acknowledged by the commission. A change of business name or location without notification to the commission shall automatically inactivate the license previously issued. The broker shall also notify the commission in writing of any change in the business telephone number. A designated broker is not required to obtain, display or possess a physical license certificate as evidence of the business's licensure; however, the commission may make license certificates available for a fee as authorized by this chapter. The broker shall not display or otherwise make

available to the public any license certificate bearing a former business name or former location.

(2) Broker for more than one business. A qualified individual may be the designated broker for more than one (1) licensed real estate business entity only if all licensed businesses operate their main offices at the same physical location.

(3) Brokers sharing same business location. More than one (1) individually licensed broker may operate an office at the same address only if each broker operates under a business name which clearly identifies the broker as an individual within the group of brokers, and each broker shall maintain his or her records and trust accounts separate from all other brokers.

(4) Business name. A broker shall not conduct business under any name other than the one in which the license is issued.

(5) Lending license prohibited. A broker shall not lend or permit the use of the broker's license, whether for compensation or not, to enable anyone licensed or unlicensed to, in fact, establish or carry on a business for which a real estate broker's license is required, wherein the broker does not actively manage and have full control. In like manner, a salesperson shall not use another person's broker's license, whether for compensation or not, to establish or carry on a business for which a broker's license is required, nor to manage and control the office, except as allowed by sections 54-2016(4) and ~~54-2039(1)~~, Idaho Code.

Approved March 11, 2020

CHAPTER 107
(H.B. No. 534)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE OFFICE OF SPECIES CONSERVATION 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 Species Conservation 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	\$737,100	\$871,100		\$1,608,200
Miscellaneous Revenue				
Fund		15,000		15,000
Federal Grant				
Fund	<u>659,500</u>	<u>203,100</u>	<u>\$12,640,000</u>	<u>13,502,600</u>
TOTAL	\$1,396,600	\$1,089,200	\$12,640,000	\$15,125,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Species Conservation is authorized no more than fifteen (15.00) 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 11, 2020

CHAPTER 108
(H.B. No. 536)

AN ACT

RELATING TO THE APPROPRIATION TO THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION FOR CERTAIN COSTS; AND PROVIDING REQUIREMENTS FOR THE TRANSFER OF MONEYS FROM EARNINGS RESERVE FUNDS TO INCOME FUNDS.

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

SECTION 1. There is hereby appropriated to the Endowment Fund Investment Board the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Miscellaneous Revenue				
Fund	\$68,600	\$14,600		\$83,200
Endowment Earnings Administrative				
Fund	<u>486,800</u>	<u>182,800</u>	<u>\$2,000</u>	<u>671,600</u>
TOTAL	\$555,400	\$197,400	\$2,000	\$754,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Endowment Fund Investment Board is authorized no more than four (4.00) 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. The Endowment Fund Investment Board is hereby granted continuous appropriation authority for consulting fees, custodial fees, investment manager fees, and other portfolio-related external costs for the period July 1, 2020, through June 30, 2021.

SECTION 4. TRANSFERS FROM EARNINGS RESERVE FUNDS. For fiscal year 2021, it is hereby appropriated and the Endowment Fund Investment Board shall transfer \$84,520,800 as follows: \$52,586,400 from the Public School Earnings Reserve Fund to the Public School Income Fund; \$1,551,600 from the Agricultural College Earnings Reserve Fund to the Agricultural College Income Fund; \$5,991,600 from the Charitable Institutions Earnings Reserve Fund to the Charitable Institutions Income Fund; \$5,334,000 from the Normal

School Earnings Reserve Fund to the Normal School Income Fund; \$2,500,800 from the Penitentiary Earnings Reserve Fund to the Penitentiary Income Fund; \$5,420,400 from the Scientific School Earnings Reserve Fund to the Scientific School Income Fund; \$6,369,600 from the Mental Hospital Earnings Reserve Fund to the Mental Hospital Income Fund; and \$4,766,400 from the University Earnings Reserve Fund to the University Income Fund.

Approved March 11, 2020

CHAPTER 109
(H.B. No. 541)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF FINANCE; APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR THE CONTINUOUS APPROPRIATION OF DAMAGES AWARDED FROM THE MORTGAGE RECOVERY FUND; PROVIDING REAPPROPRIATION AUTHORITY; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 2020; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Finance 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:				
State Regulatory				
Fund	\$6,813,700	\$2,000,800	\$10,000	\$8,824,500
Mortgage Recovery				
Fund		50,000		50,000
Securities Investor Training				
Fund	<u>50,000</u>	<u>0</u>	<u>0</u>	<u>50,000</u>
TOTAL	\$6,863,700	\$2,050,800	\$10,000	\$8,924,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Finance is authorized no more than sixty-six (66.00) 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 AUTHORITY. The Department of Finance is hereby granted continuous appropriation authority for reimbursement of persons to whom the Idaho courts have made a final determination of actual damages resulting from acts constituting violations of the Idaho Residential Mortgage Practices Act by a mortgage broker, mortgage lender, or mortgage loan originator who was licensed or required to be licensed pursuant to Chapter 31, Title 26, Idaho Code.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Finance any unexpended and unencumbered balances appropriated or reappropriated to the Department of Finance from the State Regulatory Fund for construction and building expenses for fiscal year 2020, in an amount not to exceed \$1,800,000 from the State Regulatory Fund, to be used for nonrecurring expenditures related to building and construction costs 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. In addition to the appropriation made in Section 1, Chapter 106, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Department of Finance \$1,800,000 from the State Regulatory Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved March 11, 2020

CHAPTER 110
(H.B. No. 556)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF VETERANS SERVICES FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DIVISION OF VETERANS SERVICES FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR A CASH TRANSFER; PROVIDING REAPPROPRIATION AUTHORITY FOR A SECOND VETERANS CEMETERY; AND PROVIDING REAPPROPRIATION AUTHORITY FOR A FOURTH VETERANS HOME.

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

SECTION 1. There is hereby appropriated to the Division of Veterans Services the following amounts to be expended 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	\$1,026,000	\$144,900		\$42,400	\$1,213,300
Veterans Recognition Income					
Fund		3,812,900		139,000	3,951,900
Miscellaneous Revenue					
Fund	14,728,500	3,505,900	\$244,300		18,478,700
Veterans Home Endowment Income					
Fund	195,700	625,300	234,700	1,500	1,057,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant					
Fund	<u>10,664,200</u>	<u>10,821,500</u>	<u>0</u>	<u>0</u>	<u>21,485,700</u>
TOTAL	\$26,614,400	\$18,910,500	\$479,000	\$182,900	\$46,186,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Veterans Services is authorized no more than three hundred sixty-seven and two-tenths (367.20) 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. Notwithstanding the provisions of Section 65-703(2), Idaho Code, or any other provision of law to the contrary, there is hereby appropriated and the administrator of the Division of Veterans Services shall request the State Controller to make a transfer or transfers from the Idaho Veterans Recognition Fund to the Idaho Veterans Recognition Income Fund in an amount not to exceed the amount appropriated and/or reappropriated for the purpose of providing the state's required match for the establishment of a fourth veterans home in north Idaho for the period July 1, 2020, through June 30, 2021.

SECTION 4. REAPPROPRIATION AUTHORITY FOR A SECOND VETERANS CEMETERY. There is hereby reappropriated to the Division of Veterans Services any unexpended and unencumbered balances appropriated to the Division of Veterans Services from the Federal Grant Fund for a second veterans cemetery for fiscal year 2020, in an amount not to exceed \$6,414,900 from the Federal Grant Fund, to be used for nonrecurring expenditures related to the addition of a second veterans cemetery in southeastern Idaho 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 FOR A FOURTH VETERANS HOME. There is hereby reappropriated to the Division of Veterans Services any unexpended and unencumbered balances appropriated to the Division of Veterans Services from the Federal Grant Fund and the Veterans Recognition Income Fund for the construction of a fourth veterans home for fiscal year 2020, in an amount not to exceed \$27,965,200 from the Federal Grant Fund and \$15,058,200 from the Veterans Recognition Income Fund, to be used for nonrecurring expenditures related to the construction of a fourth veterans home 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.

Approved March 11, 2020

CHAPTER 111
(H.B. No. 557)

AN ACT

RELATING TO APPROPRIATIONS; REDUCING APPROPRIATIONS FOR SICK LEAVE CONTRIBUTION RATES FOR FISCAL YEAR 2020; REDUCING GENERAL FUND APPROPRIATIONS BY ONE PERCENT FOR FISCAL YEAR 2020; APPROPRIATING AND TRANSFERRING FUNDS; AND DECLARING AN EMERGENCY.

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the appropriations made in the Laws of 2019, as enacted by the First Regular Session of the Sixty-fifth Idaho Legislature, are hereby reduced by the following amounts according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
(1) PUBLIC SCHOOL SUPPORT:			
I. EDUCATIONAL SERVICES FOR THE DEAF & BLIND:			
A. CAMPUS OPERATIONS:			
FROM:			
General			
Fund		\$6,400	\$6,400
B. OUTREACH PROGRAMS:			
FROM:			
General			
Fund		\$1,800	\$1,800
DIVISION TOTAL		\$8,200	\$8,200
(2) STATE BOARD OF EDUCATION:			
I. AGRICULTURAL RESEARCH & EXTENSION SERVICE:			
FROM:			
General			
Fund	\$56,700		\$56,700
II. COLLEGE AND UNIVERSITIES:			
A. BOISE STATE UNIVERSITY:			
FROM:			
General			
Fund	\$175,600		\$175,600
Unrestricted			
Fund	<u>175,700</u>		<u>175,700</u>
TOTAL	\$351,300		\$351,300

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
B. IDAHO STATE UNIVERSITY:			
FROM:			
General			
Fund	\$155,300		\$155,300
Unrestricted			
Fund	<u>59,000</u>		<u>59,000</u>
TOTAL	\$214,300		\$214,300
C. UNIVERSITY OF IDAHO:			
FROM:			
General			
Fund	\$167,900		\$167,900
Unrestricted			
Fund	<u>125,700</u>		<u>125,700</u>
TOTAL	\$293,600		\$293,600
D. LEWIS-CLARK STATE COLLEGE:			
FROM:			
General			
Fund	\$29,900		\$29,900
Unrestricted			
Fund	<u>28,000</u>		<u>28,000</u>
TOTAL	\$57,900		\$57,900
DIVISION TOTAL	\$917,100		\$917,100
III. COMMUNITY COLLEGES:			
A. COLLEGE OF SOUTHERN IDAHO:			
FROM:			
General			
Fund	\$20,200		\$20,200
B. COLLEGE OF WESTERN IDAHO:			
FROM:			
General			
Fund	\$22,100		\$22,100
C. NORTH IDAHO COLLEGE:			
FROM:			
General			
Fund	\$20,800		\$20,800

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
D. COLLEGE OF EASTERN IDAHO:			
FROM:			
General			
Fund	\$9,000		\$9,000
Community College			
Fund	<u>300</u>		<u>300</u>
TOTAL	\$9,300		\$9,300
DIVISION TOTAL	\$72,400		\$72,400
IV. OFFICE OF THE STATE BOARD OF EDUCATION:			
A. OSBE ADMINISTRATION:			
FROM:			
General			
Fund	\$5,700		\$5,700
Miscellaneous Revenue			
Fund	<u>300</u>		<u>300</u>
TOTAL	\$6,000		\$6,000
B. CHARTER SCHOOL COMMISSION:			
FROM:			
General			
Fund	\$300		\$300
Public Charter School Authorizers			
Fund	<u>500</u>		<u>500</u>
TOTAL	\$800		\$800
DIVISION TOTAL	\$6,800		\$6,800
V. HEALTH EDUCATION PROGRAMS:			
A. WIMU VETERINARY EDUCATION:			
FROM:			
General			
Fund	\$800		\$800
B. WWAMI MEDICAL EDUCATION:			
FROM:			
General			
Fund	\$3,400		\$3,400
C. IDAHO DENTAL EDUCATION PROGRAM:			
FROM:			
General			
Fund	\$500		\$500

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Unrestricted			
Fund	<u>400</u>		<u>400</u>
TOTAL	\$900		\$900
D. FAMILY MEDICINE RESIDENCIES:			
FROM:			
General			
Fund	\$3,600		\$3,600
DIVISION TOTAL	\$8,700		\$8,700
VI. DIVISION OF CAREER TECHNICAL EDUCATION:			
A. STATE LEADERSHIP & TECHNICAL ASSISTANCE:			
FROM:			
General			
Fund	\$5,300		\$5,300
Federal Grant			
Fund	<u>500</u>		<u>500</u>
TOTAL	\$5,800		\$5,800
B. GENERAL PROGRAMS:			
FROM:			
Federal Grant			
Fund	\$800		\$800
C. POSTSECONDARY PROGRAMS:			
FROM:			
General			
Fund	\$84,200		\$84,200
D. RELATED SERVICES:			
FROM:			
General			
Fund	\$200		\$200
Federal Grant			
Fund	<u>100</u>		<u>100</u>
TOTAL	\$300		\$300
DIVISION TOTAL	\$91,100		\$91,100
VII. IDAHO PUBLIC TELEVISION:			
FROM:			
General			
Fund	\$3,000		\$3,000

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Miscellaneous Revenue			
Fund	<u>6,800</u>		<u>6,800</u>
TOTAL	\$9,800		\$9,800
VIII. SPECIAL PROGRAMS:			
A. FOREST UTILIZATION RESEARCH:			
FROM:			
General			
Fund	\$2,400		\$2,400
B. GEOLOGICAL SURVEY:			
FROM:			
General			
Fund	\$2,200		\$2,200
C. SCHOLARSHIPS AND GRANTS:			
FROM:			
General			
Fund	\$200		\$200
D. MUSEUM OF NATURAL HISTORY:			
FROM:			
General			
Fund	\$1,200		\$1,200
E. SMALL BUSINESS DEVELOPMENT CENTERS:			
FROM:			
General			
Fund	\$1,400		\$1,400
F. TECHHELP:			
FROM:			
General			
Fund	\$800		\$800
DIVISION TOTAL	\$8,200		\$8,200
IX. SUPERINTENDENT OF PUBLIC INSTRUCTION:			
A. STATE DEPARTMENT OF EDUCATION:			
FROM:			
General			
Fund	\$13,100		\$13,100
Indirect Cost Recovery			
Fund	1,600		1,600

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Driver's Training			
Fund	300		300
Public Instruction			
Fund	1,600		1,600
Miscellaneous Revenue			
Fund	600		600
Public Schools Other Income			
Fund	200		200
Cigarette, Tobacco and Lottery Income Taxes			
Fund	200		200
Federal Grant			
Fund	<u>10,300</u>		<u>10,300</u>
TOTAL	\$27,900		\$27,900
X. VOCATIONAL REHABILITATION:			
A. EXTENDED EMPLOYMENT SERVICES:			
FROM:			
General			
Fund	\$800		\$800
B. VOCATIONAL REHABILITATION:			
FROM:			
General			
Fund	\$3,600		\$3,600
Rehabilitation Revenue and Refunds			
Fund	100		100
Miscellaneous Revenue			
Fund	200		200
Federal Grant			
Fund	<u>15,500</u>		<u>15,500</u>
TOTAL	\$19,400		\$19,400
C. COUNCIL FOR THE DEAF AND HARD OF HEARING:			
FROM:			
General			
Fund	\$600		\$600
DIVISION TOTAL	\$20,800		\$20,800
DEPARTMENT TOTAL	\$1,219,500		\$1,219,500

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
(3) DEPARTMENT OF HEALTH AND WELFARE :			
I. CHILD WELFARE :			
FROM:			
Cooperative Welfare (General)			
Fund	\$19,700		\$19,700
Cooperative Welfare (Dedicated)			
Fund	200		200
Cooperative Welfare (Federal)			
Fund	<u>41,100</u>		<u>41,100</u>
TOTAL	\$61,000		\$61,000
II. SERVICES FOR THE DEVELOPMENTALLY DISABLED :			
A. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES :			
FROM:			
Cooperative Welfare (General)			
Fund	\$14,600		\$14,600
Cooperative Welfare (Dedicated)			
Fund	11,700		11,700
Cooperative Welfare (Federal)			
Fund	<u>300</u>		<u>300</u>
TOTAL	\$26,600		\$26,600
B. SOUTHWEST IDAHO TREATMENT CENTER :			
FROM:			
Cooperative Welfare (General)			
Fund	\$3,700		\$3,700
Cooperative Welfare (Dedicated)			
Fund	500		500
Cooperative Welfare (Federal)			
Fund	<u>9,900</u>		<u>9,900</u>
TOTAL	\$14,100		\$14,100
DIVISION TOTAL	\$40,700		\$40,700
III. INDEPENDENT COUNCILS :			
A. DEVELOPMENTAL DISABILITIES COUNCIL :			
FROM:			
Cooperative Welfare (General)			
Fund	\$300		\$300
Cooperative Welfare (Federal)			
Fund	<u>700</u>		<u>700</u>
TOTAL	\$1,000		\$1,000

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
B. DOMESTIC VIOLENCE COUNCIL:			
FROM:			
Domestic Violence Project			
Fund	\$400		\$400
Cooperative Welfare (Federal)			
Fund	<u>300</u>		<u>300</u>
TOTAL	\$700		\$700
DIVISION TOTAL	\$1,700		\$1,700
IV. INDIRECT SUPPORT SERVICES:			
FROM:			
Cooperative Welfare (General)			
Fund	\$21,800		\$21,800
Cooperative Welfare (Dedicated)			
Fund	3,700		3,700
Cooperative Welfare (Federal)			
Fund	<u>28,600</u>		<u>28,600</u>
TOTAL	\$54,100		\$54,100
V. DIVISION OF MEDICAID:			
A. MEDICAID ADMINISTRATION AND MEDICAL MGMT:			
FROM:			
Cooperative Welfare (General)			
Fund	\$13,100		\$13,100
Idaho Millennium Income			
Fund	300		300
Cooperative Welfare (Federal)			
Fund	<u>19,700</u>		<u>19,700</u>
TOTAL	\$33,100		\$33,100
VI. MENTAL HEALTH SERVICES:			
A. CHILDREN'S MENTAL HEALTH:			
FROM:			
Cooperative Welfare (General)			
Fund	\$10,100		\$10,100
Cooperative Welfare (Federal)			
Fund	<u>5,500</u>		<u>5,500</u>
TOTAL	\$15,600		\$15,600

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
B. ADULT MENTAL HEALTH:			
FROM:			
Cooperative Welfare (General)			
Fund	\$28,700		\$28,700
Cooperative Welfare (Dedicated)			
Fund	300		300
Cooperative Welfare (Federal)			
Fund	<u>4,300</u>		<u>4,300</u>
TOTAL	\$33,300		\$33,300
DIVISION TOTAL	\$48,900		\$48,900
VII. PSYCHIATRIC HOSPITALIZATION:			
A. STATE HOSPITAL NORTH:			
FROM:			
Cooperative Welfare (General)			
Fund	\$14,600		\$14,600
Cooperative Welfare (Dedicated)			
Fund	300		300
State Hospital North Endowment Income			
Fund	<u>900</u>		<u>900</u>
TOTAL	\$15,800		\$15,800
B. STATE HOSPITAL SOUTH:			
FROM:			
Cooperative Welfare (General)			
Fund	\$20,100		\$20,100
Cooperative Welfare (Dedicated)			
Fund	6,100		6,100
Mental Hospital Endowment Income			
Fund	8,100		8,100
Cooperative Welfare (Federal)			
Fund	<u>6,800</u>		<u>6,800</u>
TOTAL	\$41,100		\$41,100
DIVISION TOTAL	\$56,900		\$56,900
VIII. PUBLIC HEALTH SERVICES:			
A. PHYSICAL HEALTH SERVICES:			
FROM:			
Cooperative Welfare (General)			
Fund	\$3,700		\$3,700
Cancer Control			
Fund	100		100

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Cooperative Welfare (Dedicated)			
Fund	4,600		4,600
Cooperative Welfare (Federal)			
Fund	<u>16,200</u>		<u>16,200</u>
TOTAL	\$24,600		\$24,600
B. EMERGENCY MEDICAL SERVICES:			
FROM:			
Cooperative Welfare (General)			
Fund	\$100		\$100
Emergency Medical Services			
Fund	3,400		3,400
TSE Registry			
Fund	200		200
Cooperative Welfare (Dedicated)			
Fund	1,000		1,000
Cooperative Welfare (Federal)			
Fund	<u>1,600</u>		<u>1,600</u>
TOTAL	\$6,300		\$6,300
C. LABORATORY SERVICES:			
FROM:			
Cooperative Welfare (General)			
Fund	\$3,600		\$3,600
Cooperative Welfare (Dedicated)			
Fund	800		800
Cooperative Welfare (Federal)			
Fund	<u>2,000</u>		<u>2,000</u>
TOTAL	\$6,400		\$6,400
D. SUICIDE PREVENTION AND AWARENESS:			
FROM:			
Cooperative Welfare (General)			
Fund	\$600		\$600
DIVISION TOTAL	\$37,900		\$37,900
IX. SERVICE INTEGRATION:			
FROM:			
Cooperative Welfare (General)			
Fund	\$400		\$400
Cooperative Welfare (Federal)			
Fund	<u>3,900</u>		<u>3,900</u>
TOTAL	\$4,300		\$4,300

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
X. SUBSTANCE ABUSE TREATMENT & PREVENTION:			
FROM:			
Cooperative Welfare (General)			
Fund	\$600		\$600
Cooperative Welfare (Dedicated)			
Fund	100		100
Cooperative Welfare (Federal)			
Fund	<u>2,300</u>		<u>2,300</u>
TOTAL	\$3,000		\$3,000
XI. DIVISION OF WELFARE:			
A. SELF-RELIANCE OPERATIONS:			
FROM:			
Cooperative Welfare (General)			
Fund	\$27,100		\$27,100
Cooperative Welfare (Dedicated)			
Fund	1,000		1,000
Cooperative Welfare (Federal)			
Fund	<u>49,500</u>		<u>49,500</u>
TOTAL	\$77,600		\$77,600
XII. LICENSING AND CERTIFICATION:			
FROM:			
Cooperative Welfare (General)			
Fund	\$3,400		\$3,400
Cooperative Welfare (Dedicated)			
Fund	1,600		1,600
Cooperative Welfare (Federal)			
Fund	<u>7,800</u>		<u>7,800</u>
TOTAL	\$12,800		\$12,800
DEPARTMENT TOTAL	\$432,000		\$432,000
(4) PUBLIC HEALTH DISTRICTS:			
I. PUBLIC HEALTH DISTRICTS:			
FROM:			
Public Health Trust (General)			
Fund	\$17,100		\$17,100
Idaho Millennium Income			
Fund	<u>800</u>		<u>800</u>
TOTAL	\$17,900		\$17,900

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
(5) STATE INDEPENDENT LIVING COUNCIL:			
I. STATE INDEPENDENT LIVING COUNCIL:			
FROM:			
General			
Fund	\$300		\$300
State Independent Living Council (Ded)			
Fund	500		500
Federal Grant			
Fund	<u>100</u>		<u>100</u>
TOTAL	\$900		\$900
(6) DEPARTMENT OF CORRECTION:			
I. MANAGEMENT SERVICES:			
FROM:			
General			
Fund	\$19,200		\$19,200
Inmate Labor			
Fund	200		200
Parolee Supervision			
Fund	300		300
Miscellaneous Revenue			
Fund	<u>1,600</u>		<u>1,600</u>
TOTAL	\$21,300		\$21,300
II. STATE PRISONS:			
A. PRISONS ADMINISTRATION:			
FROM:			
General			
Fund	\$3,000		\$3,000
Miscellaneous Revenue			
Fund	800		800
Federal Grant			
Fund	<u>1,200</u>		<u>1,200</u>
TOTAL	\$5,000		\$5,000
B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:			
FROM:			
General			
Fund	\$43,300		\$43,300
Miscellaneous Revenue			
Fund	<u>1,300</u>		<u>1,300</u>
TOTAL	\$44,600		\$44,600

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
C. IDAHO STATE CORRECTIONAL CENTER - BOISE:			
FROM:			
General			
Fund	\$42,300		\$42,300
D. IDAHO CORRECTIONAL INSTITUTION - OROFINO:			
FROM:			
General			
Fund	\$15,500		\$15,500
Inmate Labor			
Fund	1,800		1,800
Miscellaneous Revenue			
Fund	<u>100</u>		<u>100</u>
TOTAL	\$17,400		\$17,400
E. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:			
FROM:			
General			
Fund	\$20,700		\$20,700
Miscellaneous Revenue			
Fund	<u>200</u>		<u>200</u>
TOTAL	\$20,900		\$20,900
F. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:			
FROM:			
General			
Fund	\$9,800		\$9,800
Miscellaneous Revenue			
Fund	<u>100</u>		<u>100</u>
TOTAL	\$9,900		\$9,900
G. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:			
FROM:			
General			
Fund	\$12,900		\$12,900
Inmate Labor			
Fund	2,400		2,400
Miscellaneous Revenue			
Fund	<u>300</u>		<u>300</u>
TOTAL	\$15,600		\$15,600

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
H. ST. ANTHONY WORK CAMP:			
FROM:			
General			
Fund	\$4,700		\$4,700
Inmate Labor			
Fund	<u>1,800</u>		<u>1,800</u>
TOTAL	\$6,500		\$6,500
I. POCATELLO WOMEN'S CORRECTIONAL CENTER:			
FROM:			
General			
Fund	\$10,900		\$10,900
Inmate Labor			
Fund	600		600
Miscellaneous Revenue			
Fund	<u>400</u>		<u>400</u>
TOTAL	\$11,900		\$11,900
J. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:			
FROM:			
General			
Fund	\$6,800		\$6,800
Inmate Labor			
Fund	<u>100</u>		<u>100</u>
TOTAL	\$6,900		\$6,900
DIVISION TOTAL	\$181,000		\$181,000
III. COMMUNITY CORRECTIONS:			
A. COMMUNITY SUPERVISION:			
FROM:			
General			
Fund	\$36,200		\$36,200
Parolee Supervision			
Fund	9,700		9,700
Drug and Mental Health Court Supervision			
Fund	900		900
Miscellaneous Revenue			
Fund	200		200
Federal Grant			
Fund	<u>800</u>		<u>800</u>
TOTAL	\$47,800		\$47,800

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
B. COMMUNITY REENTRY CENTERS:			
FROM:			
General			
Fund	\$5,900		\$5,900
Inmate Labor			
Fund	<u>1,800</u>		<u>1,800</u>
TOTAL	\$7,700		\$7,700
DIVISION TOTAL	\$55,500		\$55,500
IV. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT:			
FROM:			
General			
Fund	\$2,700		\$2,700
V. COMMISSION OF PARDONS & PAROLE:			
FROM:			
General			
Fund	\$5,200		\$5,200
DEPARTMENT TOTAL	\$265,700		\$265,700
(7) JUDICIAL BRANCH:			
I. COURT OPERATIONS:			
A. SUPREME COURT:			
FROM:			
General			
Fund	\$12,200		\$12,200
Federal Grant			
Fund	<u>800</u>		<u>800</u>
TOTAL	\$13,000		\$13,000
B. COURT OF APPEALS:			
FROM:			
General			
Fund	\$4,000		\$4,000
C. DISTRICT COURTS:			
FROM:			
General			
Fund	\$27,800		\$27,800
Court Technology			
Fund	10,200		10,200

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Drug Court, Mental Health Court, and Family Court Services			
Fund	<u>2,500</u>		<u>2,500</u>
TOTAL	\$40,500		\$40,500
D. MAGISTRATE DIVISION:			
FROM:			
General			
Fund	\$33,700		\$33,700
Drug Court, Mental Health Court, and Family Court Services			
Fund	2,100		2,100
Guardianship Pilot Project			
Fund	<u>600</u>		<u>600</u>
TOTAL	\$36,400		\$36,400
E. WATER ADJUDICATION:			
FROM:			
General			
Fund	\$1,500		\$1,500
F. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:			
FROM:			
Substance Abuse Treatment			
Fund	\$400		\$400
DIVISION TOTAL	\$95,800		\$95,800
(8) DEPARTMENT OF JUVENILE CORRECTIONS:			
I. DEPARTMENT OF JUVENILE CORRECTIONS:			
A. ADMINISTRATION:			
FROM:			
General			
Fund	\$5,700		\$5,700
Miscellaneous Revenue			
Fund	<u>200</u>		<u>200</u>
TOTAL	\$5,900		\$5,900
B. COMMUNITY, OPERATIONS, AND PROGRAM SERVICES:			
FROM:			
General			
Fund	\$2,400		\$2,400

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
C. INSTITUTIONS:			
FROM:			
General			
Fund	\$42,900		\$42,900
Federal Grant			
Fund	<u>300</u>		<u>300</u>
TOTAL	\$43,200		\$43,200
D. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:			
FROM:			
General			
Fund	\$300		\$300
DIVISION TOTAL	\$51,800		\$51,800
(9) IDAHO STATE POLICE:			
I. BRAND INSPECTION:			
FROM:			
State Brand Board			
Fund	\$4,700		\$4,700
II. DIVISION OF IDAHO STATE POLICE:			
A. DIRECTOR'S OFFICE:			
FROM:			
General			
Fund	\$4,100		\$4,100
Idaho Law Enforcement (Project Choice)			
Fund	200		200
Federal Grant			
Fund	<u>100</u>		<u>100</u>
TOTAL	\$4,400		\$4,400
B. EXECUTIVE PROTECTION:			
FROM:			
General			
Fund	\$900		\$900
Idaho Law Enforcement (Project Choice)			
Fund	100		100
Miscellaneous Revenue			
Fund	<u>200</u>		<u>200</u>
TOTAL	\$1,200		\$1,200

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
C. INVESTIGATIONS:			
FROM:			
General			
Fund	\$13,100		\$13,100
Idaho Law Enforcement (Project Choice)			
Fund	1,900		1,900
Drug & DWUI Enforcement Donation			
Fund	400		400
Federal Grant			
Fund	<u>300</u>		<u>300</u>
TOTAL	\$15,700		\$15,700
D. PATROL:			
FROM:			
General			
Fund	\$13,900		\$13,900
Idaho Law Enforcement			
Fund	31,400		31,400
Idaho Law Enforcement (Project Choice)			
Fund	6,800		6,800
Hazardous Materials/Waste Enforcement			
Fund	900		900
Miscellaneous Revenue			
Fund	1,500		1,500
Federal Grant			
Fund	<u>6,500</u>		<u>6,500</u>
TOTAL	\$61,000		\$61,000
E. LAW ENFORCEMENT PROGRAMS:			
FROM:			
General			
Fund	\$600		\$600
Alcohol Beverage Control			
Fund	2,300		2,300
Idaho Law Enforcement (Project Choice)			
Fund	<u>400</u>		<u>400</u>
TOTAL	\$3,300		\$3,300
F. SUPPORT SERVICES:			
FROM:			
General			
Fund	\$3,600		\$3,600
Idaho Law Enforcement (Project Choice)			
Fund	100		100

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Idaho Law Enforcement Telecommunications			
Fund	1,300		1,300
Miscellaneous Revenue			
Fund	<u>2,400</u>		<u>2,400</u>
TOTAL	\$7,400		\$7,400
G. FORENSIC SERVICES:			
FROM:			
General			
Fund	\$8,200		\$8,200
Idaho Law Enforcement (Project Choice)			
Fund	800		800
Miscellaneous Revenue			
Fund	200		200
Federal Grant			
Fund	<u>500</u>		<u>500</u>
TOTAL	\$9,700		\$9,700
DIVISION TOTAL	\$102,700		\$102,700
III. POST ACADEMY:			
A. PEACE OFFICER STANDARDS AND TRAINING ACADEMY:			
FROM:			
Idaho Law Enforcement (Project Choice)			
Fund	\$100		\$100
Peace Officers Training			
Fund	4,500		4,500
Federal Grant			
Fund	<u>100</u>		<u>100</u>
TOTAL	\$4,700		\$4,700
IV. RACING COMMISSION:			
FROM:			
Idaho State Racing Commission			
Fund	\$500		\$500
DEPARTMENT TOTAL	\$112,600		\$112,600
(10) DEPARTMENT OF ENVIRONMENTAL QUALITY:			
I. DEPARTMENT OF ENVIRONMENTAL QUALITY:			
A. ADMINISTRATION AND SUPPORT SERVICES:			
FROM:			
Department of Environmental Quality (General)			
Fund	\$3,800		\$3,800

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Air Quality Permitting			
Fund	400		400
Public Water System Supervision			
Fund	800		800
Water Pollution Control			
Fund	200		200
Department of Environmental Quality (Receipts)			
Fund	800		800
Idaho Underground Storage Tank Program			
Fund	100		100
IPDES Program			
Fund	400		400
Department of Environmental Quality (Federal)			
Fund	<u>3,100</u>		<u>3,100</u>
TOTAL	\$9,600		\$9,600

B. AIR QUALITY:

FROM:

Department of Environmental Quality (General)			
Fund	\$6,900		\$6,900
Air Quality Permitting			
Fund	2,500		2,500
Department of Environmental Quality (Receipts)			
Fund	600		600
Department of Environmental Quality (Federal)			
Fund	<u>3,000</u>		<u>3,000</u>
TOTAL	\$13,000		\$13,000

C. WATER QUALITY:

FROM:

Department of Environmental Quality (General)			
Fund	\$16,200		\$16,200
Public Water System Supervision			
Fund	2,200		2,200
Department of Environmental Quality (Receipts)			
Fund	1,000		1,000
IPDES Program			
Fund	500		500
Department of Environmental Quality (Federal)			
Fund	<u>9,600</u>		<u>9,600</u>
TOTAL	\$29,500		\$29,500

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
D. COEUR D'ALENE BASIN COMMISSION:			
FROM:			
Department of Environmental Quality (General)			
Fund	\$300		\$300
Environmental Remediation (Basin)			
Fund	<u>100</u>		<u>100</u>
TOTAL	\$400		\$400
E. WASTE MANAGEMENT AND REMEDIATION:			
FROM:			
Department of Environmental Quality (General)			
Fund	\$5,300		\$5,300
Environmental Remediation (Box)			
Fund	100		100
Environmental Remediation (Basin)			
Fund	800		800
Environmental Remediation (Triumph Mine)			
Fund	100		100
Department of Environmental Quality (Receipts)			
Fund	1,600		1,600
Idaho Underground Storage Tank Program			
Fund	400		400
Bunker Hill Trust			
Fund	100		100
Department of Environmental Quality (Federal)			
Fund	<u>5,500</u>		<u>5,500</u>
TOTAL	\$13,900		\$13,900
F. IDAHO NATIONAL LABORATORY OVERSIGHT:			
FROM:			
Department of Environmental Quality (General)			
Fund	\$200		\$200
Department of Environmental Quality (Receipts)			
Fund	<u>2,000</u>		<u>2,000</u>
TOTAL	\$2,200		\$2,200
DIVISION TOTAL	\$68,600		\$68,600
(11) DEPARTMENT OF FISH AND GAME:			
I. DEPARTMENT OF FISH AND GAME:			
A. ADMINISTRATION:			
FROM:			
Fish and Game (Licenses)			
Fund	\$9,300		\$9,300

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Fish and Game (Other)			
Fund	1,300		1,300
Fish and Game Set-Aside (Other)			
Fund	100		100
Fish and Game (Federal)			
Fund	<u>8,400</u>		<u>8,400</u>
TOTAL	\$19,100		\$19,100
 B. ENFORCEMENT:			
FROM:			
Fish and Game (Licenses)			
Fund	\$18,600		\$18,600
Fish and Game (Other)			
Fund	300		300
Fish and Game (Federal)			
Fund	<u>100</u>		<u>100</u>
TOTAL	\$19,000		\$19,000
 C. FISHERIES:			
FROM:			
Fish and Game (Licenses)			
Fund	\$7,700		\$7,700
Fish and Game (Other)			
Fund	5,600		5,600
Fish and Game Set-Aside (Licenses)			
Fund	800		800
Fish and Game Set-Aside (Other)			
Fund	100		100
Fish and Game Expendable Trust			
Fund	100		100
Fish and Game (Federal)			
Fund	<u>24,800</u>		<u>24,800</u>
TOTAL	\$39,100		\$39,100
 D. WILDLIFE:			
FROM:			
Fish and Game (Licenses)			
Fund	\$9,000		\$9,000
Fish and Game (Other)			
Fund	700		700
Fish and Game Set-Aside (Other)			
Fund	1,800		1,800

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Fish and Game Expendable Trust			
Fund	800		800
Fish and Game (Federal)			
Fund	<u>13,100</u>		<u>13,100</u>
TOTAL	\$25,400		\$25,400
E. COMMUNICATIONS:			
FROM:			
Fish and Game (Licenses)			
Fund	\$3,500		\$3,500
Fish and Game Set-Aside (Other)			
Fund	200		200
Fish and Game Expendable Trust			
Fund	100		100
Fish and Game (Federal)			
Fund	<u>2,600</u>		<u>2,600</u>
TOTAL	\$6,400		\$6,400
F. WILDLIFE MITIGATION AND HABITAT CONSERVATION:			
FROM:			
Fish and Game (Licenses)			
Fund	\$2,200		\$2,200
Fish and Game (Other)			
Fund	100		100
Fish and Game Set-Aside (Licenses)			
Fund	300		300
Fish and Game Set-Aside (Other)			
Fund	100		100
Fish and Game (Federal)			
Fund	<u>800</u>		<u>800</u>
TOTAL	\$3,500		\$3,500
DIVISION TOTAL	\$112,500		\$112,500
(12) BOARD OF LAND COMMISSIONERS:			
I. ENDOWMENT FUND INVESTMENT BOARD:			
FROM:			
Miscellaneous Revenue			
Fund	\$200		\$200
Endowment Earnings Administrative			
Fund	<u>1,000</u>		<u>1,000</u>
TOTAL	\$1,200		\$1,200

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
II. DEPARTMENT OF LANDS:			
A. SUPPORT SERVICES:			
FROM:			
General			
Fund	\$800		\$800
Department of Lands			
Fund	1,300		1,300
Indirect Cost Recovery			
Fund	200		200
Endowment Earnings Administrative			
Fund	<u>1,600</u>		<u>1,600</u>
TOTAL	\$3,900		\$3,900
B. FOREST RESOURCES MANAGEMENT:			
FROM:			
General			
Fund	\$2,600		\$2,600
Department of Lands			
Fund	3,300		3,300
Indirect Cost Recovery			
Fund	300		300
Endowment Earnings Administrative			
Fund	20,800		20,800
Federal Grant			
Fund	<u>2,300</u>		<u>2,300</u>
TOTAL	\$29,300		\$29,300
C. LANDS AND WATERWAYS:			
FROM:			
General			
Fund	\$800		\$800
Department of Lands			
Fund	800		800
Navigable Waterways			
Fund	1,300		1,300
Endowment Earnings Administrative			
Fund	<u>4,900</u>		<u>4,900</u>
TOTAL	\$7,800		\$7,800
D. FOREST AND RANGE FIRE PROTECTION:			
FROM:			
General			
Fund	\$3,700		\$3,700

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Department of Lands			
Fund	7,600		7,600
Miscellaneous Revenue			
Fund	<u>1,600</u>		<u>1,600</u>
TOTAL	\$12,900		\$12,900
E. SCALING PRACTICES:			
FROM:			
Department of Lands			
Fund	\$400		\$400
F. OIL AND GAS CONSERVATION:			
FROM:			
General			
Fund	\$800		\$800
Oil and Gas Conservation			
Fund	<u>200</u>		<u>200</u>
TOTAL	\$1,000		\$1,000
DIVISION TOTAL	\$55,300		\$55,300
DEPARTMENT TOTAL	\$56,500		\$56,500
(13) DEPARTMENT OF PARKS AND RECREATION:			
I. DEPARTMENT OF PARKS AND RECREATION:			
A. MANAGEMENT SERVICES:			
FROM:			
General			
Fund	\$800		\$800
Indirect Cost Recovery			
Fund	500		500
Parks and Recreation			
Fund	2,900		2,900
Recreational Fuels			
Fund	1,300		1,300
Parks and Recreation Registration			
Fund	<u>700</u>		<u>700</u>
TOTAL	\$6,200		\$6,200
B. PARK OPERATIONS:			
FROM:			
General			
Fund	\$3,900		\$3,900

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Parks and Recreation			
Fund	9,600		9,600
Recreational Fuels			
Fund	400		400
Parks and Recreation Registration			
Fund	1,700		1,700
Miscellaneous Revenue			
Fund	100		100
Public Recreation Enterprise			
Fund	1,800		1,800
Parks and Recreation Expendable Trust			
Fund	1,000		1,000
Federal Grant			
Fund	<u>2,000</u>		<u>2,000</u>
TOTAL	\$20,500		\$20,500
DIVISION TOTAL	\$26,700		\$26,700
II. LAVA HOT SPRINGS FOUNDATION:			
FROM:			
Lava Hot Springs Foundation			
Fund	\$2,700		\$2,700
DEPARTMENT TOTAL	\$29,400		\$29,400
(14) DEPARTMENT OF WATER RESOURCES:			
I. DEPARTMENT OF WATER RESOURCES:			
A. MANAGEMENT AND SUPPORT SERVICES:			
FROM:			
General			
Fund	\$1,900		\$1,900
Indirect Cost Recovery			
Fund	1,000		1,000
Water Administration			
Fund	<u>100</u>		<u>100</u>
TOTAL	\$3,000		\$3,000
B. PLANNING AND TECHNICAL SERVICES:			
FROM:			
General			
Fund	\$5,600		\$5,600
Aquifer Planning and Management			
Fund	1,900		1,900

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Federal Grant			
Fund	<u>100</u>		<u>100</u>
TOTAL	\$7,600		\$7,600
C. WATER MANAGEMENT:			
FROM:			
General			
Fund	\$10,400		\$10,400
Water Administration			
Fund	2,400		2,400
Miscellaneous Revenue			
Fund	1,700		1,700
Federal Grant			
Fund	<u>400</u>		<u>400</u>
TOTAL	\$14,900		\$14,900
D. NORTHERN IDAHO ADJUDICATION:			
FROM:			
General			
Fund	\$700		\$700
DIVISION TOTAL	\$26,200		\$26,200
(15) DEPARTMENT OF AGRICULTURE:			
I. DEPARTMENT OF AGRICULTURE:			
A. ADMINISTRATION:			
FROM:			
General			
Fund	\$1,700		\$1,700
Administration and Accounting Services			
Fund	2,200		2,200
Facilities Maintenance			
Fund	<u>300</u>		<u>300</u>
TOTAL	\$4,200		\$4,200
B. ANIMAL INDUSTRIES:			
FROM:			
General			
Fund	\$3,400		\$3,400
Agricultural Inspection			
Fund	100		100
Agricultural Fees - Livestock Disease Control			
Fund	1,400		1,400

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Agricultural Fees - Dairy Inspection			
Fund	3,100		3,100
Agricultural Fees - Egg Inspection			
Fund	300		300
Federal Grant			
Fund	<u>700</u>		<u>700</u>
TOTAL	\$9,000		\$9,000
C. AGRICULTURAL RESOURCES:			
FROM:			
General			
Fund	\$400		\$400
Agricultural Fees - Pesticides			
Fund	4,000		4,000
Federal Grant			
Fund	<u>700</u>		<u>700</u>
TOTAL	\$5,100		\$5,100
D. PLANT INDUSTRIES:			
FROM:			
General			
Fund	\$3,000		\$3,000
Agricultural Inspection			
Fund	2,500		2,500
Invasive Species			
Fund	1,100		1,100
Agricultural Fees - Commercial Feed and Fertilizer			
Fund	2,300		2,300
Quality Assurance Laboratory Services			
Fund	700		700
Federal Grant			
Fund	<u>2,400</u>		<u>2,400</u>
TOTAL	\$12,000		\$12,000
E. AGRICULTURAL INSPECTIONS:			
FROM:			
General			
Fund	\$1,400		\$1,400
Weights and Measures Inspection			
Fund	800		800
Agricultural Fees - Organic Food Products			
Fund	1,000		1,000

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Agricultural Fees - Fresh Fruit & Vegetable Inspection			
Fund	<u>9,700</u>		<u>9,700</u>
TOTAL	\$12,900		\$12,900
F. MARKET DEVELOPMENT:			
FROM:			
General			
Fund	\$800		\$800
Agricultural Inspection			
Fund	200		200
Federal Grant			
Fund	<u>300</u>		<u>300</u>
TOTAL	\$1,300		\$1,300
G. SHEEP AND GOAT HEALTH BOARD:			
FROM:			
General			
Fund	\$100		\$100
DIVISION TOTAL			
	\$44,600		\$44,600
II. SOIL AND WATER CONSERVATION COMMISSION:			
FROM:			
General			
Fund	\$2,400		\$2,400
Resource Conservation and Rangeland Development			
Fund	300		300
Federal Grant			
Fund	<u>500</u>		<u>500</u>
TOTAL	\$3,200		\$3,200
DEPARTMENT TOTAL			
	\$47,800		\$47,800
(16) DEPARTMENT OF COMMERCE:			
I. DEPARTMENT OF COMMERCE:			
A. COMMERCE:			
FROM:			
General			
Fund	\$5,000		\$5,000
Tourism and Promotion			
Fund	1,600		1,600
Federal Grant			
Fund	<u>800</u>		<u>800</u>
TOTAL	\$7,400		\$7,400

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
(17) DEPARTMENT OF FINANCE:			
I. DEPARTMENT OF FINANCE:			
FROM:			
State Regulatory			
Fund	\$13,000		\$13,000
(18) INDUSTRIAL COMMISSION:			
I. INDUSTRIAL COMMISSION:			
A. COMPENSATION:			
FROM:			
Industrial Administration			
Fund	\$6,100		\$6,100
B. REHABILITATION:			
FROM:			
Industrial Administration			
Fund	\$6,700		\$6,700
C. CRIME VICTIMS COMPENSATION:			
FROM:			
Crime Victims Compensation			
Fund	\$1,600		\$1,600
D. ADJUDICATION:			
FROM:			
Industrial Administration			
Fund	\$3,800		\$3,800
DIVISION TOTAL	\$18,200		\$18,200
(19) DEPARTMENT OF INSURANCE:			
I. DEPARTMENT OF INSURANCE:			
A. INSURANCE REGULATION:			
FROM:			
Insurance Administrative			
Fund	\$8,900		\$8,900
Federal Grant			
Fund	<u>500</u>		<u>500</u>
TOTAL	\$9,400		\$9,400

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
B. STATE FIRE MARSHAL:			
FROM:			
Arson, Fire, and Fraud Prevention			
Fund	\$1,600		\$1,600
DIVISION TOTAL	\$11,000		\$11,000
 (20) DEPARTMENT OF LABOR:			
I. DEPARTMENT OF LABOR:			
A. UNEMPLOYMENT INSURANCE ADMINISTRATION:			
FROM:			
Unemployment Penalty and Interest			
Fund	\$4,100		\$4,100
Miscellaneous Revenue			
Fund	4,600		4,600
Federal Grant			
Fund	<u>31,100</u>		<u>31,100</u>
TOTAL	\$39,800		\$39,800
 B. EMPLOYMENT SERVICES:			
FROM:			
Unemployment Penalty and Interest			
Fund	\$2,700		\$2,700
Employment Security Special Administration			
Fund	800		800
Miscellaneous Revenue			
Fund	700		700
Federal Grant			
Fund	<u>48,600</u>		<u>48,600</u>
TOTAL	\$52,800		\$52,800
 C. WAGE AND HOUR:			
FROM:			
General			
Fund	\$800		\$800
Unemployment Penalty and Interest			
Fund	<u>400</u>		<u>400</u>
TOTAL	\$1,200		\$1,200
 D. HUMAN RIGHTS COMMISSION:			
FROM:			
Employment Security Special Administration			
Fund	\$1,400		\$1,400

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
E. SERVE IDAHO:			
FROM:			
Unemployment Penalty and Interest			
Fund	\$100		\$100
Federal Grant			
Fund	<u>500</u>		<u>500</u>
TOTAL	\$600		\$600
DIVISION TOTAL	\$95,800		\$95,800
(21) PUBLIC UTILITIES COMMISSION:			
I. PUBLIC UTILITIES COMMISSION:			
A. UTILITIES REGULATION:			
FROM:			
Public Utilities Commission			
Fund	\$8,300		\$8,300
Federal Grant			
Fund	<u>500</u>		<u>500</u>
TOTAL	\$8,800		\$8,800
(22) SELF-GOVERNING AGENCIES:			
I. DIVISION OF BUILDING SAFETY:			
A. BUILDING SAFETY:			
FROM:			
General			
Fund	\$400		\$400
State Regulatory			
Fund	18,100		18,100
Miscellaneous Revenue/Industrial Safety			
Fund	1,300		1,300
Miscellaneous Revenue/Logging			
Fund	800		800
Miscellaneous Revenue/School Security Assessment			
Fund	500		500
Federal Grant			
Fund	<u>300</u>		<u>300</u>
TOTAL	\$21,400		\$21,400
II. COMMISSION ON HISPANIC AFFAIRS:			
FROM:			
General			
Fund	\$300		\$300

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Miscellaneous Revenue			
Fund	<u>100</u>		<u>100</u>
TOTAL	\$400		\$400
III. IDAHO STATE HISTORICAL SOCIETY:			
A. HISTORICAL SOCIETY:			
FROM:			
General			
Fund	\$4,400		\$4,400
Miscellaneous Revenue			
Fund	1,400		1,400
Records Management Service			
Fund	300		300
Capitol Commission Operating			
Fund	200		200
Federal Grant			
Fund	<u>1,800</u>		<u>1,800</u>
TOTAL	\$8,100		\$8,100
IV. IDAHO COMMISSION FOR LIBRARIES:			
FROM:			
General			
Fund	\$3,900		\$3,900
Federal Grant			
Fund	<u>1,200</u>		<u>1,200</u>
TOTAL	\$5,100		\$5,100
V. STATE LOTTERY:			
FROM:			
State Lottery			
Fund	\$6,600		\$6,600
VI. MEDICAL BOARDS:			
A. BOARD OF DENTISTRY:			
FROM:			
State Regulatory			
Fund	\$600		\$600
B. BOARD OF MEDICINE:			
FROM:			
State Regulatory			
Fund	\$2,400		\$2,400

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
C. BOARD OF NURSING:			
FROM:			
State Regulatory			
Fund	\$1,800		\$1,800
D. BOARD OF PHARMACY:			
FROM:			
State Regulatory			
Fund	\$2,300		\$2,300
E. BOARD OF VETERINARY MEDICINE:			
FROM:			
State Regulatory			
Fund	\$300		\$300
DIVISION TOTAL	\$7,400		\$7,400
VII. PUBLIC DEFENSE COMMISSION:			
FROM:			
General			
Fund	\$1,300		\$1,300
VIII. REGULATORY BOARDS:			
A. BOARD OF ACCOUNTANCY:			
FROM:			
State Regulatory			
Fund	\$600		\$600
B. BOARD OF PROFESSIONAL ENGINEERS & LAND SURVEYORS:			
FROM:			
State Regulatory			
Fund	\$1,100		\$1,100
C. BUREAU OF OCCUPATIONAL LICENSES:			
FROM:			
State Regulatory			
Fund	\$5,400		\$5,400
D. OUTFITTERS AND GUIDES LICENSING BOARD:			
FROM:			
State Regulatory			
Fund	\$800		\$800

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
E. REAL ESTATE COMMISSION:			
FROM:			
State Regulatory			
Fund	\$2,000		\$2,000
DIVISION TOTAL	\$9,900		\$9,900
 IX. STATE APPELLATE PUBLIC DEFENDER:			
A. OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER:			
FROM:			
General			
Fund	\$4,900		\$4,900
 X. DIVISION OF VETERANS SERVICES:			
FROM:			
General			
Fund	\$1,900		\$1,900
Miscellaneous Revenue			
Fund	22,800		22,800
Veterans Home Endowment Income			
Fund	300		300
Federal Grant			
Fund	<u>19,700</u>		<u>19,700</u>
TOTAL	\$44,700		\$44,700
DEPARTMENT TOTAL	\$109,800		\$109,800
 (23) IDAHO TRANSPORTATION DEPARTMENT:			
I. TRANSPORTATION SERVICES:			
A. ADMINISTRATION:			
FROM:			
State Highway (Dedicated)			
Fund	\$33,200		\$33,200
State Highway (Federal)			
Fund	<u>800</u>		<u>800</u>
TOTAL	\$34,000		\$34,000
 B. AERONAUTICS:			
FROM:			
State Aeronautics (Dedicated)			
Fund	\$1,900		\$1,900
State Aeronautics (Billing)			
Fund	300		300

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
State Aeronautics (Federal)			
Fund	<u>200</u>		<u>200</u>
TOTAL	\$2,400		\$2,400
DIVISION TOTAL	\$36,400		\$36,400
II. MOTOR VEHICLES:			
FROM:			
State Highway (Dedicated)			
Fund	\$28,600		\$28,600
III. HIGHWAY OPERATIONS:			
FROM:			
State Highway (Dedicated)			
Fund	\$162,400		\$162,400
State Highway (Local)			
Fund	400		400
State Highway (Federal)			
Fund	<u>26,700</u>		<u>26,700</u>
TOTAL	\$189,500		\$189,500
DEPARTMENT TOTAL	\$254,500		\$254,500
(24) DEPARTMENT OF ADMINISTRATION:			
I. DEPARTMENT OF ADMINISTRATION:			
A. MANAGEMENT SERVICES:			
FROM:			
General			
Fund	\$300		\$300
Permanent Building			
Fund	300		300
Administration and Accounting Services			
Fund	1,000		1,000
Employee Group Insurance			
Fund	200		200
Retained Risk			
Fund	100		100
Industrial Special Indemnity			
Fund	<u>100</u>		<u>100</u>
TOTAL	\$2,000		\$2,000

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
B. PUBLIC WORKS:			
FROM:			
Permanent Building			
Fund	\$4,300		\$4,300
Administration and Accounting Services			
Fund	<u>4,700</u>		<u>4,700</u>
TOTAL	\$9,000		\$9,000
C. PURCHASING:			
FROM:			
General			
Fund	\$1,100		\$1,100
Administration and Accounting Services			
Fund	3,000		3,000
Federal Surplus Property Revolving			
Fund	<u>300</u>		<u>300</u>
TOTAL	\$4,400		\$4,400
D. INSURANCE MANAGEMENT:			
FROM:			
Employee Group Insurance			
Fund	\$800		\$800
Retained Risk			
Fund	1,200		1,200
Industrial Special Indemnity			
Fund	<u>400</u>		<u>400</u>
TOTAL	\$2,400		\$2,400
DIVISION TOTAL	\$17,800		\$17,800
(25) ATTORNEY GENERAL:			
I. ATTORNEY GENERAL:			
A. STATE LEGAL SERVICES:			
FROM:			
General			
Fund	\$40,900		\$40,900
Miscellaneous Revenue			
Fund	600		600
Consumer Protection			
Fund	500		500
Idaho Millennium Income			
Fund	200		200

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Federal Grant			
Fund	<u>1,400</u>		<u>1,400</u>
TOTAL	\$43,600		\$43,600
B. INTERNET CRIMES AGAINST CHILDREN:			
FROM:			
General			
Fund	\$1,800		\$1,800
Federal Grant			
Fund	<u>300</u>		<u>300</u>
TOTAL	\$2,100		\$2,100
DIVISION TOTAL	\$45,700		\$45,700
(26) STATE CONTROLLER:			
I. STATE CONTROLLER:			
A. ADMINISTRATION:			
FROM:			
General			
Fund	\$1,300		\$1,300
B. STATEWIDE ACCOUNTING:			
FROM:			
General			
Fund	\$3,500		\$3,500
C. STATEWIDE PAYROLL:			
FROM:			
General			
Fund	\$3,000		\$3,000
D. COMPUTER CENTER:			
FROM:			
Data Processing Services			
Fund	\$10,200		\$10,200
DIVISION TOTAL	\$18,000		\$18,000
(27) OFFICE OF THE GOVERNOR:			
I. COMMISSION ON AGING:			
FROM:			
General			
Fund	\$1,000		\$1,000

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Federal Grant			
Fund	<u>1,300</u>		<u>1,300</u>
TOTAL	\$2,300		\$2,300
II. COMMISSION ON THE ARTS:			
FROM:			
General			
Fund	\$700		\$700
Federal Grant			
Fund	<u>800</u>		<u>800</u>
TOTAL	\$1,500		\$1,500
III. COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED:			
FROM:			
General			
Fund	\$1,500		\$1,500
Federal Grant			
Fund	<u>4,100</u>		<u>4,100</u>
TOTAL	\$5,600		\$5,600
IV. OFFICE OF DRUG POLICY:			
FROM:			
General			
Fund	\$500		\$500
Federal Grant			
Fund	<u>500</u>		<u>500</u>
TOTAL	\$1,000		\$1,000
V. OFFICE OF ENERGY AND MINERAL RESOURCES:			
FROM:			
Indirect Cost Recovery			
Fund	\$200		\$200
Renewable Energy Resources			
Fund	500		500
Petroleum Price Violation			
Fund	500		500
Federal Grant			
Fund	<u>500</u>		<u>500</u>
TOTAL	\$1,700		\$1,700
VI. DIVISION OF FINANCIAL MANAGEMENT:			
FROM:			
General			
Fund	\$3,500		\$3,500

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Miscellaneous Revenue			
Fund	100		100
Administrative Code			
Fund	<u>500</u>		<u>500</u>
TOTAL	\$4,100		\$4,100
VII. EXECUTIVE OFFICE OF THE GOVERNOR:			
A. ADMINISTRATION - GOVERNOR'S OFFICE:			
FROM:			
General			
Fund	\$4,100		\$4,100
B. ACTING GOVERNOR PAY:			
FROM:			
General			
Fund	\$100		\$100
DIVISION TOTAL	\$4,200		\$4,200
VIII. DIVISION OF HUMAN RESOURCES:			
FROM:			
Division of Human Resources			
Fund	\$3,100		\$3,100
IX. OFFICE OF INFORMATION TECHNOLOGY SERVICES:			
FROM:			
General			
Fund	\$1,800		\$1,800
Administration and Accounting Services			
Fund	<u>10,700</u>		<u>10,700</u>
TOTAL	\$12,500		\$12,500
X. STATE LIQUOR DIVISION:			
A. LIQUOR DIVISION OPERATIONS:			
FROM:			
Liquor Control			
Fund	\$25,700		\$25,700
XI. MILITARY DIVISION:			
A. MILITARY MANAGEMENT:			
FROM:			
General			
Fund	\$4,600		\$4,600

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
Indirect Cost Recovery			
Fund	800		800
Administration and Accounting Services			
Fund	<u>4,800</u>		<u>4,800</u>
TOTAL	\$10,200		\$10,200
 B. FEDERAL/STATE AGREEMENTS:			
FROM:			
General			
Fund	\$1,800		\$1,800
Miscellaneous Revenue			
Fund	2,900		2,900
Federal Grant			
Fund	<u>46,400</u>		<u>46,400</u>
TOTAL	\$51,100		\$51,100
 C. OFFICE OF EMERGENCY MANAGEMENT:			
FROM:			
General			
Fund	\$3,600		\$3,600
Federal Grant			
Fund	<u>5,200</u>		<u>5,200</u>
TOTAL	\$8,800		\$8,800
DIVISION TOTAL	\$70,100		\$70,100
 XII. PUBLIC EMPLOYEE RETIREMENT SYSTEM:			
A. RETIREMENT ADMINISTRATION:			
FROM:			
PERSI Administrative			
Fund	\$8,500		\$8,500
Judges' Retirement			
Fund	<u>100</u>		<u>100</u>
TOTAL	\$8,600		\$8,600
 B. PORTFOLIO INVESTMENT:			
FROM:			
PERSI Special			
Fund	\$1,800		\$1,800
DIVISION TOTAL	\$10,400		\$10,400

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
XIII. OFFICE OF SPECIES CONSERVATION:			
FROM:			
General			
Fund	\$1,300		\$1,300
Federal Grant			
Fund	<u>1,300</u>		<u>1,300</u>
TOTAL	\$2,600		\$2,600
XIV. STEM ACTION CENTER:			
FROM:			
General			
Fund	\$1,100		\$1,100
STEM Education			
Fund	<u>200</u>		<u>200</u>
TOTAL	\$1,300		\$1,300
XV. WORKFORCE DEVELOPMENT COUNCIL:			
FROM:			
Workforce Development Training			
Fund	\$800		\$800
Federal Grant			
Fund	<u>200</u>		<u>200</u>
TOTAL	\$1,000		\$1,000
DEPARTMENT TOTAL	\$147,100		\$147,100
(28) LEGISLATIVE BRANCH:			
I. LEGISLATIVE SERVICES OFFICE:			
FROM:			
General			
Fund	\$10,500		\$10,500
Miscellaneous Revenue			
Fund	300		300
Professional Services			
Fund	<u>2,900</u>		<u>2,900</u>
TOTAL	\$13,700		\$13,700
II. OFFICE OF PERFORMANCE EVALUATIONS:			
FROM:			
General			
Fund	\$1,800		\$1,800
DEPARTMENT TOTAL	\$15,500		\$15,500

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
(29) LIEUTENANT GOVERNOR:			
I. LIEUTENANT GOVERNOR:			
FROM:			
General			
Fund	\$300		\$300
(30) DEPARTMENT OF REVENUE AND TAXATION:			
I. BOARD OF TAX APPEALS:			
FROM:			
General			
Fund	\$1,100		\$1,100
II. STATE TAX COMMISSION:			
A. GENERAL SERVICES:			
FROM:			
General			
Fund	\$8,900		\$8,900
Multistate Tax Compact			
Fund	200		200
Administration and Accounting			
Fund	100		100
Administration Services for Transportation			
Fund	<u>1,000</u>		<u>1,000</u>
TOTAL	\$10,200		\$10,200
B. AUDIT DIVISION:			
FROM:			
General			
Fund	\$15,000		\$15,000
Multistate Tax Compact			
Fund	3,200		3,200
Administration Services for Transportation			
Fund	<u>3,400</u>		<u>3,400</u>
TOTAL	\$21,600		\$21,600
C. COLLECTION DIVISION:			
FROM:			
General			
Fund	\$12,300		\$12,300
Administration Services for Transportation			
Fund	<u>300</u>		<u>300</u>
TOTAL	\$12,600		\$12,600

	FOR PERSONNEL COSTS	FOR LUMP SUM	TOTAL
D. REVENUE OPERATIONS:			
FROM:			
General			
Fund	\$8,000		\$8,000
Administration and Accounting			
Fund	200		200
Administration Services for Transportation			
Fund	<u>1,300</u>		<u>1,300</u>
TOTAL	\$9,500		\$9,500
E. PROPERTY TAX:			
FROM:			
General			
Fund	\$6,600		\$6,600
DIVISION TOTAL	\$60,500		\$60,500
DEPARTMENT TOTAL	\$61,600		\$61,600
(31) SECRETARY OF STATE:			
I. SECRETARY OF STATE:			
FROM:			
General			
Fund	\$300		\$300
(32) STATE TREASURER:			
I. STATE TREASURER:			
FROM:			
General			
Fund	\$1,800		\$1,800
State Treasurer LGIP			
Fund	300		300
Treasurer's Office - Professional Services			
Fund	1,300		1,300
Abandoned Property Trust - Unclaimed Property			
Fund	<u>1,500</u>		<u>1,500</u>
TOTAL	\$4,900		\$4,900
DIVISION TOTAL	\$4,900		\$4,900
DEPARTMENT TOTAL	\$4,900		\$4,900
GRAND TOTAL	\$3,366,900	\$8,200	\$3,375,100

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriations made in the Laws of 2019, as enacted by the First Regular Session of the Sixty-fifth Idaho Legislature, are hereby reduced by the following amounts according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
(1) STATE BOARD OF EDUCATION:					
I. AGRICULTURAL RESEARCH & EXTENSION SERVICE:					
FROM:					
General					
Fund	\$325,300				\$325,300
II. COLLEGE AND UNIVERSITIES:					
A. BOISE STATE UNIVERSITY:					
FROM:					
General					
Fund		\$1,052,000			\$1,052,000
B. IDAHO STATE UNIVERSITY:					
FROM:					
General					
Fund	\$822,200				\$822,200
C. UNIVERSITY OF IDAHO:					
FROM:					
General					
Fund	\$945,500				\$945,500
D. LEWIS-CLARK STATE COLLEGE:					
FROM:					
General					
Fund	\$176,500				\$176,500
E. SYSTEMWIDE PROGRAMS:					
FROM:					
General					
Fund		\$64,200			\$64,200
DIVISION TOTAL	\$1,944,200	\$1,116,200			\$3,060,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. COMMUNITY COLLEGES:					
A. COLLEGE OF SOUTHERN IDAHO:					
FROM:					
General					
Fund	\$144,300				\$144,300
B. COLLEGE OF WESTERN IDAHO:					
FROM:					
General					
Fund	\$153,200				\$153,200
C. NORTH IDAHO COLLEGE:					
FROM:					
General					
Fund	\$127,000				\$127,000
D. COLLEGE OF EASTERN IDAHO:					
FROM:					
General					
Fund	\$52,700				\$52,700
E. COMMUNITY COLLEGES SYSTEMWIDE:					
FROM:					
General					
Fund		\$400			\$400
DIVISION TOTAL	\$477,200	\$400			\$477,600
IV. OFFICE OF THE STATE BOARD OF EDUCATION:					
A. OSBE ADMINISTRATION:					
FROM:					
General					
Fund		\$54,500			\$54,500
B. CHARTER SCHOOL COMMISSION:					
FROM:					
General					
Fund		\$1,700			\$1,700
DIVISION TOTAL		\$56,200			\$56,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. DIVISION OF CAREER TECHNICAL EDUCATION:					
A. STATE LEADERSHIP & TECHNICAL ASSISTANCE:					
FROM:					
General					
Fund		\$8,000			\$8,000
B. GENERAL PROGRAMS:					
FROM:					
General					
Fund		\$27,100		\$14,700	\$41,800
C. POSTSECONDARY PROGRAMS:					
FROM:					
General					
Fund	\$430,400	\$37,800	\$7,800	\$2,400	\$478,400
D. DEDICATED PROGRAMS:					
FROM:					
General					
Fund				\$15,800	\$15,800
E. RELATED SERVICES:					
FROM:					
General					
Fund				\$10,900	\$10,900
DIVISION TOTAL	\$430,400	\$72,900	\$7,800	\$43,800	\$554,900
VI. IDAHO PUBLIC TELEVISION:					
FROM:					
General					
Fund			\$29,200		\$29,200
VII. SPECIAL PROGRAMS:					
A. FOREST UTILIZATION RESEARCH:					
FROM:					
General					
Fund	\$14,400				\$14,400
B. GEOLOGICAL SURVEY:					
FROM:					
General					
Fund		\$11,200			\$11,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
C. MUSEUM OF NATURAL HISTORY:					
FROM:					
General					
Fund			\$6,600		\$6,600
D. SMALL BUSINESS DEVELOPMENT CENTERS:					
FROM:					
General					
Fund		\$6,900			\$6,900
E. TECHHELP:					
FROM:					
General					
Fund		\$3,700			\$3,700
DIVISION TOTAL	\$14,400	\$21,800	\$6,600		\$42,800
VIII. SUPERINTENDENT OF PUBLIC INSTRUCTION:					
A. STATE DEPARTMENT OF EDUCATION:					
FROM:					
General					
Fund		\$121,900		\$35,000	\$156,900
IX. VOCATIONAL REHABILITATION:					
A. EXTENDED EMPLOYMENT SERVICES:					
FROM:					
General					
Fund				\$85,100	\$85,100
B. COUNCIL FOR THE DEAF AND HARD OF HEARING:					
FROM:					
General					
Fund	\$3,100	\$600			\$3,700
DIVISION TOTAL	\$3,100	\$600		\$85,100	\$88,800
DEPARTMENT TOTAL	\$3,194,600	\$1,390,000	\$43,600	\$163,900	\$4,792,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
(2) DEPARTMENT OF HEALTH AND WELFARE :					
I. INDEPENDENT COUNCILS :					
A. DEVELOPMENTAL DISABILITIES COUNCIL :					
FROM:					
Cooperative Welfare (General)					
Fund		\$1,900			\$1,900
B. DOMESTIC VIOLENCE COUNCIL :					
FROM:					
Cooperative Welfare (General)					
Fund	\$200				\$200
DIVISION TOTAL	\$200	\$1,900			\$2,100
II. INDIRECT SUPPORT SERVICES :					
FROM:					
Cooperative Welfare (General)					
Fund			\$240,200		\$240,200
III. DIVISION OF MEDICAID :					
A. ENHANCED MEDICAID PLAN :					
FROM:					
Cooperative Welfare (General)					
Fund			\$6,884,000		\$6,884,000
IV. MENTAL HEALTH SERVICES :					
A. CHILDREN'S MENTAL HEALTH :					
FROM:					
Cooperative Welfare (General)					
Fund	\$217,200				\$217,200
B. ADULT MENTAL HEALTH :					
FROM:					
Cooperative Welfare (General)					
Fund			\$532,100		\$532,100
DIVISION TOTAL	\$217,200		\$532,100		\$749,300
V. PUBLIC HEALTH SERVICES :					
A. PHYSICAL HEALTH SERVICES :					
FROM:					
Cooperative Welfare (General)					
Fund		\$91,100			\$91,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VI. DIVISION OF WELFARE:					
A. BENEFIT PAYMENTS:					
FROM:					
Cooperative Welfare (General)					
Fund				\$686,400	\$686,400
DEPARTMENT					
TOTAL	\$217,400	\$93,000	\$240,200	\$8,102,500	\$8,653,100
(3) PUBLIC HEALTH DISTRICTS:					
I. PUBLIC HEALTH DISTRICTS:					
FROM:					
Public Health Trust (General)					
Fund	\$85,800	\$10,500			\$96,300
(4) STATE INDEPENDENT LIVING COUNCIL:					
I. STATE INDEPENDENT LIVING COUNCIL:					
FROM:					
General					
Fund		\$2,300			\$2,300
(5) DEPARTMENT OF CORRECTION:					
I. MANAGEMENT SERVICES:					
FROM:					
General					
Fund		\$208,900			\$208,900
II. STATE PRISONS:					
A. PRISONS ADMINISTRATION:					
FROM:					
General					
Fund		\$35,000			\$35,000
B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$150,000	\$50,000			\$200,000
C. IDAHO STATE CORRECTIONAL CENTER - BOISE:					
FROM:					
General					
Fund		\$135,000			\$135,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
D. IDAHO CORRECTIONAL INSTITUTION - OROFINO:					
FROM:					
General					
Fund	\$225,200	\$50,000			\$275,200
E. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$300,000	\$25,000			\$325,000
F. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:					
FROM:					
General					
Fund		\$35,000			\$35,000
G. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General					
Fund		\$30,000			\$30,000
H. ST. ANTHONY WORK CAMP:					
FROM:					
General					
Fund		\$40,000			\$40,000
I. POCATELLO WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General					
Fund	\$50,000	\$35,000			\$85,000
J. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General					
Fund		\$15,000			\$15,000
DIVISION TOTAL	\$725,200	\$450,000			\$1,175,200
III. COMMUNITY CORRECTIONS:					
A. COMMUNITY SUPERVISION:					
FROM:					
General					
Fund		\$50,000			\$50,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. MEDICAL SERVICES:					
FROM:					
General					
Fund		\$1,030,200			\$1,030,200
V. COMMISSION OF PARDONS & PAROLE:					
FROM:					
General					
Fund	\$34,300				\$34,300
DEPARTMENT TOTAL	\$759,500	\$1,739,100			\$2,498,600
(6) JUDICIAL BRANCH:					
I. COURT OPERATIONS:					
A. SUPREME COURT:					
FROM:					
General					
Fund	\$110,400	\$108,300			\$218,700
B. COURT OF APPEALS:					
FROM:					
General					
Fund	\$24,600	\$800			\$25,400
C. DISTRICT COURTS:					
FROM:					
General					
Fund	\$54,000	\$10,700			\$64,700
D. MAGISTRATE DIVISION:					
FROM:					
General					
Fund	\$131,200	\$5,000			\$136,200
E. WATER ADJUDICATION:					
FROM:					
General					
Fund	\$36,100	\$22,200			\$58,300
DIVISION TOTAL	\$356,300	\$147,000			\$503,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
(7) DEPARTMENT OF JUVENILE CORRECTIONS:					
I. DEPARTMENT OF JUVENILE CORRECTIONS:					
A. ADMINISTRATION:					
FROM:					
General					
Fund	\$39,000				\$39,000
B. COMMUNITY, OPERATIONS, AND PROGRAM SERVICES:					
FROM:					
General					
Fund	\$51,700				\$51,700
C. INSTITUTIONS:					
FROM:					
General					
Fund	\$123,400		\$214,100		\$337,500
DIVISION TOTAL	\$214,100		\$214,100		\$428,200
(8) IDAHO STATE POLICE:					
I. DIVISION OF IDAHO STATE POLICE:					
A. PATROL:					
FROM:					
General					
Fund	\$316,100				\$316,100
(9) DEPARTMENT OF ENVIRONMENTAL QUALITY:					
I. DEPARTMENT OF ENVIRONMENTAL QUALITY:					
A. ADMINISTRATION AND SUPPORT SERVICES:					
FROM:					
Department of Environmental Quality (General)					
Fund		\$51,500	\$104,600		\$156,100
B. AIR QUALITY:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$50,000				\$50,000
C. WATER QUALITY:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$10,000				\$10,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
D. WASTE MANAGEMENT AND REMEDIATION:					
FROM:					
Department of Environmental Quality (General)					
Fund		\$4,500			\$4,500
DIVISION TOTAL	\$60,000	\$56,000	\$104,600		\$220,600
 (10) BOARD OF LAND COMMISSIONERS:					
I. DEPARTMENT OF LANDS:					
A. SUPPORT SERVICES:					
FROM:					
General					
Fund	\$8,000				\$8,000
 B. FOREST RESOURCES MANAGEMENT:					
FROM:					
General					
Fund	\$5,700		\$9,100		\$14,800
 C. LANDS AND WATERWAYS:					
FROM:					
General					
Fund	\$4,400				\$4,400
 D. FOREST AND RANGE FIRE PROTECTION:					
FROM:					
General					
Fund	\$31,400				\$31,400
 E. OIL AND GAS CONSERVATION:					
FROM:					
General					
Fund	\$5,000				\$5,000
DIVISION TOTAL	\$54,500		\$9,100		\$63,600
 (11) DEPARTMENT OF PARKS AND RECREATION:					
I. DEPARTMENT OF PARKS AND RECREATION:					
A. CAPITAL DEVELOPMENT:					
FROM:					
General					
Fund			\$37,300		\$37,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
(12) DEPARTMENT OF WATER RESOURCES:					
I. DEPARTMENT OF WATER RESOURCES:					
A. MANAGEMENT AND SUPPORT SERVICES:					
FROM:					
General					
Fund			\$165,000		\$165,000
B. NORTHERN IDAHO ADJUDICATION:					
FROM:					
General					
Fund		\$31,600			\$31,600
DIVISION TOTAL		\$31,600	\$165,000		\$196,600
(13) DEPARTMENT OF AGRICULTURE:					
I. DEPARTMENT OF AGRICULTURE:					
A. PLANT INDUSTRIES:					
FROM:					
General					
Fund				\$118,100	\$118,100
B. SHEEP AND GOAT HEALTH BOARD:					
FROM:					
General					
Fund	\$2,300				\$2,300
DIVISION TOTAL	\$2,300			\$118,100	\$120,400
II. SOIL AND WATER CONSERVATION COMMISSION:					
FROM:					
General					
Fund	\$15,000			\$12,500	\$27,500
DEPARTMENT TOTAL	\$17,300			\$130,600	\$147,900
(14) DEPARTMENT OF COMMERCE:					
I. DEPARTMENT OF COMMERCE:					
A. COMMERCE:					
FROM:					
General					
Fund	\$43,000	\$16,100			\$59,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
(15) INDUSTRIAL COMMISSION:					
I. INDUSTRIAL COMMISSION:					
A. CRIME VICTIMS COMPENSATION:					
FROM:					
General					
Fund				\$3,000	\$3,000
(16) DEPARTMENT OF LABOR:					
I. DEPARTMENT OF LABOR:					
A. WAGE AND HOUR:					
FROM:					
General					
Fund		\$5,300			\$5,300
(17) SELF-GOVERNING AGENCIES:					
I. DIVISION OF BUILDING SAFETY:					
A. BUILDING SAFETY:					
FROM:					
General					
Fund	\$2,100	\$400			\$2,500
II. COMMISSION ON HISPANIC AFFAIRS:					
FROM:					
General					
Fund		\$2,200			\$2,200
III. IDAHO STATE HISTORICAL SOCIETY:					
A. HISTORICAL SOCIETY:					
FROM:					
General					
Fund	\$25,200	\$9,700	\$6,000		\$40,900
IV. IDAHO COMMISSION FOR LIBRARIES:					
FROM:					
General					
Fund	\$18,500	\$18,000		\$5,000	\$41,500
V. PUBLIC DEFENSE COMMISSION:					
FROM:					
General					
Fund				\$115,000	\$115,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VI. STATE APPELLATE PUBLIC DEFENDER:					
A. CAPITAL AND CONFLICT REPRESENTATION:					
FROM:					
General					
Fund		\$30,200			\$30,200
VII. DIVISION OF VETERANS SERVICES:					
FROM:					
General					
Fund	\$12,200				\$12,200
DEPARTMENT TOTAL	\$58,000	\$60,500	\$6,000	\$120,000	\$244,500
(18) DEPARTMENT OF ADMINISTRATION:					
I. DEPARTMENT OF ADMINISTRATION:					
A. MANAGEMENT SERVICES:					
FROM:					
General					
Fund		\$2,600			\$2,600
B. PUBLIC WORKS:					
FROM:					
General					
Fund		\$15,800			\$15,800
C. PURCHASING:					
FROM:					
General					
Fund	\$6,300				\$6,300
DIVISION TOTAL	\$6,300	\$18,400			\$24,700
(19) STATE CONTROLLER:					
I. STATE CONTROLLER:					
A. ADMINISTRATION:					
FROM:					
General					
Fund		\$22,100			\$22,100
B. STATEWIDE ACCOUNTING:					
FROM:					
General					
Fund		\$44,100			\$44,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
C. STATEWIDE PAYROLL:					
FROM:					
General					
Fund		\$44,100			\$44,100
DIVISION TOTAL		\$110,300			\$110,300
(20) OFFICE OF THE GOVERNOR:					
I. COMMISSION ON AGING:					
FROM:					
General					
Fund		\$6,300		\$39,800	\$46,100
II. COMMISSION ON THE ARTS:					
FROM:					
General					
Fund		\$8,800			\$8,800
III. COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED:					
FROM:					
General					
Fund	\$15,300				\$15,300
IV. OFFICE OF DRUG POLICY:					
FROM:					
General					
Fund	\$3,300				\$3,300
V. DIVISION OF FINANCIAL MANAGEMENT:					
FROM:					
General					
Fund	\$19,600				\$19,600
VI. EXECUTIVE OFFICE OF THE GOVERNOR:					
A. ADMINISTRATION - GOVERNOR'S OFFICE:					
FROM:					
General					
Fund	\$20,400	\$2,200			\$22,600
B. ACTING GOVERNOR PAY:					
FROM:					
General					
Fund	\$200				\$200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
C. EXPENSE ALLOWANCE:					
FROM:					
General					
Fund		\$100			\$100
DIVISION TOTAL	\$20,600	\$2,300			\$22,900
VII. OFFICE OF INFORMATION TECHNOLOGY SERVICES:					
FROM:					
General					
Fund		\$16,300			\$16,300
VIII. MILITARY DIVISION:					
A. MILITARY MANAGEMENT:					
FROM:					
General					
Fund	\$23,800	\$10,000			\$33,800
B. FEDERAL/STATE AGREEMENTS:					
FROM:					
General					
Fund	\$20,600				\$20,600
C. OFFICE OF EMERGENCY MANAGEMENT:					
FROM:					
General					
Fund	\$20,500				\$20,500
DIVISION TOTAL	\$64,900	\$10,000			\$74,900
IX. OFFICE OF SPECIES CONSERVATION:					
FROM:					
General					
Fund	\$6,700	\$7,500			\$14,200
X. STEM ACTION CENTER:					
FROM:					
General					
Fund	\$5,100	\$20,800			\$25,900
DEPARTMENT TOTAL	\$135,500	\$72,000		\$39,800	\$247,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
(21) LEGISLATIVE BRANCH:					
I. LEGISLATIVE SERVICES OFFICE:					
FROM:					
General					
Fund	\$52,400	\$2,300			\$54,700
II. OFFICE OF PERFORMANCE EVALUATIONS:					
FROM:					
General					
Fund	\$9,500				\$9,500
DEPARTMENT TOTAL	\$61,900	\$2,300			\$64,200
(22) LIEUTENANT GOVERNOR:					
I. LIEUTENANT GOVERNOR:					
FROM:					
General					
Fund	\$1,800				\$1,800
(23) DEPARTMENT OF REVENUE AND TAXATION:					
I. BOARD OF TAX APPEALS:					
FROM:					
General					
Fund	\$6,400				\$6,400
II. STATE TAX COMMISSION:					
A. GENERAL SERVICES:					
FROM:					
General					
Fund	\$16,100	\$115,200	\$1,200		\$132,500
B. AUDIT DIVISION:					
FROM:					
General					
Fund	\$78,800	\$2,200			\$81,000
C. COLLECTION DIVISION:					
FROM:					
General					
Fund	\$66,500	\$1,900			\$68,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
D. REVENUE OPERATIONS:					
FROM:					
General					
Fund	\$42,300	\$12,000			\$54,300
E. PROPERTY TAX:					
FROM:					
General					
Fund	\$34,100	\$1,600			\$35,700
DIVISION TOTAL	\$237,800	\$132,900	\$1,200		\$371,900
DEPARTMENT TOTAL	\$244,200	\$132,900	\$1,200		\$378,300
 (24) STATE TREASURER:					
I. STATE TREASURER:					
FROM:					
General					
Fund		\$14,600			\$14,600
DIVISION TOTAL		\$14,600			\$14,600
DEPARTMENT TOTAL		\$14,600			\$14,600
 GRAND TOTAL	 \$5,826,300	 \$3,901,900	 \$607,000	 \$8,773,900	 \$19,109,100

SECTION 3. CASH TRANSFER. Of the amounts reduced in Subsection (4) of Section 1 of this act and Subsection (3) of Section 2 of this act from the Public Health Trust (General) Fund, there is hereby appropriated and the State Controller shall transfer up to \$113,400 from the Public Health Trust Fund to the General Fund as soon as practicable for the period July 1, 2019, through June 30, 2020.

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

Approved March 11, 2020

CHAPTER 112
(H.B. No. 449)

AN ACT

RELATING TO THE BUDGET STABILIZATION FUND; AMENDING SECTION 57-814, IDAHO CODE, TO INCREASE THE ALLOWABLE AMOUNT IN THE BUDGET STABILIZATION FUND; REPEALING SECTION 67-3520, IDAHO CODE, RELATING TO THE ECONOMIC RECOVERY RESERVE FUND; PROVIDING FOR THE APPROPRIATION AND TRANSFER OF FUNDS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE BUDGET STABILIZATION FUND; PROVIDING FOR THE APPROPRIATION AND TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE BUDGET STABILIZATION FUND; AND DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 57-814, Idaho Code, be, and the same is hereby amended to read as follows:

57-814. BUDGET STABILIZATION FUND. (1) There is hereby created in the state treasury the budget stabilization fund for the purpose of meeting general fund revenue shortfalls and to meet expenses incurred as the result of a major disaster declared by the governor. All moneys in the budget reserve account at the date of approval of this act shall be transferred to the budget stabilization fund. Interest earnings from the investment of moneys in this fund by the state treasurer shall be credited to the permanent building account subject to the provisions of section 67-1210, Idaho Code.

(2) Subject to the requirements of section 63-3203, Idaho Code, the state controller shall annually transfer moneys from the general fund to the budget stabilization fund subject to the following criteria:

(a) If the state controller certifies that the receipts to the general fund for the fiscal year just ending have exceeded the receipts of the previous fiscal year by more than four percent (4%), then the state controller shall transfer all general fund collections in excess of said four percent (4%) increase to the budget stabilization fund, up to a maximum of one percent (1%) of the actual general fund collections of the prior fiscal year just ending. The state controller shall make the transfers in four (4) equal amounts during September, December, March and June of the next fiscal year. The state controller shall make the transfer upon the financial close of the current fiscal year.

(b) The amount of moneys in the budget stabilization fund shall not exceed ~~ten~~ fifteen percent (105%) of the total general fund receipts for the fiscal year just ending.

(c) The state controller shall transfer moneys in the budget stabilization fund in excess of the limit imposed in subsection (2) (b) of this section to the general fund.

(3) If a majority of the membership of each house of the legislature adopt a concurrent resolution requesting the amount of the transfer specified in subsection (2) of this section be reduced, the state controller shall reduce the amount of the transfer.

(4) Appropriations of moneys from the budget stabilization fund in any year shall be limited to fifty percent (50%) of the fund balance after the fund balance has reached ten percent (10%) of total general fund receipts for the fiscal year just ending.

SECTION 2. That Section 67-3520, Idaho Code, be, and the same is hereby repealed.

SECTION 3. TRANSFER OF FUNDS FROM THE ECONOMIC RECOVERY RESERVE 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 June 1, 2020, or as soon thereafter as practicable, it is hereby appropriated and the State Controller shall transfer any and all remaining moneys in the Economic Recovery Reserve Fund established in Section 67-3520, Idaho Code, to the Budget Stabilization Fund established in Section 57-814, Idaho Code.

SECTION 4. TRANSFER OF FUNDS FROM THE GENERAL 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 June 1, 2020, or as soon thereafter as practicable, it is hereby appropriated and the State Controller shall transfer \$20,000,000 from the General Fund to the Budget Stabilization Fund established in Section 57-814, Idaho Code.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3 and 4 of this act shall be in full force and effect on and after passage and approval. Section 2 of this act shall be in full force and effect on and after July 1, 2020. Section 1 of this act shall be in full force and effect on and after July 1, 2021.

Approved March 11, 2020

CHAPTER 113
(H.B. No. 426)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FISH AND GAME COMMISSION'S AUTHORITY ASSOCIATED WITH TAGS; AMENDING SECTION 36-2102, IDAHO CODE, TO REMOVE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 36-2107, IDAHO CODE, TO REVISE POWERS AND DUTIES OF THE BOARD; AMENDING CHAPTER 21, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-2120, IDAHO CODE, TO PROVIDE FOR THE DESIGNATION OF ALLOCATED TAGS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-408, Idaho Code, be, and the same is hereby amended to read as follows:

36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS LIMITED -- OUTFITTERS SET-ASIDE. (1) Tags and Permits -- Method of Use. The commission is hereby authorized to prescribe the number and kind of wildlife that may be taken under authority of the several types of tags and permits provided for in this title and the manner in which said tags and permits shall be used and validated.

(2) Limit -- Licenses, Tags or Permits -- Controlled Hunts. The commission is hereby authorized to establish a limit annually as to the number of each kind and class of licenses, tags, or permits to be sold or issued and is further authorized to limit the number or prohibit entirely the participation by nonresidents in controlled hunts.

(3) Outfitted Hunter Tags Set-Aside. When the commission establishes a limit as to the number of nonresident deer tags and nonresident elk tags, it shall set aside, when setting big game seasons, in a statewide pool, a maximum of twenty-five percent (25%) of the nonresident deer tag and nonresident elk tag limit. These tags may be allocated to the outfitted hunters in capped zones hunts and controlled hunts and set aside for outfitted hunter use in general hunts.

Such outfitted allocated set-aside tags shall be separate from the tag numbers set for residents and nonresidents in each capped or controlled zone hunt, unit, or game management area. The set-aside tags shall be sold pursuant to commission rule, only to persons that have entered into a signed agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

In order for a person to purchase any set-aside nonresident deer tag or nonresident elk tag, that person's outfitter must submit an application with the proper fees as required by the director. If any nonresident deer tags or nonresident elk tags set aside for use in general hunts pursuant to this subsection are unsold by July 15 of the year in which they were set aside, they may be sold by the department to the general public pursuant to commission rule. If any nonresident deer tags or nonresident elk tags set aside as general capped allocated tags pursuant to this subsection are unsold by July 31 of the year in which they were set aside, they may be sold by the department to the general public pursuant to commission rule.

The commission may promulgate all necessary rules to implement the provisions of this subsection.

(4) Deer and Elk Tag Allocation. When setting big game seasons, if the commission limits the number of deer or elk tags available for use in any game management area, unit, or zone, the commission may allocate by rule, where there are outfitted operations, a number of deer and elk tags from the outfitted hunter set-aside pool of tags for use by hunters that have entered into a signed agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

In addition to rules promulgated by the commission regarding allocation, or pursuant to this section, in capped zones hunts the commission may allocate the number of outfitted hunter elk and deer tags based on the highest number within each of the last two (2) years of all elk or deer tags using the services of an outfitter in each capped zone hunt. Any additional tags above the original outfitted hunter tag quota may come from the nonresident outfitted hunter set-aside pool or the nonresident quota in the capped zone hunt, not to exceed fifty percent (50%) of the nonresident quota for each capped zone hunt. In capped zones hunts, when tag numbers change for all users, they will apply proportionally to all user groups.

In controlled hunts, the commission may allocate the number of outfitted hunter elk or deer tags based on a number compiled from each outfitter's highest year within the last two (2) years of all elk or deer tags using the services of an outfitter for each controlled hunt. Any additional tags above the original outfitted hunter tag quota may come from the nonresident outfitted hunter set-aside pool or the nonresident quota in the controlled hunt, not to exceed fifty percent (50%) of the nonresident quota for each controlled hunt.

Outfitted hunter tag use history will be provided through records from the sale of outfitted hunter tags compiled by the Idaho department of fish and game and verified use other than allocated tags recorded with the department by December 20 by outfitters. The department shall distribute the allocated outfitted tags through its point-of-sale machines.

Beginning ~~January~~ December 1, 2021, all outfitted deer and elk tag use shall be verified in order to qualify for allocated outfitted hunter tag use history. Verification consists of the purchase of allocated tags from the Idaho department of fish and game or the use of an outfitter-provided agreement, including the tag number that is recorded with the department.

All big game tags used in allocated outfitted hunts must be recorded by outfitters with the department ~~prior to~~ by December 20 each year. An administrative fee of five dollars (\$5.00) shall be assessed for each allocated outfitted big game tag sold or exchanged at a point-of-sale machine. An administrative fee of twenty dollars (\$20.00) shall be assessed for each big game tag submitted for verification as being outfitted.

The allocated tags shall be designated by the Idaho outfitters and guides licensing board to those authorized outfitting operations licensed for elk and deer hunting for the use by the outfitted hunter, pursuant to section 36-2107(ji), Idaho Code.

Those tags not qualified for allocated tag use history include emergency depredation, landowner appreciation program hunts, or meat packing without an outfitted allocated deer or elk tag.

The commission may promulgate all necessary rules to implement the provisions of this subsection.

(5) Special Game Tags. The commission is hereby authorized to issue two (2) special bighorn sheep tags per year.

(a) Auction bighorn sheep tag. One (1) special bighorn sheep tag shall be auctioned off by an incorporated nonprofit organization dedicated to wildlife conservation selected by the commission. The tag shall be issued by the department of fish and game to the highest eligible bidder. No more than five percent (5%) of all proceeds for the tag may be retained by the organization. The tag to be issued pursuant to this subsection shall be taken from the nonresident bighorn sheep tag quota. The net proceeds shall be forwarded to the director for deposit in the fish and game expendable trust account and shall be used for bighorn sheep research and management purposes. Moneys raised pursuant to this subsection may not be used to transplant additional bighorn sheep into that portion of southwest Idaho south of the Snake river and west of U.S. highway no. 93, nor for litigation or environmental impact statements involving bighorn sheep. No transplants of bighorn sheep accomplished with moneys raised pursuant to this subsection shall occur in any area until hearings are conducted in the area. Provided however, that none of the proceeds generated from the auction of bighorn sheep tags pursuant to this paragraph be used to purchase or acquire private property or federally managed grazing permits, nor shall any proceeds generated be used for matching funds for the purchase of private property or the retirement or the acquisition of federally managed grazing permits.

(b) Lottery bighorn sheep tag. The commission is also authorized to issue one (1) special bighorn sheep tag, which will be disposed of by lottery. The lottery permit can be marketed by the department of fish and game or a nonprofit organization dedicated to wildlife conservation selected by the commission. The tag will be issued by the department of fish and game to an eligible person drawn from the lottery provided in this subsection. No more than twenty-five percent (25%) of gross revenue can be retained for administrative costs by the organization. All net proceeds for the tag disposed of by lottery pursuant to this subsection shall be remitted to the department and deposited in the fish and game expendable trust account. Moneys in the account from the lot-

tery bighorn sheep tag shall be utilized by the department in solving problems between bighorn sheep and domestic sheep, solving problems between wildlife and domestic animals or improving relationships between sportsmen and private landowners.

(6) Issuance of Free Permit or Tag to Minor Children with Life-Threatening Medical Conditions. Notwithstanding any other provision of law, the commission may issue free big game permits or tags to minor children who have life-threatening medical conditions that have been certified eligible by a qualified organization. The commission may prescribe by rule the manner and conditions of issuing and using the permits or tags authorized under this subsection. For purposes of this subsection, a "qualified organization" means a nonprofit organization that is qualified under section 501(c)(3) of the Internal Revenue Code and that affords opportunities and experiences to minor children with life-threatening medical conditions.

(7) Issuance of Free Permit or Tag to Military Veterans with Disabilities. The commission may prescribe by rule the manner and conditions of using the permits or tags authorized under this subsection. Notwithstanding any other provision of law, the commission shall issue five (5) free big game permits or tags to disabled military veterans whose disability has been certified eligible by the Idaho division of veterans services. All veterans applying must be sponsored by a "qualified organization," which for purposes of this subsection means a governmental agency that assists veterans or a nonprofit organization that is qualified under section 501(c)(3), 501(c)(4) or 501(c)(19) of the Internal Revenue Code and that affords opportunities, experiences and assistance to disabled veterans. The Idaho division of veterans services shall screen all applicants to ensure only the most deserving disabled veterans shall be issued these permits or tags. A list of screened applicants shall be provided to the commission in priority order for issuance. The commission shall issue one (1) permit or tag each to the top two (2) candidates for a sponsored hunt as designated by the Idaho division of veterans services and the three (3) remaining permits or tags to candidates sponsored by a qualified organization as described in this subsection.

(8) Special Wolf Tags. The commission is hereby authorized to issue up to ten (10) special auction or lottery tags for hunting wolves. Special wolf tags will be auctioned off or made available through lottery by incorporated nonprofit organizations dedicated to wildlife conservation and selected by the director. No more than five percent (5%) of all proceeds for each tag may be retained by the nonprofit organization for administrative costs involved. Each wolf tag shall be issued by the department of fish and game and awarded to the highest eligible bidder or winner of a lottery. Each tag will be good for the harvest of one (1) wolf pursuant to commission rule. The proceeds from each tag will be sent to the director to be placed in the department general license fund.

(9) Special Big Game Auction Tags -- Governor's Wildlife Partnership Tags. The commission is hereby authorized to issue special big game auction tags hereafter named and referred to as "Governor's wildlife partnership tags" for hunting designated species on dates and in areas designated by the commission. To enhance and sustain the value of Idaho's wildlife, up to three (3) tags per species per year may be issued for deer, elk and pronghorn antelope, one (1) tag per year may be issued for moose, and one (1) tag per species per year may be issued for mountain goat and bighorn sheep. Each tag will be signed by the governor of Idaho prior to auction to the public and be available to either residents or nonresidents of Idaho. Governor's wildlife partnership tags issued for deer, elk, pronghorn antelope and moose pursuant to this subsection shall be taken from the nonresident controlled hunt programs for these species adopted by the fish and game commission. Governor's wildlife partnership tags issued for mountain goat and bighorn sheep shall be taken from the nonresident mountain goat and bighorn sheep quota. Governor's wildlife partnership tags shall be auctioned off by incorporated non-

profit organizations dedicated to wildlife conservation and selected by the director. No more than five percent (5%) of all proceeds from each tag sale may be retained by the nonprofit organization for administrative costs involved, including in the event a tag is redonated and reauctioned. Each tag shall be issued by the department of fish and game and awarded to the highest eligible bidder. Each tag shall be good for the harvest of one (1) big game animal pursuant to commission rule consistent with the provisions of this subsection. The proceeds from each tag shall be sent to the director to be allocated up to thirty percent (30%) for sportsmen access programs, such as access yes, and the balance for wildlife habitat projects, wildlife management projects to increase the quantity and quality of big game herds, and other research and management activities approved by the commission. Provided however, that none of the proceeds generated from the auctions pursuant to the provisions of this subsection shall be used to purchase or acquire private property or federally managed grazing permits, nor shall any proceeds generated be used for matching funds for the purchase of private property or the retirement or the acquisition of federally managed grazing permits. Moneys raised pursuant to this subsection may not be used to transplant additional bighorn sheep into that portion of southwest Idaho south of the Snake river and west of U.S. highway no. 93, nor for litigation or environmental impact statements involving bighorn sheep.

SECTION 2. That Section 36-2102, Idaho Code, be, and the same is hereby amended to read as follows:

36-2102. DEFINITIONS. (a) "Person" includes any individual, firm, partnership, corporation or other organization or any combination thereof.

(b) "Outfitter" includes any person who, while engaging in the acts enumerated herein: (1) advertises or otherwise holds himself out to the public for hire; (2) provides facilities and services for consideration; and (3) maintains, leases, or otherwise uses equipment or accommodations for compensation for the conduct of outdoor recreational activities limited to the following: hunting animals or birds; float or power boating on Idaho rivers and streams; fishing on Idaho lakes, reservoirs, rivers and streams; and hazardous desert or mountain excursions. Any firm, partnership, corporation or other organization or combination thereof operating as an outfitter shall designate one (1) or more individuals as agents who shall, together with the licensed outfitter, be held responsible for the conduct of the licensed outfitter's operations and who shall meet all of the qualifications of a licensed outfitter.

(c) "Guide" is any natural person who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities directly related to the conduct of activities for which the employing outfitter is licensed. Any such person not employed by a licensed outfitter who offers or provides facilities or services as specified in subsection (b) of this section shall be deemed in violation of the provisions of this chapter, except: (1) any employee of the state of Idaho or the United States when acting in his official capacity, or (2) any natural person who is employed by a licensed outfitter solely for the following activities: caring for, grooming or saddling of livestock, cooking, woodcutting, and transporting people, equipment and personal property on public roads shall be exempt from the provisions of this chapter.

(d) "Board" means the Idaho outfitters and guides licensing board.

(e) ~~"Resident" means a person who has resided in the state of Idaho for a period of six (6) months next preceding the time of application for license.~~

~~(f) "Nonresident" means any person not included in subsection (e) of this section.~~

~~(g) "License year" means that period of time beginning on April 1 and expiring March 31 the following year.~~

(hf) "Individual" means any person other than a partnership, corporation or any other organization or combination thereof.

(g) "Allocated tag" means a hunting tag that has been allocated by the fish and game commission pursuant to section 36-408(4), Idaho Code.

(h) "Capped hunt" means a game management area, unit, or zone for which the fish and game commission has limited or "capped" the number of deer or elk tags available for use in a general season hunt.

(i) "Controlled hunt" means a hunt for a species that has a framework determined by the fish and game commission and that has a limited number of tags that are distributed by random drawing to hunters.

(j) "Outfitted hunter tag use history" means the number of tags used by clients of an outfitter for the hunt or hunts with the most similar framework to the hunt for which the allocated tag is being designated.

(k) "Remaining allocated tag" means an allocated tag in an existing capped or controlled hunt that would have been designated to a particular outfitting operation had the outfitting operation used all of its previously designated allocated tags in the preceding big game season or seasons and that will be designated pursuant to this chapter.

(l) "Base allocation" means the historic tag use of an outfitting operation over the preceding two (2) years in a given hunt as computed in section 36-2120(2), Idaho Code.

(m) "Pool" means a group of tags that have not been utilized or have been surrendered by the outfitting operation to which they were originally designated and are made available to other operations in the same hunt.

(n) "Utilized" means that a tag has been purchased, exchanged, or converted at the department of fish and game as a designated allocated tag.

(o) "Commission" means the Idaho fish and game commission.

SECTION 3. That Section 36-2107, Idaho Code, be, and the same is hereby amended to read as follows:

36-2107. POWERS AND DUTIES OF BOARD. The board, which may by written agreement authorize the bureau of occupational licenses as agent to act in its interest, shall have the following duties and powers:

(a) To conduct examinations to ascertain the qualifications of applicants for outfitter's or guide's licenses, and to issue such licenses to qualified applicants, with such restrictions and limitations thereon as the board may find reasonable.

(b) To prescribe and establish rules of procedure to carry into effect the provisions of this chapter including, but not limited to, rules prescribing all requisite qualifications of training, experience, knowledge of rules of governmental bodies, condition and type of gear and equipment, examinations to be given applicants, whether oral, written or demonstrative, or a combination thereof.

(c) To conduct hearings and proceedings to suspend, revoke or restrict the licenses of outfitters or guides, and to suspend, revoke or restrict said licenses for due cause in the manner hereinafter provided.

(d) The board is expressly vested with the power and the authority to enforce the provisions of this chapter, including obtaining injunctive relief, and to make and enforce any and all reasonable rules which shall by it be deemed necessary and which are not in conflict with the provisions of this chapter, for the express purpose of safeguarding the health, safety, welfare and freedom from injury or danger of those persons utilizing the services of outfitters and guides, and for the conservation of wildlife and range resources.

(e) The board shall have the power to cooperate with the federal and state government through its appropriate agency or instrumentality in matters of mutual concern regarding the business of outfitting and guiding in Idaho.

(f) The board shall have the power throughout the state of Idaho to request the attendance of witnesses and the production of such books, records and papers as may be required at any hearing before it. The board or its hearing officer may issue and serve subpoenas or subpoenas duces tecum in a manner consistent with chapter 52, title 67, Idaho Code, the rules of the office of the attorney general, and rules 45(e)(2) and 45(g) of the Idaho rules of civil procedure. Payment of fees or mileage for service of subpoenas or attendance of witnesses shall be paid by the board consistent with the provisions of chapter 52, title 67, Idaho Code, the rules of the office of the attorney general, and rule 45(e)(1) of the Idaho rules of civil procedure. Disobedience of a subpoena or subpoena duces tecum may be enforced by making application to the district court. Disobedience by a licensee of a subpoena or subpoena duces tecum issued by the board shall be deemed a violation of a board order.

(g) The board shall have the power to appoint an executive director to serve at the pleasure of the board. The executive director shall carry out such administrative duties as delegated to the director by the board. The board may, in its discretion, refuse, sustain or reverse, by majority vote, any action or decision of the executive director. The executive director shall be exempt from the provisions of chapter 53, title 67, Idaho Code, and shall receive a salary that is fixed by the board.

(h) The board shall have the power to hire enforcement agents in order to conduct investigations and enforce the provisions of this chapter. All enforcement agents appointed by the board who are certified by the Idaho peace officer standards and training advisory council shall have the power of peace officers limited to:

1. Enforcement of the provisions of this chapter.
2. Responding to express requests from other law enforcement agencies for aid and assistance in enforcing other laws. For purposes of this section, such a request from a law enforcement agency shall mean only a request as to a particular and singular violation or suspicion of violation of law and shall not constitute a continuous request for assistance outside the purview of enforcement of the provisions of this chapter.

~~(i) By August 1 of each year, the board shall provide to the director of the department of fish and game, in a manner and form prescribed by the director, the number of each species of big game taken in each management unit by clients of licensed outfitters between July 1 of the immediately preceding calendar year and June 30 of the current calendar year.~~

~~(j) The board shall designate the number of deer or elk tags allocated pursuant to section 36-408(4), Idaho Code, among the authorized outfitting operations within each capped or controlled zone, unit, or game management area in a fair and equitable manner. The number of tags designated to each outfitter operation will be reported back to the Idaho department of fish and game for distribution designed to maximize the use of allocated tags by the outfitted public and promote predictability for individual outfitting operations that have previously used or ensured the use of the allocated tags designated to them. The board will report the number of tags designated to each outfitter operation back to the department of fish and game for distribution.~~

~~Individual outfitter computation in capped zones shall be made as follows: The average of the last two (2) years of all outfitted elk or deer tag use in capped zones will become the individual outfitter's base allocation number for that tag until the next big game season setting, when the tag numbers will be recomputed.~~

~~Individual outfitter computation in controlled hunts shall be made as follows: The highest year within the last two (2) years of outfitted elk and deer tag use in controlled zone, unit, or game management area will become the individual outfitter's base allocation number for elk or deer tags until the next big game season setting, when the tag numbers will be recomputed.~~

~~The board shall promulgate all necessary rules to implement the provisions of this subsection.~~

SECTION 4. That Chapter 21, Title 36, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 36-2120, Idaho Code, and to read as follows:

36-2120. DESIGNATION OF ALLOCATED TAGS. (1) Each time the commission sets big game seasons, except as provided in subsection (3) of this section, the board shall:

(a) Designate allocated tags using a formula that prioritizes an individual outfitting operation's use, including the transfer of allocated tags previously designated to it;

(b) Designate any remaining or additional undesignated allocated tags based on each outfitting operation's base allocation number in comparison to its use of previously designated allocated tags and in proportion to other outfitting operations; and

(c) Incorporate the base allocation number into the formula used to designate allocated tags to each outfitting operation.

(2) An individual outfitting operation's base allocation number is computed as follows:

(a) In capped hunts, the average of the last two (2) years of all outfitted hunter tag use history in the hunt with the most similar framework to the hunt for which the allocated tag is being designated.

(b) In controlled hunts, the highest year within the last two (2) years of all outfitted hunter tag use history in the controlled hunt or hunts with the most similar framework to the hunt for which the allocated tag is being designated.

(3) If the commission sets big game seasons more frequently than biennially, the board will designate allocated tags only for the hunts for which the fish and game commission adjusted the number of allocated tags.

(4) If the commission reduces the number of allocated tags for a hunt from the immediately preceding big game season setting for that hunt, the board will designate allocated tags as set forth in this section, and then it will reduce each outfitting operation's designation by the same percentage as the percentage reduction to the total number of allocated tags.

(5) If the commission allocates tags for a new capped or controlled hunt, the board will designate allocated tags for that hunt proportionately based on each outfitting operation's base allocation number.

(6) The board may adjust the number of tags that would be otherwise designated to an outfitting operation for a hunt based upon a request and demonstration of hardship by one (1) or more outfitting operations authorized for that hunt, upon notice and an opportunity to be heard by all affected outfitting operations.

(7) Prior to turning back unsold allocated tags to the department of fish and game, a pool for these tags will be established within each hunt. These pooled tags will be accessible to other licensed outfitters in the same hunt for periods of time specified by the board.

(8) The board will notify licensees of the number of allocated tags designated to its operations and the basis for designation.

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.

CHAPTER 114

(H.B. No. 342, As Amended in the Senate)

AN ACT

RELATING TO TELEHEALTH; AMENDING SECTION 54-5703, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE A TERM; AMENDING SECTION 54-5705, IDAHO CODE, TO REVISE PROVISIONS REGARDING A PROVIDER-PATIENT RELATIONSHIP; AND AMENDING SECTION 54-5711, IDAHO CODE, TO REVISE PROVISIONS REGARDING MEDICAL RECORDS.

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

SECTION 1. That Section 54-5703, Idaho Code, be, and the same is hereby amended to read as follows:

54-5703. DEFINITIONS. As used in this chapter:

(1) "Asynchronous store and forward transfer" means the transmission of a patient's health care information from an originating site to a provider at a distant site over a secure connection that complies with state and federal security and privacy laws.

(2) "Distant site" means the site at which a provider delivering telehealth services is located at the time the service is provided.

(3) "Originating site" means the location of a patient at the time telehealth services are provided, including but not limited to a patient's home.

(4) "Provider" means a person any health care provider who is licensed, required to be licensed, or, if located outside of Idaho, would be required to be licensed if located in Idaho, pursuant to title 54, Idaho Code, to deliver health care consistent with his or her license.

(5) "Synchronous interaction" means real-time communication through interactive technology that enables a provider and a patient at two (2) locations separated by distance to interact simultaneously through two-way video and audio or audio transmission.

(6) "Telehealth services" means health care services provided by a provider to a person through the use of electronic communications, information technology, asynchronous store and forward transfer or synchronous interaction between a provider at a distant site and a patient at an originating site. Such services include, but are not limited to, clinical care, health education, home health and facilitation of self-managed care and caregiver support, and the use of synchronous or asynchronous telecommunications technologies by a provider to deliver patient health care services, including but not limited to assessment of, diagnosis of, consultation with, treatment of, and remote monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term "telehealth services" does not include audio in isolation without access to and review of the patient's medical records, electronic mail messages that are not compliant with the health insurance portability and accountability act (HIPAA), or facsimile transmissions.

(7) "Telehealth technologies" means synchronous or asynchronous telecommunications technologies capable of assisting a provider to deliver patient health care services, including but not limited to assessment of, diagnosis of, consultation with, treatment of, and remote monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration.

SECTION 2. That Section 54-5705, Idaho Code, be, and the same is hereby amended to read as follows:

54-5705. PROVIDER-PATIENT RELATIONSHIP. (1) If a provider offering telehealth services ~~in his or her practice~~ does not have an established provider-patient relationship with a person seeking such services, the provider shall take appropriate steps to establish a provider-patient relationship by use of two-way audio and or audio-visual interaction; provided however, that the applicable Idaho community standard of care must be satisfied. Nothing in this section shall prohibit electronic communications:

- (a) Between a provider and a patient with a preexisting provider-patient relationship;
- (b) Between a provider and another provider concerning a patient with whom the other provider has a provider-patient relationship;
- (c) Between a provider and a patient where the provider is taking call on behalf of another provider in the same community who has a provider-patient relationship with the patient; or
- (d) In an emergency.

(2) As used in this section, "emergency" means a situation in which there is an occurrence that poses an imminent threat of a life-threatening condition or severe bodily harm.

SECTION 3. That Section 54-5711, Idaho Code, be, and the same is hereby amended to read as follows:

54-5711. MEDICAL RECORDS. ~~Any~~ A provider offering telehealth services ~~as part of his or her practice~~ shall generate and maintain medical records for each patient using such telehealth services in compliance with any applicable state and federal laws, rules, and regulations, including the health insurance portability and accountability act (HIPAA), P.L. 104-191 (1996), and the health information technology for economic and clinical health act (HITECH), P.L. 111-115 (2009). Such records shall be accessible to other providers, if the patient has given permission, and to the patient in accordance with applicable laws, rules, and regulations.

Approved March 12, 2020

CHAPTER 115
(H.B. No. 362)

AN ACT

RELATING TO INSURANCE; REPEALING CHAPTER 37, TITLE 41, IDAHO CODE, RELATING TO THE IDAHO HOSPITAL LIABILITY TRUST ACT; AND AMENDING SECTION 41-114, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Chapter 37, Title 41, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 41-114, Idaho Code, be, and the same is hereby amended to read as follows:

41-114. APPLICATION OF CODE AS TO PARTICULAR TYPES OF INSURERS. No provision of chapter 1, title 41, Idaho Code, shall apply with respect to:

(1) ~~Domestic mutual benefit insurers (as identified in chapter 30), except as stated in chapter 30 (Mutual Benefit Associations).~~

~~(2) County mutual insurers (as identified in chapter 31, title 41, Idaho Code), except as stated in chapter 31, title 41, Idaho Code (County Mutual Insurers).~~

~~(32) Fraternal benefit societies (as identified in chapter 32, title 41, Idaho Code), except as stated in chapter 32, title 41, Idaho Code (Fraternal Benefit Societies).~~

~~(43) Hospital and medical professional service corporations (as identified in chapter 34, title 41, Idaho Code), except as stated in chapter 34, title 41, Idaho Code (Hospital and Medical Service Professional Service Corporations).~~

~~(5) Hospital trusts (as identified in chapter 37), except as stated in said chapter 37 (Idaho Hospital Liability Trust Act).~~

~~(64) Religious corporations or societies which are exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, as amended, and who that provide only first-party property or casualty coverages exclusively to their members.~~

~~(75) Any organization described by section 501(c)(3) of the Internal Revenue Code, as amended, but only with respect to the organization's issuance of charitable gift annuities in accordance with the terms of section 41-120, Idaho Code.~~

Approved March 12, 2020

CHAPTER 116
(H.B. No. 385)

AN ACT

RELATING TO NURSES; REPEALING SECTION 54-1406A, IDAHO CODE, RELATING TO CERTIFIED MEDICATION ASSISTANTS; AND AMENDING CHAPTER 14, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1406A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CERTIFIED MEDICATION ASSISTANTS.

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

SECTION 1. That Section 54-1406A, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 14, 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 54-1406A, Idaho Code, and to read as follows:

54-1406A. CERTIFIED MEDICATION ASSISTANT. (1) The board shall issue a certificate of medication assistance (MA-C) to an individual who:

- (a) Is registered as a nursing assistant, without substantiated charges, on the nursing assistant registry currently maintained by the Idaho department of health and welfare;
- (b) Has completed an MA-C program at an institution accredited by the United States department of education;
- (c) Has passed the medication aide certification exam approved by the national council of state boards of nursing or other nationally recognized nursing testing organization; and
- (d) Has paid applicable fees.

(2) The board shall not require the examination required in paragraph (1) (c) of this section for a person who is registered as a nursing assistant pursuant to paragraph (1) (a) of this section on July 1, 2020.

(3) The board shall maintain a public registry of the names and addresses of all certified medication assistants.

(4) The board is authorized to impose and collect initial application fees and two (2) year renewal fees, as well as reinstatement fees, and verification of records fees not to exceed, in total, one hundred dollars (\$100), as determined by board rule. Fees collected pursuant to this section shall be deposited in the state board of nursing account.

(5) A person may not use the title "certified medication assistant" or the abbreviation "MA-C" unless such person has been duly certified pursuant to this section.

(6) A certified MA-C is permitted to administer medications as delegated by a licensed nurse.

(7) The board shall have the authority to administer discipline as set forth in paragraph (a) of this subsection for any one (1) or a combination of grounds for discipline as set forth in paragraph (b) of this subsection.

(a) Disciplinary action by the board shall include:

(i) Denying certification or recertification, suspending, revoking, placing on probation, reprimanding, limiting, restricting, conditioning, or accepting the voluntary surrender of a certificate issued pursuant to this section if a certified medication assistant commits an act that constitutes grounds for discipline;

(ii) Referring criminal violations of this section to the appropriate law enforcement agency; and

(iii) Imposing a civil penalty of no more than one hundred dollars (\$100) per violation.

(b) Grounds for discipline shall include:

(i) Substance abuse or dependency;

(ii) Client abandonment, neglect, or abuse;

(iii) Fraud or deceit, which may include but is not limited to:

1. Filing false credentials;

2. Falsely representing facts on an application for initial certification, renewal, or reinstatement; and

3. Giving or receiving assistance in taking the exam required in paragraph (1) (c) of this section.

(iv) Boundary violations;

(v) Performance of unsafe client care;

(vi) Performing acts beyond the range of authorized functions or beyond those tasks delegated under the provisions of this section;

(vii) Misappropriation or misuse of property;

(viii) Obtaining money or property of a client, resident, or other person by theft, fraud, misrepresentation, or duress committed during the course of employment as a certified medication assistant;

(ix) Criminal conviction of a misdemeanor that directly relates to or affects the functions of a certified medication assistant or conviction of any felony as set forth in rule;

(x) Putting clients at risk of harm; and

(xi) Violating the privacy or failing to maintain the confidentiality of client or resident information.

(8) The board shall comply with the provisions of the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, in taking any disciplinary action against a certified medication assistant and shall maintain records of any such disciplinary action, which records shall be available for public inspection to the same extent as records regarding disciplinary proceedings against nurses and as otherwise consistent with chapter 1, title 74, Idaho Code. The assessment of costs and fees incurred in the investigation and prosecution or defense of a certified medication assistant shall be governed by the provisions of section 12-117(5), Idaho Code.

(9) The board shall notify the Idaho nursing assistant registry of any disciplinary action taken against a certified medication assistant pursuant to this section.

Approved March 12, 2020

CHAPTER 117
(H.B. No. 386)

AN ACT

RELATING TO PHARMACY BENEFIT MANAGERS; AMENDING CHAPTER 3, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-349, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE CERTAIN REQUIREMENTS FOR REGISTRATION, TO PROHIBIT CERTAIN ACTIONS BY A PHARMACY BENEFIT MANAGER, TO PROVIDE CERTAIN REQUIREMENTS FOR MAXIMUM ALLOWABLE COST PRICING, AND TO PROHIBIT THE RETROACTIVE DENIAL OR REDUCTION OF A CLAIM IN CERTAIN INSTANCES.

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

SECTION 1. That Chapter 3, 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 41-349, Idaho Code, and to read as follows:

41-349. PHARMACY BENEFIT MANAGERS. (1) As used in this section:

(a) "Maximum allowable cost" means the maximum amount that a pharmacy benefit manager will reimburse a pharmacy for the cost of a generic drug.

(b) "Pharmacy benefit manager" means a person or entity doing business in this state that contracts with pharmacies on behalf of an insurer, third-party administrator, or managed care organization to administer prescription drug benefits to residents of this state.

(2) A person may not perform, offer to perform, or advertise any pharmacy benefit management service in this state unless the person is registered as a pharmacy benefit manager with the department of insurance. A person may not utilize the services of another person as a pharmacy benefit manager if the person knows or has reason to know that the other person does not have a registration with the department. Such registration must occur annually no later than April 1 of each year and shall be on a form prescribed by the director. The department may utilize applicable sections of this title to administer registration as provided in this subsection.

(3) A pharmacy benefit manager shall not prohibit a pharmacist or retail pharmacy from providing a covered person information on the amount of the cost share for a prescription drug and the clinical efficacy of a more affordable alternative drug if one is available, and a pharmacy benefit manager may not penalize a pharmacist or retail pharmacy for disclosing such information to a covered person or for selling to a covered person a more affordable alternative if one is available.

(4) A pharmacy benefit manager using maximum allowable cost pricing may place a drug on a maximum allowable cost list if the pharmacy benefit manager does the following:

(a) Ensures that the drug:

(i) 1. Is listed as "A" or "B" rated in the most recent version of the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, also known as the "orange book"; or

2. Has an "NR" or "NA" rating or a similar rating by a nationally recognized reference; and

- (ii) Is available for purchase by pharmacies in the state from national or regional wholesalers and is not obsolete;
 - (b) Provides to a network pharmacy, at the time a contract is entered into or renewed with the network pharmacy, the sources used to determine the maximum allowable cost pricing for the maximum allowable cost list specific to that provider;
 - (c) Reviews and updates maximum allowable cost price information at least once every seven (7) business days to reflect any modification of maximum allowable cost pricing;
 - (d) Establishes a process for eliminating products from the maximum allowable cost list or modifying maximum allowable cost prices in a timely manner to remain consistent with pricing changes and product availability in the marketplace;
 - (e) Establishes a process by which a network pharmacy, or a network pharmacy's contracting agent, may appeal the reimbursement for a generic drug no later than thirty (30) days after such reimbursement is made; and
 - (f) Provides a process for each of its network pharmacies to readily access the maximum allowable cost list specific to that provider.
- (5) No pharmacy benefit manager may retroactively deny or reduce a claim for reimbursement of the cost of services after the claim has been adjudicated by the pharmacy benefit manager unless:
- (a) The adjudicated claim was submitted fraudulently or improperly; or
 - (b) The pharmacy benefit manager's payment on the adjudicated claim was incorrect because the pharmacy or pharmacist had already been paid for the services.

Approved March 12, 2020

CHAPTER 118
(S.B. No. 1344)

AN ACT

RELATING TO STATE BUDGETS; AMENDING SECTION 67-1917, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS FOR REPORTS BY STATE AGENCIES RECEIVING FEDERAL FUNDS.

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

SECTION 1. That Section 67-1917, Idaho Code, be, and the same is hereby amended to read as follows:

67-1917. REPORTS BY PARTICIPATING STATE AGENCIES. (1) Any state agency that receives federal funds, anticipates receipt of federal funds or administers a program supported by federal funds shall provide reports on the use of federal funds as part of each agency's annual budget request to the division of financial management. The postsecondary educational institutions shall be provided an exception to these requirements and shall submit an audited schedule of expenditures of federal awards for the preceding fiscal year to the office of the state board of education who, which shall consolidate such information and submit a report to the division of financial management. The reports required of all other agencies shall:

(1a) Delineate the federal funds received for the preceding fiscal year;

(2b) Delineate the federal funds to be utilized by the state agency for the current and upcoming fiscal year. The report shall include federal funds appropriated by the legislature, federal funds continuously

appropriated and any programs supported by federal funds, the loss of which may impact the continuity or delivery of services;

(3c) Identify the date, if known, on which federal funds are set to expire;

(d) Identify any obligations, agreements, joint exercise of powers agreements, maintenance of effort agreements, or memoranda of understanding that may be impacted by federal or state decisions regarding federal receipts, including any state matching requirements; and

(4e) Calculate the percentage that constitutes federal funds to the total appropriation for the state agency for the fiscal year.

(2) If an agency receives notice of a reduction in federal funding from a specific federal grant of fifty percent (50%) or more from the previous year's funding, it shall develop a plan to either reduce or eliminate the services provided through the grant or to continue the services without a shift to state resources. The plan shall be included in the report required under subsection (1) of this section.

(3) As used in this section, "federal funds" means any financial assistance made by the United States government, or any agency thereof, whether a contract, grant subsidy, augmentation, reimbursement or in any other form.

Approved March 12, 2020

CHAPTER 119
(S.B. No. 1361)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND AMENDING SECTION 61-215, IDAHO CODE, TO INCREASE THE SALARIES OF THE PUBLIC UTILITIES COMMISSIONERS.

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

SECTION 1. There is hereby appropriated to the Public Utilities 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	TOTAL
FROM:			
Indirect Cost Recovery			
Fund		\$219,300	\$219,300
Public Utilities Commission			
Fund	\$4,320,600	1,677,700	5,998,300
Federal Grant			
Fund	<u>267,400</u>	<u>69,200</u>	<u>336,600</u>
TOTAL	\$4,588,000	\$1,966,200	\$6,554,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Utilities Commission is authorized no more than forty-nine (49.00) 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 61-215, Idaho Code, be, and the same is hereby amended to read as follows:

61-215. SALARIES OF PUBLIC UTILITIES COMMISSIONERS. Each member of the public utilities commission shall devote full time to the performance of his/her duties. Commencing on July 1, 2019~~20~~, the annual salary of members of the public utilities commission shall be one hundred ~~ten~~ twelve thousand ~~seventy-four~~ two hundred seventy-five dollars (~~\$110,074~~112,275) and shall be paid from sources set by the legislature.

Approved March 12, 2020

CHAPTER 120
(S.B. No. 1360)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; 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 Correction 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. MANAGEMENT SERVICES:					
FROM:					
General					
Fund	\$8,999,800	\$12,451,500			\$21,451,300
Inmate Labor					
Fund	110,700				110,700
Parolee Supervision					
Fund	211,000	92,300			303,300
Miscellaneous Revenue					
Fund	<u>874,600</u>	<u>517,900</u>	<u>\$552,000</u>		<u>1,944,500</u>
TOTAL	\$10,196,100	\$13,061,700	\$552,000		\$23,809,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. STATE PRISONS:					
A. PRISONS ADMINISTRATION:					
FROM:					
General					
Fund	\$1,405,100	\$577,700			\$1,982,800
Miscellaneous Revenue					
Fund	375,600	161,400	\$604,000		1,141,000
Penitentiary Endowment Income					
Fund		24,800	200,300		225,100
Federal Grant					
Fund	<u>608,800</u>	<u>790,300</u>	<u>0</u>		<u>1,399,100</u>
TOTAL	\$2,389,500	\$1,554,200	\$804,300		\$4,748,000
B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$24,352,400	\$3,331,100			\$27,683,500
Inmate Labor					
Fund		48,500	\$147,500		196,000
Miscellaneous Revenue					
Fund	687,200	200,000			887,200
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>1,057,100</u>	<u>236,000</u>		<u>1,293,100</u>
TOTAL	\$25,039,600	\$4,636,700	\$383,500		\$30,059,800
C. IDAHO STATE CORRECTIONAL CENTER - BOISE:					
FROM:					
General					
Fund	\$23,406,800	\$5,311,100			\$28,717,900
Inmate Labor					
Fund			\$12,100		12,100
Miscellaneous Revenue					
Fund		425,300			425,300
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>66,000</u>	<u>102,300</u>		<u>168,300</u>
TOTAL	\$23,406,800	\$5,802,400	\$114,400		\$29,323,600
D. IDAHO CORRECTIONAL INSTITUTION - OROFINO:					
FROM:					
General					
Fund	\$8,529,900	\$1,610,400			\$10,140,300
Inmate Labor					
Fund	954,600	518,800			1,473,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue					
Fund	61,900	62,200			124,100
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>49,000</u>	<u>\$125,100</u>		<u>174,100</u>
TOTAL	\$9,546,400	\$2,240,400	\$125,100		\$11,911,900
E. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$11,498,900	\$1,484,300			\$12,983,200
Inmate Labor					
Fund		100,700	\$38,500		139,200
Miscellaneous Revenue					
Fund	72,600	64,100			136,700
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>101,800</u>	<u>64,800</u>		<u>166,600</u>
TOTAL	\$11,571,500	\$1,750,900	\$103,300		\$13,425,700
F. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:					
FROM:					
General					
Fund	\$5,273,800	\$1,032,900			\$6,306,700
Inmate Labor					
Fund		42,400	\$23,200		65,600
Miscellaneous Revenue					
Fund	50,200	97,700			147,900
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>91,700</u>	<u>29,000</u>		<u>120,700</u>
TOTAL	\$5,324,000	\$1,264,700	\$52,200		\$6,640,900
G. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General					
Fund	\$7,138,600	\$1,880,000			\$9,018,600
Inmate Labor					
Fund	1,388,500	740,000	\$142,900		2,271,400
Miscellaneous Revenue					
Fund	130,600	98,400			229,000
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>21,000</u>	<u>156,800</u>		<u>177,800</u>
TOTAL	\$8,657,700	\$2,739,400	\$299,700		\$11,696,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
H. ST. ANTHONY WORK CAMP:					
FROM:					
General					
Fund	\$2,607,100	\$449,500			\$3,056,600
Inmate Labor					
Fund	1,374,000	593,600	\$201,900		2,169,500
Miscellaneous Revenue					
Fund		21,000			21,000
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>1,900</u>	<u>0</u>		<u>1,900</u>
TOTAL	\$3,981,100	\$1,066,000	\$201,900		\$5,249,000
I. POCATELLO WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General					
Fund	\$6,042,400	\$907,300			\$6,949,700
Inmate Labor					
Fund	331,900	99,800	\$7,800		439,500
Miscellaneous Revenue					
Fund	246,100	114,900			361,000
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>41,200</u>	<u>52,400</u>		<u>93,600</u>
TOTAL	\$6,620,400	\$1,163,200	\$60,200		\$7,843,800
J. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General					
Fund	\$3,790,100	\$578,600			\$4,368,700
Inmate Labor					
Fund	600	17,500	\$37,500		55,600
Miscellaneous Revenue					
Fund		38,600			38,600
Penitentiary Endowment Income					
Fund	<u>0</u>	<u>7,800</u>	<u>0</u>		<u>7,800</u>
TOTAL	\$3,790,700	\$642,500	\$37,500		\$4,470,700
DIVISION TOTAL	\$100,327,700	\$22,860,400	\$2,182,100		\$125,370,200
III. COUNTY & OUT-OF-STATE PLACEMENT:					
FROM:					
General					
Fund		\$44,624,200			\$44,624,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. CORRECTIONAL ALTERNATIVE PLACEMENT:					
FROM:					
General					
Fund		\$8,939,300	\$1,167,100		\$10,106,400
Miscellaneous Revenue					
Fund		<u>200,000</u>	<u>0</u>		<u>200,000</u>
TOTAL		\$9,139,300	\$1,167,100		\$10,306,400
V. COMMUNITY CORRECTIONS:					
A. COMMUNITY SUPERVISION:					
FROM:					
General					
Fund	\$19,791,300	\$6,555,700			\$26,347,000
Inmate Labor					
Fund		54,100			54,100
Parolee Supervision					
Fund	5,343,500	2,127,000	\$193,600		7,664,100
Drug and Mental Health Court Supervision					
Fund	488,700	27,200			515,900
Miscellaneous Revenue					
Fund	94,500		198,000		292,500
Federal Grant					
Fund	<u>401,400</u>	<u>112,100</u>	<u>0</u>	<u>\$859,700</u>	<u>1,373,200</u>
TOTAL	\$26,119,400	\$8,876,100	\$391,600	\$859,700	\$36,246,800
B. COMMUNITY REENTRY CENTERS:					
FROM:					
General					
Fund	\$4,659,400	\$44,100			\$4,703,500
Inmate Labor					
Fund	<u>1,048,500</u>	<u>2,738,300</u>	<u>\$915,500</u>		<u>4,702,300</u>
TOTAL	\$5,707,900	\$2,782,400	\$915,500		\$9,405,800
DIVISION TOTAL	\$31,827,300	\$11,658,500	\$1,307,100	\$859,700	\$45,652,600
VI. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT:					
FROM:					
General					
Fund	\$1,435,700	\$44,500		\$2,846,500	\$4,326,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VII. MEDICAL SERVICES:					
FROM:					
General					
Fund		\$55,028,500			\$55,028,500
Miscellaneous Revenue					
Fund		<u>135,000</u>			<u>135,000</u>
TOTAL		\$55,163,500			\$55,163,500
GRAND TOTAL	\$143,786,800	\$156,552,100	\$5,208,300	\$3,706,200	\$309,253,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Correction is authorized no more than two thousand twenty-nine and eighty-five hundredths (2,029.85) 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 PROGRAM TRANSFER LIMITATIONS. The Department of Correction is hereby exempted from the provisions of Section 67-3511(2), Idaho Code, allowing unlimited transfers between programs for all moneys appropriated to it for the period July 1, 2020, through June 30, 2021; provided, however, moneys appropriated to the County and Out-of-State Placement Program, Correctional Alternative Placement Program, and Medical Services Program may be transferred only between said programs. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 10, 2020

CHAPTER 121
(S.B. No. 1400)

AN ACT

RELATING TO THE APPROPRIATION TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2020; APPROPRIATING MONEYS AND DIRECTING A TRANSFER FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2020; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$2,000,000 from the General Fund to the Governor's Emergency Fund as soon as practicable for the period July 1, 2019, through June 30, 2020.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 209, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Executive Office of the Governor for the Administration - Governor's Office Program \$2,000,000 from the Governor's Emer-

gency Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020.

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 13, 2020

CHAPTER 122
(S.B. No. 1219)

AN ACT

RELATING TO GUARDIANS AND CONSERVATORS; AMENDING SECTION 66-404, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROCEEDINGS FOR THE APPOINTMENT OF GUARDIANS AND CONSERVATORS.

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

SECTION 1. That Section 66-404, Idaho Code, be, and the same is hereby amended to read as follows:

66-404. PROCEEDINGS FOR APPOINTMENT OF GUARDIANS AND CONSERVATORS. (1) A person with a developmental disability or any person interested in his welfare may petition for a finding of legal disability or partial legal disability and appointment of a guardian or co-guardians, or conservator or co-conservators, or both.

(2) The petition shall:

(a) State the names and addresses of the persons entitled to notice under subsection (4) of this section;

(b) Describe the impairments showing the respondent is developmentally disabled, the respondent's ability to receive, evaluate and communicate information, and the respondent's ability to manage financial resources and meet essential requirements for physical health or safety;

(c) State the nature and scope of guardianship and/or conservatorship services sought;

(d) Describe the respondent's financial condition, including significant assets, income and ability to pay for the costs of judicial proceedings; and

(e) State if the appointment is made by will pursuant to section 15-5-301, Idaho Code, and the name(s) and address(es) of the person(s) named in the will to be guardian.

(3) Upon filing of a petition, the court shall set a date for a hearing, appoint an attorney to represent the respondent in the proceedings unless the respondent has an attorney, and authorize an evaluation committee to examine the respondent, interview the proposed guardians and/or conservators and report to the court in writing. All reports shall be under oath or affirmation and shall comply with Idaho supreme court rules.

(4) Notice of the time and place of the hearing on the petition together with a copy of the petition shall be served no less than ~~ten~~ fourteen (14) days before the hearing on:

(a) The respondent;

(b) The respondent's spouse, parents and adult children, or if none, the respondent's closest relative, if any can be found; and

(c) Any person who is currently serving as guardian, conservator or who is providing care for the respondent.

Notice shall be served personally if the person to be served can be found within the state. If the person to be served cannot be found within the state, service shall be accomplished by registered mail to such person's last known address.

(5) The respondent is entitled to be present at the hearing in person, to present evidence, call and cross-examine witnesses, and to see or hear all evidence in the proceeding.

(6) At the hearing the court shall:

(a) Determine whether the respondent has a developmental disability;

(b) Evaluate the respondent's ability to meet essential requirements for physical health or safety and manage financial resources;

(c) Evaluate the ability of the proposed guardian and/or conservator to act in the respondent's best interests to manage the respondent's financial resources and meet essential requirements for the respondent's physical health or safety;

(d) Determine the nature and scope of guardianship or conservatorship services necessary to protect and promote the respondent's well-being;

(e) Evaluate the ability of the respondent or those legally responsible to pay the costs associated with the judicial proceedings and fix responsibility therefor; and

(f) (i) As an alternative to appointing one (1) guardian or one (1) conservator, the court may appoint no more than two (2) co-guardians or no more than two (2) co-conservators if the court finds:

1. The appointment of co-guardians or co-conservators will best serve the interests of the person with a developmental disability; and

2. The persons to be appointed as co-guardians or co-conservators will work together cooperatively to serve the best interests of the child person with a developmental disability.

(ii) The parents of a person with a developmental disability shall have preference over all other persons for appointment as co-guardians or co-conservators, unless the court finds that the parents are unwilling to serve as co-guardians or co-conservators, or are not capable of adequately serving the best interests of the person with a developmental disability; and

(iii) If the court appoints co-guardians or co-conservators, the court shall also determine whether the co-guardians or co-conservators:

1. May act independently;

2. May act independently but must act jointly in specified matters; or

3. Must act jointly.

The determination by the court must be stated in the order of appointment and in the letters of guardianship or conservatorship.

(7) No individual shall be appointed as guardian or conservator of an incapacitated person unless all of the following first occurs:

(a) The proposed guardian or conservator has submitted to and paid for a criminal history and background check conducted pursuant to section 56-1004A(2) and (3), Idaho Code;

(b) In the case of a petition for guardianship and pursuant to an order of the court so requiring, any individual who resides in the incapacitated person's proposed residence has submitted, at the proposed guardian's expense, to a criminal history and background check conducted pursuant to section 56-1004A(2) and (3), Idaho Code;

(c) The findings of such criminal history and background checks have been made available to the evaluation committee by the department of health and welfare; and

(d) The proposed guardian or conservator provided a report of his or her civil judgments and bankruptcies to the evaluation committee and all others entitled to notice of the guardianship or conservatorship proceeding pursuant to subsection (4) of this section.

(8) The provisions of paragraphs (a) and (d) of subsection (7) of this section shall not apply to an institution nor to a legal or commercial entity.

(9) Each proposed guardian and conservator and each appointed guardian and conservator shall immediately report any change in his or her criminal history and any material change in the information required by subsection (7) of this section to the evaluation committee, all others entitled to notice of the guardianship or conservatorship proceeding pursuant to subsection (4) of this section and to the court.

Approved March 15, 2020

CHAPTER 123
(S.B. No. 1220)

AN ACT

RELATING TO GUARDIANS AND CONSERVATORS; AMENDING SECTION 15-5-207, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPOINTMENT OF A GUARDIAN OF A MINOR; AMENDING SECTION 15-5-310, IDAHO CODE, TO REVISE A PROVISION REGARDING TEMPORARY GUARDIANS OF INCAPACITATED PERSONS; AND AMENDING SECTION 15-5-407A, IDAHO CODE, TO REVISE PROVISIONS REGARDING TEMPORARY AND EMERGENCY APPOINTMENTS OF A CONSERVATOR.

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

SECTION 1. 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(4), 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 interests 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~~ fourteen (14) 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~~ fourteen (104) 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 2. That Section 15-5-310, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-310. TEMPORARY GUARDIANS OF INCAPACITATED PERSONS. (a) The court may appoint a temporary guardian if it finds:

- (1) A petition for guardianship under section 15-5-303, Idaho Code, has been filed, but a guardian has not yet been appointed;
- (2) Substantial evidence of incapacity;
- (3) By a preponderance of the evidence an emergency exists that will likely result in immediate and substantial harm to the person's health, safety or welfare; and
- (4) No other person appears to have the ability, authority and willingness to act.

(b) When a person is under guardianship, the court may appoint a temporary guardian if it finds:

- (1) Substantial evidence that the guardian is not performing the guardian's duties; and
- (2) By a preponderance of the evidence, an emergency exists that will likely result in immediate and substantial harm to the person's health, safety or welfare.

The authority of a guardian previously appointed by the court 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.

(c) (1) A temporary guardian may be appointed without notice or hearing if the court finds from a statement under oath that the person will be immediately and substantially harmed before notice can be given or a hearing held.

(2) If the court appoints a temporary guardian without notice, notice of the appointment must be given to those designated in section 15-5-309, Idaho Code, within seventy-two (72) hours after the appointment. The notice must inform the interested persons of the right to request

a hearing. The court must hold a hearing on the appropriateness of the appointment within ~~ten~~ fourteen (~~10~~14) days after the request by an interested person.

(3) The temporary guardian's authority may not exceed ninety (90) days, unless extended for good cause. The powers of the temporary guardian must be limited to those necessary to protect the immediate health, safety or welfare of the person until such time as a hearing may be held in the matter.

(4) A temporary guardian must make reports as the court requires.

SECTION 3. That Section 15-5-407A, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-407A. TEMPORARY AND EMERGENCY APPOINTMENTS. (a) The court may appoint upon an ex parte petition, without hearing, a person to act as temporary conservator, pending the final hearing, upon a finding supported by statement made under oath that an emergency situation exists. The emergency appointment shall remain in effect no longer than ninety (90) days, unless extended for good cause upon application of the temporary conservator.

(b) Any one (1) of the following shall be considered an emergency situation:

(1) A finding that the person to be protected is unable to reasonably manage said person's finances and as a result the person's assets will be wasted or dissipated unless proper management is provided without delay; or

(2) A finding that the person to be protected has been taken advantage of and that the situation is likely to continue unless a temporary appointment is made without delay; or

(3) A finding that funds are needed for support, care and welfare of the person to be protected and a temporary appointment is necessary to secure such funding; or

(4) A finding that other conditions exist that in the court's determination necessitate the appointment of a temporary conservator.

(c) The duty of a temporary conservator shall be to preserve and protect the assets of the estate and to provide the funding necessary for the support, care and welfare of the person to be protected. The conservator shall have all the powers enumerated in section 15-5-424, Idaho Code, to be exercised, however, only within said limited context. The court may expand the duties of the temporary conservator upon application and a finding that a proposed action is necessary prior to the hearing.

(d) A temporary conservator shall not remove any of the assets of the estate from the jurisdiction of the court without a specific order to that effect.

(e) The petition for appointment of a temporary conservator must be accompanied by a petition for appointment of a conservator pursuant to section 15-5-404, Idaho Code.

(f) If the person to be protected is a minor, the court shall appoint a guardian ad litem for said minor at the same time the temporary appointment of a conservator is made.

(g) Upon application by an interested party and a hearing, the court may limit the powers and duties of the temporary conservator.

(h) Notice of the appointment of a temporary conservator shall be given to all interested persons by the petitioner within five seventy-two (~~57~~72) days hours after the date of such appointment.

(i) The court shall hold a hearing on the appropriateness of the temporary appointment within ~~five~~ fourteen (514) days if requested by an interested party. In such event, if a visitor and physician have not already been appointed, the court shall appoint a visitor to meet with the alleged incapacitated person and to make a written report to the court, and shall appoint a physician to examine the proposed ward and submit a written report to the court, giving preference to the appointment of the proposed ward's treating physician if the proposed ward has a current treating physician.

Approved March 15, 2020

CHAPTER 124
(S.B. No. 1227)

AN ACT

RELATING TO ADOPTION; AMENDING SECTION 16-1505, IDAHO CODE, TO REVISE PROVISIONS REGARDING NOTICE OF ADOPTION PROCEEDINGS.

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

SECTION 1. That Section 16-1505, Idaho Code, be, and the same is hereby amended to read as follows:

16-1505. NOTICE OF ADOPTION PROCEEDINGS. (1) Notice of an adoption proceeding shall be served on each of the following persons:

(a) Any person or agency whose consent or relinquishment is required under section 16-1504, Idaho Code, unless that right has been terminated by waiver, relinquishment, consent or judicial action, or ~~their~~ the person's parental rights have been previously terminated;

(b) Any person who has registered notice of the commencement of paternity proceedings pursuant to section 16-1513, Idaho Code;

(c) The petitioner's spouse, if any, only if he or she has not joined in the petition;

(d) Any person who is recorded on the birth certificate as the child's father, with the knowledge and consent of the mother, unless such right to notice or parental rights have been previously terminated;

(e) Any person who is openly living in the same household with the child at the time the mother's consent is executed or relinquishment made, and who is holding himself out to be the child's father, unless such rights to notice or parental rights have been previously terminated; and

(f) Any person who is married to the child's mother at the time she executes her consent to the adoption or relinquishes the child for adoption.

(2) An unmarried biological father, by virtue of the fact that he has engaged in a sexual relationship with a woman, is deemed to be on notice that a pregnancy and an adoption proceeding regarding that child may occur, and that he has a duty to protect his own rights and interests. He is therefore entitled to actual notice of a birth or an adoption proceeding with regard to that child only as provided in this section.

(3) Notice provided in accordance with this section need not disclose the name of the mother of the child who is the subject of an adoption proceeding.

(4) The notice required by this section may be served immediately after commencement of proceedings to adopt a child but shall be served at least twenty-one (201) days prior to the final dispositional hearing. The notice shall specifically state that the person served must respond to the petition for adoption within twenty-one (201) days of service if he intends to intervene in or contest the adoption.

(5) (a) Any person who has been served with notice of an adoption proceeding and who wishes to contest the adoption shall file a written objection to the adoption in the adoption proceeding within twenty-one (201) days after service. The written objection shall set forth specific relief sought and be accompanied by a memorandum specifying the factual and legal grounds upon which the written objection is based.

(b) Any person who fails to file a written objection to the adoption within twenty-one (201) days after service of notice waives any right to further notice in connection with the adoption, forfeits all rights in relation to the adoptee, and is barred from thereafter bringing or maintaining any action to assert any interest in the adoptee.

(6) Service of notice under this section shall be made as follows:

(a) With regard to a person whose consent is necessary under section 16-1504, Idaho Code, notice shall be given by personal service. Where reasonable efforts to effect personal service have been unsuccessful, 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 twenty-one (201) days after service of notice, or, where service is by registered or certified mail and publication, the hearing shall take place no sooner than twenty-one (201) days after the date of last publication. Notice and appearance may be waived by any person in writing before the court or in the presence of, and witnessed by, a clerk of court or a representative of an authorized agency, provided that such parent has been apprised by the court or by such person of the meaning and consequences of the adoption proceeding. Where the person entitled to notice resides outside the state, the waiver shall be acknowledged before a notary of the state and shall contain the current address of said person. The person who has executed such a waiver shall not be required to appear. If service is by publication, the court shall designate the content of the notice regarding the identity of the parties. The notice may not include the name of the person or persons seeking to adopt the adoptee.

(b) As to any other person for whom notice is required under this section, service by certified mail, return receipt requested, is sufficient. If that service cannot be completed after two (2) attempts, the court may issue an order providing for service by publication, posting, or by any other manner of service.

(c) Notice to a person who has registered a notice of his commencement of paternity proceedings with the vital statistics unit of the department of health and welfare in accordance with the requirements of section 16-1513, Idaho Code, shall be served by certified mail, return receipt requested, at the last address filed with the department.

(7) Proof of service of notice on all persons for whom notice is required by this section shall be filed with the court before the final dispositional hearing on the adoption.

(8) Notwithstanding any other provision of law, neither the notice of an adoption proceeding nor any process in that proceeding is required to contain the name of the person or persons seeking to adopt the adoptee.

(9) Except as to those persons whose consent to an adoption is required under section 16-1504, Idaho Code, the sole purpose of notice under this section is to enable the person served to present evidence to the court relevant to the best interest of the child.

CHAPTER 125

(S.B. No. 1231, As Amended in the House)

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-421, IDAHO CODE, TO REVISE A PROVISION REGARDING CERTAIN REGISTRATION CARDS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-425, IDAHO CODE, TO PROVIDE FOR ELECTRONIC ISSUANCE OF REGISTRATION CARDS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-427, IDAHO CODE, TO PROVIDE FOR ELECTRONIC ISSUANCE OF REGISTRATION CARDS AND TO REVISE TERMINOLOGY; AMENDING SECTION 49-428, IDAHO CODE, TO REVISE A PROVISION REGARDING REGISTRATION STICKERS AND TO PROVIDE A CODE REFERENCE; AMENDING SECTION 49-434, IDAHO CODE, TO REMOVE A VALIDATION STICKER REQUIREMENT, TO PROVIDE FOR ELECTRONIC REGISTRATION CARDS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-435, IDAHO CODE, TO REMOVE A VALIDATION STICKER REQUIREMENT, TO PROVIDE FOR ELECTRONIC REGISTRATION CARDS, AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 49-443, IDAHO CODE, TO REVISE A PROVISION REGARDING LICENSE PLATES, TO REMOVE A VALIDATION STICKER REQUIREMENT, TO PROVIDE FOR ELECTRONIC REGISTRATION CARDS, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 49-421, Idaho Code, be, and the same is hereby amended to read as follows:

49-421. REGISTRATION CARDS. (1) Upon the registration of a vehicle, the registering agency shall issue to the owner, as defined in section 49-116(3), Idaho Code, a registration card ~~which~~ that shall contain the date issued, the registration number assigned the owner and to the vehicle, the name and address of the owner, a description of the registered vehicle, identification number, and any other information the department may require.

(2) The owner, upon receiving the a registration card, shall ~~sign in the space provided upon the card as~~ validate proof of compliance with the insurance requirements of section 49-1229, Idaho Code.

(3) Upon a change of address, the registrant shall report such change to the county assessor or the department within thirty (30) days following the change of address.

(4) It is an infraction for any person to fail to notify the department of a change of address as required by the provisions of subsection (3) of this section.

SECTION 2. That Section 49-425, Idaho Code, be, and the same is hereby amended to read as follows:

49-425. LOST CERTIFICATE OR LICENSE PLATE -- DUPLICATES. In the event that any license plate or registration card issued pursuant to the provisions of this chapter shall be lost, mutilated, or become illegible, the person to whom the plate or registration card is issued shall make immediate application for and obtain a duplicate or replacement upon furnishing information of fact satisfactory to the department and upon payment of the required fees. The fee for duplicate or replacement plates is provided in sections 49-450 and ~~section~~ 49-202(2)(f), Idaho Code, for a replacement registration card whether issued in print or electronically.

SECTION 3. That Section 49-427, Idaho Code, be, and the same is hereby amended to read as follows:

49-427. REGISTRATION CARD TO BE CARRIED. The registration card issued for a vehicle required to be registered by the provisions of this chapter shall, while the vehicle is being operated upon a highway, be in the possession of the ~~operator or chauffeur~~ driver or carried in the vehicle and be subject to inspection by any peace officer. For drivers of commercial vehicles registered pursuant to section 49-434 or 49-435, Idaho Code, an electronic format of the registration card is permitted.

SECTION 4. That Section 49-428, Idaho Code, be, and the same is hereby amended to read as follows:

49-428. DISPLAY OF PLATE AND STICKERS. (1) License plates assigned to a motor vehicle shall be attached, one (1) in the front and the other in the rear, with the exception of the following:

(a) The license plate assigned to a motorcycle, all-terrain vehicle, utility type vehicle, motorbike or semitrailer and the license plate assigned to a motor vehicle operated by a manufacturer, repossession agent or dealer shall be attached to the rear.

(b) Vehicles displaying year of manufacture, old timer, classic car or street rod license plates shall be allowed to display one (1) plate attached to the rear of the vehicle.

(c) The license plate attached to a tractor shall be attached to the front.

(d) The wrecker plate shall be displayed on the vehicle being towed in such a manner as to be visible when the vehicle being towed is approached from the rear.

License plates shall be displayed during the current registration year. The annual registration sticker for the current registration year shall be displayed on each license plate, ~~except for trailers, and semitrailers, on extended registration and commercial vehicles over twenty-six thousand (26,000) pounds~~ under the provisions of sections 49-434 and 49-435, Idaho Code. For the purposes of this title, the license plates together with the registration stickers shall be considered as license plates for the year designated on the registration sticker.

(2) Every license plate shall at all times be securely fastened to the vehicle to which it is assigned to prevent the plate from swinging, be at a height not less than twelve (12) inches from the ground, measuring from the bottom of the plate, be in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible, and all registration stickers shall be securely attached to the license plates and shall be displayed as provided in section 49-443(4), Idaho Code.

SECTION 5. That Section 49-434, Idaho Code, be, and the same is hereby amended to read as follows:

49-434. OPERATING FEES. (1) There shall be paid on all commercial vehicles, noncommercial vehicles, and on all farm vehicles having a maximum gross weight not in excess of sixty thousand (60,000) pounds, an annual registration fee or a staggered registration fee for the purpose of reregistration and notice of expiration in accordance with the following schedule.

Unladen Weight for Wreckers Maximum Gross Weight For Other Vehicles (Pounds)	Annual Registration Fee	
	Noncommercial and Farm Vehicles	Commercial Vehicles and Wreckers
8,001-16,000 inc.	\$ 48.00	\$ 48.00
16,001-26,000 inc.	61.08	143.40
26,001-30,000 inc.	91.68	223.80
30,001-40,000 inc.	130.08	291.60
40,001-50,000 inc.	188.28	360.00
50,001-60,000 inc.	311.88	515.40

In addition to the registration fees provided for in this subsection, there shall be an additional registration fee imposed of twenty-five dollars (\$25.00).

(2) There shall be paid on all commercial vehicles, irrespective of body type, and on all farm vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds, an annual registration fee in the amount prescribed by subsection (8) of this section, as applicable.

(3) In addition, the annual registration fee for trailers shall be:

- (a) Trailer or semitrailer in a combination of vehicles\$15.00
- (b) Rental utility trailer with a gross weight of two thousand (2,000) pounds or less\$8.00
- (c) Rental utility trailer with a gross weight over two thousand (2,000) pounds\$15.00

(4) As an option to the trailer and semitrailer and rental utility trailer annual registrations issued pursuant to subsection (3) of this section, the department may provide a nonexpiring plate and registration for trailers and semitrailers, and an optional, extended registration for rental utility trailers.

(a) For trailers and semitrailers, the nonexpiring registration fee shall be ninety-nine dollars (\$99.00). The license plate shall remain on the trailer or semitrailer until the registration is canceled or revoked. No part of the fee is subject to refund. However, the registrant may transfer the nonexpiring plate and registration to another trailer or semitrailer titled to the registrant if the original registration date is prior to July 1, 2009. The registration document shall be the official record of the status of the nonexpiring registration, and no registration fee shall be required after the initial registration is paid. No validation sticker shall be required or issued for such nonexpiring license plates assigned under this section. The owner may be issued an electronic copy of the registration card issued pursuant to this section.

(i) Registration of a trailer or semitrailer based in another jurisdiction may be issued when the registrant provides a valid jurisdiction title or ownership document and certification statement, and no title transfer will be required.

(ii) Periodic verification will be made to confirm ownership status. Failure of the owner to comply with the verification request to confirm ownership within thirty (30) days, shall result in cancellation of the permanent plate registration.

(b) Idaho-based trailer manufacturers may purchase trailer and semitrailer registration from the department. The manufacturer may issue the annual registration to foreign-based purchasers utilizing a manufacturer's certificate of origin or manufacturer's statement of origin as proof of ownership. If the foreign-based purchaser subsequently obtains an Idaho nonexpiring registration as provided in paragraph (a) of this subsection prior to annual registration expiration, the amount of

the annual registration fee shall be applied to the nonexpiring registration fee provided that the customer acquires a title for such vehicle.

(c) For rental utility trailers, the registrant may prepay the annual registration for an additional one (1), two (2), three (3) or four (4) years, but in no event shall the optional registration period extend beyond five (5) years. The fee shall be as specified in subsection (3) (b) or (c) of this section. ~~A pressure-sensitive sticker shall be used to validate the license plate.~~ The owner shall be issued a registration card or may request such card to be sent electronically. The expiration date shall be reflected on such registration card. The license plate shall become void if the owner's interest in the rental utility trailer changes during the five (5) year period. If the owner fails to enter the rental utility trailer on the annual renewal application during the five (5) year period, the registration record shall be purged. Any un-renewed plate shall be returned to the department if it is not entered on the renewal application.

(5) A fleet registration option is available to owners who have twenty-five (25) or more commercial or farm vehicles or any combination thereof. Such owners may register all of their company vehicles with the department in lieu of registering with a county assessor. To qualify, the fleet must be owned and operated under the unified control of one (1) person and the vehicles must be physically garaged and maintained in two (2) or more counties. Fleet registration shall not include fleets of rental vehicles. The department shall provide a registration application to the owner, and the owner shall provide all information that the department determines is necessary. The department shall devise a special license plate numbering system for fleet-registered vehicles as an alternative to county license plates. The fleet registration application and all subsequent registration renewals shall include the physical address where a vehicle is principally used, garaged and maintained. The fleet owner shall report the physical address to the department upon initial registration, on each renewal, and at any time a vehicle registered under this option is permanently transferred to another location.

(6) If the ownership of a vehicle changes during the registration period, the original owner may transfer the plate to another vehicle. The remaining fee shall be credited against the cost of the new registration. Refunds may be given for any unexpired portion of the vehicle registration fee if the plate is not transferred by the owner to another vehicle. Any request for refund shall include surrender of the license plate, ~~validation sticker~~ and registration document, if a physical document was issued. Owners of vehicles registered under the international registration plan may request a refund of the unexpired portion of the Idaho vehicle registration fee by presenting evidence from the base jurisdiction that the license plate, ~~validation sticker~~ and registration document, if a physical document was issued, have been surrendered. A license plate shall not be transferred to another owner when the ownership of a vehicle changes. The owner shall obtain a replacement plate, ~~validation sticker~~ if required, and a printed or electronic registration document when a plate is lost, destroyed, or becomes illegible.

(7) An administrative fee of four dollars (\$4.00) shall be paid and deposited to the state highway account on all registrations completed by the department under subsection (1) or (8) (a) of this section. Vehicles registered under subsection (8) (b) of this section shall pay the fee provided in section 49-435(2), Idaho Code.

(8) There shall be paid on all commercial and farm vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds, a registration fee based upon the maximum gross weight of a vehicle as declared by the owner and the total number of miles driven on roads and highways in the state, county, city and highway district systems in Idaho, and if registered

under the international registration plan (IRP), in all other jurisdictions. The appropriate registration fee shall be determined as follows:

(a) If the owner registers vehicles under the international registration plan (IRP), the appropriate mileage column shall be determined by the total miles an owner operated a fleet of vehicles on roads and highways in the state, county, city and highway district systems in Idaho and in all other jurisdictions in the preceding year, as defined in section 49-117, Idaho Code, and by the maximum gross weight of each vehicle within a fleet.

(b) If the owner registers vehicles under the international registration plan and determines that the average international registration plan fleet miles, calculated by dividing the total IRP fleet miles in all jurisdictions by the number of registered vehicles, is less than fifty thousand one (50,001) miles, the owner may apply to the department for refund of a portion of the registration fees paid, consistent with the fee schedules set forth in this section. The department shall provide an application for the refund. An owner making application for refund under this section shall be subject to auditing as provided in section 49-439, Idaho Code.

(c) If the owner is not registering vehicles under the international registration plan, the appropriate mileage column shall be determined by the total miles the owner operated each of the vehicles to be registered on roads and highways in the state, county, city and highway district systems in Idaho in the preceding year and by the maximum gross weight of each vehicle.

Maximum Gross Weight of Vehicle (Pounds)	Total Miles Driven				
	1 to 7,500	7,501 to 20,000	20,001 to 35,000	35,001 to 50,000	Over 50,000
60,001-62,000	\$223	\$ 511	\$ 789	\$1,068	\$1,560
62,001-64,000	\$251	\$ 576	\$ 890	\$1,205	\$1,760
64,001-66,000	\$280	\$ 642	\$ 992	\$1,342	\$1,960
66,001-68,000	\$309	\$ 707	\$1,093	\$1,479	\$2,160
68,001-70,000	\$337	\$ 773	\$1,194	\$1,615	\$2,360
70,001-72,000	\$366	\$ 838	\$1,295	\$1,752	\$2,560
72,001-74,000	\$394	\$ 904	\$1,396	\$1,889	\$2,760
74,001-76,000	\$423	\$ 969	\$1,498	\$2,026	\$2,960
76,001-78,000	\$451	\$1,035	\$1,599	\$2,163	\$3,160
78,001-80,000	\$480	\$1,100	\$1,700	\$2,300	\$3,360
80,001-82,000	\$494	\$1,133	\$1,751	\$2,368	\$3,460
82,001-84,000	\$509	\$1,165	\$1,801	\$2,437	\$3,560
84,001-86,000	\$523	\$1,198	\$1,852	\$2,505	\$3,660
86,001-88,000	\$537	\$1,231	\$1,902	\$2,574	\$3,760
88,001-90,000	\$551	\$1,264	\$1,953	\$2,642	\$3,860
90,001-92,000	\$566	\$1,296	\$2,004	\$2,711	\$3,960
92,001-94,000	\$580	\$1,329	\$2,054	\$2,779	\$4,060
94,001-96,000	\$594	\$1,362	\$2,105	\$2,848	\$4,160
96,001-98,000	\$609	\$1,395	\$2,155	\$2,916	\$4,260
98,001-100,000	\$623	\$1,427	\$2,206	\$2,985	\$4,360
100,001-102,000	\$637	\$1,460	\$2,257	\$3,053	\$4,460

Maximum Gross Weight of Vehicle (Pounds)	Total Miles Driven				
	1 to 7,500	7,501 to 20,000	20,001 to 35,000	35,001 to 50,000	Over 50,000
102,001-104,000	\$651	\$1,493	\$2,307	\$3,121	\$4,560
104,001-106,000	\$666	\$1,526	\$2,358	\$3,190	\$4,660
106,001-108,000	\$680	\$1,558	\$2,408	\$3,258	\$4,760
108,001-110,000	\$694	\$1,591	\$2,459	\$3,327	\$4,860
110,001-112,000	\$709	\$1,624	\$2,510	\$3,395	\$4,960
112,001-114,000	\$723	\$1,657	\$2,560	\$3,464	\$5,060
114,001-116,000	\$737	\$1,689	\$2,611	\$3,532	\$5,160
116,001-118,000	\$751	\$1,722	\$2,661	\$3,601	\$5,260
118,001-120,000	\$766	\$1,755	\$2,712	\$3,669	\$5,360
120,001-122,000	\$780	\$1,788	\$2,763	\$3,738	\$5,460
122,001-124,000	\$794	\$1,820	\$2,813	\$3,806	\$5,560
124,001-126,000	\$809	\$1,853	\$2,864	\$3,874	\$5,660
126,001-128,000	\$823	\$1,886	\$2,914	\$3,943	\$5,760
128,001-129,000	\$837	\$1,918	\$2,965	\$4,011	\$5,860

In addition to the registration fees provided for in this subsection, there shall be an additional registration fee imposed of twenty-five dollars (\$25.00).

(d) In addition to the fees set forth in paragraphs (a) and (c) of this subsection ~~(8)~~, an owner or operator may purchase a temporary permit as provided in section 49-432(2), Idaho Code, for operation of a vehicle at a weight in excess of the current, valid, registered maximum gross vehicle weight. The permit so issued shall be specific to the motor vehicle to which it is issued. No permit or fee shall be transferable or apportionable to any other vehicle, nor shall any such fee be refundable.

(e) Any commercial or farm vehicle registered for more than sixty thousand (60,000) pounds up to one hundred six thousand (106,000) pounds traveling fewer than two thousand five hundred (2,500) miles annually on roads and highways in the state, county, city and highway district systems in Idaho shall pay an annual registration fee of two hundred fifty-five dollars (\$255). The provisions of section 49-437(2), Idaho Code, shall not apply to vehicles registered under this subsection ~~(8)~~ ~~(e)~~ paragraph.

(9) (a) During the first registration year that the fee schedule in subsection (8) (c) of this section is in use, an owner shall use the mileage data from the records used to report the mileage use fee in the immediately preceding year as the basis for determining the appropriate registration fee schedule.

(b) Any owner who registers a motor vehicle for the first time and who has no mileage history for the vehicle shall estimate the miles to determine the appropriate fee schedule in subsection (8) (c) of this section. When estimating the miles, the owner shall provide a statement on the application of the method used to arrive at the estimated miles.

(c) Any owner using any fee schedule other than the highest fee schedule under subsection (8) (c) of this section, shall certify at the time of registration that the miles operated in the preceding year do not exceed the schedule applied for. Any owner using a fee schedule under subsection (8) (c) of this section that is less than the highest schedule shall maintain records to substantiate the use of the schedule as required by section 49-439, Idaho Code.

(10) An owner registering under subsection (8) (a) or (8) (c) of this section may elect to pay the full annual registration fee at the time of registration or renewal of registration, or an owner may pay at least one-quarter (1/4) of the annual registration fee due. The remainder of the annual Idaho registration fee shall be paid in three (3) equal installments on dates as billed by the department.

(11) An owner registering or renewing a registration under subsection (8) (a) of this section electing to use installment payments as provided in subsection (10) of this section, shall pay all of the fees due to other IRP jurisdictions in addition to one-quarter (1/4) of the Idaho fee due at the time of registration or reregistration. The remainder of the annual Idaho registration fee shall be paid in three (3) equal installments on dates as billed by the department.

(12) If any vehicle or combinations of vehicles haul nonreducible loads, as authorized under the provisions of section 49-1004, Idaho Code, and weigh less than the starting weights per axle configuration listed in column 1 of ~~subsection (2)~~, section 49-1004(2), Idaho Code, then and in that event there shall be paid for that vehicle, in addition to the other fees required in this section, an additional use fee of 2.1 mills per mile for each two thousand (2,000) pounds or fraction thereof of the maximum gross weight in excess of those set forth in section 49-1001, Idaho Code.

SECTION 6. That Section 49-435, Idaho Code, be, and the same is hereby amended to read as follows:

49-435. PROPORTIONAL REGISTRATION OF COMMERCIAL VEHICLES. (1) Any owner engaged in operating one (1) or more fleets of commercial vehicles may, in lieu of the registration fees imposed by section 49-434, Idaho Code, register each fleet for operation in this state by filing an application with the department which that shall contain the information required by the international registration plan (IRP) agreement. Any owner who makes application for proportional registration under the provisions of the international registration plan shall comply with the terms and conditions of the IRP agreement.

(2) The department shall register the vehicle so described and identified and may issue license plates ~~or distinctive sticker~~ or other suitable identification device for each vehicle listed in the application upon payment of the fees required under subsections (1) and (8) of section 49-434, Idaho Code, and an additional identification charge of eight dollars (\$8.00) per vehicle. The fees collected for the additional identification shall be deposited to the state highway account. A registration card shall be issued in print or electronically for each proportionally registered vehicle appropriately identifying it, which shall be carried and available on an electronic device or in or upon the vehicle identified at all times.

(3) Fleet vehicles so registered and identified shall be deemed to be fully licensed and registered in this state for any type of movement or operation.

(4) The right to the privilege and benefits of proportional registration of fleet vehicles extended by this section, or by any contract, agreement, arrangement or declaration made under the authority provided in section 49-201, Idaho Code, shall be subject to the condition that each fleet vehicle proportionally registered shall also be proportionally or otherwise properly registered in at least one (1) other jurisdiction during the period for which it is proportionally registered in this state.

(5) No provision of this section relating to proportional registration of fleet vehicles shall be construed as requiring any vehicle to be proportionally registered if it is otherwise registered in this state for the operation in which it is engaged, including regular registration or temporary trip permit.

SECTION 7. That Section 49-443, Idaho Code, be, and the same is hereby amended to read as follows:

49-443. LICENSE PLATES TO BE FURNISHED BY DEPARTMENT -- FORM AND CONTENTS. (1) The assessor or the department shall furnish to every owner whose vehicle is registered or licensed by that office, pursuant to sections 49-402 and 49-402A, Idaho Code, one (1) license plate for vehicles registered under the provisions of section 49-406, 49-406A or 49-408, Idaho Code, or a motorcycle, trailer, truck-tractor, or semitrailer; one (1) restricted vehicle license plate for all-terrain vehicles, utility type vehicles and motorbikes licensed pursuant to this chapter; and two (2) license plates for every other motor vehicle. If a vehicle is issued one (1) plate only, that plate shall be displayed in accordance with the provisions of section 49-428, Idaho Code. For vehicles registered under the provisions of section 49-407, Idaho Code, the applicant shall provide one (1) plate to be displayed on the rear of the vehicle.

Commencing January 1, 1992, the color and design of the plates shall be comparable to the color and design of the statehood centennial issue of license plates with blue numerals and letters on a multicolored red, white and blue background. Each license plate must bear upon its face the inscriptions "Famous Potatoes" and "Scenic Idaho." The restricted vehicle license plate for all-terrain vehicles, utility type vehicles and motorbikes shall be a white background with black numerals and letters, with "Idaho Restricted Vehicle" and the year of its expiration on its face and no other inscription. The restricted vehicle license plate shall be the same size required for the motorcycle license plate.

Every license plate shall have displayed upon it the registration number assigned to the vehicle and its owner and the name "Idaho" which may be abbreviated. The plates issued under the provisions of section 49-402(1), Idaho Code, and the required letters and numerals, including an identification of the county in which the motor vehicle to which the plates will be affixed is registered, shall be of sufficient size to be plainly readable from a distance of seventy-five (75) feet during daylight, and each license plate and registration sticker shall be treated with a fully reflectorized material according to specifications prescribed by the board.

(2) License plates shall be valid for a period of seven (7) years beginning with the date of issuance of new plates. At the end of the sixth year, the registered owner shall receive notice of the date upon which the plates will expire.

For specialty license plate programs discontinued pursuant to the provisions of section 49-402C, Idaho Code, a registrant with a specialty license plate currently registered under the program may use such license plate for up to seven (7) years from the date of issuance. This provision is intended to permit the use of the specialty plate by the registrant regardless of the number of persons who purchase the specialty plate. The registrant shall be required to pay the special plate program fees provided for specialty plates pursuant to this chapter. Such fees shall be deposited into the state highway account. For purposes of section 49-434, Idaho Code, as it applies to commercial vehicles, and section 49-435, Idaho Code, the department shall provide new plates bearing the same number or, upon request from the registered owner, the next available number.

(3) If a license plate number has expired as provided in subsection (2) of this section and is not renewed within sixty (60) days of its expiration, the plate number shall be available for use by another registrant. To obtain a specific number in the recycled license plate number file, the owner of a registered vehicle may contact the county regarding availability.

The provisions of this subsection shall apply only to vehicles registered under the provisions of section 49-402(1), Idaho Code, and section 49-434(1), Idaho Code, as it applies to noncommercial vehicles.

(4) License plates issued for vehicles required to be registered in accordance with the provisions of sections 49-402 and 49-402A, Idaho Code, shall be issued color-coded red, white or blue registration validation stickers showing the year of registration. Each registration validation sticker shall bear a number from 1 through 12, which number shall correspond to the month of the calendar year in which the registration of the vehicle expires and shall be affixed to the lower right-hand corner of the plates within the outlined rectangular area.

(5) License plates for utility trailers registered under the provisions of section 49-402A, Idaho Code, that are issued for five (5) or ten (10) years and license plates for rental utility trailers registered under the provisions of section 49-434, Idaho Code, that are issued for up to five (5) years shall use the design in effect on the date of manufacture. If a design change occurs, plates from the effective date of the design change shall be manufactured using the new design. Unexpired plates need not be reissued to conform to a design change.

(6) For license plates that are lost, stolen, mutilated, or illegible, the owner shall apply for a duplicate or substitute. The assessor shall also furnish for each registration, and to validate the license plate, a pressure-sensitive, uniquely numbered, color-coded red, white or blue registration sticker, except for trailers and semitrailers registered under the ~~nonexpiring~~ provisions in section 49-434, Idaho Code. License plates issued for state, county and city motor vehicles shall be valid for seven (7) years pursuant to subsection (2) of this section and remain on the vehicle for which issued from year to year, and need no renewal or validation sticker.

(7) Whenever a vehicle is completely destroyed by fire or accident and the operator submits satisfactory proof of that destruction to the department or appropriate assessor's office, or the owner wishes to transfer the remaining registration, use increment and fees shall be transferred to the replacement vehicle for a service transfer fee of five dollars (\$5.00), which fee shall be retained by the registering authority. None of the original fees shall be subject to refund.

(8) The department shall furnish a printed or an electronic copy of the registration card to every owner whose vehicle is registered under sections 49-434 and 49-435, Idaho Code, ~~a pressure-sensitive, uniquely numbered, color-coded red, white or blue registration sticker to validate the license plate, provided however, the provisions of this subsection shall not apply to trailers and semitrailers registered under the provisions of section 49-434(4), Idaho Code.~~

(9) The board shall have authority to require the return to the department of all license plates and registration stickers upon termination of the lawful use of them by the owner.

(10) The board may promulgate such rules as are necessary to implement the provisions of this section.

Approved March 15, 2020

CHAPTER 126
(S.B. No. 1256)

AN ACT

RELATING TO BAIL ENFORCEMENT AGENTS; AMENDING SECTION 19-2914, IDAHO CODE, TO REVISE A PROVISION REGARDING AN AFFIDAVIT; AND AMENDING SECTION 19-2914A, IDAHO CODE, TO REVISE A PROVISION REGARDING AN AFFIDAVIT.

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

SECTION 1. That Section 19-2914, Idaho Code, be, and the same is hereby amended to read as follows:

19-2914. ARREST OF DEFENDANT FOR SURRENDER. At any time before the exoneration of bail, the surety insurance company or its bail agent or the person posting a property bond or cash deposit may empower a bail enforcement agent to arrest the defendant at any place within the state by signing an affidavit extending such authority ~~in a form approved by the supreme court.~~

SECTION 2. That Section 19-2914A, Idaho Code, be, and the same is hereby amended to read as follows:

19-2914A. BAIL ENFORCEMENT AGENTS. (1) As used in this section, "bail enforcement agent" or "agent" means a person who:

- (a) Is empowered to arrest or surrender a defendant at any time before the exoneration of bail; and
- (b) Meets the requirements of this section.

(2) Requirements. An agent must:

- (a) Be eighteen (18) years of age or older;
- (b) Be a citizen or legal resident of the United States;
- (c) Not have 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; and

(d) Not be a fugitive from justice.

(3) Required items and information. During an arrest pursuant to section 19-2914, Idaho Code, a bail enforcement agent must possess:

- (a) An affidavit ~~in a form approved by the Idaho supreme court~~ extending the authority to arrest the defendant;
- (b) The name, last known address, and photograph of the defendant;
- (c) The name and principal address of the surety insurance company, its bail agent, or the person posting a property bond or cash deposit that is empowering the bail enforcement agent to arrest the defendant; and
- (d) A valid driver's license or other photographic identifying document or information.

(4) Identification. A badge shall be worn by bail enforcement agents that is designed exclusively for bail enforcement agents. The badge must clearly delineate the title of "bail enforcement agent" directly on and below the badge.

(5) Notification to the sheriff. Prior to making a planned apprehension, an agent must first provide notice to the county sheriff of the county within which the planned apprehension is to occur.

(6) Prohibitions. Upon appointment, until either revocation of appointment or the exoneration of bail, an agent may not:

(a) Represent himself as a peace officer or an employee of any department of a federal, state, or local law enforcement agency;

(b) Wear any uniform that would represent the agent as a peace officer or an employee of any department of a federal, state, or local government;

(c) Use a fictitious name that would represent the agent as a peace officer or an employee of a department of a federal, state, or local government; or

(d) Carry a weapon, unless in compliance with all state and federal laws.

(7) Penalty. Any person who violates the provisions of subsection (2), (3), (4), or (5) of this section for the first offense shall be liable for a misdemeanor penalty of a fine not to exceed one thousand dollars (\$1,000). For any second or subsequent offense, the person shall be subject to a misdemeanor penalty not to exceed six (6) months in jail and a fine not to exceed one thousand dollars (\$1,000). Any person who fails to obtain authority from a surety insurance company or its bail agent, or the person posting a property bond or cash deposit in accordance with section 19-2914, Idaho Code, or a similar law of another state, or who attempts to arrest or surrender a defendant without meeting the requirements of subsection (2) of this section, or who violates the provisions of subsection (6) of this section, is guilty of a misdemeanor.

(8) Requirements for prosecution. Venue for prosecution for a violation under the provisions of this section shall be in the county where the violation occurred, and such prosecution will be handled by the prosecuting attorney of such county. A prosecution for a violation of this section must be commenced within the time limitations set forth in section 19-403, Idaho Code.

(9) A bail agent who appoints a bail enforcement agent is required to keep a copy of the bail enforcement agent's appointment and may rely thereon that the bail enforcement agent has met the requirements of this section.

Approved March 15, 2020

CHAPTER 127
(S.B. No. 1261)

AN ACT

RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 54-1202, IDAHO CODE, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1215, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSE STATUS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1216, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSE EXPIRATION AND RENEWAL; AMENDING SECTION 54-1220, IDAHO CODE, TO PROVIDE THAT THE BOARD SHALL HAVE JURISDICTION OVER LICENSEES AND CERTIFICATE HOLDERS WHOSE LICENSES AND CERTIFICATES ARE NOT CURRENT AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 54-1221, IDAHO CODE, RELATING TO REISSUANCE OF LICENSES AND WALL CERTIFICATES; AMENDING CHAPTER 12, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1221, IDAHO CODE, TO PROVIDE FOR REISSUANCE OF WALL LICENSES AND CERTIFICATES; AMENDING SECTION 54-1227, IDAHO CODE, TO ESTABLISH CERTAIN PROVISIONS REGARDING LAND SURVEY MONUMENTS AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 54-1231, IDAHO CODE, RELATING TO ASSESSMENT OF DAMAGES FOR ENTRY; REPEALING SECTION 54-1232, IDAHO CODE, RELATING TO TENDER OF DAMAGES FOR ENTRY; REPEALING SECTION 54-1233, IDAHO CODE, RELATING TO COSTS OF ASSESSMENT OF DAMAGES; AMENDING SECTION 55-1603, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE DEFINITION OF "PUBLIC LAND SURVEY CORNER" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-1604, IDAHO CODE, TO REVISE PROVISIONS REGARDING FILING REQUIREMENTS; AMENDING SECTION 55-1607, IDAHO CODE, TO REMOVE A PROVISION REGARDING RECORDKEEPING; AND AMENDING SECTION 55-1608, IDAHO CODE, TO SPECIFY CERTAIN REQUIREMENTS REGARDING THE ESTABLISHMENT AND REHABILITATION OF MONUMENTS.

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

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

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

(1) "Authoritative" means certified by a professional land surveyor in accordance with established principles of professional land surveying when used to describe products, processes, applications or data resulting from the practice of professional land surveying.

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

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

(4) "Business entity" means a corporation, professional corporation, limited liability company, professional limited liability company, general partnership, limited partnership, limited liability partnership, professional limited liability partnership or any other form of business except a sole proprietorship.

(5) "Consulting engineer" means a professional engineer whose principal occupation is the independent practice of professional engineering; whose livelihood is obtained by offering engineering services to the public; who is devoid of public, commercial and product affiliation that might tend to infer a conflict of interest; and who is cognizant of his public and legal responsibilities, and is capable of discharging them.

(6) "Engineer" means a person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences, and the principles and methods of engineering analysis and design, acquired by professional education and engineering experience.

(7) "Engineer intern" means a person who has qualified for, taken and passed an examination in the fundamentals of engineering subjects as provided in this chapter.

(8) "Land surveyor intern" means a person who has qualified for, taken and passed an examination in the fundamentals of surveying subjects as provided in this chapter.

(9) "Professional boundary land survey" means land surveying services performed by a land surveyor licensed by this chapter and includes establishing, reestablishing, marking, or locating the corners or lines of:

- (a) Property boundaries;
- (b) The public land survey system;
- (c) Rights-of-way;
- (d) Easements;
- (e) Lease areas; or
- (f) Other interests in real property.

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

(101) "Professional engineering" and "practice of professional engineering" mean any service or creative work offered to or performed for the public for any project physically located in this state, such as consultation, investigation, evaluation, planning, designing, design coordination, teaching upper division engineering design subjects, and responsible charge of observation of construction in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects or to certify elevation information, wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such service requires the application of engineering principles and data. A person shall be construed to practice or offer to practice professional engineering within the meaning and intent of this chapter who practices or offers to practice any of the branches of the profession of engineering for the public for any project physically located in this state or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way, represents himself to be a professional engineer or through the use of some other title implies that he is a professional engineer or that he is licensed under this chapter, or holds himself out as able to perform or who does perform for the public for any project physically located in this state, any engineering service or work or any other service designated by the practitioner which is the practice of professional engineering.

(112) (a) "Professional land surveying" and "practice of professional land surveying" mean responsible charge of authoritative land surveying services using sciences such as mathematics, geodesy and photogrammetry and involving:

- (i) The making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth, improvement on the earth, and the space above, on or below the earth; and
- (ii) Providing, utilizing or developing the same into survey products such as graphics, data, maps, plans, reports, descriptions or projects. Professional services include acts of consultation, investigation, testimony, planning, mapping, assembling and interpreting and gathering measurements and information related to any one (1) or more of the following:

1. Determining by measurement the configuration or contour of the earth's surface or the position of any fixed objects;

2. Performing geodetic surveys to determine the size and shape of the earth or the position of any point on the earth;
3. Locating, relocating, establishing, reestablishing or retracing property lines or boundaries of any tract of land, road, right-of-way, easement or real property lease;
4. Making any survey for a division or subdivision or a consolidation of any tracts of land;
5. Locating or laying out of alignments, positions or elevations in the field for the construction of fixed works;
6. Determining, by the use of principles of surveying, the position for any boundary or nonboundary survey monument or reference point or for establishing or replacing any such monument or reference point;
7. Certifying elevation information;
8. Preparing narrative land descriptions; or
9. Creating, preparing or modifying electronic or other data necessary for the performance of activities in subparagraphs 1. through 8. of this paragraph.

(b) "Professional land surveying" and "practice of professional land surveying" shall not mean:

- (i) Mapping or geographic information system work that is for nonauthoritative boundaries and nonauthoritative elevations;
- (ii) Construction survey work that is unrelated to establishing vertical and horizontal project control; or
- (iii) Construction staking of fixed works or the development and use of electronic models for machine-controlled construction that by design are unrelated to determining boundaries described in paragraph (a) (ii) 3. of this subsection.

Any person shall be construed to practice or offer to practice professional land surveying who engages in professional land surveying, or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way, represents himself to be a professional land surveyor, or who represents himself as able to perform or who does perform any professional land surveying service or work or any other service designated by the practitioner which is professional land surveying.

(123) "Professional land surveyor" means a person who is qualified by reason of his knowledge of the principles of land surveying acquired by education and practical experience to engage in the practice of professional land surveying and who has been duly licensed as a professional land surveyor by the board under this chapter.

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

(145) "Responsible charge" means the control and direction of engineering work, or the control and direction of land surveying work, requiring initiative, professional skill, independent judgment and professional knowledge of the content of relevant documents during their preparation. Except as allowed under section 54-1223, Idaho Code, reviewing, or reviewing and correcting, documents after they have been prepared by others does not constitute the exercise of responsible charge.

(156) "Retired professional engineer" or "retired professional land surveyor" means a professional licensed under this chapter who chooses to place his license in retired status indicating he is no longer practicing or offering to practice professional engineering or professional land surveying.

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

(178) "Signature" means either: an original handwritten message identification containing the name of the person who applied it; or a digital signature, which is an electronic authentication process attached to or logically associated with an electronic document. The digital signature must be unique to the person using it; must be capable of verification; must be under the sole control of the person using it; and must be linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

(189) "Standard design plan" means a building, structure, equipment or facility which that is intended to be constructed or sited at multiple locations and for which some or all of the plans must be prepared by a professional engineer.

(20) "Survey monuments used as control" means any monument marking, referencing, or used as a witness for a line or corner in any professional boundary land survey as defined in subsection (9) of this section.

SECTION 2. That Section 54-1215, Idaho Code, be, and the same is hereby amended to read as follows:

54-1215. LICENSE -- SEALS -- INTERN CERTIFICATES. (1) The board shall issue a license upon payment of the fee as provided for in this chapter to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this chapter for licensure as a professional engineer or professional land surveyor, and a certificate shall be issued to those who qualify as an engineer intern or a land surveyor intern. In the case of a professional engineer, the license shall authorize the practice of "professional engineering," and in the case of a professional land surveyor, the license shall authorize the practice of "professional land surveying." Licenses shall show the full name of the licensee, shall give a license number, and shall be signed by the chairman and the secretary of the board under seal of the board.

(2) The issuance of a license by the board shall be prima facie evidence that the person named therein is entitled to all the rights, privileges and responsibilities of a licensed professional engineer or of a licensed professional land surveyor, provided that said license has not expired or has not been retired, suspended, or revoked.

(3) Except for engineering faculty holding a restricted license pursuant to section 54-1214(5), Idaho Code, eEach licensee hereunder shall, upon licensure, obtain a seal, the use and design of which are described below. It shall be unlawful for any person to affix or to permit his seal and signature to be affixed to any documents after the license of the licensee named thereon has expired or has been retired, suspended, or revoked, unless said license shall have been renewed, reinstated, or reissued, or for the purpose of aiding or abetting any other person to evade or attempt to evade any portion of this chapter.

(a) The seal may be a rubber stamp, crimp or electronically generated image. Whenever the seal is applied, the licensee's signature and date shall also be included. If the signature is handwritten, it shall be adjacent to or across the seal. No further words or wording is required. A facsimile signature generated by any method will not be acceptable unless accompanied by a digital signature.

(b) The seal, signature and date shall be placed on all final specifications, land surveys, reports, plats, drawings, plans, design information and calculations, whenever presented to a client or any public or governmental agency. Any such document presented to a client or public or governmental agency that is not final and does not contain a seal, signature and date shall be clearly marked as "draft," "not for construction" or with similar words to distinguish the document from a final document. In the event the final work product is preliminary in

nature or contains the word "preliminary," such as a "preliminary engineering report," the final work product shall be sealed, signed and dated as a final document if the document is intended to be relied upon to make policy decisions important to the life, health, property, or fiscal interest of the public.

(c) The seal and signature of the licensee and date shall be placed on all original documents in such a manner that such seal, signature and date are reproduced when the original document is copied. The application of the licensee's seal and signature and the date shall constitute certification that the work thereon was done by him or under his responsible charge. Each plan or drawing sheet shall be sealed and signed and dated by the licensee or licensees responsible for each sheet. In the case of a business entity, each plan or drawing sheet shall be sealed and signed and dated by the licensee or licensees involved. Copies of electronically produced documents, listed in paragraph (b) of this subsection, distributed for informational uses such as for bidding purposes or working copies, may be issued with the licensee's seal and a notice that the original document is on file with the licensee's signature and the date. The words "Original Signed By:" and "Date Original Signed:" shall be placed adjacent to or across the seal on the electronic original. The storage location of the original document shall also be provided. Only the title page of reports, specifications and like documents need bear the seal and signature of the licensee and the date.

(d) The seal and signature shall be used by licensees only when the work being stamped was under the licensee's responsible charge.

(e) The design of the seal shall be as determined by the board.

(4) The board shall issue to any applicant who, in the opinion of the board, has met the requirements of this chapter, a certificate as an engineer intern or land surveyor intern. The engineer intern or land surveyor intern certificate does not authorize the certificate holder to practice as a professional engineer or a professional land surveyor.

SECTION 3. That Section 54-1216, Idaho Code, be, and the same is hereby amended to read as follows:

54-1216. EXPIRATIONS AND RENEWALS -- FEES. (1) Following issuance or renewal of licenses for professional engineers and professional land surveyors, expiration shall be on Each licensee or intern shall apply for renewal by the last day of the month during which the licensee was born, in even-numbered state of Idaho fiscal years for those born in even-numbered calendar years and in odd-numbered state of Idaho fiscal years for those born in odd-numbered calendar years, and shall become invalid on that date unless renewed.

(2) Certificates of authorization for business entities shall expire annually on the last day of the month in which the certificates were initially issued and shall become invalid on that date unless renewed. It shall be the duty of the board to notify every person licensed and every business entity certified under this chapter of the date of the expiration of said license or certificate of authorization and the amount of the fee that shall be required for its renewal. Such notice shall be mailed to the last known address of the licensee or business entity at least one (1) month in advance of the date of the expiration of said license or certificate of authorization.

(3) Renewal shall be effective at any time in the appropriate year during the month in which the licensee was born or during the month in which the certificates were initially issued in the case of business entities, by after the payment of a renewal fee to be fixed by the board at not more than one hundred fifty dollars (\$150) and upon completion of any requirements for renewal required by this chapter or administrative rule.

(4) ~~The failure on the part of any licensee or certificate holder to re-new his or its license or certificate biennially in the month in which they were born or annually in the month in which the certificates were initially issued in the case of business entities, as required above before expiration shall not deprive such person or business entity of the right of renewal, but the fee to be paid for the renewal of a license or certificate after the month in which it is due shall be increased fifty percent (50%) for each month or fraction of a month that payment of renewal is delayed; provided however, that the maximum fee for delayed renewal shall not exceed five hundred dol-lars (\$500).~~

(5) Any work performed after a license or certificate of authorization has expired, but before delayed renewal has been effected, shall become valid upon delayed renewal as if the license or certificate of authorization had not expired, but the licensee or certificate holder may be subject to disciplinary action by the board for practice on an expired license or such other action as provided pursuant to this chapter.

~~Following issuance or renewal of certificates for engineer interns and land surveyor interns, expiration shall be on the last day of the month dur-ing which the certificate holder was born, in even-numbered state of Idaho fiscal years for those born in even-numbered calendar years and in odd-num-bered state of Idaho fiscal years for those born in odd-numbered calendar years. The notification to holders of~~

(6) The renewal of intern certificates shall be processed as prescribed above in subsections (1) and (4) of this section for licensees, except that the biennial renewal fee shall not be more than thirty dollars (\$30.00). The failure on the part of any holder of a certificate intern to effect renewal shall not invalidate his status as an engineer intern or land surveyor in-tern, but his name shall be removed from the board's mailing list.

SECTION 4. That Section 54-1220, Idaho Code, be, and the same is hereby amended to read as follows:

54-1220. DISCIPLINARY ACTION -- PROCEDURES. (1) Any affected party may prefer charges of fraud, deceit, gross negligence, incompetence, misconduct or violation of any provision of this chapter, or violation of any of the rules promulgated by the board, against any individual licensee or certificate holder or against any business entity holding a certificate of authorization or against a person applying for a license or against a business entity applying for a certificate of authorization. Repeated acts of negligence may be considered as a gross act for disciplinary action. Such charges shall be in writing, and shall be sworn to by the person or persons making them and shall be filed with the executive director of the board. The executive director of the board shall be considered an affected party and may be the person making and filing the charges.

(2) All charges, unless dismissed by the board as unfounded or de min-imis, or unless settled informally, shall be heard by the board within six (6) months after the date they were received at the board office unless such time is extended by the board for justifiable cause.

(3) Administrative proceedings shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(4) If, after an administrative hearing, the board votes in favor of sustaining the charges, the board may, in its discretion, impose an administrative penalty, not to exceed five thousand dollars (\$5,000) for deposit in the general fund of the state of Idaho. In addition, the board, in its discretion, may admonish, reprimand, suspend, revoke, refuse to renew, refuse to grant, or any combination thereof, the individual's license or certificate or a business entity's certificate of authorization. The board may also, in its discretion, require the individual to practice under the

supervision of another licensee, or require the individual to successfully complete continuing education courses as may be prescribed by the board.

(5) Notwithstanding the provisions of subsection (4) of this section, any person who has violated the recordkeeping or continuing professional development requirements imposed by the rules of the board may, in lieu of disciplinary proceedings under this chapter or chapter 52, title 67, Idaho Code, elect to pay the board a penalty in the amount of four hundred dollars (\$400) for a first-time violation. Upon successful completion of the recordkeeping or continuing professional development requirements and payment of the penalty, the violation shall not be considered disciplinary action under the provisions of this section and shall not be reported to any national disciplinary database.

(6) The board shall have jurisdiction over licensees and certificate holders whose licenses and certificates are not current, provided the action relates to services performed when the license was current and valid.

SECTION 5. That Section 54-1221, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Chapter 12, 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 54-1221, Idaho Code, and to read as follows:

54-1221. REISSUANCE OF WALL LICENSES AND CERTIFICATES. A new wall license or certificate to replace any that was previously revoked, lost, destroyed, or mutilated may be issued upon payment of ten dollars (\$10.00).

SECTION 7. That Section 54-1227, Idaho Code, be, and the same is hereby amended to read as follows:

54-1227. SURVEYS -- AUTHORITY AND DUTIES OF PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL ENGINEERS. (1) Every licensed professional land surveyor is hereby authorized to make land surveys and it shall be the duty of each licensed professional land surveyor, whenever making any professional boundary land survey as defined in section 54-1202, Idaho Code, that is not preliminary in nature, to set permanent and reliable magnetically detectable monuments at all unmonumented corners field-located, the minimum size of which shall be one-half (1/2) inch in least dimension and two (2) feet long iron or steel rod ~~unless special circumstances preclude use of such monument; and such monuments must be permanently marked with the license number of the professional land surveyor responsible for placing the monument.~~ Professional engineers qualified and duly licensed pursuant to this chapter may also perform those nonboundary surveys necessary and incidental to the work customarily performed by them, or a metallic post or pipe one (1) inch in least dimension and two (2) feet long with minimum wall thickness of nominal one-eighth (1/8) inch, or other more substantial monuments designed specifically for use as a survey monument. Such monuments must be substantially in the ground, stable, and permanently marked with the license number of the professional land surveyor responsible for placing the monument.

(2) Where special circumstances preclude use of such monuments, the professional land surveyor must place an alternate, stable, permanent monument that is magnetically detectable and marked with the license number of the professional land surveyor placing the monument.

(3) Where the corner position cannot be monumented due to special circumstances, the professional land surveyor must establish reference monuments or a witness corner and mark them as such.

(4) Any found nonmagnetically detectable monument must be remonumented with a magnetically detectable monument compliant with subsections (1) through (3) of this section.

(5) Professional engineers qualified and duly licensed pursuant to this chapter may also perform those other surveys necessary and incidental to their work.

SECTION 8. That Section 54-1231, Idaho Code, be, and the same is hereby repealed.

SECTION 9. That Section 54-1232, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Section 54-1233, Idaho Code, be, and the same is hereby repealed.

SECTION 11. That Section 55-1603, Idaho Code, be, and the same is hereby amended to read as follows:

55-1603. DEFINITIONS. Except where the context indicates a different meaning, terms used in this chapter shall be defined as follows:

(1) "Accessory to a corner" means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference points, line trees, pits, mounds, charcoal-filled bottles, steel or wooden stakes, or other objects.

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

(3) "Board" means the board of licensure of professional engineers and professional land surveyors.

(4) "Control survey" means a survey that provides horizontal or vertical position data for the support or control of subordinate surveys or for mapping.

(5) "Corner," unless otherwise defined, means a property corner, or a property controlling corner, or a public land survey corner, or any combination of these.

(6) "Establish" means to determine the position of a corner either physically or mathematically.

(7) "Monument" means a physical structure that occupies the exact position of a corner.

(8) "Professional land surveyor" means any person who is authorized by the laws of this state to practice land surveying.

(9) "Property controlling corner" for a property means a public land survey corner, property corner, reference point or witness corner that controls the location of one (1) or more of the property corners of the property in question.

(10) "Property corner" means a geographic point on the surface of the earth, and is on, a part of, and controls a property line.

(11) "Public land survey corner" means any point actually established and monumented in an original survey or resurvey that determines the boundaries of remaining public lands, or public lands patented, represented on an official plat and in the field notes thereof, accepted and approved under authority delegated by congress to the U.S. general land office (GLO) and the U.S. department of interior, bureau of land management. This excludes GLO-surveyed townsite lot corners, except those marking exterior angle points or block corners within the townsite.

(12) "Reference point" means a special monumented point that does not occupy the same geographical position as the corner itself, and where the spatial relationship to the corner is recorded, and which serves to locate the corner.

(13) "Witness corner" means a monumented point on a lot line or boundary line of a survey, near a corner, and established in situations where it is impracticable to occupy or monument the corner.

SECTION 12. That Section 55-1604, Idaho Code, be, and the same is hereby amended to read as follows:

55-1604. FILING REQUIREMENTS. A professional land surveyor shall complete, sign, and file with the county clerk and recorder of the county where the corner is situated, a written record of the establishment ~~or restoration~~, reestablishment, or rehabilitation of a corner monument and its accessories. This record shall be known as a "corner record" and such a filing shall be made for every public land survey corner, center one-quarter (1/4) corner, and accessory to such corner which is established, reestablished, monumented, remonumented, ~~restored~~, rehabilitated, perpetuated or used as control in any survey. The survey information shall be filed within ninety (90) days after the survey is completed, unless the corner and its accessories are substantially as described in an existing corner record filed in accordance with the provisions of this chapter.

In lieu of filing as heretofore provided, corner records may be recorded ~~by photographic process~~ electronically in those counties which that have such facilities.

SECTION 13. That Section 55-1607, Idaho Code, be, and the same is hereby amended to read as follows:

55-1607. COUNTY CLERK TO KEEP RECORD -- FEES. (a) The county clerk and recorder of the county containing the corner shall receive the completed corner record and preserve it in the same manner as any other recorded instruments. Proper indexes shall be kept of such corner records by section, township and range.

(b) The county clerk and recorder shall make these records available for public inspection during all usual office hours.

(c) For purposes of determining the filing fee hereunder, the corner record shall be considered as a similar service to the filing or recording of instruments as provided in section 31-3205, Idaho Code. ~~However, all corners, monuments and their accessories established prior to the effective date of this chapter, for which a written record is completed as required herein, and which are offered for filing or recording within six (6) months of the effective date of this chapter, shall be accepted and filed by the county clerk without requiring the payment of fees therefor.~~

SECTION 14. That Section 55-1608, Idaho Code, be, and the same is hereby amended to read as follows:

55-1608. PROFESSIONAL LAND SURVEYOR TO RECONSTRUCT ESTABLISH OR REHABILITATE MONUMENTS. (1) In every case where a corner record of a survey corner is required to be filed or recorded under the provisions of this chapter, the professional land surveyor must ~~reconstruct or rehabilitate the monument of such corner, and accessories to such corner~~ or remonument any corner in accordance with subsection (2) of this section. Where the corner position is monumented with a stable, permanent, substantial, accessible, magnetically detectable, and uniquely identifiable monument, a new monument will not be required. The professional land surveyor must also recover, establish, or rehabilitate a minimum of three (3) accessories to such corner where practicable. Where the professional land surveyor determines accessories are impracticable, an explanation shall be included on the corner record.

(2) Any monument set shall conform to the provisions of section 54-1227, Idaho Code, and shall be surmounted with a cap of such material and size that can be permanently and legibly marked as prescribed by the manual of surveying instructions issued by the United States department of the interior, bureau of land management, including the license number of the professional land surveyor responsible for placing the monument.

Monuments shall be marked such that measurements between them may be made to the nearest one-tenth (0.1) foot. If the monument is set by a public officer, it shall be marked by an appropriate official designation. Where it is impracticable to monument a corner due to situations beyond the professional land surveyor's control, reference points or a witness corner shall be recovered or established. The professional land surveyor must also document the reason the monument cannot be set, the method of establishing the corner location, and the presence of any found or set reference point or witness corner on his corner record and record of survey or plat.

~~(3) When nonmetallic corner monuments were set in a survey conducted by an agency of the United States government, the corner location shall be remonumented with a monument conforming to the provisions of section 54-1227, Idaho Code, and shall be surmounted with a cap of such material and size that can be permanently and legibly marked as prescribed by the manual of surveying instructions issued by the United States department of the interior, bureau of land management, including the license number of the professional land surveyor responsible for placing the monument. Monuments shall be marked such that measurements between them may be made to the nearest one-tenth (0.1) foot. Where closing corners that are not on or controlling for the line closed upon were set in any government survey authorized by the congress of the United States and the true point of intersection of the pertinent lines is controlling in a survey, resurvey, or subdivision of a section, the true point of intersection shall be monumented with a monument conforming to subsection (2) of this section. Any professional land surveyor establishing such a monument shall prepare and file a corner record for the true point of intersection monument, including any evidence related to and the pedigree of the original closing corner. If found, the original closing corner monument position must be remonumented as an amended monument in accordance with subsection (2) of this section.~~

Approved March 15, 2020

CHAPTER 128
(S.B. No. 1284)

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 74-105, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS OF THE PUBLIC DEFENSE COMMISSION SHALL BE EXEMPT FROM DISCLOSURE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. 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 paragraph, "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 management 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 interest 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 disclo-

sure 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 in 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) The following records of the state public defense commission:

(a) Records containing information protected or exempted from disclosure under the rules adopted by the Idaho supreme court, attorney work product, attorney-client privileged communication, records containing confidential information from an individual about his criminal case or performance of his attorney, or confidential information about an inquiry into an attorney's fitness to represent indigent defendants.

(b) 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.

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 15, 2020

CHAPTER 129
(S.B. No. 1299)

AN ACT

RELATING TO MANUFACTURED HOMES; AMENDING SECTION 44-2101, IDAHO CODE, TO REMOVE REFERENCE TO RESALE BROKERS, SALESMEN, AND RESPONSIBLE MANAGING EMPLOYEES, TO REMOVE A PROVISION REGARDING ORIGINAL RETAILERS AND RESALE BROKERS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 44-2101A, IDAHO CODE, TO REMOVE CERTAIN DEFINITIONS AND TO REVISE A DEFINITION; AMENDING SECTION 44-2102, IDAHO CODE, TO REVISE PROVISIONS REGARDING RULEMAKING, TO REMOVE REFERENCE TO RESALE BROKERS AND SALESMEN, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 44-2103, IDAHO CODE, TO REMOVE REFERENCE TO RESALE BROKERS, SALESMEN, AND RESPONSIBLE MANAGING EMPLOYEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 44-2106, IDAHO CODE, TO REMOVE REFERENCE TO RESALE BROKERS, SALESMEN, AND RESPONSIBLE MANAGING EMPLOYEES, TO REVISE A PROVISION REGARDING VIOLATIONS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 44-2107, IDAHO CODE, TO REMOVE REFERENCE TO RESALE BROKERS AND RESPONSIBLE MANAGING EMPLOYEES; AMENDING SECTION 44-2108, IDAHO CODE, TO REMOVE REFERENCE TO RESALE BROKERS; AND AMENDING SECTION 44-2202, IDAHO CODE, TO REMOVE REFERENCE TO RESPONSIBLE MANAGING EMPLOYEES AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 44-2101, Idaho Code, be, and the same is hereby amended to read as follows:

44-2101. PURPOSE -- LICENSE REQUIRED -- REINSTATEMENT. (1) The legislature finds that the regulation and control of those persons engaged in the business of manufacturing, selling or installing manufactured and mobile homes is necessary to protect the health and safety of the citizens of Idaho. To that end, it shall be unlawful for any person to engage in business as a manufacturer, retailer, ~~resale broker, or~~ installer, ~~salesman or responsible managing employee~~ without being duly licensed as provided in this chapter.

(2) ~~All applicants for original retailer or resale broker licenses are required to submit to a fingerprint-based criminal history background check of the Idaho central criminal database and the federal bureau of investigation criminal history database. Each applicant for original licensure must submit a full set of the applicant's fingerprints and the fees to cover the cost of the criminal history background check for such person along with the completed application.~~

(3) If the licensee fails to submit a completed application for renewal or to pay the renewal fee on or before the expiration date, the administrator may accept a later application for reinstatement subject to such conditions as the board may require by rule including, but not limited to, the assessment of a late fee; provided that between the license expiration date and the date of reinstatement of the license, the rights of the licensee under such license shall be expired, and, during such period of expiration, it shall be unlawful for such licensee to do or attempt to offer to do any of the acts of the kind and nature described in the definitions in section 44-2101A, Idaho Code, in consideration of compensation of any kind or expectation thereof. An expired license that is not reinstated within six (6) months of the expiration date shall be automatically terminated by the administrator and may not be reinstated.

SECTION 2. That Section 44-2101A, Idaho Code, be, and the same is hereby amended to read as follows:

44-2101A. DEFINITIONS. As used in this chapter:

- (1) "Administrator" means the administrator of the division of building safety of the state of Idaho.
- (2) "Board" means the factory built structures advisory board established in section 39-4302, Idaho Code.
- (3) "Engaged in the business" means the individual or entity buys, sells, brokers, trades, or offers for resale a manufactured or mobile home.
- (4) "Installer" means a person who owns a business that installs a manufactured home or mobile home at the site where it is to be used for occupancy.
- (5) "Manufactured home" or "manufactured house" means a structure as defined in section 39-4105, Idaho Code.
- (6) "Manufacturer" means any person engaged in the business of manufacturing manufactured homes that are offered for sale, lease or exchange in the state of Idaho.
- (7) "Mobile home" means a structure as defined in section 39-4105, Idaho Code.
- (8) "Person" means a natural person, corporation, partnership, trust, society, club, association or other organization.
- (9) "Place of business" refers to any physical location at which the business is lawfully conducted.
- (10) ~~"Resale broker" means any person engaged in the business of selling broker-owned, used, third-party owned, or other resale of manufactured or mobile homes.~~
- ~~(11) "Responsible managing employee" or "RME" means the person designated by the retailer, installer, manufacturer or resale broker to supervise other employees, either personally or through others.~~
- ~~(12) "Retailer" means any person engaged in the business of selling or exchanging new, used, resale, third-party-owned, or brokered manufactured or mobile homes.~~
- ~~(13) "Salesman" means any person employed by a retailer or resale broker for a salary, commission or compensation of any kind to sell, list, purchase or exchange or to negotiate for the sale, listing, purchase or exchange of new, used, brokered or third-party owned units, except as otherwise provided in this chapter.~~

SECTION 3. That Section 44-2102, Idaho Code, be, and the same is hereby amended to read as follows:

44-2102. ADMINISTRATION -- POWERS AND DUTIES. The administrator is charged with the administration of the provisions of this chapter and shall:

- (1) In accordance with the provisions of chapter 52, title 67, Idaho Code, promulgate, adopt, amend, and repeal necessary rules for the establishment of a mandatory statewide manufactured home setup code. The administrator shall may also define and prohibit any practice which is found to be deceptive.
- (2) Prescribe the form and content of a new manufactured home buyer's information and disclosure form. Unless otherwise provided by the administrator, the form shall be presented by the retailer to each purchaser of a new manufactured home, and shall be executed by the retailer and purchaser at the time the initial purchase order is signed for the sale of a new manufactured home.
- (3) (a) A used unit which that has been determined to be or declared by the owner to be real property under the provisions of section 63-304, Idaho Code, may be offered for sale, listed, bought for resale, negotiated for, either directly or indirectly, by a licensed real estate bro-

ker or a real estate salesman representing a licensed real estate broker, but not a retailer, ~~resale broker or salesman.~~

(b) A used unit which that has been determined to be and is carried on the tax rolls as personal property may be offered for sale, listed, bought for resale, negotiated for, either directly or indirectly, by a licensed real estate broker or a real estate salesman, pursuant to chapter 20, title 54, Idaho Code, or by a licensed retailer, ~~resale broker or salesman,~~ but with respect to a licensed retailer, ~~resale broker or salesman~~ only to the extent such sale does not involve the purchase or sale of an interest in real estate.

(c) A licensed real estate broker or real estate salesman representing a licensed real estate broker, pursuant to chapter 20, title 54, Idaho Code, may participate in new manufactured home sales that include real estate if the real estate broker or salesman has a valid, written agreement with a licensed retailer to represent the interests of the retailer in this type of transaction.

(4) Promulgate rules establishing a program for the timely resolution of disputes between manufacturers, retailers, ~~resale brokers~~ and installers of manufactured homes. The rules shall be consistent with the United States department of housing and urban development's procedural and enforcement authority in 42 U.S.C. 5422(c)(12), and shall include identifying the respective responsibilities of manufacturers, retailers, ~~resale brokers~~ and installers; providing for the issuance of appropriate orders for the correction or repair of defects in manufactured homes that are reported during the one (1) year period following the date of installation; and may include an appropriate schedule of fees.

SECTION 4. That Section 44-2103, Idaho Code, be, and the same is hereby amended to read as follows:

44-2103. FEES -- DEPOSIT OF FEES. (1) Fees for licensing of retailers, ~~resale brokers,~~ installers, and manufacturers, ~~salesmen and RMEs~~ shall not exceed:

- (a) Retailer ~~or resale broker~~ license \$500.00
- (b) Manufacturer license \$500.00
- (c) Installer license \$300.00
- ~~(d) Salesman license \$50.00~~
- ~~(e) RME license \$50.00~~

(2) All license fees collected by the division of building safety under the provisions of this chapter shall be paid into the factory built structures account established in section 39-4303, Idaho Code. The expenses incurred in administering and enforcing the provisions of this chapter shall be paid from the account.

(3) The following performance bonding requirements shall be met before the issuance of these licenses:

- (a) Manufacturer \$20,000 bond
- (b) Retailer \$40,000 bond
- (c) ~~Resale broker \$30,000 bond~~
- ~~(d) Installer \$5,000 bond~~

(4) The administrator is authorized to provide by rule, in accordance with the provisions of section 44-2102, Idaho Code, for the acceptance of a deposit of cash or securities in lieu of a bond in satisfaction of the bonding requirements of this section.

(5) Fees and bond requirements of this section shall be the exclusive fee and bond requirements for retailers, ~~resale brokers,~~ installers, and manufacturers ~~and salesmen~~ governed by the provisions of this chapter, and shall supersede any program of any political subdivision of the state which that sets fee or bond requirements for the same services.

(6) A retailer ~~or resale broker~~ must obtain a separate installer license, pay the license fee set forth in subsection (1) (c) of this section and meet the bonding requirements of subsection (3) (~~dc~~) of this section in order to provide the services covered by an installer license.

SECTION 5. That Section 44-2106, Idaho Code, be, and the same is hereby amended to read as follows:

44-2106. VIOLATIONS. (1) It shall be unlawful to engage in business as a manufacturer, retailer, ~~resale broker~~, or installer, ~~salesman or RME~~ without being duly licensed by the division of building safety pursuant to this chapter, except that an individual may buy, sell, broker, trade or offer for resale up to two (2) manufactured or mobile homes, or a combination thereof, in any one (1) calendar year without being licensed under this chapter if all of the units have been properly titled in the name of that individual.

(2) It shall be unlawful for a manufacturer, retailer, ~~resale broker~~, installer, salesman or RME those employed by such to:

- (a) Intentionally publish or circulate any advertising ~~which that~~ is misleading or inaccurate in any material particular or ~~which that~~ misrepresents any of the products or services sold or provided by a manufacturer, retailer, ~~resale broker~~, or installer, ~~salesman or RME~~;
- (b) Violate any of the provisions of this chapter or any rule adopted by the division of building safety pursuant to this chapter;
- (c) Knowingly purchase, sell or otherwise acquire or dispose of a stolen manufactured or mobile home;
- (d) With respect only to a retailer ~~or resale broker~~, to engage in the business for which such retailer ~~or resale broker~~ is licensed without at all times maintaining a principal place of business located within the state.

SECTION 6. That Section 44-2107, Idaho Code, be, and the same is hereby amended to read as follows:

44-2107. PENALTY PROVISIONS. (1) Whoever shall violate any of the provisions of this chapter, or any laws or rules adopted pursuant to this chapter, or who shall refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time, or who shall fail, neglect, or refuse to obey any lawful order given or made by the administrator, shall be guilty of a misdemeanor and shall be subject to the civil penalties established by administrative rule but not to exceed one thousand dollars (\$1,000) in accordance with the following:

(a) Each day of such violation shall constitute a separate offense. A violation will be considered a second or additional offense only if it occurs within one (1) year from the first violation.

(b) The same penalties shall apply, upon conviction, to any member of a copartnership, or to any construction, managing or directing officer of any corporation, limited liability company or limited liability partnership or other such organization consenting to, participating in, or aiding or abetting any such violation of this chapter.

(c) Proceedings related to the imposition of civil penalties shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(2) In addition to any other penalties specified in this section, whenever any person violates the provisions of this chapter by acting as a retailer, ~~resale broker~~, or installer ~~or RME~~, without a license, the administrator may maintain an action in the name of the state of Idaho to enjoin the person from any further violations in accordance with the following:

(a) Such action may be brought either in the county in which the acts are claimed to have been or are being committed, in the county where the defendant resides, or in Ada county.

(b) Upon the filing of a verified complaint in the district court, the court, if satisfied that the acts complained of have been or probably are being or may be committed, may issue a temporary restraining order and/or preliminary injunction, without bond, enjoining the defendant from the commission of any such act or acts constituting the violation.

(c) A copy of the complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other similar civil actions. If the commission of the act or acts is established, the court shall enter a decree permanently enjoining the defendant from committing such act or acts. If an injunction issued under this section is violated, the court, or the judge thereof at chambers, may summarily try and punish the offender for contempt of court.

SECTION 7. That Section 44-2108, Idaho Code, be, and the same is hereby amended to read as follows:

44-2108. ~~RETAILER AND RESALE BROKER~~ -- ADDITIONAL LICENSURE REQUIREMENTS. (1) Each business office or retail sales location shall be owned or leased by the retailer ~~or resale broker~~ and shall comply with all local building codes, zoning, and other applicable land use regulatory ordinances, and:

(a) If the location is on leased property, the retailer ~~or resale broker~~ must provide written confirmation of the term and existence of the lease, signed by the lessor; and

(b) An exterior sign that identifies the retailer ~~or resale broker~~ by the name shown on the license must be prominently affixed to the location or the office building and be clearly visible and easily readable from the nearest major avenue of traffic; and

(c) The retailer ~~or resale broker~~ must prominently display his license, or a true and correct copy of that license, in each location; and

(d) The licensee must post, in a clearly visible and readily accessible location, written information concerning regular hours of business and emergency contact information.

(2) Regardless of the number of locations at which a retailer ~~or resale broker~~ engages in business, he must maintain a principal place of business that complies with the requirements set forth in subsection (1) (a) of this section, and at which the records of the business are maintained on a permanent basis.

(3) The retailer ~~or resale broker~~ must promptly notify the division of building safety, in writing, of any change in ownership, business name, location of business, mailing address or telephone numbers.

(4) For each new product sold, the retailer must provide proof, satisfactory to the board, of the retailer's current authority to sell that manufacturer's products.

(5) Failure to adhere to the requirements of this section, or any other requirement pertaining to licensure as set forth in law or rule, shall constitute grounds for the imposition of discipline up to and including revocation of licensure.

SECTION 8. That Section 44-2202, Idaho Code, be, and the same is hereby amended to read as follows:

44-2202. INSTALLATION PERMITS AND INSPECTIONS REQUIRED. (1) The owner or the installer of a mobile or manufactured home must obtain an installation tag and permit as applicable before installing a mobile or manufactured home that will be used as a residence on a building site or in a park. The installer's license must be in effect at the time of the application for the installation permit.

(2) Installation tags shall be obtained from the division of building safety and are required for each installation of a new manufactured home. The fee for the installation tag shall be prescribed in administrative rules promulgated by the administrator of the division of building safety.

(3) Installation permits shall be issued by the division of building safety or a city or county that has by ordinance adopted a building code and whose installation inspection programs have been approved by the division. All installations shall be inspected by the authority having jurisdiction for compliance.

(4) Permit fees shall be prescribed in administrative rules promulgated by the administrator of the division of building safety or as established by the city or county having jurisdiction and whose installation inspection program has been approved by the division, as applicable.

(5) Immediately upon completion of the installation of a mobile or manufactured home, a licensed installer ~~or the responsible managing employee of the licensed installer~~ shall perform an inspection of the completed installation to ensure compliance with the applicable installation standard. Such inspection shall be recorded on an inspection record document approved by the division and a copy shall be provided to the homeowner upon completion of the inspection.

Approved March 15, 2020

CHAPTER 130
(S.B. No. 1337)

AN ACT

RELATING TO PAYMENTS IN CRIMINAL AND INFRACTION CASES; AMENDING SECTION 31-3201I, IDAHO CODE, TO PROVIDE FOR PAYMENT IN INFRACTION CASES, TO PROVIDE CODE REFERENCES, TO PROVIDE FOR CERTAIN FINES IN CRIMINAL CASES, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 31-3201I, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201I. DISTRIBUTION OF PAYMENTS IN CRIMINAL AND INFRACTION CASES. When ordered by the court to make one (1) of the following payments in a criminal or infraction 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, and any payment applied to a category below in which more than one (1) payment was ordered shall be distributed in proportion to the relative amounts of such ordered payments:

(1) Fees for each felony, misdemeanor, and infraction paid pursuant to section 31-3201A(2) and (3), 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 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 and distributed pursuant to section 19-5304, Idaho Code, if paid through the clerk of the court;
- (8) Fines entered on behalf of victims in cases of crimes of violence paid pursuant to section 19-5307, Idaho Code;
- (9) Community service fees paid pursuant to section 31-3201C, Idaho Code;
- (910) Victim notification fund fees paid pursuant to section 31-3204, Idaho Code;
- (101) Court technology fees paid pursuant to section 31-3201(5), Idaho Code;
- (112) Surcharge fees paid pursuant to section 31-3201H, Idaho Code;
- (123) Peace officers standards and training fees paid pursuant to section 31-3201B, Idaho Code;
- (134) Domestic violence court fees paid pursuant to section 32-1410, Idaho Code;
- (145) Criminal and infraction fines;
- (156) Reimbursement for public defender costs paid pursuant to section 19-854(7), Idaho Code;
- (167) 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);
- (178) Domestic violence fines for the domestic violence project account paid pursuant to section 39-6312, Idaho Code;
- (189) Drug hotline fees paid pursuant to section 37-2735A, Idaho Code;
- (1920) Additional fish and game fines for the search and rescue account fund paid pursuant to section 36-1405, Idaho Code;
- (201) County administrative surcharge fees paid pursuant to section 31-3201(3), Idaho Code;
- (212) Motor vehicle violation surcharge fees and ignition interlock and electronic monitoring fees paid pursuant to sections 18-8008 and 18-18010, Idaho Code;
- (223) Costs for toxicology testing paid pursuant to section 37-2732C(g), Idaho Code;
- (234) Costs incurred by law enforcement agencies in investigating controlled substance violations pursuant to chapter 27, title 37, Idaho Code, violations of the racketeering act pursuant to section 18-7804, Idaho Code, or money laundering and illegal investment provisions of section 18-8201, Idaho Code, paid pursuant to section 37-2732(k), Idaho Code;
- (245) Restitution for the repair or replacement of simulated wildlife paid pursuant to section 36-1101(b)(8), Idaho Code; and
- (256) Abandoned vehicle fees paid pursuant to section 31-3201F, Idaho Code; and
- (27) Any other amounts paid pursuant to any statutory section not referenced in this section.

Approved March 15, 2020

CHAPTER 131
(S.B. No. 1339)

AN ACT

RELATING TO THE MAGISTRATE DIVISION; AMENDING SECTION 1-2203, IDAHO CODE, TO PROVIDE FOR A COUNTY CLERK ON DISTRICT MAGISTRATE COMMISSIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 1-2203, Idaho Code, be, and the same is hereby amended to read as follows:

1-2203. DISTRICT MAGISTRATES COMMISSION -- MEMBERS. (1) There is hereby established in each judicial district of the state of Idaho a district magistrates commission to be known as the "district magistrates commission of the . . . judicial district," the members of which shall consist of the chairman of the board of county commissioners of each county in the district or member of such board designated by the chairman, the mayors of three (3) municipalities, one (1) of whom shall be from a city of over ten thousand (10,000) population, in the district to be appointed by the governor, two (2) qualified electors residing within the district to be appointed by the governor, the administrative judge of the district or district judge of the district designated by him, two (2) attorneys nominated by the district bar associations in each district and appointed by the Idaho state bar, and a magistrate judge in the district, and a county clerk in the district, to be appointed by the administrative district judge. Temporary attorney members may be nominated in such number as the bar association in each district deems appropriate at any time by the respective district bar association and appointed by the Idaho state bar to fill any temporary attorney member vacancy on the district magistrates commissions. Each of the members shall be over the age of majority and shall be and remain a citizen of the United States, a bona fide resident of the state and district, and of good moral character.

(2) Forthwith after making any appointments to such commissions, the respective appointing authorities shall duly certify in writing to the administrative director of the courts and to the secretary of state the following facts with respect to each appointee:

- (a) Full name;
- (b) Age;
- (c) Residence address;
- (d) If employed, the nature of the appointee's occupation and business address;
- (e) The name of the district magistrate commission to which appointed;
- (f) The date of expiration of term for which appointed;
- (g) Except for the initial appointees under this act, the name of the person the appointee succeeds on the commission; and
- (h) If a member other than a mayor, magistrate judge, or district judge, the appointee's political party.

(3) No member, other than the persons appointed while serving as mayor, county commissioner, clerk, magistrate judge, or district judge shall hold any city, county, or state elective office or be employed by the state or any city or county while a member of the commission.

(4) The two (2) attorney members shall serve for a term of two (2) years and may succeed themselves for two (2) additional terms. The qualified elector members shall serve terms of six (6) years each and may succeed themselves. The mayors shall serve terms of six (6) years and may succeed themselves, provided that their terms will end when they cease to hold the office

which that entitles them to membership on the commission. The magistrate judge shall serve a two (2) year term which that may be renewed up to a total of six (6) years. The county clerk shall serve a two (2) year term that may be renewed up to a total of six (6) years. Appointments to fill vacancies shall be made by the initial appointing authority for the unexpired term.

(5) A vacancy on the commission shall be caused by a voting member dying, resigning, moving his or her residence outside the district, moving his or her residence to another county and, in the case of a mayor, magistrate judge, district judge, clerk, or county commissioner member, losing his or her status as such official for any reason; provided, however, that except in the case of death or resignation of a member, the member shall continue to serve until a successor is duly appointed and qualified. A vacancy on the commission shall be caused by an attorney member dying, resigning, moving his or her residence to without the district or being suspended or disbarred from the practice of law. A temporary vacancy on the commission shall be caused by an attorney member currently practicing law in the same firm as an applicant seeking a magistrate judge's position in the commission's judicial district, or by an attorney member or a magistrate judge member having been engaged in the practice of law as a partner of such applicant within the last five (5) years. The position of the clerk member shall be temporarily vacated on the commission if an applicant is seeking a magistrate judge's position in the clerk member's county. The position of the clerk member shall be temporarily vacated during any removal process of a magistrate judge. It shall be the duty of any member who has become disqualified for any reason promptly to report that fact in writing to the chairman and secretary of the commission. It shall be the duty of the chairman or secretary promptly to report in writing to the appropriate appointing authority, the existence of any vacancy on the commission.

Approved March 15, 2020

CHAPTER 132
(S.B. No. 1374)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE IDAHO COMMISSION FOR LIBRARIES 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 Commission for Libraries 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	\$2,088,100	\$1,612,500		\$452,600	\$4,153,200
Miscellaneous Revenue					
Fund		55,000	\$5,000	10,000	70,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant					
Fund	<u>663,500</u>	<u>920,000</u>	<u>25,000</u>	<u>60,000</u>	<u>1,668,500</u>
TOTAL	\$2,751,600	\$2,587,500	\$30,000	\$522,600	\$5,891,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Commission for Libraries is authorized no more than thirty-seven and five-tenths (37.50) 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.

Approved March 15, 2020

CHAPTER 133
(S.B. No. 1376)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2021; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; AND PROVIDING REQUIREMENTS FOR RETIREMENT CONTRIBUTIONS.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COURT OPERATIONS:					
A. SUPREME COURT:					
FROM:					
General					
Fund	\$6,585,900	\$1,442,500		\$225,600	\$8,254,000
Miscellaneous Revenue					
Fund		318,500			318,500
Federal Grant					
Fund	<u>359,600</u>	<u>1,432,800</u>		<u>0</u>	<u>1,792,400</u>
TOTAL	\$6,945,500	\$3,193,800		\$225,600	\$10,364,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
B. COURT OF APPEALS:					
FROM:					
General					
Fund	\$2,282,000	\$51,800			\$2,333,800
C. DISTRICT COURTS:					
FROM:					
General					
Fund	\$16,915,100	\$576,000			\$17,491,100
Court Technology					
Fund	5,510,900	2,058,200	\$3,348,300		10,917,400
Drug Court, Mental Health Court, and Family Court Services					
Fund	<u>1,256,800</u>	<u>2,414,600</u>	<u>0</u>		<u>3,671,400</u>
TOTAL	\$23,682,800	\$5,048,800	\$3,348,300		\$32,079,900
D. MAGISTRATE DIVISION:					
FROM:					
General					
Fund	\$16,428,200	\$427,700			\$16,855,900
Drug Court, Mental Health Court, and Family Court Services					
Fund	1,053,700	1,190,700			2,244,400
Guardianship Pilot Project					
Fund	304,400	78,300			382,700
Senior Magistrate Judges					
Fund		510,000			510,000
Federal Grant					
Fund	<u>19,900</u>	<u>90,100</u>			<u>110,000</u>
TOTAL	\$17,806,200	\$2,296,800			\$20,103,000
E. WATER ADJUDICATION:					
FROM:					
General					
Fund	\$767,300	\$166,300			\$933,600
F. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:					
FROM:					
General					
Fund				\$1,048,000	\$1,048,000
Substance Abuse Treatment					
Fund	<u>\$218,700</u>	<u>\$291,200</u>		<u>3,215,500</u>	<u>3,725,400</u>
TOTAL	\$218,700	\$291,200		\$4,263,500	\$4,773,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
G. SENIOR JUDGES:					
FROM:					
General					
Fund	\$1,181,900				\$1,181,900
DIVISION TOTAL	\$52,884,400	\$11,048,700	\$3,348,300	\$4,489,100	\$71,770,500
II. GUARDIAN AD LITEM PROGRAM:					
FROM:					
General					
Fund	\$16,700	\$50,000		\$1,312,500	\$1,379,200
III. JUDICIAL COUNCIL:					
FROM:					
General					
Fund	\$1,800	\$129,000			\$130,800
GRAND TOTAL	\$52,902,900	\$11,227,700	\$3,348,300	\$5,801,600	\$73,280,500

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. 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.

SECTION 3. RETIREMENT CONTRIBUTIONS. Of the amount appropriated in Section 1 of this act from the General Fund for the state's share of retirement contribution remittances to the Judges' Retirement Fund for justices' and judges' retirement benefits pursuant to Section 1-2004(2), Idaho Code, those amounts that are uncommitted shall be transferred monthly into operating expenditures and then paid by the Supreme Court into the Judges' Retirement Fund.

Approved March 15, 2020

CHAPTER 134
(S.B. No. 1377)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE PUBLIC DEFENSE COMMISSION FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS REGARDING THE ALLOCATION OF TRUSTEE AND BENEFIT PAYMENTS; AND PROVIDING REQUIREMENTS REGARDING ENCUMBRANCES.

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

SECTION 1. There is hereby appropriated to the Public Defense Commission 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	\$719,400
Operating Expenditures	259,600
Trustee and Benefit Payments	<u>10,295,900</u>
TOTAL	\$11,274,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Defense Commission is authorized no more than seven (7.00) 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. ALLOCATION OF TRUSTEE AND BENEFIT PAYMENTS. Of the amount appropriated as trustee and benefit payments in Section 1 of this act, no more than \$10,162,600 shall be expended for financial assistance to counties pursuant to Sections 19-862A and 19-851(8), Idaho Code, and/or to incentivize the establishment of joint public defender offices pursuant to Section 19-862A(3), Idaho Code; and no more than \$133,300 shall be expended for extraordinary litigation costs pursuant to Section 19-850(2)(e), Idaho Code. Any remaining unexpended amounts not so used shall revert to the General Fund.

SECTION 4. ENCUMBRANCES. Notwithstanding any other provision of law to the contrary, the Public Defense Commission shall not transfer or encumber amounts appropriated as trustee and benefit payments in Section 1 of this act.

Approved March 15, 2020

CHAPTER 135
(S.B. No. 1286)

AN ACT

RELATING TO ANIMALS; REPEALING SECTIONS 25-2102 THROUGH 25-2106, IDAHO CODE, RELATING TO THE TAKING UP OF HOGS AND HOGS RUNNING AT LARGE WITHIN TOWNS.

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

SECTION 1. That Section 25-2102, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 25-2103, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 25-2104, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 25-2105, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 25-2106, Idaho Code, be, and the same is hereby repealed.

Approved March 15, 2020

CHAPTER 136
(H.B. No. 371)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; REPEALING SECTION 59-1303, IDAHO CODE, RELATING TO ADDITIONAL DEFINITIONS FOR POLICE OFFICER STATUS; AND AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1303, IDAHO CODE, TO PROVIDE FOR POLICE OFFICER MEMBER STATUS.

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

SECTION 1. That Section 59-1303, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1303, Idaho Code, and to read as follows:

59-1303. POLICE OFFICER MEMBER STATUS. (1) As used in this chapter, each of the terms used in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) Police officer membership status for retirement purposes may be fixed only by law.

(3) Members holding or filling the following positions or offices are designated by law as having police officer member status for retirement purposes during the time of their appointment to that position or during their term of office:

- (a) Idaho state police:
 - (i) The director and deputy director of the Idaho state police;
 - (ii) Commissioned and sworn troopers, specialists (detectives), and POST training coordinators;
 - (iii) Commissioned and sworn personnel in a supervisory capacity as major, captain, lieutenant, or sergeant; and
 - (iv) The commissioned state brand inspector, deputy brand inspectors, and brand inspector supervisors;
- (b) County law enforcement:
 - (i) County sheriffs;
 - (ii) "Peace officers" and "county detention officers" as defined in chapter 51, title 19, Idaho Code; and
 - (iii) Supervisory "peace officers" and "county detention officers" as defined in chapter 51, title 19, Idaho Code;
- (c) City law enforcement:
 - (i) City police chiefs;
 - (ii) "Peace officers" as defined in chapter 51, title 19, Idaho Code; and
 - (iii) Supervisory "peace officers" as defined in chapter 51, title 19, Idaho Code;
- (d) Conservation officers, the enforcement assistant chief, and enforcement bureau chief of the department of fish and game;
- (e) Department of correction:
 - (i) The director and deputy director of the department of correction, the division chief and deputy division chief for probation and parole, and the wardens and deputy wardens of institutions;
 - (ii) Correctional officers, presentence investigators, correctional officers in the supervisory capacity of lieutenant, sergeant, corporal, correctional specialist, correctional specialist supervisor, and correctional managers;
 - (iii) Probation and parole supervisors, probation and parole investigators, and probation and parole officers; and
 - (iv) Correctional peace officer training instructors;
- (f) Employees of the adjutant general and military division of the state where military membership is a condition of employment;
- (g) Magistrates of the district court; justices of the supreme court, judges of the court of appeals, and district judges who have made an election under section 1-2011, Idaho Code; and court employees designated by court order to have primary responsibility for court security or transportation of prisoners;
- (h) Employees whose primary function requires that they are certified by the Idaho department of health and welfare as an emergency medical technician-basic, an advanced emergency medical technician-ambulance, an emergency medical technician-intermediate, or an emergency medical technician-paramedic;
- (i) Criminal investigators of the attorney general's office, and criminal investigators of a prosecuting attorney's office; and
- (j) The director of security and the criminal investigators of the Idaho state lottery.

(4) On and after July 1, 1985, no active member shall be classified as a police officer for retirement purposes unless the employer shall have certified to the board, on a form provided by the board, that such member is an employee whose primary position with the employer is one designated as such within the meaning of this chapter, and the board shall have accepted such certification. Acceptance by the board of an employer's certification shall in no way limit the board's right to review and reclassify the position for retirement purposes based upon an audit or other relevant information presented to the board. The board may carry out such acts as are necessary to enforce the provisions of this chapter.

(5) A member classified as a police officer for retirement purposes whose position is reclassified to that of a general member for retirement purposes as a result of a determination that the position does not meet the requirements of this chapter for police officer member status for retirement purposes shall become a general member. Excess employer and employee contributions shall be refunded to the employer by offsetting future contributions and the member's record shall be corrected. It shall be the employer's responsibility to refund employee contributions directly to the employee.

Approved March 15, 2020

CHAPTER 137
(H.B. No. 372)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1311, IDAHO CODE, TO PROVIDE FOR ACTUARIAL ADVISORY SERVICES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 59-1311, Idaho Code, be, and the same is hereby amended to read as follows:

59-1311. PUBLIC EMPLOYEE RETIREMENT FUND CREATED -- ADMINISTRATION -- PAYMENT OF BENEFITS -- PERPETUAL APPROPRIATION. (1) There is hereby established in the state treasury a special fund, the "Public Employee Retirement Fund," which shall be separate and apart from all public moneys or funds of this state, and shall be administered under the direction of the board exclusively for the purposes of this chapter. The state treasurer shall maintain within the fund a clearing account, a portfolio investment expense account and an administration account.

(2) All contributions received from employers by the board on their account and on account of members shall be deposited with a funding agent designated by the board. All such funds are hereby perpetually appropriated to the board, and shall not be included in the department's administration account budget and shall be invested or used to pay for investment-related expenses.

(3) As needed to pay current obligations, the board shall transfer funds from the funding agent to the state treasurer's office for deposit into the administration account. All funds deposited in the administration account shall be available to the board for the payment of administrative expenses only to the extent so appropriated by the legislature.

(4) As required by the board, the funding agent shall transfer funds to the state treasurer's office for deposit into the portfolio investment expense account for payment of investment expenses. The funds deposited in the portfolio investment expense account shall be used for payment of investments and investment-related and actuarial-related expenses. Such expenses shall include but not be limited to:

- (a) Reporting services;
- (b) Investment and actuarial advisory services;
- (c) Funding agent fees and money management fees; and
- (d) Investment and actuarial staff expenses including hiring of investment and actuarial management personnel. Investment and actuarial management personnel are defined as staff positions that are classified at pay grades N through V by the division of human resources.

Investment and actuarial management personnel shall be exempt from the provisions of chapter 53, title 67, Idaho Code, and section 67-3519, Idaho Code, and shall be hired by and serve at the pleasure of the board. All expenses of the portfolio investment expense account shall be reported on a quarterly basis to the legislature and to the division of financial management in the office of the governor.

(5) As required by the board, the funding agent shall transfer funds to the state treasurer's office for deposit into the clearing account. All benefits for members shall be payable directly from the clearing account or by the funding agent as they come due. If the amount of such benefits payable at any time exceeds the amount in the clearing account, the payment of all or part of such benefits may be postponed until the clearing account becomes adequate to meet all such payments, or the board may require a refund from the funding agent sufficient to meet all such payments.

(6) Moneys representing member entitlements which that remain unclaimed after reasonable attempts to effect payment shall remain in the retirement fund available for payment to the member or other established rightful payee.

Approved March 15, 2020

CHAPTER 138
(H.B. No. 537)

AN ACT

RELATING TO THE APPROPRIATION TO THE LAVA HOT SPRINGS FOUNDATION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE LAVA HOT SPRINGS FOUNDATION 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 Lava Hot Springs Foundation the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Lava Hot Springs Foundation				
Fund	\$1,393,000	\$808,800	\$180,100	\$2,381,900
Lava Hot Springs Capital Improvement				
Fund	0	100	628,000	628,100
TOTAL	\$1,393,000	\$808,900	\$808,100	\$3,010,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Lava Hot Springs Foundation is authorized no more than fifteen and eight-tenths (15.80) 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.

Approved March 15, 2020

CHAPTER 139
(H.B. No. 515)

AN ACT

RELATING TO THE IDAHO PATIENT ACT; AMENDING TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 3, TITLE 48, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE REQUIREMENTS FOR EXTRAORDINARY COLLECTION ACTIONS WHEN COLLECTING MEDICAL DEBTS, TO PROVIDE FOR FEES AND COSTS IN EXTRAORDINARY COLLECTION ACTIONS, TO PROVIDE FOR EXTRAORDINARY COLLECTIONS AFTER UNTIMELY NOTICE IN CERTAIN CASES, TO PROVIDE FOR THE BURDEN OF PROOF, TO PROVIDE FOR THE REBUTTABLE PRESUMPTION OF RECEIPT, TO PROVIDE FOR THE DELIVERY OF A CONSOLIDATED SUMMARY OF SERVICES, TO PROVIDE FOR CONTRACTED SERVICE, TO PROVIDE FOR ENFORCEMENT AND CIVIL PENALTIES, AND TO PROVIDE FOR NON-EXTRAORDINARY COLLECTION ACTIONS; AND PROVIDING AN EFFECTIVE DATE.

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 3, Title 48, Idaho Code, and to read as follows:

CHAPTER 3
IDAHO PATIENT ACT

48-301. SHORT TITLE. This act shall be known and may be cited as the "Idaho Patient Act."

48-302. LEGISLATIVE INTENT. The Idaho legislature finds that medical billing practices have little visibility to Idaho citizens. As a result, consumers often find themselves in collection actions for debts they were unaware of, from health care providers whom they do not recognize. Once in collections, current Idaho law enables excessive attorney's fees and fails to provide judges with clear guidance to combat abuses of the collections process. This chapter shall govern the fair collection of debts owed to health care providers.

48-303. DEFINITIONS. For the purposes of this chapter:

- (1) "Consolidated summary of services" means a written notice that contains, at a minimum, the following:
- (a) The name and contact information, including telephone number, of the patient;
 - (b) The name and contact information, including telephone number, of the health care facility that the patient visited to receive goods or services;
 - (c) The date and duration of the visit to the health care facility by the patient;
 - (d) A general description of goods and services provided to the patient during the visit to the health care facility, including the name, address, and telephone number of each billing entity whose health care providers provided the services and goods to the patient; and
 - (e) A clear and conspicuous notification at the top of the notice that states: "This is Not a Bill. This is a Summary of Medical Services You Received. Retain This Summary for Your Records. Please Contact Your Insurance Company and the Health Care Providers Listed on this Summary to Determine the Final Amount You May Be Obligated to Pay."

(2) "Contested judgment" means a court judgment sought by one (1) party that is challenged by another party through a filing with the court or by presenting evidence or argument at a hearing before the court.

(3) "Extraordinary collection action" means any of the following actions done in connection with a patient's debt:

(a) Prior to sixty (60) days from the patient's receipt of the final statement, selling, transferring, or assigning any amount of a patient's debt to any third-party, or otherwise authorizing any third-party to collect the debt in a name other than the name of the health care provider;

(b) Reporting adverse information about the patient to a consumer reporting agency; or

(c) Commencing any judicial or legal action or filing or recording any document in relation thereto, including but not limited to:

(i) Placing a lien on a person's property or assets;

(ii) Attaching or seizing a person's bank account or any other personal property;

(iii) Initiating a civil action against any person; or

(iv) Garnishing an individual's wages.

(4) "Final statement" means a written notice that contains, at a minimum, the following:

(a) The name and contact information, including telephone number, of the patient;

(b) The name and contact information, including telephone number, of the health care facility where the health care provider provided goods and services to the patient;

(c) A list of the goods and services that the health care provider provided to the patient during the patient's visit to the health care facility, including the initial charges for the goods and services and the date the goods and services were provided, in reasonable detail;

(d) A statement that a full itemized list of goods and services provided to the patient is available upon the patient's request;

(e) The name of the third-party payors to which the charges for health care services were submitted by the health care provider and the patient's group and membership numbers;

(f) A detailed description of all reductions, adjustments, offsets, third-party payor payments, including payments already received from the patient, that adjust the initial charges for the goods and services provided to the patient during the visit; and

(g) The final amount that the patient is liable to pay after taking into account all applicable reductions, including but not limited to the items identified in paragraph (f) of this subsection.

(5) "Health care facility" means any person, entity, or institution operating a physical or virtual location that holds itself out to the public as providing health care services through itself, through its employees, or through third-party health care providers. Health care facilities include but are not limited to hospitals and other licensed inpatient centers; ambulatory surgical or treatment centers; skilled nursing centers; residential treatment centers; urgent care centers; diagnostic, laboratory, and imaging centers; and rehabilitation and other therapeutic health settings, as well as medical transportation providers.

(6) "Health care provider" means:

(a) A physician or other health care practitioner licensed, accredited, or certified to perform health care services consistent with state law, or any agent or third-party representative thereof; or

(b) A health care facility or its agent.

(7) "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

(8) "Patient" means a person who seeks or receives services from a health care provider. For the purposes of this chapter, "patient" includes a parent if the patient is a minor, a legal guardian if the patient is an adult under guardianship, or any person contractually or otherwise liable for the financial obligations of the person receiving goods or services from the health care provider.

(9) "Third-party payor" means a health carrier as defined in section 41-5903, Idaho Code, or a self-funded plan as defined in section 41-4002 or 41-4102, Idaho Code.

(10) "Uncontested judgment" means a court judgment sought by one (1) party that is not contested by another party by filing with the court or by presenting evidence or argument at a hearing before the court.

48-304. REQUIREMENTS FOR EXTRAORDINARY COLLECTION ACTION. No person shall engage, directly or indirectly, in any extraordinary collection action against a patient unless:

(1) Within forty-five (45) days from the date of the provision of goods or the delivery of services to the patient or from the date of discharge of the patient from a health care facility, whichever is later, a health care provider submits its charges related to the provision of goods or services to the third-party payor or payors of the patient, identified by the patient to the health care provider in connection with the services, if any, or, in the event no third-party payor was identified, to the patient;

(2) Within sixty (60) days from the date of the provision of goods or services to the patient or from the date of discharge, whichever is later, the patient receives from the health care facility that the patient visited, a consolidated summary of services, free of charge, unless the health care facility is exempted from providing a consolidated summary of services pursuant to section 48-309, Idaho Code;

(3) The patient receives, free of charge, a final statement from the billing entity of the health care provider;

(4) The health care provider does not charge or cause to accrue any interest, fees, or other ancillary charges until at least sixty (60) days have passed from the date of receipt of the final statement; and

(5) At least ninety (90) days have passed from receipt of the final statement by the patient and final resolution of all internal reviews, good faith disputes, and appeals of any charges or third-party payor obligations or payments.

48-305. FEES AND COSTS FOR EXTRAORDINARY COLLECTION ACTION. (1) Notwithstanding any provision of law or agreement to the contrary, a patient shall have no liability to any party taking extraordinary collection action for costs, expenses, and fees, including attorney's fees, unless the party has complied with section 48-304, Idaho Code, and then subject to the following limitations:

(a) In the case of an uncontested judgment against the patient, the court may award, in addition to the outstanding principal, up to three hundred fifty dollars (\$350) or an amount equal to one hundred percent (100%) of the outstanding principal amount, whichever is less, plus any prejudgment interest accrued in accordance with section 48-304(4), Idaho Code, and any postjudgment interest awarded by the court;

(b) In the case of a contested judgment against the patient, the court may award, in addition to the outstanding principal, up to seven hundred fifty dollars (\$750) or an amount equal to one hundred percent (100%) of the outstanding principal amount, whichever is less, plus any prejudgment interest accrued in accordance with section 48-304(4), Idaho Code, and any postjudgment interest awarded by the court;

(c) In the case of postjudgment motions and writs, the court may award up to seventy-five dollars (\$75.00) for any successful motion or application for a writ of attachment to any particular garnishee and twenty-five dollars (\$25.00) for any subsequent application for a writ to the same garnishee. In the case of garnishments, the court may also award service fees as prescribed by the applicable board of county commissioners pursuant to section 11-729, Idaho Code.

(2) In the case of a contested judgment, if a party taking extraordinary collection action against a patient prevails against a patient and incurs costs, expenses, and fees, including attorney's fees, that are grossly disproportionate to the award amounts set forth in subsection (1) (b) of this section, then the party may petition the court for a supplemental award for costs, expenses, and fees. Upon an affirmative showing that the incurred costs, expenses, and fees are grossly disproportionate to the award amounts set forth in subsection (1) (b) of this section, and that fees were incurred because of the patient's willful attempt to avoid paying a bona fide debt, then the court may take into account the factors outlined in rule 54(e) (3) of the Idaho rules of civil procedure and may, in its discretion, award supplemental costs, expenses, and reasonable attorney's fees.

(3) Notwithstanding any provision of law or agreement to the contrary, if a patient in a contested judgment is a prevailing party, then the patient shall be entitled to recover from a nonprevailing party all costs, expenses, and fees, including attorney's fees, incurred by the patient in contesting the action, and the patient shall have no liability to any nonprevailing parties for any costs, expenses, and fees, including attorney's fees and pre-judgment interest incurred by a nonprevailing party.

48-306. EXTRAORDINARY COLLECTION AFTER UNTIMELY NOTICE -- LIMITATION. If a party is unable to engage in an extraordinary collection action because the health care provider or health care facility failed to meet the timing requirements of section 48-304(1) or (2), Idaho Code, but complies with such timing requirements within either an additional forty-five (45) days for failure to meet the timing requirements of section 48-304(1), Idaho Code, or an additional ninety (90) days for failure to meet the timing requirements of section 48-304(2), Idaho Code, then as long as all other requirements of section 48-304, Idaho Code, have been satisfied, such party may commence an extraordinary collection action. Notwithstanding any provision of law or agreement to the contrary, in any such collection action, the patient shall have no liability for costs, expenses, and fees, including attorney's fees.

48-307. BURDEN OF PROOF. Any person seeking to engage in an extraordinary collection action bears the burden of establishing that the requirements of sections 48-304 and 48-306, Idaho Code, if applicable, have been satisfied prior to engaging in any extraordinary collection action. Any party commencing a judicial action against a patient must plead with particularity its compliance with each requirement of sections 48-304 and 48-306, Idaho Code, as the case may be.

48-308. REBUTTABLE PRESUMPTION OF RECEIPT. A patient shall be presumed to have received a consolidated summary of services or a final statement three (3) days after the document has been sent by first class mail to the patient's address confirmed by the patient during the patient's last visit to the health care provider or as updated by the patient in subsequent written or electronic communications. Nothing in this section shall be interpreted as precluding the patient from agreeing in writing to receive consolidated summaries of services or final statements via email or other electronic means.

48-309. DELIVERY OF CONSOLIDATED SUMMARY OF SERVICES. Notwithstanding any provision of law to the contrary in this chapter, a health care facility is not required to send a consolidated summary of services to a patient prior to engaging in extraordinary collection action if:

(1) The patient will receive a final statement from a single billing entity for all goods and services provided to the patient at that health care facility;

(2) The patient was clearly informed in writing of the name, phone number, and address of the billing entity; and

(3) The health care facility otherwise complies with all other provisions of section 48-304, Idaho Code.

48-310. CONTRACTED SERVICE. Nothing in this chapter prohibits a health care facility from authorizing a health care provider by contract to provide the consolidated summary of services required by section 48-304(2), Idaho Code, on its behalf.

48-311. ENFORCEMENT AND CIVIL PENALTIES. If any party takes any extraordinary collection action other than in accordance with section 48-304 or 48-306, Idaho Code, then:

(1) Notwithstanding any provision of law or agreement to the contrary, a patient shall have no liability to any party for any collection costs, expenses, and fees, including attorney's fees and prejudgment and postjudgment interest;

(2) The party is liable to the patient in an amount equal to any actual damages sustained by the patient as a result of any failure to comply, or one thousand dollars (\$1,000), whichever is greater; and

(3) Where a court finds a party has willfully or knowingly violated section 48-304 or 48-306, Idaho Code, the court may award up to three (3) times the amount of actual damages, or three thousand dollars (\$3,000), whichever is greater. In any successful action to enforce the liability set forth in this section, the patient shall be entitled to the costs of the action, together with reasonable attorney's fees, as determined by the court.

48-312. NON-EXTRAORDINARY COLLECTION ACTIONS. Nothing in this chapter shall be interpreted to restrict the ability of any person to demand and collect payment for the principal amount of any medical goods or services by means other than extraordinary collection action, as defined in section 48-303, Idaho Code.

SECTION 2. This act shall be in full force and effect on and after January 1, 2021.

Approved March 16, 2020

CHAPTER 140
(S.B. No. 1223)

AN ACT

RELATING TO FOOD; REPEALING CHAPTER 16, TITLE 37, IDAHO CODE, RELATING TO IMPORTED FOOD PRODUCTS; AND REPEALING CHAPTER 26, TITLE 37, IDAHO CODE, RELATING TO THE ENRICHMENT OF BREAD AND FLOUR.

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

SECTION 1. That Chapter 16, Title 37, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 26, Title 37, Idaho Code, be, and the same is hereby repealed.

Approved March 16, 2020

CHAPTER 141
(S.B. No. 1224)

AN ACT

RELATING TO WEIGHMASTERS; AMENDING SECTION 71-401, IDAHO CODE, TO REVISE THE SHORT TITLE AND DEFINITIONS; AMENDING SECTION 71-402, IDAHO CODE, TO REMOVE LICENSING PROVISIONS AND TO PROVIDE FOR COMPLIANCE WITH SPECIFIED LAW BY WEIGHMASTERS; REPEALING SECTION 71-404, IDAHO CODE, RELATING TO POSTING OF LICENSE; REPEALING SECTION 71-405, IDAHO CODE, RELATING TO CERTIFIED COPIES OF LICENSE; REPEALING SECTION 71-406, IDAHO CODE, RELATING TO SIGNATURE OF LICENSED WEIGHMASTER; REPEALING SECTION 71-410, IDAHO CODE, RELATING TO REVOCATION OF LICENSE; AND AMENDING SECTION 71-411, IDAHO CODE, TO REVISE PROVISIONS REGARDING WEIGHT AND TARE TICKETS.

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

SECTION 1. That Section 71-401, Idaho Code, be, and the same is hereby amended to read as follows:

71-401. SHORT TITLE -- DEFINITIONS. (a~~1~~) This chapter may be cited as the "~~Weighmaster's Licensing Standards Act.~~"

(b~~2~~) Definitions -- When used in this act ~~chapter~~:

1. (a) "Director" means the director of the Idaho department of agriculture.
2. (b) "Department" means the department of agriculture of the state of Idaho.
3. "~~Public weighmaster~~" means ~~any person licensed as a weighmaster by the director of the state department of agriculture.~~
4. "~~Licensed weighmaster~~" or "~~w~~ (c) "Weighmaster" means any person licensed under the provisions of this chapter, who weighs grains, dry peas, potato starch, dry beans, leguminous and all other small seeds, hay, wool, bulk potatoes, bulk fertilizers, sugar beets, and feeds, ~~not including minerals, or any of them.~~

SECTION 2. That Section 71-402, Idaho Code, be, and the same is hereby amended to read as follows:

~~71-402. LICENSING OF WEIGHMASTERS. Any person acting as a public weighmaster of grains, dry peas, potato starch, dry beans, leguminous and all other small seeds, hay, wool, bulk potatoes, bulk fertilizers, sugar beets and feeds (not including minerals) or any of them shall make application to the director of the department for a weighmaster's license. Application for a weighmaster's license shall be in writing on a form prescribed by the director. Each applicant shall furnish satisfactory evidence of good moral character, ability to weigh accurately and to make correct weight tickets. Upon receipt of the application with satisfactory evidence of qualifications, on or before July 1, 1949, and annually thereafter, and a license fee of ten dollars (\$10.00), the director shall issue an annual weighmaster's license. No weighmaster's license shall be issued to any applicant for such license who is under the age of eighteen (18) years, or to any person whose license issued under this act has been revoked shall comply with the provisions of this act.~~

SECTION 3. That Section 71-404, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 71-405, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 71-406, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 71-410, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 71-411, Idaho Code, be, and the same is hereby amended to read as follows:

71-411. STANDARD WEIGHT AND TARE TICKET. (1) All commodities weighed on public platform scales, having a capacity of five (5) tons or ever more, shall be recorded on standard weight and tare ticket prepared in triplicate, stating:

- (a) Name and address of licensed weighing agency_Ti
- (b) Serial number_Ti
- (c) Date_Ti
- (d) Owner of commodity weighed_Ti
- (e) Kind of commodity being weighed_Ti
- (f) Gross weight of load_Ti
- (g) Tare_Ti
- (h) Net weight_Ti; and
- (i) Full signature of weigher.

~~However, in weighing sugar beets, I.B.M. cards may be used in lieu of the standard weight ticket if such cards identify the following:~~

- ~~(a) Name and address of licensed weighing agency,~~
- ~~(b) Serial number,~~
- ~~(c) Date,~~
- ~~(d) Some identification of the owner of the commodity weighed, such as name or a number,~~
- ~~(e) Gross weight of load,~~
- ~~(f) Light weight of truck.~~

(2) Weight and tare tickets shall be kept and maintained by the weighmaster or the weighing facility for three (3) years.

CHAPTER 142
(S.B. No. 1225)

AN ACT

RELATING TO AGRICULTURE; AMENDING SECTION 22-103, IDAHO CODE, TO REVISE PROVISIONS REGARDING DUTIES OF THE DIRECTOR; AMENDING SECTION 22-608, IDAHO CODE, TO REVISE PROVISIONS REGARDING REPORTING REQUIREMENTS ASSOCIATED WITH CERTAIN FERTILIZERS; AND AMENDING SECTION 22-2208, IDAHO CODE, TO REVISE PROVISIONS REGARDING TONNAGE FEE REPORTING REQUIREMENTS ASSOCIATED WITH CERTAIN SOIL AND PLANT AMENDMENTS.

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

SECTION 1. That Section 22-103, Idaho Code, be, and the same is hereby amended to read as follows:

22-103. DUTIES OF DIRECTOR. The director of the department of agriculture shall execute the powers and discharge the duties vested by law in him or in the department, including, but not limited to, the following:

(1) Pursuant to chapter 53, title 67, Idaho Code, hire, assign duties and evaluate the performance of all employees of the department.

(2) Designate employees for special assignment, office or function as the needs of the department may require.

(3) Acquire, generate, develop and disseminate information and data concerning agricultural pursuits, productivity and product quality.

(4) Encourage and promote in every practical manner, the interests of agriculture, horticulture, apiculture, aquaculture, the livestock industries, poultry and fowl raising, wool and fur-bearing animals and their allied industries.

(5) Assist, encourage and promote the organization of farmers' institutes, agricultural, horticultural, management or cooperative societies and organizations for the benefit of agricultural pursuits in this state.

(6) Promote improved methods of production, storage, sales and marketing of agricultural industries.

(7) Establish and promulgate standards of construction, use and sanitation of open and closed receptacles for farm products, and standards for grade or other classification of farm products.

(8) Prescribe and promulgate rules governing marks, brands and labels, and the registration thereof, for use upon receptacles for farm products.

(9) Promote, in the interest of the public, economical and efficient use of products and commodities used in the production of agricultural, horticultural, meats and other products and farm commodities and their distribution.

(10) Cooperate with producers, processors and consumers in devising and maintaining economical and efficient systems of distribution, and to assist in the reduction of waste and expense incidental to the marketing of agricultural products.

(11) Cooperate with the secretary, colleges and universities, experiment stations, and other agencies which cooperate in devising, research and development and utilization of improved agricultural production and other activities.

(12) Investigate the practices, methods of factors, management techniques of commission merchants, track buyers and others who receive, solicit, buy, sell, handle on commission or otherwise, or deal in grains, eggs, livestock, vegetables or other products used as human foods, to the end that distribution of such commodities through such factors, commission merchants, track buyers and others be efficiently and economically accomplished without hardship, waste or fraud.

(13) Enter and inspect any right-of-way of any irrigation canal, railway, public highway, field, orchard, nursery, fruit or vegetable packing house, ~~stere room~~ storeroom, sales room, storage facility, depot or other place where fruits and vegetables are grown or stored and to inspect fruits, trees, plants, vines, shrubs or other articles within the state, and if such places or articles are infested with pests, insects or their eggs or larvae, or with any contagious or transmittable diseases injurious to plant life, to abate or eradicate the same as a nuisance.

(14) Provide treatment for and prevent the spread of infectious or communicable diseases among bees, livestock, fur-bearing animals or domestic animals through the systematic and periodic inspection, testing or treatment of such bees and animals at the expense of the owner thereof.

(15) Protect the livestock interests of the state from losses due to disease or hazards to animal health and communicable to humans through agricultural products. The director is authorized to regulate, as deemed necessary, commercial livestock truck-washing facilities. This includes permitting for the treatment or disposal, at any location, of any wash water generated by the facility. This subsection preempts the Idaho department of environmental quality's authority to issue land application permits and to do plan and specification reviews under section 39-118, Idaho Code, for livestock truck-washing facilities, but does not affect any other authority of the Idaho department of environmental quality.

(16) Maintain recording of earmarks, eartags or other identifying marks not covered under any other provisions of law.

(17) Purchase, lease, hold, sell, and dispose of real and personal property of the department when, in the judgment of the director, such transactions promote the purposes for which the department is established.

(18) Contract with any state agency, federal agency or agency of another state concerning any matter, program or cooperative effort within the scope and jurisdiction of its authority pursuant to law.

(19) Assist in the improvement of country life, farm occupations and to cooperate in effectuating equality of opportunity of those employed in agricultural pursuits in the state of Idaho.

(20) Investigate diseases, contamination of livestock and poultry, agricultural, horticultural, and farm products, suspected to be infected or contaminated by bacterial, viral, protozoal, parasitic, chemical, nuclear, botanical or other disease-producing agents, or carrying a residue of any such disease-producing agent or chemical in excess of any tolerance established by federal or state law or regulation and to examine, conduct tests, and issue "hold orders" on any livestock, poultry, agricultural, horticultural or farm products as deemed necessary to effectuate a diagnosis of disease, contamination or chemical level to safeguard and protect animal and man. And additionally, authorize and implement a predator control program on state and private lands using any kind of toxic material or substance suitable for such purpose. Any toxic material or substance shall be approved for use by the director. In order to carry out the provisions of this subsection, the director shall prescribe and promulgate rules pursuant to chapter 52, title 67, Idaho Code.

(21) ~~Prescribe by rule~~ May assess an interest charge which may be assessed on all accounts which that are thirty (30) days past due from the initial billing date or the assessment due date. The interest rate charged shall not exceed twelve percent (12%) per annum.

(22) To take all steps that are deemed necessary to prevent and control damage or conflicts on federal, state, or other public or private lands caused by predatory animals, rodents, or birds, including threatened or endangered wildlife within the state of Idaho, as are established by federal or state law, federal or state regulation, or county ordinance, that are injurious to animal husbandry, agriculture, horticulture, forestry, wildlife and human health and safety.

(23) Administer a range program to provide support, coordination and expertise to Idaho rangeland livestock producers and land and wildlife management agencies for the planning and management of vegetation, grazing permits and other rangeland resources that are of importance to the livestock industry. The program shall also provide technical expertise and support to state and industry entities in reviewing various federal environmental impact statements, federal environmental assessments and other state and federal proposals that impact grazing, vegetation management or other rangeland resources or uses important to the livestock industry.

(24) To administer oaths, certify to all official acts and subpoena any person in this state as a witness; to compel through subpoena the production of books, papers, and records; and to take the testimony of any person on deposition in the same manner as prescribed by law in the procedure before the courts of this state. A subpoena issued by the director shall extend to all parts of the state and may be served by any person authorized to do so. All powers of the director enumerated in this subsection with respect to administering oaths, power of subpoena, and other powers in hearings on complaints shall likewise be applicable to hearings held on applications for the issuance or renewal of licenses.

(25) To appoint, as necessary, committees for the purpose of advising the director on any and all matters relating to agricultural programs within the Idaho department of agriculture.

(26) Cooperate with producers, industry and technology groups, and other agencies to encourage the growth of technology within the state's agricultural industries while protecting, as necessary, the integrity of existing agriculture and agricultural marketing channels.

SECTION 2. That Section 22-608, Idaho Code, be, and the same is hereby amended to read as follows:

22-608. INSPECTION FEES. (1) There shall be paid to the department for all fertilizers sold or distributed in this state in quantities of more than twenty-five (25) pounds an inspection fee at the rate of thirty-five cents (35¢) per ton by the product registrant. Another registrant or a tonnage-only distributor may assume responsibility for the inspection fee. Except that:

(a) No fee shall be paid on commercial fertilizer if the payment has been made by a previous distributor.

(b) No fee shall be paid on a customer-formula fertilizer if the inspection fee is paid on the commercial fertilizers that are used as ingredients therein.

(c) No fee shall be paid on commercial fertilizers that are used as ingredients for the manufacture of commercial fertilizers.

(d) If the fee has already been paid, credit shall be given for such payment.

(2) Every registrant who distributes fertilizer into or within the state shall file with the department ~~a semiannual~~ an annual statement ~~for the reporting period~~ setting forth the number of net tons of each fertilizer so distributed into or within this state during such period. The annual tonnage reporting period shall be July 1 to June 30 of each year. The statement is due on or before thirty (30) days following the close of the filing period. Upon filing the statement, the registrant shall pay the inspection fee at the rate provided in this section. If the tonnage report is not filed and the inspection fee is not paid within thirty (30) days after the end of the specified filing period, a collection fee of ten percent (10%) of the amount due, or twenty-five dollars (\$25.00), whichever is greater, shall be assessed against the registrant and added to the amount due.

(3) When more than one (1) person is involved in the distribution of a fertilizer, the last person who has the fertilizer registered or who has distributed the fertilizer to a nonregistrant, dealer, or consumer is responsible for reporting the tonnage and paying the inspection fee, unless the report and payment is made by a prior distributor of the fertilizer. The registrant has the ultimate responsibility for the payment of inspection fees.

(4) Records of the number of net tons of each fertilizer so distributed in this state shall be maintained for a period of five (5) years. The director shall have the right to examine such records to verify the reported tonnage of fertilizer distributed in this state.

(5) A minimum inspection fee shall be fifteen dollars (\$15.00) per reporting period.

(6) On individual packages of fertilizer containing twenty-five (25) pounds or less, there shall be paid, in lieu of the inspection fee, an annual registration fee of twenty-five dollars (\$25.00) for each separately identifiable product sold or distributed. Where a person distributes fertilizer in packages of twenty-five (25) pounds or less and in packages of over twenty-five (25) pounds, the annual fee shall apply only to that portion distributed in packages of twenty-five (25) pounds or less.

(7) Fees so collected shall be used for the payment of the costs of inspection, sampling and analysis, and other expenses necessary for the administration of this chapter.

SECTION 3. That Section 22-2208, Idaho Code, be, and the same is hereby amended to read as follows:

22-2208. TONNAGE FEE. (1) The registrant of soil amendments or plant amendments distributed for sale or other remuneration in this state shall pay to the department a tonnage fee of fifteen cents (15¢) per ton, on a dry weight basis. For liquid formulations or ingredients, the tonnage fee shall be based on weight-per-gallon basis.

(2) ~~Semiannual~~ The annual tonnage fee reporting periods shall be ~~January 1 to June 30 and July 1 to December 31~~ July 1 to June 30 of each year.

(3) Every registrant who distributes soil amendments or plant amendments in the state shall file with the department ~~a semiannual~~ an annual statement for the reporting period setting forth the number of net tons of each soil amendment or plant amendment distributed in this state during the reporting period. The statement is due on or before thirty (30) days following the close of the filing period and, upon filing the statement, the registrant shall pay the tonnage fee at the rate stated in this section. If the tonnage report is not filed and the tonnage fees are not paid within thirty (30) days after the end of the specified filing period, a collection fee of ten percent (10%) of the amount due, or twenty-five dollars (\$25.00), whichever is greater, shall be assessed against the registrant and added to the amount due.

(4) The registrant is ultimately responsible for paying tonnage fees. When more than one (1) person is involved in the distribution of a soil amendment or plant amendment, the last person who has the soil amendment or plant amendment registered or who has distributed a soil amendment or plant amendment to a nonregistrant, dealer or consumer is responsible for reporting the tonnage and paying the tonnage fee, unless the report and payment are made by a prior distributor of the soil amendment or plant amendment.

(5) A minimum tonnage fee shall be fifteen dollars (\$15.00) per reporting period.

(6) Records of the number of net tons of each soil amendment or plant amendment distributed in this state shall be maintained for a period of five (5) years. The director may examine the records to verify the reported tonnage of plant amendments and soil amendments distributed in this state.

(7) Collected tonnage fees shall be used to pay the costs of inspection, sampling and analysis, and other expenses necessary for the administration of this chapter.

Approved March 16, 2020

CHAPTER 143
(S.B. No. 1262)

AN ACT

RELATING TO EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1333, IDAHO CODE, TO REMOVE A PROVISION REGARDING AN IDAHO DEPARTMENT OF LABOR OFFICIAL SEAL; AMENDING SECTION 72-1351, IDAHO CODE, TO ESTABLISH A PROVISION REGARDING EXPERIENCE RATING AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 72-1352A, IDAHO CODE, TO REVISE PROVISIONS REGARDING REGISTRATION OF EXEMPT CORPORATE OFFICERS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 72-1333, Idaho Code, be, and the same is hereby amended to read as follows:

72-1333. DEPARTMENT OF LABOR -- AUTHORITY AND DUTIES OF THE DIRECTOR. (1) The director shall administer the employment security law, chapter 13, title 72, Idaho Code, the minimum wage law, chapter 15, title 44, Idaho Code, the provisions of chapter 6, title 45, Idaho Code, relating to claims for wages, the provisions of section 44-1812, Idaho Code, relating to minimum medical and health standards for paid firefighters, the disability determinations service established pursuant to 42 U.S.C. 421, and shall perform such other duties relating to labor and workforce development as may be imposed by law. The director shall be the successor in law to the office enumerated in section 1, article XIII, of the constitution of the state of Idaho. The director shall have the authority to employ individuals, make expenditures, require reports, make investigations, perform travel and take other actions deemed necessary. The director shall organize the department of labor, which is hereby created and which shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be an executive department of the state government. ~~The director shall have an official seal, which shall be judicially noticed.~~

(2) The director shall have the authority pursuant to chapter 52, title 67, Idaho Code, to adopt, amend, or rescind rules as deemed necessary for the proper performance of all duties imposed by law.

(3) Subject to the provisions of chapter 53, title 67, Idaho Code, the director is authorized and directed to provide for a merit system for the department covering all persons, except the director, the division administrators and two (2) exempt positions to serve at the pleasure of the director.

(4) The director shall make recommendations for amendments to the employment security law and other laws the director is charged to implement as deemed proper.

(5) The director shall have all the powers and duties as may have been or could have been exercised by predecessors in law, except those powers and duties granted and reserved to the director of the department of commerce in titles 39, 49 and 67, Idaho Code, and shall be the successor in law to all contractual obligations entered into by predecessors in law, except for those contracts of the department of commerce, or contracts pertaining to any power or duty granted and reserved to the director of the department of commerce in titles 39, 49 and 67, Idaho Code.

(6) The director shall provide administrative support for the commission on human rights pursuant to section 67-5905, Idaho Code.

SECTION 2. That Section 72-1351, Idaho Code, be, and the same is hereby amended to read as follows:

72-1351. EXPERIENCE RATING AND VOLUNTARY TRANSFERS OF EXPERIENCE RATING ACCOUNTS. (1) Subject to the other provisions of this chapter, each eligible and deficit employer's, except cost reimbursement employers, taxable wage rate shall be determined in the manner set forth below in this subsection for each calendar year:

(a) (i) Each eligible employer shall be given an "experience factor" which shall be the ratio of excess of contributions over benefits paid on the employer's account since December 31, 1939, to his average annual taxable payroll rounded to the next lower dollar amount for the four (4) fiscal years immediately preceding the computation date, except that when an employer first becomes eligible, his "experience factor" will be computed on his average annual taxable payroll for the two (2) fiscal years or more, but not to exceed four (4) fiscal years, immediately preceding the computation date. The computation of such "experience factor" shall be to six (6) decimal places.

(ii) Each deficit employer shall be given a "deficit experience factor" which shall be the ratio of excess of benefits paid on the employer's account over contributions since December 31, 1939, to his average annual taxable payroll rounded to the next lower dollar amount for one (1) or more fiscal years, but not to exceed four (4) fiscal years, for which he had covered employment ending on the computation date; provided, however, that any employer who, on any computation date has a "deficit experience factor" for the period immediately preceding such computation date but who has filed all reports, paid all contributions and penalties due on or before the ~~cut-off~~ cutoff date, and has during the last four (4) fiscal years paid contributions at a rate of not less than the standard rate applicable for each such year and in excess of benefits charged to his experience rating account during such years, shall have any balance of benefits charged to his account, which on the computation date immediately preceding such four (4) fiscal years was in excess of contributions paid, deleted from his account, and the excess benefits so deleted shall not be considered in the computation of his taxable wage rate for the rate years following such four (4) fiscal years. For the rate year following such computation date, he shall be given the standard rate for that year.

(iii) In the event an employer's coverage has been terminated because he has ceased to do business or because he has not had covered employment for a period of four (4) years, and if said employer thereafter becomes a covered employer, he will be considered as though he were a new employer, and he shall not be credited with his previous experience under this chapter for the purpose of computing any future "experience factor."

(iv) Benefits paid to a claimant whose employment terminated because the claimant's employer was called to active military duty shall not be used as a factor in determining the taxable wage rate of that employer.

(b) Schedules shall be prepared listing all eligible employers in inverse numerical order of their experience factors, and all deficit employers in numerical order of their deficit experience factors. There shall be listed on such schedules for each such employer in addition to the experience factor: (i) the amount of his taxable payroll for the fiscal year ending on the computation date, and (ii) a cumulative total consisting of the sum of such employer's taxable payroll for the fiscal year ending on the computation date and the corresponding taxable payrolls for all other employers preceding him on such schedules.

(c) The cumulative taxable payroll amounts listed on the schedules provided for in paragraph (b) of this subsection shall be segregated into groups whose limits shall be those set out in the table provided in section 72-1350(7), Idaho Code. Each of such groups shall be identified by the rate class number listed in the table which represents the percentage limits of each group. Each employer on the schedules shall be assigned a taxable wage rate in accordance with section 72-1350, Idaho Code.

(d) (i) If the grouping of rate classes requires the inclusion of exactly one-half (1/2) of an employer's taxable payroll, the employer shall be assigned the lower of the two (2) rates designated for the two (2) classes in which the halves of his taxable payroll are so required.

(ii) If the group of rate classes requires the inclusion of a portion other than exactly one-half (1/2) of an employer's taxable payroll, the employer shall be assigned the rate designated for the class in which the greater part of his taxable payroll is so required.

(iii) If one (1) or more employers on the schedules have experience factors identical to that of the last employer included in a particular rate class, all such employers shall be included in and assigned the taxable wage rate specified for such class, notwithstanding the provisions of paragraph (c) of this subsection.

(e) If the taxable payroll amount or the experience factor or both such taxable payroll amount and experience factor of any eligible or deficit employer listed on the schedules is changed, the employer shall be placed in that position on the schedules which he would have occupied had his taxable payroll amount and/or experience factor as changed been used in determining his position in the first instance, but such change shall not affect the position or rate classification of any other employer listed on the schedules and shall not affect the rate determination for previous years.

(2) For experience rating purposes, all previously accumulated benefit charges to covered employers' accounts, except cost reimbursement employers, shall not be changed except as provided in this chapter. Benefits paid prior to June 30 shall, as of June 30 of each year preceding the calendar year for which a covered employer's taxable wage rate is effective, be charged to the account of the covered employer, except cost reimbursement employers, who paid the largest individual amount of base period wages as shown on the determination used as the basis for the payment of such benefits, except that no charge shall be made to the account of such covered employer with respect to benefits paid under the following situations:

(a) If paid to a worker who terminated his services voluntarily without good cause attributable to such covered employer, with good cause but for reasons not attributable to such covered employer, or who had been discharged for misconduct in connection with such services;

(b) If paid in accordance with the provisions of section 72-1368(10), Idaho Code, and the decision to pay benefits is subsequently reversed;

(c) For that portion of benefits paid to multistate claimants pursuant to section 72-1344, Idaho Code, which exceeds the amount of benefits that would have been charged had only Idaho wages been used in paying the claim;

(d) If paid in accordance with the extended benefit program triggered by either national or state indicators;

(e) If paid to a worker who continues to perform services for such covered employer without a reduction in his customary work schedule, and who is eligible to receive benefits due to layoff or a reduction in earnings from another employer;

(f) If paid to a worker who turns down an offer of suitable work because of participation in a job training program pursuant to the requirements of section 72-1366(8), Idaho Code.

(3) A covered employer whose experience rating account is chargeable, as prescribed by this section, is an interested party as defined in section 72-1323, Idaho Code. A determination of chargeability shall become final unless, within fourteen (14) days after notice as provided in section 72-1368(5), Idaho Code, an appeal is filed by an interested party with the department in accordance with the department's rules. Appeal proceedings shall be in accordance with the provisions of section 72-1361, Idaho Code.

(4) An experience rating record shall be maintained for each covered employer. The record shall be credited with all contributions which the covered employer has paid for covered employment prior to the ~~cut-off~~ cutoff date, pursuant to the provisions of this and preceding acts, and which covered employment occurred prior to the computation date. The record shall also be charged with the amount of benefits paid which are chargeable to the covered employer's account as provided by the appropriate provisions of the employment security law and regulations thereunder in effect at the time such benefits were paid. Nothing in this section shall be construed to grant any covered employer or individual in his service a priority with respect to any claim or right because of amounts paid by such covered employer into the employment security fund.

(5) (a) Whenever any individual or type of organization, whether or not a covered employer within the meaning of section 72-1315, Idaho Code, in any manner succeeds to, or acquires all or substantially all, of the business of an employer who at the time of acquisition was a covered employer, and in respect to whom the director finds that the business of the predecessor is continued solely by the successor, the separate experience rating account of the predecessor shall, upon the joint application of the predecessor and the successor within the one hundred eighty (180) days after such acquisition and approval by the director, be transferred to the successor employer for the purpose of determining such successor's liability and taxable wage rate, and any successor who was not an employer on the date of acquisition shall, as of such date, become a covered employer as defined in this chapter. Such one hundred eighty (180) day period may be extended at the discretion of the director.

(b) Whenever any individual or type of organization, whether or not a covered employer within the meaning of section 72-1315, Idaho Code, in any manner succeeds to, or acquires, part of the business of an employer who at the time of acquisition was a covered employer, and such portion of the business is continued by the successor, so much of the separate experience rating account of the predecessor as is attributable to the

portion of the business transferred, as determined on a pro rata basis in the same ratio that the wages of covered employees properly allocable to the transferred portion of the business bears to the payroll of the predecessor in the last four (4) completed calendar quarters immediately preceding the date of transfer, shall, upon the joint application of the predecessor and the successor within one hundred eighty (180) days after such acquisition and approval by the director, be transferred to the successor employer for the purpose of determining such successor's liability and taxable wage rate, and any successor who was not an employer on the date of acquisition shall, as of such date, become a covered employer as defined in this chapter. Such one hundred eighty (180) day period may be extended at the discretion of the director.

(c) (i) If the successor was a covered employer prior to the date of the acquisition of all or a part of the predecessor's business, his taxable wage rate, effective the first day of the calendar quarter immediately following the date of acquisition, shall be a newly computed rate based on the combined experience of the predecessor and successor, the resulting rate remaining in effect the balance of the rate year.

(ii) If the successor was not a covered employer prior to the date of the acquisition of all or a part of the predecessor's business, his rate shall be the rate applicable to the predecessor with respect to the period immediately preceding the date of acquisition, but if there were more than one (1) predecessor, the successor's rate shall be a newly computed rate based on the combined experience of the predecessors, becoming effective immediately after the date of acquisition, and shall remain in effect the balance of the rate year.

(d) For purposes of this section, an employer's experience rating account shall consist of the actual contribution, benefit and taxable payroll experience of the employer and any amounts due from the employer under this chapter. When a transferred experience rating account includes amounts due from the employer under this chapter, both the predecessor employer and the successor employer shall be jointly and severally liable for those amounts.

SECTION 3. That Section 72-1352A, Idaho Code, be, and the same is hereby amended to read as follows:

72-1352A. CORPORATE OFFICERS -- EXEMPTION FROM COVERAGE -- NOTIFICATION -- REINSTATEMENT. (1) A corporation that is a public company, other than those covered in sections 72-1316A, 72-1322D and 72-1349C, Idaho Code, may elect to exempt from coverage pursuant to this chapter any bona fide corporate officer who is voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation, is a shareholder of the corporation, exercises substantial control in the daily management of the corporation and whose primary responsibilities do not include the performance of manual labor.

(2) A corporation that is not a public company, other than those covered in sections 72-1316A, 72-1322D and 72-1349C, Idaho Code, may elect to exempt from coverage pursuant to this chapter any bona fide corporate officer, without regard to the corporate officer's performance of manual labor, if the corporate officer is a shareholder of the corporation, voluntarily agrees to be exempted from coverage and exercises substantial control in the daily management of the corporation.

(3) For purposes of this section, a "public company" is a corporation that has a class of shares registered with the federal securities and exchange commission pursuant to section 12 or 15 of the Securities and Exchange Act of 1934 or section 8 of the Investment Company Act of 1940, or any successor statute.

(4) To make the election, a corporation with qualifying corporate officers pursuant to subsection (1) or (2) of this section must register with the department each qualifying corporate officer it elects to exempt from coverage. The registration must be in a format prescribed by the department and be signed and dated by the corporate officer being exempted from coverage. Registration forms received and approved by the department ~~on or before December 15 shall become effective the first day of the next calendar year and by March 31 of the first year of the election shall be effective January 1 of that year and shall remain in effect for at least two (2) consecutive calendar years. Registration forms received and approved by the department after December 15, 2011, and on or before July 31, 2012, shall become effective January 1, 2012, and shall remain in effect for at least two (2) consecutive calendar years. Except for elections made after December 15, 2011, and on or before July 31, 2012, exemptions from coverage shall not be retroactive and the corporation requesting the exemption shall not be eligible for a refund or credit for contributions paid for corporate officers before the effective date of the exemption.~~

(5) A newly formed corporation with qualifying corporate officers pursuant to subsections (1) and (2) of this section shall register with the department each corporate officer it elects to exempt within forty-five (45) calendar days after submitting its Idaho business registration form to the department as required by section 72-1337, Idaho Code. The registration must be in a format prescribed by the department and be signed and dated by the corporate officer being exempted from coverage. Registration forms received and approved by the department shall become effective as of the date the Idaho business registration form was submitted to the department and shall remain in effect for at least two (2) consecutive calendar years.

(6) A corporation may elect to reinstate coverage for one (1) or more corporate officers previously exempted pursuant to this section. Reinstatement requires written notice from the corporation to the department in a format prescribed by the department. Reinstatement requests received by the department on or before December 15 shall become effective the first day of the calendar year following the end of the exemption's two (2) year effective date. Coverage shall not be reinstated retroactively.

Approved March 16, 2020

CHAPTER 144
(S.B. No. 1264)

AN ACT

RELATING TO SELF-SERVICE STORAGE FACILITIES; AMENDING SECTION 55-2301, IDAHO CODE, TO REVISE DEFINITIONS, TO REMOVE A DEFINITION, AND TO DEFINE A TERM; AMENDING SECTION 55-2304, IDAHO CODE, TO REVISE PROVISIONS REGARDING RENTAL AGREEMENTS; AMENDING SECTION 55-2305, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CREATION OF LIENS; AMENDING SECTION 55-2306, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ENFORCEMENT OF LIENS; AMENDING CHAPTER 23, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-2308, IDAHO CODE, TO PROVIDE A PROCEDURE IN THE EVENT OF DEFAULT WHEN THE PROPERTY STORED IN THE LEASED SPACE IS A VEHICLE OR TRAILER; AND AMENDING CHAPTER 23, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-2309, IDAHO CODE, TO PROVIDE THAT AN OPERATOR MAY DENY ACCESS TO THE LEASED SPACE UNDER CERTAIN CONDITIONS.

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

SECTION 1. That Section 55-2301, Idaho Code, be, and the same is hereby amended to read as follows:

55-2301. DEFINITIONS. As used in this chapter:

(1) "Default" means the failure by the lessee to perform, on time, any obligation or duty set forth in the rental agreement or the provisions of this chapter.

(2) "Last known address" means that address provided by the lessee in the rental agreement or the address provided by the lessee to the operator in a subsequent written notice of a change of address.

(3) "Leased space" means the individual storage space at the self-service storage facility which that is or may be rented to a lessee pursuant to a rental agreement. The leased space may be enclosed, covered, or open storage.

(4) "Lessee" means a person, sublessee, successor, or assignee entitled to the use of a leased space at a self-service storage facility under the terms of a rental agreement.

(5) "Operator" means any person authorized by the owner, operator, lessor, or sublessor of a self-service storage facility or an agent or another person authorized to manage the facility or to receive rent from a lessee under a rental agreement. The term does not include a warehouse operator if the warehouse operator issues a warehouse receipt, bill of lading, or other document of title for the personal property stored.

(6) "Owner" means the person who holds legal title to the self-service storage facility. An owner may also be an operator.

~~(7)~~ "Personal property" means those items placed within the leased space and includes, but is not limited to, goods, wares, merchandise, motor vehicles, watercraft and household items and furnishings.

(87) "Rental agreement" means a signed, written agreement or contract that establishes or modifies conditions or rules concerning the use and occupancy by a lessee of leased space at a self-service storage facility and includes any signed, written amendment to such an agreement.

(98) "Self-service storage facility" means any real property used for renting or leasing individual storage space in which the lessees themselves store and remove their own personal property on a "self-service" basis.

(9) "Vehicle" is as defined in section 49-123, Idaho Code, and "trailer" is as defined in section 49-121, Idaho Code. Should the operator choose to proceed with a lien sale of a vehicle, the operator must comply with the provisions of chapter 17, title 49, Idaho Code.

SECTION 2. That Section 55-2304, Idaho Code, be, and the same is hereby amended to read as follows:

55-2304. RENTAL AGREEMENT. (1) From and after July 1, 1990, any operator offering storage spaces in a self-service storage facility for rent shall provide a written rental agreement which shall be executed by the operator and the lessee. The operator of a self-storage self-service storage facility shall provide a lessee with a copy of the rental agreement at the time of the rental by delivery at that time or as provided for in the rental agreement.

(2) The rental agreement shall contain a conspicuous statement advising the lessee:

(a) Of the existence of the operator's lien;

(b) That the property in the leased space may be sold to satisfy the lien if the lessee is in default; and

(c) That the personal property stored in a storage leased space will not be insured unless the lessee obtains insurance on his property;

(d) Of the amount of any late fee and the conditions for imposing the fee; and

(e) That all notices and correspondence may be sent as provided for in the rental agreement.

(3) In the absence of a notice provision in the rental agreement, notices to the lessee pursuant to section 55-2306, Idaho Code, shall be sent by certified mail. The absence of a notice provision in the rental agreement does not affect the validity of the rental agreement or the operator's lien.

(4) The rental agreement shall contain a provision requiring the lessee to disclose any lienholders or secured parties who have an interest in property that is stored in the self-service storage facility leased space.

(5) If the rental agreement specifies a limit on the value of personal property that the lessee may store in the leased space, the limit must be deemed to be the maximum value of the personal property in the leased space and the maximum liability on the part of the operator to the lessee for any loss of or damage to the personal property. Nothing in this section shall be deemed to create any liability on the part of the operator to the lessee for any loss of or damage to the lessee's personal property, regardless of cause.

(6) All notices sent as provided for in the rental agreement or by certified mail shall be constructive and conclusive notice under the rental agreement and this chapter.

(7) A reasonable late fee may be imposed and collected by an operator for each period that a lessee does not pay rent, fees, or other charges when due under the rental agreement, if the amount of the late fee and the conditions for imposing the fee are stated in the rental agreement. A late fee of twenty dollars (\$20.00) or twenty percent (20%) of the monthly rent, whichever is greater, is a reasonable fee and will not be considered a penalty.

(8) Nothing in this chapter shall be construed in any manner as impairing or affecting the right of parties to create additional rights, duties, and obligations in and by virtue of a rental agreement. In addition to the rights and remedies set forth in this chapter, the operator has the same rights and remedies available to a creditor or landlord under Idaho law.

SECTION 3. That Section 55-2305, Idaho Code, be, and the same is hereby amended to read as follows:

55-2305. LIEN CREATED. The owner operator of a self-service storage facility, his heirs, executors, administrators, successors, and assigns shall have a lien on all personal property stored within each leased space located at the self-service storage facility for rent, labor, fees, or other charges, present or future, and for expenses reasonably incurred in

enforcing the lien. Self-service storage facility liens shall be brought exclusively under the provisions of this chapter. Notwithstanding any other provision of this chapter, the exclusive care, custody, and control of the personal property stored within each leased space remains with the lessee until the property has been sold or disposed of pursuant to this chapter.

SECTION 4. That Section 55-2306, Idaho Code, be, and the same is hereby amended to read as follows:

55-2306. ENFORCEMENT OF LIEN. (1) ~~Action~~ A sale of personal property to enforce a lienholder's claim which that has become due against a lessee and which that is secured by the owner's operator's lien may be taken by the owner or operator conducted after the lessee has been in default of the rental agreement continuously for a period of sixty (60) days.

(2) The operator shall send notice by certified mail or as provided for in the rental agreement to the lessee at his last known address and by mail to all persons disclosed by the lessee as claiming a security interest in the stored property. The notice shall include:

(a) The name, address and telephone number of the person claiming the lien;

(b) An itemized statement of the lienholder's claim showing the sum due at the time of the notice and the date when the sum became due;

(c) A demand for payment within a time specified, not less than ten (10) days after mailing sending of the notice;

(d) A statement that unless the claim is paid within the time stated in the notice, the personal property shall be advertised for sale and ~~shall be sold at a specified time and place, but which shall not be sooner than~~ ten (10) days after the first publication;

(e) A brief and general description of the goods subject to the lien; and

(f) Notification that the operator has denied or may deny access by the lessee to his personal property until the lien has been satisfied.

(3) Upon expiration of the time specified in subsection (2) (c) of this section, an advertisement of the sale shall be published ~~once a week for two (2) consecutive weeks~~ in a newspaper of general circulation in the county where the self-service storage facility is located. The advertisement shall include:

(a) The location, date, time, and manner of the sale of the property stored in the leased space at the self-service storage facility;

(b) A brief and general description of the personal property; and

(c) The name and last known address of the lessee.

(4) At any time before the advertised sale of the personal property has been conducted or the vehicle or trailer has been towed, the lessee or any other person may pay the amount necessary to satisfy the lien, including all documented and verifiable labor and expenses incurred in enforcing the lien, and be permitted to remove the personal property, vehicle, or trailer from the leased space.

(5) In the event of a sale, the operator shall:

(a) Ensure that the sale is conducted in conformance with the terms of the published notice;

(b) Identify the specific properties and disclose the names and addresses provided by the lessee, of persons claiming a security interest in the specified properties; and

(c) Comply with the provisions of chapter 17, title 49, Idaho Code, when foreclosing on titled vehicles.

(6) The proceeds of the sale must be applied to the discharge of the lien and costs. The remainder, if any, shall be paid over to the lessee or any other person authorized in writing by the lessee to claim the balance.

(7) The operator may dispose of the personal property without liability to any person if the operator has complied with the provisions of subsections (1) through (5) of this section, and the personal property has not been purchased.

(8) The operator may conduct the lien sale without obtaining an auctioneer's license and may offer the personal property for sale as a unit or in parcels on a publicly accessible website that regularly offers personal property for auction or sale, at the self-service storage facility, or at another location determined by the operator.

(9) A purchaser in good faith of any personal property sold pursuant to this section to satisfy the lien shall take the property free and clear of any rights of persons against whom the lien was valid, even if the operator has not complied with the provisions of this chapter or the rental agreement.

SECTION 5. That Chapter 23, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-2308, Idaho Code, and to read as follows:

55-2308. LESSEE IN DEFAULT -- VEHICLE OR TRAILER REMOVAL. (1) If a lessee is in default of the rental agreement for sixty (60) days or more and the personal property stored in the leased space is a vehicle or trailer, the operator may have the vehicle or trailer towed from the self-service storage facility by an independent towing company. Prior to having the vehicle or trailer towed, the operator shall send notice to the lessee as provided for in the rental agreement or by certified mail to the last known address stating:

- (a) A demand for payment within a time specified, no less than ten (10) days after sending of the notice;
- (b) That unless the claim is paid within the time stated in the notice, the vehicle or trailer may be towed; and
- (c) The name, address, and telephone number of the towing company.

(2) The operator shall send a copy of the notice by United States mail with certificate of mailing to any lienholder of the vehicle or trailer that is listed in the rental agreement, no less than ten (10) days prior to having the vehicle or trailer towed.

(3) The operator has no liability to any person regarding the vehicle or trailer once the towing company takes possession of the vehicle or trailer.

(4) Should the operator choose to proceed with a lien sale of a vehicle, the operator must comply with the provisions of chapter 17, title 49, Idaho Code. The towing company that tows the vehicle must comply with the provisions of either chapter 17 or 18, title 49, Idaho Code, as applicable, prior to conducting a sale of the vehicle.

SECTION 6. That Chapter 23, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-2309, Idaho Code, and to read as follows:

55-2309. ACCESS RESTRICTION. The operator has the right to deny the lessee access to the leased space by overlocking or other means if:

- (1) The rent or other charges due from the lessee are delinquent and unpaid;
- (2) The leased space is being used for residential or other unlawful purposes; or
- (3) The lessee fails to vacate the leased space after the rental agreement is terminated in accordance with its terms.

CHAPTER 145
(S.B. No. 1267)

AN ACT

RELATING TO DAYLIGHT SAVING TIME; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 96, TITLE 67, IDAHO CODE, TO PROVIDE THAT CERTAIN AREAS OF THE STATE OF IDAHO SHALL MAKE DAYLIGHT SAVING TIME THE PERMANENT TIME UPON A SPECIFIED CONDITION.

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

SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 96, Title 67, Idaho Code, and to read as follows:

CHAPTER 96
DAYLIGHT SAVING TIME

67-9601. DAYLIGHT SAVING TIME. At such time as the state of Washington makes daylight saving time the permanent time of the state and all of its political subdivisions, those areas of the state of Idaho that are in the Pacific time zone shall also make daylight saving time the permanent time of those areas of the state of Idaho and all of those political subdivisions located within those areas.

Approved March 16, 2020

CHAPTER 146
(S.B. No. 1273)

AN ACT

RELATING TO WATER; AMENDING SECTION 42-245, IDAHO CODE, TO REMOVE A DATE RESTRICTION ASSOCIATED WITH AN EXCEPTION TO WAIVER AND RELINQUISHMENT OF CERTAIN WATER RIGHTS.

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

SECTION 1. That Section 42-245, Idaho Code, be, and the same is hereby amended to read as follows:

42-245. FAILURE TO FILE CLAIM WAIVES AND RELINQUISHES RIGHT. Any person claiming the right to divert or withdraw and use waters of the state who fails to file a claim as provided in section 42-243, Idaho Code, shall be conclusively deemed to have waived and relinquished any right, title or interest in said right.

The provisions of this section shall not apply if a claim to the right is filed in a general water rights adjudication proceeding commenced ~~prior to June 30, 1988,~~ under the provisions of chapter 14, title 42, Idaho Code.

Approved March 16, 2020

CHAPTER 147
(S.B. No. 1278)

AN ACT

RELATING TO DRIVER TRAINING; AMENDING SECTION 33-1707, IDAHO CODE, TO REVISE PROVISIONS REGARDING REIMBURSEMENT FROM THE DRIVER TRAINING ACCOUNT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-1707, Idaho Code, be, and the same is hereby amended to read as follows:

33-1707. REIMBURSEMENT -- DETERMINATION -- CERTIFICATION.

(1) (a-) From the data provided by the school district, as required by section 33-1706, Idaho Code, the state department of education shall compute the average of the number of pupils enrolling in the course and those completing the same, and determine for such average number, the per-pupil cost thereof.

(b) The amount due the district from the driver training fund account in the state treasury shall be the total cost of operating the program, or the average of the number enrolling in the course and those completing the same, multiplied by one hundred ~~twenty-five~~ fifty dollars (\$1250), whichever is the lesser.

~~b-~~ (2) On or before the fifteenth day of February, and the thirtieth day of June, and the fifteenth day of September in each year, the state superintendent of public instruction shall certify to the state controller a list of school districts having submitted the reports required in section 33-1706, Idaho Code, and the amount of money due to each as computed under the provisions of subsection ~~a-~~ (1) of this section. The state controller shall draw his warrants against the driver training account in the state treasury, in favor of the several districts entitled thereto, in the amount so certified. Annually, ~~not~~ no later than the first day of September in each year, the state superintendent of public instruction shall cause the supervisor of driver training to prepare a report listing the names of the school districts having submitted the reports as required in section 33-1706, Idaho Code, and the amounts of money paid each as computed under the provisions of subsection ~~a-~~ (1) of this section.

Approved March 16, 2020

CHAPTER 148
(S.B. No. 1282)

AN ACT

RELATING TO THE BOARD OF CEMETERIANS; REPEALING CHAPTER 38, TITLE 54, IDAHO CODE, RELATING TO THE BOARD OF CEMETERIANS.

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

SECTION 1. That Chapter 38, Title 54, Idaho Code, be, and the same is hereby repealed.

Approved March 16, 2020

CHAPTER 149
(S.B. No. 1291)

AN ACT

RELATING TO THE RANGELAND RESOURCES COMMISSION; AMENDING SECTION 58-1403, IDAHO CODE, TO REVISE NOMINATION PROVISIONS FOR COMMISSION SEATS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 58-1403, Idaho Code, be, and the same is hereby amended to read as follows:

58-1403. RANGELAND RESOURCES COMMISSION CREATED -- MEMBERS. (1) There is hereby created and established in the department of self-governing agencies the Idaho rangeland resources commission, to be composed of five (5) voting members appointed by the governor from a list of names, with at least two (2) names for each appointive office submitted to the governor. The Idaho cattle association shall nominate and submit the required number of names for two (2) seats on the commission, the Idaho wool growers association shall nominate and submit the required number of names for one (1) seat on the commission, the partners advisory council (PAC) of the university of Idaho rangeland center shall nominate and submit the required number of names for one (1) seat on the commission, and the Idaho rangeland ~~committee resource commission~~ shall nominate and submit the required number of names for ~~two one (21)~~ seats to serve at large on the commission. Members of the commission shall serve five (5) year terms. Initially, one (1) member of the commission will serve a one (1) year term, one (1) member of the commission will serve a two (2) year term, one (1) member of the commission will serve a three (3) year term, one (1) member of the commission will serve a four (4) year term, and one (1) member of the commission will serve a five (5) year term. For the initial commission members, the duration of each member's term shall be determined by lot. Vacancies to the board shall be filled through nominations to the governor by the entity who originally submitted names for the position. Only the remainder of the term shall be served. No commissioner can serve more than two (2) consecutive five (5) year terms. No two (2) commissioners may reside in the same county.

(2) The governor shall also name as permanent advisory members to the commission, the state director of the bureau of land management, a representative of the U.S. forest service, the state conservationist from the soil conservation service, the director of the Idaho department of lands, the director of the Idaho department of agriculture, the chairman of the ~~Idaho rangeland committee~~ partners advisory council of the university of Idaho rangeland center or his designee, the current president of the Idaho section of the society of range management, the deans of the ~~University of Idaho~~ colleges of agriculture and forestry, wildlife and range sciences or their designees. No advisory member of the commission shall have a vote on the commission.

Approved March 16, 2020

CHAPTER 150
(S.B. No. 1304)

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1201B, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING GRANDFATHER RIGHTS FOR SPECIFIC ENDORSEMENTS.

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

SECTION 1. That Chapter 12, 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 33-1201B, Idaho Code, and to read as follows:

33-1201B. GRANDFATHER RIGHTS FOR SPECIFIC ENDORSEMENTS. (1) Individuals who held a specific endorsement issued or recognized by the state board of education or state department of education prior to July 1, 2020, which specific endorsement is no longer issued or recognized by the state board of education or state department of education as of July 1, 2020, shall hold the specific endorsement and be recognized as holding the specific endorsement.

(2) Individuals who hold a specific endorsement issued or recognized by the state board of education or state department of education as of July 1, 2020, shall continue to hold the specific endorsement and be recognized as holding the specific endorsement even if, in the future, the state board of education or state department of education ceases to issue or recognize such specific endorsements.

Approved March 16, 2020

CHAPTER 151
(S.B. No. 1329)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1004B, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 132, LAWS OF 2019, TO PROVIDE PLACEMENT ON THE CAREER LADDER FOR CERTAIN INSTRUCTIONAL STAFF AND TO PROVIDE FOR INCLUSION OF AN ALLOCATION AMOUNT IN CERTAIN CAREER TECHNICAL EDUCATION INSTRUCTIONAL STAFF MEMBER SALARIES; AND AMENDING SECTION 33-2205, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF CAREER TECHNICAL EDUCATION CERTIFICATES UNDER CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. 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) Career technical education instructional staff holding an occupational specialist certificate shall be placed on the career ladder as follows:

(a) Instructional staff new to working in an Idaho public school:

(i) With two (2) or three (3) years of industry experience in a field closely related to the subjects they seek to teach shall be placed in an equivalent cell to instructional staff who have been on the career ladder and met the movement requirements for one (1) year;

(ii) With four (4) or five (5) years of industry experience in a field closely related to the subjects they seek to teach shall be placed in an equivalent cell to instructional staff who have been on the career ladder and met the movement requirements for two (2) years;

(iii) With six (6) or seven (7) years of industry experience in a field closely related to the subjects they seek to teach shall be placed in an equivalent cell to instructional staff who have been on the career ladder and met the movement requirements for three (3) years; and

(iv) With eight (8) or more years of industry experience in a field closely related to the subjects they seek to teach shall be placed in an equivalent cell to instructional staff who have been on the career ladder and met the movement requirements for four (4) years; and

(b) Existing career technical education instructional staff on the residency compensation rung shall have their placement updated consistent with the provisions of paragraph (a) of this subsection if the update would result in a rung higher than their current placement.

(5) 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), which shall be designated for career technical education staff and included as part of their salary.

(56) 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 endorsement who have acquired additional education and meet the 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 allocations are:

(a) For instructional staff and pupil service staff holding a 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 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

(67) 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 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. 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.

(78) 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 2. That Section 33-2205, Idaho Code, be, and the same is hereby amended to read as follows:

33-2205. STATE BOARD TO APPOINT ADMINISTRATOR -- DESIGNATION OF ASSISTANTS -- DIVISION OF CAREER TECHNICAL EDUCATION -- DUTIES AND POWERS. (1) The state board of education shall appoint a person to serve as an administrator to the state board for career technical education, who shall be known as the administrator of career technical education. The administrator shall designate, by and with the advice and consent of the state board for career technical education, such assistants as may be necessary to properly carry out the provisions of the federal acts and this chapter for the state of Idaho. The administrator and such assistants shall together be known as the division of career technical education.

(2) The administrator of career technical education shall also carry into effect such rules as the state board for career technical education may adopt, and shall coordinate all efforts in career technical education approved by the board with the executive secretary, and shall prepare such reports concerning the condition of career technical education in the state as the state board for career technical education may require.

(3) The division of career technical education may coordinate with the Idaho digital learning academy to develop any statewide virtual career technical education course delivery. Districts may choose to enroll in the course offered by the Idaho digital learning academy or may use their own curriculum providers.

(4) The division of career technical education shall maintain a list of secondary career technical education pathways that can be delivered by traditional means or entirely online, or a combination of both methods. The division of career technical education shall develop a methodology for the funding of each pathway delivery type. For those pathways that are able to be delivered entirely online, there shall be a presumption that they shall receive the same funding as for traditional career technical education pathways; however, actual funding shall be based upon actual approved costs, not to exceed the cost of delivering these pathways in a traditional setting.

(5) The division of career technical education may provide incentives to Idaho public colleges and universities offering career technical programs that, in coordination with the division, align their foundational courses that are required in the same or substantially similar programs of study so as to achieve uniformity and transferability in the core program requirements at all such public colleges and universities. Postsecondary credits earned by a student in a career technical education program shall transfer at the full credit value to any public Idaho college or university in a like program of study and such postsecondary credits will be treated by any such public college or university as satisfying specific course requirements in such program of study.

(6) The board shall authorize the issuance of career technical education certificates to individuals who seek to teach in career-related subjects and who:

(a) Submit to a criminal history check as described in section 33-130, Idaho Code, and meet at least one (1) of the following criteria:

(i) Hold or have held an approved industry certification in a field closely related to the content area in which the individual seeks to teach as defined by the division of career technical education;

(ii) Demonstrate a minimum of six thousand (6,000) hours of professional experience in a field closely related to the content area in which the individual seeks to teach; or

(iii) Hold a baccalaureate degree in a field closely related to the content area in which the individual seeks to teach and demonstrate two thousand (2,000) hours of professional experience in a field closely related to the content area in which the individual seeks to teach; and

(b) Complete an educator training program or courses approved by the division of career technical education.

(7) The state board of education may promulgate rules to implement the provisions of this section.

Approved March 16, 2020

CHAPTER 152
(S.B. No. 1355)

AN ACT

RELATING TO THE IDAHO MEDAL OF HONOR; AMENDING SECTION 67-8801, IDAHO CODE, TO PROVIDE FOR THE IDAHO MEDAL OF HONOR; AMENDING SECTION 67-8802, IDAHO CODE, TO PROVIDE FOR THE IDAHO MEDAL OF HONOR, TO REVISE PROVISIONS REGARDING THE COMMISSION, AND TO REVISE PROVISIONS REGARDING RULES; AMENDING SECTION 67-8803, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE AWARDING OF THE MEDAL OF HONOR; AMENDING SECTION 67-8804, IDAHO CODE, TO REVISE PROVISIONS REGARDING POSTHUMOUS AWARDING OF THE MEDAL OF HONOR; AMENDING SECTION 67-8805, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DESIGN AND COST OF THE MEDAL OF HONOR; AMENDING SECTION 67-8806, IDAHO CODE, TO REVISE A DEFINITION AND TO DEFINE TERMS; AMENDING CHAPTER 88, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-8807, IDAHO CODE, TO PROVIDE FOR NOMINATIONS; AND AMENDING CHAPTER 88, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-8808, IDAHO CODE, TO PROVIDE FOR QUALIFICATIONS.

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

SECTION 1. That Section 67-8801, Idaho Code, be, and the same is hereby amended to read as follows:

67-8801. IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR ESTABLISHED. There is hereby established a decoration of the Idaho law enforcement, firefighting and EMS medal of honor, referred to in this chapter as the "Idaho medal of honor," with accompanying ribbons and appurtenances for award by the governor in the name of the state to any law enforcement officer, firefighter or EMS provider who has been killed or seriously injured in the performance of duty, or who has been distinguished by exceptionally meritorious conduct, upon nomination of the Idaho law enforcement, firefighting and EMS medal of honor commission.

SECTION 2. That Section 67-8802, Idaho Code, be, and the same is hereby amended to read as follows:

67-8802. IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR COMMISSION CREATED -- MEMBERSHIP -- ESTABLISHMENT OF QUALIFICATIONS FOR AWARD. (1) There is hereby created in the office of the governor the Idaho law enforcement, firefighting and EMS medal of honor commission, hereafter referred to as the commission, which shall nominate candidates for the award of the Idaho law enforcement, firefighting and EMS medal of honor. The commission shall consist of one (1) representative from each of the following: the office of the governor, the office of the attorney general, the Idaho prosecuting attorneys association, the Idaho chiefs of police association,

the Idaho fire chiefs association, the Idaho sheriffs' association, the Idaho peace officers association, the Idaho department of health and welfare bureau of emergency medical services and, the peace officers standards and training council, and the professional firefighters of Idaho. Members of the commission shall be appointed by the governor and shall each serve for a term of four (4) years. Members of the commission shall hold office until the latter of expiration of the term to which the member was appointed or his successor has been duly appointed and qualified.

(2) The attorney general or his designee shall serve as chair of the commission and shall designate a secretary for the commission.

(3) The commission shall meet annually, or at the call of the chair, to consider candidates for nomination. Commission meetings may be conducted via teleconference.

(4) ~~The commission shall may adopt such rules establishing the qualifications for the Idaho law enforcement, firefighting and EMS medal of honor and the protocol governing the decoration, and other rules as it deems necessary to carry out the purposes of this chapter.~~

SECTION 3. That Section 67-8803, Idaho Code, be, and the same is hereby amended to read as follows:

67-8803. ~~WHEN AND BY WHOM AWARDED.~~ The Idaho law enforcement, firefighting and EMS medal of honor shall be awarded by the governor ~~to the law enforcement recipients during the national law enforcement recognition week and to the firefighter and EMS recipients during the annual Idaho fallen firefighter memorial~~ in a ceremony during the time that the legislature is in session or at such other time as the commission may decide. The governor may delegate the awarding of the medal to the lieutenant governor, ~~or the attorney general, or another member of the commission.~~

SECTION 4. That Section 67-8804, Idaho Code, be, and the same is hereby amended to read as follows:

67-8804. ~~POSTHUMOUS AWARD.~~ The Idaho law enforcement, firefighting and EMS medal of honor may be awarded posthumously by presentation to a representative of the deceased as may be deemed appropriate by the governor or the designees specified in section 67-8803, Idaho Code.

SECTION 5. That Section 67-8805, Idaho Code, be, and the same is hereby amended to read as follows:

67-8805. ~~DESIGN AND COST.~~ The decoration of the Idaho law enforcement, firefighting and EMS medal of honor shall be cast in bronze or other metal. The design of the medal shall incorporate the great seal of the state of Idaho with other insignia as deemed appropriate by the law enforcement, firefighting and EMS medal of honor commission. The reverse of the decoration shall be inscribed with the words: "~~For exceptionally honorable and meritorious conduct in performing services as a law enforcement officer, firefighter or EMS provider.~~" The cost of the medal shall be paid by the agency whose officer, firefighter or EMS provider receives the medal. The family of a recipient may request a second medal and may receive such medal upon payment to the commission of the cost of the medal.

SECTION 6. That Section 67-8806, Idaho Code, be, and the same is hereby amended to read as follows:

67-8806. DEFINITIONS. As used in this chapter:

- (1) "EMS" means emergency medical services; ~~and.~~
- (2) "Emergency medical services provider" or "EMS provider" means an emergency medical services provider certified technician, advanced emer-

gency medical technician, or paramedic licensed by the department of health and welfare pursuant to sections 56-1011 through 56-1018B, Idaho Code, and an ambulance-based clinician as defined in the rules governing emergency medical services as adopted by the department of health and welfare.

(3) "Exceptional meritorious conduct" means an act of bravery and self-sacrifice, at the risk of serious injury or loss of one's own life, which is so conspicuous as to clearly distinguish the individual above his comrades.

(4) "Firefighter" means a volunteer member or paid employee whose primary duty is preventing, extinguishing, or investigating fires and who prevents, extinguishes, or investigates fires as part of a fire district, fire department, or agency that is a part of or administered by the state or any political subdivision thereof.

(5) "Law enforcement officer" means a volunteer member or a paid employee of a police or law enforcement agency that is a part of or administered by the state, a federally recognized Indian tribe, or any political subdivision of the state whose primary duties are the prevention and detection of crime and the enforcement of the laws of this state or any of its political subdivisions.

(6) "Serious injury" means any injury that causes great bodily harm and a probability of death, any injury that causes significant permanent disfigurement, or any injury that causes a significant permanent loss or impairment of the function of any body part or organ.

SECTION 7. That Chapter 88, 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 67-8807, Idaho Code, and to read as follows:

67-8807. NOMINATIONS. (1) All nominations shall be:

- (a) In writing;
- (b) Submitted on the form provided by the commission; and
- (c) Postmarked and mailed, or hand-delivered, to the commission chairman at the address appearing on the nomination form on or before the date set forth on the form.

(2) All documentation, photographs, testimonials, affidavits, or other supplemental or additional information pertaining to the nomination must accompany the completed form.

(3) Nomination forms must be endorsed by the chief law enforcement officer of the department of the nominee, the fire chief, or the head of the nominee's EMS agency, as applicable.

SECTION 8. That Chapter 88, 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 67-8808, Idaho Code, and to read as follows:

67-8808. QUALIFICATIONS. All nominees shall:

(1) Be, or at the time of the incident must have been, a law enforcement officer, firefighter, or EMS provider performing or fulfilling responsibilities in an official capacity as a law enforcement officer, firefighter, or EMS provider; and

(2) Have performed with exceptional meritorious conduct, including conduct that resulted in death or serious injury.

Approved March 16, 2020

CHAPTER 153
(S.B. No. 1366)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED 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 for the Blind and Visually Impaired the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$834,400	\$70,800	\$599,200	\$1,504,400
Randolph Sheppard				
Fund		27,600	100,100	127,700
Rehabilitation Revenue and Refunds				
Fund		34,300	13,000	47,300
Miscellaneous Revenue				
Fund		28,100	56,300	84,400
Adaptive Aids and Appliances				
Fund	21,100	62,900		84,000
Federal Grant				
Fund	<u>2,199,700</u>	<u>613,900</u>	<u>470,300</u>	<u>3,283,900</u>
TOTAL	\$3,055,200	\$837,600	\$1,238,900	\$5,131,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission for the Blind and Visually Impaired is authorized no more than forty-one and twelve-hundredths (41.12) 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 16, 2020

CHAPTER 154
(S.B. No. 1375)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL 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 Independent Living Council 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	\$121,700	\$104,500		\$226,200
State Independent Living Council (Ded)				
Fund	276,700	93,500		370,200
Federal Grant				
Fund	<u>48,900</u>	<u>18,500</u>	<u>\$50,300</u>	<u>117,700</u>
TOTAL	\$447,300	\$216,500	\$50,300	\$714,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Independent Living Council is authorized no more than four (4.00) 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 16, 2020

CHAPTER 155
(S.B. No. 1381)

AN ACT

RELATING TO THE APPROPRIATION TO THE STEM ACTION CENTER FOR FISCAL YEAR 2021;
APPROPRIATING MONEYS TO THE STEM ACTION CENTER 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 STEM Action Center 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	\$513,500	\$2,533,600	\$3,047,100
STEM Education			
Fund	72,700	2,929,900	3,002,600
Miscellaneous Revenue			
Fund	<u>0</u>	<u>100,000</u>	<u>100,000</u>
TOTAL	\$586,200	\$5,563,500	\$6,149,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the STEM Action Center 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 16, 2020

CHAPTER 156
(S.B. No. 1382)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR A CASH TRANSFER TO THE OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT; AND REQUIRING OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT REPORTING.

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 Special Programs 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. FOREST UTILIZATION RESEARCH:				
FROM:				
General				
Fund	\$1,258,400	\$162,600		\$1,421,000
II. GEOLOGICAL SURVEY:				
FROM:				
General				
Fund	\$1,094,500	\$10,700		\$1,105,200
III. SCHOLARSHIPS AND GRANTS:				
FROM:				
General				
Fund	\$69,300		\$22,163,300	\$22,232,600
Miscellaneous Revenue				
Fund			1,000,000	1,000,000
Federal Grant				
Fund	<u>19,700</u>	<u>\$1,000</u>	<u>4,504,600</u>	<u>4,525,300</u>
TOTAL	\$89,000	\$1,000	\$27,667,900	\$27,757,900
IV. MUSEUM OF NATURAL HISTORY:				
FROM:				
General				
Fund	\$620,500	\$4,200		\$624,700

	FOR	FOR	FOR	
	PERSONNEL	OPERATING	TRUSTEE AND	
	COSTS	EXPENDITURES	BENEFIT	TOTAL
			PAYMENTS	
V. SMALL BUSINESS DEVELOPMENT CENTERS:				
FROM:				
General				
Fund	\$681,400			\$681,400
VI. TECHHELP:				
FROM:				
General				
Fund	\$355,300	\$7,500		\$362,800
GRAND TOTAL	\$4,099,100	\$186,000	\$27,667,900	\$31,953,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the State Board of Education and the Board of Regents of the University of Idaho for Special Programs specified in this section is authorized no more than the number of full-time equivalent positions listed below 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.

Forest Utilization Research	12.68
Geological Survey	12.28
Scholarships and Grants	1.35
Museum of Natural History	8.20
Small Business Development Centers	8.83
TechHelp	3.25

SECTION 3. OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT. Moneys appropriated from the General Fund to the Scholarship and Grants Program for fiscal year 2020 that are unexpended and unencumbered on June 30, 2020, are hereby appropriated and shall be transferred by the State Controller to the Opportunity Scholarship Program Account created in Section 33-4303, Idaho Code.

SECTION 4. OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT REPORTING. The State Board of Education shall report to the Joint Finance-Appropriations Committee by January 10, 2021, regarding the current balance in the Opportunity Scholarship Program Account and the estimated obligation due to any over-award or early award of scholarships for fiscal year 2022. The report shall include an estimate of the necessary balance in the account to meet these obligations.

Approved March 16, 2020

CHAPTER 157
(H.B. No. 543)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE 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 Insurance 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. INSURANCE REGULATION:				
FROM:				
Insurance Administrative				
Fund	\$4,728,800	\$3,192,800	\$78,100	\$7,999,700
Federal Grant				
Fund	<u>291,000</u>	<u>398,100</u>	<u>0</u>	<u>689,100</u>
TOTAL	\$5,019,800	\$3,590,900	\$78,100	\$8,688,800
II. STATE FIRE MARSHAL:				
FROM:				
Arson, Fire and Fraud Prevention				
Fund	\$836,700	\$342,200	\$50,100	\$1,229,000
GRAND TOTAL	\$5,856,500	\$3,933,100	\$128,200	\$9,917,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Insurance is authorized no more than seventy-one and five-tenths (71.50) 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.

Approved March 16, 2020

CHAPTER 158
(H.B. No. 563)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING REQUIREMENTS FOR THE IMPLEMENTATION OF EMPLOYEE COMPENSATION.

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

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

FOR:

Personnel Costs	\$1,681,800
Operating Expenditures	812,600
Capital Outlay	<u>19,800</u>
TOTAL	\$2,514,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Division of Human Resources is authorized no more than seventeen (17.00) 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. EMPLOYEE COMPENSATION. In accordance with Chapter 53, Title 67, Idaho Code, the Division of Human Resources shall shift the salary structure upward by three percent (3%) beginning on July 1, 2020, with the exception of the minimum wage of \$7.25 per hour at pay grade D. The division shall also maintain the job classifications currently on payline exception. Further, notwithstanding any other provision of law to the contrary, state agencies shall increase the ongoing annual salaries of their permanent state employees working in the twenty (20) job classifications identified as most in need of equity adjustments by the FY 2021 Division of Human Resources Change in Employee Compensation and Benefits Report by no less than two percent (2%) effective by July 1, 2020.

Approved March 16, 2020

CHAPTER 159
(H.B. No. 564)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES 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 Information Technology Services 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	\$1,850,400	\$1,332,500	\$3,182,900
Administration and Accounting Services			
Fund	<u>11,171,600</u>	<u>4,056,900</u>	<u>15,228,500</u>
TOTAL	\$13,022,000	\$5,389,400	\$18,411,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Information Technology Services is authorized no more than one hundred thirty-five (135.00) 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 16, 2020

CHAPTER 160
(H.B. No. 568)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR A DEDICATED FUND CASH TRANSFER; AND DIRECTING THE STATE EMPLOYEE INSURANCE AND BENEFITS PLAN STRUCTURE.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MANAGEMENT SERVICES:				
FROM:				
General				
Fund	\$177,200	\$68,100		\$245,300
Permanent Building				
Fund	147,300	100		147,400
Administration and Accounting Services				
Fund	536,300	271,100		807,400
Federal Surplus Property Revolving				
Fund	19,900			19,900
Employee Group Insurance				
Fund	74,300	52,300		126,600
Retained Risk				
Fund	54,000	67,100		121,100
Industrial Special Indemnity				
Fund	<u>24,300</u>	<u>15,000</u>		<u>39,300</u>
TOTAL	\$1,033,300	\$473,700		\$1,507,000
II. PUBLIC WORKS:				
FROM:				
General				
Fund		\$1,551,100		\$1,551,100
Permanent Building				
Fund	\$2,267,400	561,400		2,828,800
Administration and Accounting Services				
Fund	<u>2,708,300</u>	<u>9,724,700</u>	<u>\$12,100</u>	<u>12,445,100</u>
TOTAL	\$4,975,700	\$11,837,200	\$12,100	\$16,825,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
III. PURCHASING:				
FROM:				
General				
Fund	\$622,200			\$622,200
Administration and Accounting Services				
Fund	1,674,500	\$1,155,700	\$140,200	2,970,400
Federal Surplus Property Revolving				
Fund	<u>191,100</u>	<u>415,100</u>	<u>0</u>	<u>606,200</u>
TOTAL	\$2,487,800	\$1,570,800	\$140,200	\$4,198,800
IV. INSURANCE MANAGEMENT:				
FROM:				
Employee Group Insurance				
Fund	\$443,300	\$759,300		\$1,202,600
Retained Risk				
Fund	697,300	201,900		899,200
Industrial Special Indemnity				
Fund	<u>200,300</u>	<u>101,700</u>		<u>302,000</u>
TOTAL	\$1,340,900	\$1,062,900		\$2,403,800
GRAND TOTAL	\$9,837,700	\$14,944,600	\$152,300	\$24,934,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Administration 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. CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer \$1,737,500 from the Permanent Building Fund to the Administrative and Accounting Services Fund on July 1, 2020, or as soon thereafter as practicable, for the Public Officials' Capitol Mall Facilities payment in the Division of Public Works due in fiscal year 2021.

SECTION 4. PLAN STRUCTURE. The Office of Group Insurance shall maintain the current health insurance plan structure and benefit package for state employees and the employer and employee cost-sharing split recommended by the Governor and the Legislature's Joint Change in Employee Compensation Committee for fiscal year 2021. Adherence with the plan structure shall not preclude the Office of Group Insurance from implementing positive plan changes as identified.

Approved March 16, 2020

CHAPTER 161
(S.B. No. 1391)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME 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 Fish and Game the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
Fish and Game (Licenses)					
Fund	\$4,499,600	\$3,862,400	\$4,212,200		\$12,574,200
Fish and Game (Other)					
Fund	843,500	145,800			989,300
Fish and Game Set-Aside (Licenses)					
Fund	200	34,800			35,000
Fish and Game Set-Aside (Other)					
Fund	18,000	21,200			39,200
Expendable Big Game Depredation					
Fund		2,900			2,900
Fish and Game Expendable Trust					
Fund		7,800			7,800
Fish and Game Nonexpendable Trust					
Fund		3,600			3,600
Fish and Game (Federal)					
Fund	<u>3,736,000</u>	<u>4,628,300</u>	<u>77,800</u>		<u>8,442,100</u>
TOTAL	\$9,097,300	\$8,706,800	\$4,290,000		\$22,094,100
II. ENFORCEMENT:					
FROM:					
Fish and Game (Licenses)					
Fund	\$10,076,700	\$2,272,700	\$767,600		\$13,117,000
Fish and Game (Other)					
Fund	198,300	77,000			275,300
Fish and Game Set-Aside (Other)					
Fund		20,600			20,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Fish and Game Expendable Trust					
Fund		26,400			26,400
Fish and Game (Federal)					
Fund	<u>9,600</u>	<u>6,700</u>	<u>0</u>		<u>16,300</u>
TOTAL	\$10,284,600	\$2,403,400	\$767,600		\$13,455,600
III. FISHERIES:					
FROM:					
Fish and Game (Licenses)					
Fund	\$3,967,700	\$3,636,900	\$297,300		\$7,901,900
Fish and Game (Other)					
Fund	2,950,100	6,219,400			9,169,500
Fish and Game Set-Aside (Licenses)					
Fund	362,100	564,600			926,700
Fish and Game Set-Aside (Other)					
Fund	39,100	3,500			42,600
Fish and Game Expendable Trust					
Fund	48,000	454,200			502,200
Fish and Game Nonexpendable Trust					
Fund		33,200			33,200
Fish and Game (Federal)					
Fund	<u>12,954,100</u>	<u>13,489,200</u>	<u>0</u>		<u>26,443,300</u>
TOTAL	\$20,321,100	\$24,401,000	\$297,300		\$45,019,400
IV. WILDLIFE:					
FROM:					
Fish and Game (Licenses)					
Fund	\$4,771,600	\$4,057,000	\$194,300	\$174,800	\$9,197,700
Fish and Game (Other)					
Fund	326,700	421,400			748,100
Fish and Game Set-Aside (Licenses)					
Fund		100,000			100,000
Fish and Game Set-Aside (Other)					
Fund	887,800	395,200			1,283,000
Fish and Game Expendable Trust					
Fund	375,700	723,600			1,099,300
Fish and Game Nonexpendable Trust					
Fund	11,500	2,300			13,800
Fish and Game (Federal)					
Fund	<u>6,851,700</u>	<u>9,341,000</u>	<u>247,500</u>	<u>0</u>	<u>16,440,200</u>
TOTAL	\$13,225,000	\$15,040,500	\$441,800	\$174,800	\$28,882,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. COMMUNICATIONS:					
FROM:					
Fish and Game (Licenses)					
Fund	\$1,930,000	\$811,700	\$84,400		\$2,826,100
Fish and Game (Other)					
Fund	19,700	138,000			157,700
Fish and Game Set-Aside (Other)					
Fund	800	16,100			16,900
Fish and Game Expendable Trust					
Fund	29,300	80,300			109,600
Fish and Game (Federal)					
Fund	<u>1,440,700</u>	<u>892,900</u>	<u>0</u>		<u>2,333,600</u>
TOTAL	\$3,420,500	\$1,939,000	\$84,400		\$5,443,900
VI. WILDLIFE MITIGATION AND HABITAT CONSERVATION:					
FROM:					
Fish and Game (Licenses)					
Fund	\$1,084,400	\$287,600	\$13,600		\$1,385,600
Fish and Game (Other)					
Fund	53,400	7,800			61,200
Fish and Game Set-Aside (Licenses)					
Fund	115,100	2,978,900			3,094,000
Fish and Game Set-Aside (Other)					
Fund	35,500	5,100			40,600
Expendable Big Game Depredation					
Fund				\$1,100,000	1,100,000
Fish and Game (Federal)					
Fund	<u>235,600</u>	<u>2,463,900</u>	<u>0</u>	<u>0</u>	<u>2,699,500</u>
TOTAL	\$1,524,000	\$5,743,300	\$13,600	\$1,100,000	\$8,380,900
GRAND TOTAL	\$57,872,500	\$58,234,000	\$5,894,700	\$1,274,800	\$123,276,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Fish and Game is authorized no more than five hundred fifty-three (553.00) 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 16, 2020

CHAPTER 162
(H.B. No. 408)

AN ACT

RELATING TO SALES TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3637, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISTRIBUTION OF SALES AND USE TAX REVENUE TO CITIES; AND AMENDING SECTION 63-316, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

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 63-3637, Idaho Code, and to read as follows:

63-3637. SALES TAX DISTRIBUTION -- DEFINITIONS. For the purposes of section 63-3638, Idaho Code, the following definitions shall apply:

(1) "Per capita distribution" means the amount to be distributed to cities and counties on the basis of their most current population or population estimates available from the United States census bureau no later than thirty (30) days prior to the next quarterly distribution from the revenue-sharing account.

(2) "Revenue-sharing account" means the account established in the treasury for all sales and use tax revenue to be distributed on a quarterly basis pursuant to section 63-3638(10), Idaho Code.

SECTION 2. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter, except as may otherwise be required in sections 63-3203, 63-3620F, and 63-3709, Idaho Code, and except as provided in subsection (16) of this section, shall be distributed by the state tax commission as follows:

(1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(2) Five million dollars (\$5,000,000) per year is continuously appropriated and shall be distributed to the permanent building fund, provided by section 57-1108, Idaho Code.

(3) Four million eight hundred thousand dollars (\$4,800,000) per year is continuously appropriated and shall be distributed to the water pollution control fund established by section 39-3628, Idaho Code.

(4) An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously appropriated and shall be paid to any capital reserve fund established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess of the amounts the association determines will keep it self-supporting.

(5) An amount equal to the sum required by the provisions of sections 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated by section 63-718(3), Idaho Code, is continuously appropriated and shall be paid as provided by sections 63-709 and 63-717, Idaho Code.

(6) An amount required by the provisions of chapter 53, title 33, Idaho Code.

(7) An amount required by the provisions of chapter 87, title 67, Idaho Code.

(8) For fiscal year 2011 and each fiscal year thereafter, four million one hundred thousand dollars (\$4,100,000), of which two million two hundred thousand dollars (\$2,200,000) shall be distributed to each of the forty-four (44) counties in equal amounts and one million nine hundred thousand dollars (\$1,900,000) shall be distributed to the forty-four (44) counties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012 and for each fiscal year thereafter, the amount distributed pursuant to this subsection shall be adjusted annually by the state tax commission in accordance with the consumer price index for all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics, but in no fiscal year shall the total amount allocated for counties under this subsection be less than four million one hundred thousand dollars (\$4,100,000). Any increase resulting from the adjustment required in this section shall be distributed to each county in the proportion that the population of the county bears to the population of the state. Each county shall establish a special election fund to which shall be deposited all revenues received from the distribution pursuant to this subsection. All such revenues shall be used exclusively to defray the costs associated with conducting elections as required of county clerks by the provisions of section 34-1401, Idaho Code.

(9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department, excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(10) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue-sharing account, which is hereby created in the state treasury, and the moneys in the revenue-sharing account will be paid in installments each calendar quarter by the state tax commission on and after July 1, 2020, as follows:

(a) ~~Twenty-eight~~ Forty-five and two-tenths percent (2845.2%) shall be paid to the various cities as follows:

(i) ~~Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the population of that city bears to the population of all cities within the state; and The revenue-sharing amount calculated by the state tax commission for the various cities for each quarter of fiscal year 2020 shall be the base amount for current quarterly revenue distribution amounts. The state tax commission shall calculate the per capita distribution for each city resulting from the previous fiscal year's distributions.~~

(ii) ~~Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the preceding year's market value for assessment purposes for that city bears to the preceding year's market value for assessment purposes for all cities within the state. If there is no change in the amount of the revenue-sharing account from the~~

same quarter of the previous fiscal year, then the various cities shall receive the same amount received for the same quarter of the previous fiscal year.

(iii) If the balance of the revenue-sharing account for the current quarter is greater than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then:

1. If the distributions made to the cities during the same quarter of the previous fiscal year were below the base amount established in fiscal year 2020, then the various cities shall first receive a proportional increase up to the base amount for each city and up to a one percent (1%) increase over such base amount. Any remaining moneys shall be distributed to cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with below-average per capita distributions within the state.

2. If the distributions made to the cities during the same quarter of the previous fiscal year were at or above the base amount established in fiscal year 2020, then the cities shall receive the same distribution they received during the same quarter of the previous fiscal year plus a proportional increase up to one percent (1%). Any remaining moneys shall be distributed to the cities with a below-average per capita distribution in the proportion that the population of that city bears to the population of all cities with a below-average per capita distribution within the state.

(iv) If the balance of the revenue-sharing account for the current quarter is less than the balance of the revenue-sharing account for the same quarter of the previous fiscal year, then the cities shall first receive a proportional reduction down to the base amount established in fiscal year 2020. If further reductions are necessary, the cities shall receive reductions based on the proportion that each city's population bears to the population of all cities within the state.

(b) ~~Twenty-eight~~ Forty-seven and two-tenths one-tenth percent (28.247.1%) shall be paid to the various counties as follows:

(i) Fifty-nine and eight-tenths percent (59.8%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

1. One million three hundred twenty thousand dollars (\$1,320,000) annually shall be distributed one forty-fourth (1/44) to each of the various counties; and

~~(ii)~~ 2. The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state; and

~~(c) Thirty-five and nine-tenths percent (35.9%) of the amount appropriated in this subsection shall be paid to the several counties for distribution to the cities and counties as follows:~~

(ii) Forty and two-tenths percent (40.2%) of the amount to be distributed under this paragraph (b) of this subsection shall be distributed as follows:

~~(i)~~ 1. Each city and county which that received a payment under the provisions of section 63-3638(e), Idaho Code, as that subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

~~(ii)~~ 2. If the dollar amount of money available under this subsection (10)(eb)(ii) in any quarter does not equal the

amount paid in the fourth quarter of calendar year 1999, each ~~city's and county's~~ payment shall be reduced proportionately.

~~(iii)~~ 3. If the dollar amount of money available under this subsection (10) ~~(eb)~~ (ii) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each city and county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.

~~(iv)~~ 4. If the dollar amount of money available under this subsection (10) ~~(eb)~~ (ii) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid ~~to the various cities in the proportion that the population of the city bears to the population of all cities within the state and fifty percent (50%) to the various counties in the proportion that the population of the county bears to the population of the state; and~~ fifty percent (50%) to the various cities in the proportion that the population of the city bears to the population of all cities within the state and fifty percent (50%) to the various counties in the proportion that the population of the county bears to the population of the state; and

(dc) Seven and seven-tenths percent (7.7%) of the amount appropriated in this subsection shall be paid to the several counties for distribution to special purpose taxing districts as follows:

(i) Each such district ~~which that~~ received a payment under the provisions of section 63-3638(e), Idaho Code, as such subsection existed immediately prior to July 1, 2000, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (10) (dc) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each special purpose taxing district's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (10) (dc) in any quarter exceeds the amount distributed under paragraph (c) (i) of this subsection ~~(10) (d)~~, each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. The state tax commission shall calculate district current property tax budgets to include any unrecovered forgone amounts as determined under section 63-802(1) (e), Idaho Code. When a special purpose taxing district is situated in more than one (1) county, the state tax commission shall determine the portion attributable to the special purpose taxing district from each county in which it is situated.

(iv) If special purpose taxing districts are consolidated, the resulting district is entitled to a base amount equal to the sum of the base amounts received in the last calendar quarter by each district prior to the consolidation.

(v) If a special purpose taxing district is dissolved or discontinued, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or discontinuation. The board of county commissioners shall determine any redistribution of moneys so received.

(vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection ~~(10)(d)~~ paragraph (c) of this subsection.

(vii) For purposes of this subsection ~~(10)(d)~~ paragraph (c) of this subsection, a special purpose taxing district is any taxing district that is not a city, a county, or a school district.

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

(12) Amounts necessary to pay refunds as provided in section 63-3641, Idaho Code, to a developer of a retail complex shall be remitted to the demonstration pilot project fund created in section 63-3641, Idaho Code.

(13) Amounts calculated in accordance with subsection (4) of section 63-602KK, Idaho Code, for annual distribution to counties and other taxing districts for replacement of property tax on personal property tax exemptions pursuant to subsection (2) of section 63-602KK, Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year. For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602KK, Idaho Code, shall be treated as property tax revenues. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts that were received in the last calendar year by each district pursuant to this subsection prior to the consolidation. If a taxing district or revenue allocation area annexes

territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts and revenue allocation areas formed after January 1, 2013, are not entitled to a payment under the provisions of this subsection.

(14) Amounts collected from purchasers and paid to the state of Idaho by retailers that are not engaged in business in this state and which retailer would not have been required to collect the sales tax, less amounts otherwise distributed in subsections (1) and (10) of this section, shall be distributed to the tax relief fund created in section 57-811, Idaho Code. The state tax commission will determine the amounts to be distributed under this subsection.

(15) Any moneys remaining over and above those necessary to meet and reserve for payments under other subsections of this section shall be distributed to the general fund.

(16) One percent (1%), but not less than fifteen million dollars (\$15,000,000), is continuously appropriated and shall be distributed to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code. The distribution provided for in this subsection must immediately follow the distribution provided for in subsection (10) of this section.

SECTION 3. That Section 63-316, Idaho Code, be, and the same is hereby amended to read as follows:

63-316. ADJUSTMENT OF ASSESSED VALUE -- COMPLETION OF ASSESSMENT PROGRAM BY STATE TAX COMMISSION -- PAYMENT OF COSTS. (1) Whenever the state tax commission, after a hearing, determines that any county assessor or the county commissioners in assessing property in the county subject to taxation have failed to abide by, adhere to and conform with the laws of the state of Idaho and the rules of the state tax commission in determining market value for assessment purposes, the state tax commission shall order the county assessor and county commissioners of such county to make the necessary changes or corrections in such assessments and if the county assessor and the county commissioners refuse or neglect to comply with such order, the state tax commission is authorized to and shall forthwith adjust or change the property roll in such county.

(2) In lieu of the hearings and actions permitted in subsection (1) of this section, the state tax commission shall monitor each county's implementation of the continuing appraisal required in section 63-314, Idaho Code, and may require each county to file such reports of its progress at implementation of such continuing appraisals as the commission may find necessary. In the event that the commission finds that any county is failing to meet the requirements of section 63-314, Idaho Code, the commission may order that county's indexing or appraisal or reappraisal programs be conducted under the exclusive and complete control of the state tax commission and the results of such programs shall be binding upon the county officers of the county for which ordered. Payments for the actual costs of such programs shall be made from the sales tax distribution created in section 63-3638, Idaho Code, and the amount of such payments shall be withheld from the payments otherwise made under the provisions of section 63-3638(10) (eb) and (10) (dc), Idaho Code, to the county for which indexing, appraisal or reappraisal has been ordered, and this subsection shall constitute the necessary appropriation to accomplish such payments, any other provision of law notwithstanding.

Approved March 16, 2020

CHAPTER 163
(S.B. No. 1287)

AN ACT

RELATING TO BARBER AND COSMETOLOGY SERVICES; AMENDING SECTION 54-5821, IDAHO CODE, TO PROVIDE FOR THE RETROACTIVE REINSTATEMENT OF A BARBER SCHOOL OR COSMETOLOGY SCHOOL'S LICENSE.

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

SECTION 1. That Section 54-5821, Idaho Code, be, and the same is hereby amended to read as follows:

54-5821. RENEWAL AND REINSTATEMENT OF LICENSE AND REGISTRATION. All licenses or registrations issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal and fees. License or registration renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code. A barber school or cosmetology school licensed under the provisions of this chapter that fails to renew on or before the expiration date may request retroactive reinstatement to the date of expiration as provided in this section. If the board finds that such school has paid the renewal fee within ninety (90) days of the failure to renew, there being no other cause for the school's license to have been lapsed or canceled, and the school has paid all costs and penalties related to the license renewal and reinstatement required by law or rule, the board may retroactively renew said license to the date of expiration of the previous license. The school may continue to operate during the time period required by the board for consideration of the reinstatement request.

Approved March 17, 2020

CHAPTER 164
(S.B. No. 1316)

AN ACT

RELATING TO WATER; AMENDING SECTION 42-204, IDAHO CODE, TO PROVIDE THAT CERTAIN PERMITS MAY BE GRANTED UPON CONDITIONS SET FORTH IN SPECIFIED LAW, TO REVISE PROVISIONS REGARDING CONSTRUCTION WORK AND THE APPLICATION OF WATER TO FULL BENEFICIAL USE, TO PROVIDE FOR EXTENSIONS OF TIME, TO PROVIDE FOR PERMITS HELD BY MUNICIPAL PROVIDERS FOR REASONABLY ANTICIPATED FUTURE NEEDS, TO PROVIDE A PROCEDURE, TO REVISE PROVISIONS REGARDING AGGRIEVED PERMIT HOLDERS, TO REMOVE PROVISIONS REGARDING THE EXCAVATION AND CONSTRUCTION OF CERTAIN DIVERSION WORKS, TO PROVIDE FOR THE RELINQUISHMENT OF CERTAIN RIGHTS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 42-217, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROOF OF APPLICATION TO BENEFICIAL USE; AMENDING SECTION 42-218a, IDAHO CODE, TO REVISE PROVISIONS REGARDING LAPSES OF PERMITS; AMENDING SECTION 42-219, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ISSUANCE OF LICENSES; AND AMENDING SECTION 42-220, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS SHALL APPLY TO WATER RIGHT LICENSES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 42-204, Idaho Code, be, and the same is hereby amended to read as follows:

42-204. EXAMINATION -- PERMIT -- COMMENCEMENT OF WORK -- EXTENSIONS -- APPEAL. (1) On receipt of the application, which shall be of a form prescribed by the department of water resources, it shall be the duty of that department to make an endorsement thereon of the date of its receipt, and to examine said application and ascertain if it sets forth all the facts necessary to show the location, nature and amount of the proposed use. If upon such examination the application is found defective, it shall be the duty of the department of water resources to return the same for correction or to correspond with the applicant to obtain the needed information or amendments. If the application is returned to the applicant or the department shall request additional information and the applicant fails to return the corrected application or to supply the needed information within thirty (30) days, the department may void the record of said application and notify the applicant of such action. If the corrected application is returned or the information is supplied after thirty (30) days, such corrected application shall be treated in all respects as a new application, and the priority of the right initiated shall be determined by the date of receipt, in the office of the department, of the corrected application or additional information; provided, that upon request, and good cause appearing therefor, the director of the department of water resources may grant an extension of time within which to return the corrected application or supply needed information. All applications which shall that comply with the provisions of this chapter and with the regulations of the department of water resources shall be numbered in such manner as will aid in their identification, and it shall be the duty of the department to approve all applications, made in proper form, which that contemplate the application of water to a beneficial use: provided, that the department may deny any such application, or may partially approve and grant a permit for a lesser quantity of water than applied for, or may grant a permit upon conditions as provided in the preceding section this chapter.

(2) The department of water resources shall issue a permit for any approved application, make a record of the approval and provide a copy of the permit to the applicant, who shall be authorized, on receipt thereof, to proceed with the construction of the necessary works for the diversion of such water, and to take all steps required to apply the water to a beneficial use and perfect the proposed appropriation.

(3) The provisions of this subsection shall not apply to permits held by municipal providers for reasonably anticipated future needs. For all other permits, tThe department shall require that actual construction work and application of the water to full beneficial use shall be complete within a period of five (5) years from the date of such approval, but may limit the permit development to a less shorter period than is named requested in the application, and the permit shall set forth the date when beneficial application of the water to be diverted by such works shall be made. Sixty (60) days before the date set for the completion of the appropriation of water under any permit, the department shall forward a notice to the applicant permit holder by certified mail at his the permit holder's address of record of the date for such completion, which said notice shall advise the applicant permit holder of the necessity of submitting an affidavit a statement of completion showing proof of beneficial use or a request for an extension of time on or before said date; ~~Provided that.~~ The department may approve a timely request for an extension of time in the following circumstances:

(1a) In cases where the applicant permit holder is prevented from proceeding with his construction, work, or application of water to full beneficial use by his the permit holder's failure to obtain necessary consent or final approval or rejection from the federal government because of the pendency of an application for right-of-way or other matter within the jurisdiction of the United States, by state, county, city or other local government permitting or administrative action or process related to the applicant's permit holder's land or water development,

or by litigation of any nature which might bring his the permit holder's title to said water in question, the department of water resources, upon proper showing of the existence of any such condition, and being convinced that said ~~applicant~~ permit holder is proceeding diligently and in good faith, shall extend the time so that the amount of time lost by such delays shall be added to the time given in the original permit, or in any subsequent grant of extension pursuant to ~~subsection (2), (3), (4) or (6)~~ paragraph (b), (c), (d), or (f) of this subsection, for each and every action required.

(2b) The time for completion of works and application of the water to full beneficial use under any permit involving the diversion of more than twenty-five thousand (25,000) acre-feet in one (1) irrigation season for a project of no less than five thousand (5,000) acres, may, upon application to the director of the department of water resources supported by a showing that additional time is needed on account of the time required for organizing, financing and constructing works of such large size, be extended by the director of the department of water resources for up to twelve (12) years beyond the initial development deadline contained in the permit, or beyond a grant of extension pursuant to the provisions of ~~subsection (1)~~ paragraph (a) of this subsection: Provided, that no such extension shall be granted unless the ~~applicant~~ permit holder for such extension shall show that there has been actually expended toward the construction of said diversion, including expenditures for the purchase of rights-of-way and property in connection therewith, at least one hundred thousand dollars (\$100,000).

(3c) The time for completion of works and application of the water to full beneficial use under any permit involving the construction of a reservoir of more than ten thousand (10,000) acre-feet capacity or for the appropriation of water to be impounded in such reservoir of more than ten thousand (10,000) acre-feet capacity, may be extended by the director of the department of water resources upon application to the director if the ~~permittee~~ permit holder establishes that the ~~permittee~~ permit holder has exercised reasonable diligence and that good cause exists for the requested extension.

(4d) The time for completion of works and application of the water to full beneficial use under any permit involving the diversion of two (2) or more cubic feet per second or the development or cultivation of one hundred (100) or more acres of land may be extended by the director of the department of water resources upon application by the ~~permittee~~ permit holder for an additional period up to ten (10) years beyond the initial development deadline contained in the permit, or beyond a grant of extension pursuant to the provisions of ~~subsection (1)~~ paragraph (a) of this subsection, provided the ~~permittee~~ permit holder establishes that the ~~permittee~~ permit holder has exercised reasonable diligence and that good cause exists for the requested extension.

(5e) In connection with permits held by the United States, or the Idaho water resource board, whether acquired as the original applicant, by assignment or otherwise, the director of the department of water resources may extend the time for completion of the works and application of the water to full beneficial use for such additional period or periods of time as ~~he~~ the director may deem necessary upon application an extension request supported by a showing that such additional time is required by reason of the status of plans, authorization, construction fund appropriations, construction, or any arrangements which that are found to be requisite to completion of the construction of such works.

(6f) In all other situations not governed by these provisions, the department may grant one (1) extension of time, not exceeding five (5) years beyond the date originally set for completion of works and application of the water to full beneficial use, or beyond any grant of extension pursuant to the provisions of subsection (1) paragraph (a) of this subsection, upon request for extension received on or before the date set for completion, provided good cause appears therefor.

(4) For permits held by municipal providers for reasonably anticipated future needs, the permit development period shall correspond to the planning horizon authorized by the permit, which may not be extended. During the permit development period, the municipal provider shall periodically submit to the department incremental statements of completion showing proof of beneficial use consistent with the provisions of section 42-217, Idaho Code. Each such incremental statement shall document the extent of application of water to beneficial use during the most recent reporting interval. Each incremental statement shall be prepared by a certified water rights examiner, unless the permit holder is not asserting any additional increment of beneficial use during that reporting interval. The department shall set and may later adjust the duration of any reporting interval for any permit, which shall be made a condition of the permit, to any duration not shorter than five (5) years. Sixty (60) days before the end of each reporting interval, the department shall forward a notice to the municipal provider by certified mail to its address of record specifying the date the incremental statement is due. Unless an extension of the deadline for the incremental statement is requested by the municipal provider prior to the deadline, and the extension is approved by the director upon a showing of good cause, failure to timely submit an incremental statement shall result in a lapse of that portion of the permit that has not previously been licensed or for which an incremental statement of completion showing proof of beneficial use has not been submitted. Such lapsed permit portion may be reinstated only in accordance with the provisions of section 42-218a, Idaho Code. For reasonably anticipated future needs permits existing on July 1, 2020, the department shall have one (1) year from July 1, 2020, either to issue a license, where proof already has been submitted, or to modify the permit to conform to the provisions of this section by establishing future reporting intervals for periodic proof statements, by establishing the date for the final proof statement corresponding with the end of the planning horizon authorized by the existing permit, and by updating approval conditions to clarify whether information that must be submitted with proof of beneficial use is due at each reporting interval or only with the final proof statement.

(5) Any applicant feeling himself permit holder aggrieved by the decision of the department of water resources regarding his application its request for extension may request a hearing before the director in accordance with section 42-1701A(3), Idaho Code, for the purpose of contesting the decision and may seek judicial review pursuant to section 42-1701A(4), Idaho Code, of any final decision of the director following the hearing.

Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within one (1) year from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the holder of such permit by circumstances, over which he has no control.

~~(6) The holder of any permit who shall fail Subject to the provisions for reinstatement as provided in section 42-218a, Idaho Code, a permit holder who fails to comply with the provisions of this section within the time or times specified shall be deemed to have abandoned relinquished all rights under his its permit or, in the case of a permit held by a municipal provider for reasonably anticipated future needs, the permit holder shall be deemed to have relinquished all rights under any portion of the permit that has not previously been licensed or for which an incremental statement of completion showing proof of beneficial use has not been submitted.~~

SECTION 2. That Section 42-217, Idaho Code, be, and the same is hereby amended to read as follows:

42-217. PROOF OF APPLICATION TO BENEFICIAL USE. (1) On or before the date set for the beneficial use of waters appropriated under the provisions of this chapter, or the date set for submission of an incremental statement of completion showing proof of beneficial use, the permit holder shall submit a statement on a form furnished by the department of water resources that he the permit holder has used such water for the beneficial purpose allowed by the permit. The statement shall include:

- 1.(a) The name and post-office post office address of the permit holder.;
- 2.(b) The permit number.;
- 3.(c) A description of the extent of the use.;
- 4.(d) In the case of a municipal provider, a revised estimate of the reasonably anticipated future needs, a revised description of the current service area, and a revised planning horizon, together with appropriate supporting documentation.;
- 5.(e) The source of the water used.; and
- 6.(f) Such other information as shall be required by the blank form furnished by the department's form.

(2) Such written proof as may be required to be submitted by such user shall be upon forms furnished by the department of water resources and statement shall include fees as provided in subsection K. of section 42-221, Idaho Code, or a field examination report prepared by a certified water right examiner. For permits held by a municipal provider for reasonably anticipated future needs, such statements shall be provided in accordance with section 42-204(4), Idaho Code.

(3) Upon receipt of such proof written statement and the fee as required in section 42-221, Idaho Code, by the department of water resources the department shall examine, or cause to be examined:

- 1.(a) The place where such water is diverted and used, and, if the use is for irrigation, he shall ascertain the area and location of the land irrigated and the nature of all the improvements which have been made as a direct result of such use.
- 2.(b) The capacities of the ditches or canals or other means by which such water is conducted to such place of use, and the quantity of water which that has been beneficially applied for irrigation or other purposes.

(4) The department or the person making such examination under the direction of the department shall prepare and file a report of the investigation: provided, that whenever an irrigation project is developed in the name of an association, company, corporation, irrigation district or the United States as provided in section 42-219, Idaho Code, proof of beneficial use shall be made by the permit holder. The lands upon which the water has been used need not be described by legal subdivisions, but may be described as provided in section 42-219, Idaho Code, and it shall only be necessary to show in such cases that the quantity of water beneficially applied for irrigation has been applied within the limits of the project.

~~Holders of permits who have submitted proof of beneficial use but have not had their project examined for beneficial use shall submit the fee required in section 42-221, Idaho Code, within sixty (60) days of notification by the director of the department of water resources that a license examination fee is required. Failure to submit the fee in the time allowed shall be cause for the director to advance the date of priority of the permit one (1) day for each day that the fee is late; provided that if the fee is not fully paid within one (1) year of the time it is due, the director of the department of water resources may consider the proof of beneficial use for the permit to be incomplete and lapse the permit, as provided in section 42-218a, Idaho Code.~~

SECTION 3. That Section 42-218a, Idaho Code, be, and the same is hereby amended to read as follows:

42-218a. LAPSE OF APPLICATION FOR FAILURE TO REQUEST EXTENSION OR SUBMIT PROOF OF APPLICATION TO BENEFICIAL USE -- NOTICE OF LAPSING. (1) A permit upon which the proof of beneficial use, or an incremental statement of completion showing proof of beneficial use, has not been submitted, or a request for extension of time has not been received on or before the date set for such proof or incremental statement, shall lapse and be of no further force nor effect. For a permit held by a municipal provider for reasonably anticipated future needs, such lapse shall not apply to any portion of the permit that has been previously licensed or for which an incremental statement of completion showing proof of beneficial use has been submitted. Notice of said lapsing shall be sent by the department to the permit holder at the address of record by regular mail.

(12) Within sixty (60) days after such notice of lapsing, the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

(23) In connection with a proof of beneficial use statement submitted more than sixty (60) days after such notice of lapsing, the director shall require all of the following items to be submitted to the department:

(a) A report prepared by a certified water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with the permit during the time authorized by the permit and any extensions of time previously approved. The report shall be on the form or forms specified by the director and shall provide the information specified in section 42-217, Idaho Code, for confirming beneficial use and such other information as may be required by the director.

(b) A statement of reasonable cause for filing a late proof of beneficial use.

(c) A reinstatement fee of two hundred fifty dollars (\$250).

Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received.

(34) The original priority date of a lapsed permit shall not be reinstated except upon a showing of error or mistake of the department.

SECTION 4. That Section 42-219, Idaho Code, be, and the same is hereby amended to read as follows:

42-219. ISSUANCE OF LICENSE -- PRIORITY. (1) Upon receipt by the department of water resources of all the evidence in relation to such final proof, it shall be the duty of the department to carefully examine the same, and if the department is satisfied that the law has been fully complied with

and that the water is being used at the place claimed and for the purpose for which it was originally intended, the department shall issue to such user or users a license ~~confirming such~~ corresponding to the beneficial use. Such license shall state the name and ~~post-office~~ post office address of such user, the purpose for which such water is used and the quantity of water ~~which that~~ that may be used, which in no case shall be an amount in excess of the amount that has been beneficially applied. ~~A license may be issued to a municipal provider for an amount up to the full capacity of the system constructed or used in accordance with the original permit provided that the director determines that the amount is reasonably necessary to provide for the existing uses and reasonably anticipated future needs within the service area and otherwise satisfies the definitions and requirements specified in this chapter for such use.~~ For permits held by a municipal provider for reasonably anticipated future needs, a license may be issued incrementally for an amount corresponding to the beneficial use demonstrated to the satisfaction of the department in each incremental statement of completion showing proof of beneficial use submitted pursuant to section 42-204(4), Idaho Code, which amount, together with any previously licensed portion of said permit, shall not exceed the initial quantity authorized under the permit. The final incremental license at the end of the planning horizon shall be issued for an amount corresponding to the beneficial use. The director shall condition the license to prohibit any transfer of the place of use outside the service area, as defined in section 42-202B, Idaho Code, or to a new nature of use of amounts held for reasonably anticipated future needs together with such other conditions as the director may deem appropriate.

(2) If such use is for irrigation, such license shall give a description, by legal subdivisions, of the land ~~which is~~ irrigated by such water, except that the general description of a place of use described in accordance with subsection (5) or (6) of this section may be described using a digital boundary, as defined in section 42-202B, Idaho Code. If the use is for municipal purposes, the license shall describe the service area and ~~shall state the planning horizon for that portion of the right, if any, to be used for reasonably anticipated future needs as provided in section 42-202B(9), Idaho Code.~~

(3) Such license shall bear the date of the application for, and the number of, the permit under which the works from which such water is taken were constructed, the date when proof of beneficial use of such water was made, and also the date of the priority of the right confirmed by such license.

(4) The date of priority confirmed by the license shall be the date of the application for the permit for the construction of the works from which the water is taken, and to which the right relates, provided there has been no loss of priority under the provisions of this chapter. Whenever proof of the beneficial application of water shall be offered subsequent to the date stated in the permit, or in any authorized extension thereof, when such beneficial application shall be made, the proof shall be taken, if received by the department within the sixty (60) days prescribed in the preceding section. If the proof taken is satisfactory to the department of water resources, a license shall be issued by the department the same as though proof had been made before the date fixed for such beneficial application. The priority of the right established by the proof shall not date back to the date of the application for the permit to which the right would relate under the provisions of this chapter, but shall bear a date ~~which shall be~~ subsequent to the date of the application, a time equal to the difference between the date set in the permit, or extension thereof, for such beneficial application of water and the date of proof.

(5) For irrigation projects where the canals constructed cover an area of twenty-five thousand (25,000) acres or more, or within irrigation districts organized and existing as such under the laws of the state of Idaho, the license issued shall be issued to the persons, association, company, corporation or irrigation district owning the project, and final proof may be made by such owners for the benefit of the entire project. It shall not be necessary to give a description of the land by legal subdivisions, but a general description of the entire area under the canal system shall be sufficient. The water diverted and the water right acquired thereby shall relate to the entire project, and the diversion of the water for the beneficial use under the project shall be sufficient proof of beneficial use without regard as to whether each and every acre under the project is irrigated or not.

(6) For an irrigation project developed under a permit held by an association, company, corporation or the United States to divert and deliver or distribute surface water under any annual charge or rental for beneficial use by more than five (5) water users in an area of less than twenty-five thousand (25,000) acres, the license issued shall be issued to the permit holder. For the place of use description in the license issued for the irrigation project, it shall be sufficient to provide a general description of the area within which the total number of acres developed under the permit are located and within which the location of the licensed acreage can be moved provided there is no injury to other water rights.

(7) Subject to other governing law, the location of the acreage irrigated within a generally described place of use, as defined in accordance with subsections (5) and (6) of this section and as filed with the department pursuant to section 43-323, Idaho Code, may be changed without approval under the provisions of section 42-222, Idaho Code. However, the change shall not result in an increase in either the rate of flow diverted or in the total number of acres irrigated under the water right and shall cause no injury to other water rights. If the holder of any water right seeks to challenge such a change, the challenge may only be brought only as an action initiating a contested case before the department, pursuant to the administrative procedure act, chapter 52, title 67, Idaho Code. Nothing in this section shall be construed to grant, deny or otherwise affect an irrigation district's authority to deliver water to areas outside the boundaries of such district.

(8) In the event that the department shall find that the applicant has not fully complied with the law and the conditions of permit, it may issue a license for that portion of the use which that is in accordance with the permit, or may refuse issuance of a license and void the permit. Notice of such action shall be forwarded to the permit holder by certified mail. The applicant may contest such action by the department pursuant to section 42-1701A(3), Idaho Code.

SECTION 5. That Section 42-220, Idaho Code, be, and the same is hereby amended to read as follows:

42-220. EFFECT OF LICENSE. Such license Water right licenses shall be binding upon the state as to the right of such licensee to use the amount of water mentioned therein, and shall be prima facie evidence as to such right; and all rights to water confirmed under the provisions of this chapter, or by any decree of court, shall become appurtenant to, and shall pass with a conveyance of, the land for which the right of use is granted. The right to continue the beneficial use of such waters shall never be denied nor prevented for any cause other than the failure, on the part of the user or holder of such right, to pay the ordinary charges or assessments which may be made or levied to cover the expenses for the delivery or distribution of such water, or for other reasons set forth in this title: provided, that when water is used for irrigation, no such license or decree of the court allotting such water shall be issued confirming the right to the use of more than one (1) second foot of

water for each fifty (50) acres of land so irrigated, unless it can be shown to the satisfaction of the department of water resources in granting such license, and to the court in making such decree, that a greater amount is necessary, and neither such licensee nor ~~any one~~ anyone claiming a right under such decree, shall at any time be entitled to the use of more water than can be beneficially applied on the lands for the benefit of which such right may have been confirmed, and the right to the use of such water confirmed by such license shall always be held subject to the local or community customs, rules and regulations which may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules or regulations have for their object the economical use of such water.

Approved March 17, 2020

CHAPTER 165
(S.B. No. 1357)

AN ACT

RELATING TO JUDGES; AMENDING SECTION 59-502, IDAHO CODE, TO REVISE THE SALARY OF JUSTICES OF THE SUPREME COURT.

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

SECTION 1. That Section 59-502, Idaho Code, be, and the same is hereby amended to read as follows:

59-502. SALARIES OF JUDGES. (1) Commencing on July 1, 201~~9~~20, the salary of the justices of the supreme court shall be one hundred fifty-five ~~seven thousand two~~ eight hundred dollars (~~\$155,200~~157,800) per annum.

(2) Commencing on July 1, 2018, judges of the court of appeals shall receive an annual salary in an amount of ten thousand dollars (\$10,000) less than the annual salary of a supreme court justice.

(3) Commencing on July 1, 2017, district judges shall receive an annual salary in an amount of six thousand dollars (\$6,000) less than the annual salary of a judge of the court of appeals.

(4) Commencing on July 1, 2017, magistrate judges shall receive an annual salary in an amount of twelve thousand dollars (\$12,000) less than the annual salary of a district judge.

(5) Salaries shall be paid on regular pay periods not less frequently than monthly as determined by order of the supreme court as due out of the state treasury, but no justice of the supreme court or judge of the district court or magistrate shall be paid his salary, or any part thereof, unless he shall first take and subscribe an oath that there is not in his hands any matter in controversy not decided by him, which has been finally submitted for his consideration and determination thirty (30) days prior to his taking and subscribing said oath.

Approved March 17, 2020

CHAPTER 166
(S.B. No. 1383)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES 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. There is hereby appropriated to the State Board of Education for Community Colleges the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. COLLEGE OF SOUTHERN IDAHO:				
FROM:				
General				
Fund	\$12,257,600	\$1,758,700	\$507,400	\$14,523,700
Community College				
Fund	<u>0</u>	<u>200,000</u>	<u>0</u>	<u>200,000</u>
TOTAL	\$12,257,600	\$1,958,700	\$507,400	\$14,723,700
II. COLLEGE OF WESTERN IDAHO:				
FROM:				
General				
Fund	\$12,327,500	\$3,639,100		\$15,966,600
Community College				
Fund	<u>0</u>	<u>200,000</u>		<u>200,000</u>
TOTAL	\$12,327,500	\$3,839,100		\$16,166,600
III. NORTH IDAHO COLLEGE:				
FROM:				
General				
Fund	\$10,522,600	\$1,904,100		\$12,426,700
Community College				
Fund	<u>0</u>	<u>175,000</u>	<u>\$25,000</u>	<u>200,000</u>
TOTAL	\$10,522,600	\$2,079,100	\$25,000	\$12,626,700
IV. COLLEGE OF EASTERN IDAHO:				
FROM:				
General				
Fund	\$5,198,000	\$20,000		\$5,218,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Community College				
Fund	200,000	0		200,000
TOTAL	\$5,398,000	\$20,000		\$5,418,000

V. COMMUNITY COLLEGES SYSTEMWIDE:

FROM:

General

Fund		\$39,200		\$39,200
------	--	----------	--	----------

GRAND TOTAL	\$40,505,700	\$7,936,100	\$532,400	\$48,974,200
-------------	--------------	-------------	-----------	--------------

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. The State Board of Education for Community Colleges is hereby exempted from the provisions of Section 67-3511(1), (2), and (3), Idaho Code, allowing unlimited transfers between object codes and between programs for all moneys appropriated to it for the period July 1, 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 17, 2020

CHAPTER 167
(S.B. No. 1393)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE MEDICAID DIVISION FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PHYSICAL HEALTH SERVICES PROGRAM 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 325, Laws of 2019, and any other appropriation provided by law, 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, 2019, through June 30, 2020:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MGMT:			
FROM:			
Cooperative Welfare (General)			
Fund	\$233,800		\$233,800

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)			
Fund	<u>16,233,800</u>		<u>16,233,800</u>
TOTAL	\$16,467,600		\$16,467,600
II. COORDINATED MEDICAID PLAN:			
FROM:			
Cooperative Welfare (General)			
Fund		\$18,347,800	\$18,347,800
Idaho Millennium Income			
Fund		4,769,000	4,769,000
Cooperative Welfare (Federal)			
Fund		<u>30,238,000</u>	<u>30,238,000</u>
TOTAL		\$53,354,800	\$53,354,800
GRAND TOTAL	\$16,467,600	\$53,354,800	\$69,822,400

SECTION 2. In addition to the appropriation made in Section 1, Chapter 322, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Physical Health Services Program \$15,000 from the Cooperative Welfare (General) Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020.

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 17, 2020

CHAPTER 168
(S.B. No. 1394)

AN ACT

RELATING TO THE APPROPRIATION TO THE REGULATORY BOARDS; APPROPRIATING MON-
EYS TO THE REGULATORY BOARDS FOR FISCAL YEAR 2021; LIMITING THE NUMBER
OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIA-
TION AUTHORITY FOR A DATABASE UPGRADE; PROVIDING REAPPROPRIATION AU-
THORITY FOR CONSTRUCTION AND MOVING EXPENSES; APPROPRIATING ADDITIONAL
MONEYS TO THE BUREAU OF OCCUPATIONAL LICENSES FOR FISCAL YEAR 2020; AND
DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Regulatory Boards the
following amounts to be expended according to the designated programs and
expense classes from the listed fund 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. BOARD OF ACCOUNTANCY:					
FROM:					
State Regulatory					
Fund	\$311,600	\$259,000			\$570,600
II. BOARD OF PROFESSIONAL ENGINEERS & LAND SURVEYORS:					
FROM:					
State Regulatory					
Fund	\$541,700	\$303,300			\$845,000
III. BUREAU OF OCCUPATIONAL LICENSES:					
FROM:					
State Regulatory					
Fund	\$3,061,100	\$1,880,500	\$40,800	\$55,100	\$5,037,500
IV. OUTFITTERS AND GUIDES LICENSING BOARD:					
FROM:					
State Regulatory					
Fund	\$421,700	\$211,400			\$633,100
V. REAL ESTATE COMMISSION:					
FROM:					
State Regulatory					
Fund	\$1,014,900	\$627,400			\$1,642,300
GRAND TOTAL	\$5,351,000	\$3,281,600	\$40,800	\$55,100	\$8,728,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Regulatory Boards is authorized no more than the number of full-time equivalent positions listed below at any point during the period July 1, 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.

Board of Accountancy	4.00
Board of Professional Engineers & Land Surveyors	5.00
Bureau of Occupational Licenses	44.00
Outfitters and Guides Licensing Board	6.00
Real Estate Commission	14.00

SECTION 3. REAPPROPRIATION AUTHORITY FOR A DATABASE UPGRADE. There is hereby reappropriated to the Regulatory Boards for the Bureau of Occupational Licenses any unexpended and unencumbered balances appropriated to the Regulatory Boards for the Bureau of Occupational Licenses from the State Regulatory Fund for the upgrade of its database for fiscal year 2020, in an amount not to exceed \$1,021,000 from the State Regulatory Fund, to be used for nonrecurring expenditures related to the upgrade of its database 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. REAPPROPRIATION AUTHORITY FOR CONSTRUCTION AND MOVING EXPENSES. There is hereby reappropriated to the Regulatory Boards for the Bureau of Occupational Licenses any unexpended and unencumbered balances appropriated to the Regulatory Boards for the Bureau of Occupational Licenses from the State Regulatory Fund for construction and moving expenses related to the move to the Chinden Campus for fiscal year 2020, in an amount not to exceed \$1,352,000 from the State Regulatory Fund, to be used for nonrecurring expenditures related to construction and moving to the Chinden Campus 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. In addition to the appropriation made in Section 1, Chapter 140, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Bureau of Occupational Licenses within the Regulatory Boards \$1,352,000 from the State Regulatory Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved March 17, 2020

CHAPTER 169
(S.B. No. 1395)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS; PROVIDING REAPPROPRIATION AUTHORITY; AND DIRECTING AN ADJUSTMENT FOR STUDENT TUITION AND FEES FOR FISCAL YEAR 2021.

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 Health Education Programs 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. WIMU VETERINARY EDUCATION:					
FROM:					
General					
Fund	\$608,000	\$1,497,500			\$2,105,500
Restricted					
Fund	<u>0</u>	<u>0</u>		<u>\$100,000</u>	<u>100,000</u>
TOTAL	\$608,000	\$1,497,500		\$100,000	\$2,205,500
II. WWAMI MEDICAL EDUCATION:					
FROM:					
General					
Fund	\$1,649,100	\$447,800		\$4,583,500	\$6,680,400
III. IDAHO DENTAL EDUCATION PROGRAM:					
FROM:					
General					
Fund	\$264,000			\$1,459,400	\$1,723,400
Unrestricted					
Fund	<u>206,000</u>	<u>\$25,800</u>	<u>\$5,500</u>	<u>0</u>	<u>237,300</u>
TOTAL	\$470,000	\$25,800	\$5,500	\$1,459,400	\$1,960,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. UNIVERSITY OF UTAH MEDICAL EDUCATION:					
FROM:					
General					
Fund				\$2,208,800	\$2,208,800
V. FAMILY MEDICINE RESIDENCIES:					
FROM:					
General					
Fund	\$1,793,400	\$321,600		\$3,750,000	\$5,865,000
VI. BOISE INTERNAL MEDICINE:					
FROM:					
General					
Fund				\$895,000	\$895,000
VII. PSYCHIATRY EDUCATION:					
FROM:					
General					
Fund				\$597,800	\$597,800
VIII. EASTERN IDAHO MEDICAL RESIDENCIES:					
FROM:					
General					
Fund				\$1,805,000	\$1,805,000
GRAND TOTAL	\$4,520,500	\$2,292,700	\$5,500	\$15,399,500	\$22,218,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs specified in this section is authorized no more than the number of full-time equivalent positions shown at any point during the period July 1, 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.

WIMU Veterinary Education	6.38
WWAMI Medical Education	13.72
Idaho Dental Education Program	3.25
University of Utah Medical Education	0.00
Family Medicine Residencies	14.30
Boise Internal Medicine	0.00
Psychiatry Education	0.00
Eastern Idaho Medical Residencies	0.00
Bingham Internal Medicine	0.00

SECTION 3. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. The State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs are hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for dedicated fund moneys appropriated 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. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for Health Education Programs 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 Health Education Programs 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 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 funds pursuant to the noncognizable process for student tuition and fees during fiscal year 2021. Each of the programs' budget requests for fiscal year 2022 shall reflect all adjustments so approved by the Division of Financial Management.

Approved March 17, 2020

CHAPTER 170
(S.B. No. 1396)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXEMPTING THE APPROPRIATION FROM PROGRAM TRANSFER LIMITATIONS; AND PROVIDING REAPPROPRIATION AUTHORITY.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES:					
FROM:					
General					
Fund	\$391,400	\$291,100			\$682,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Indirect Cost Recovery					
Fund	254,000	197,200			451,200
Parks and Recreation					
Fund	1,375,800	1,443,400	\$107,600	\$370,000	3,296,800
Recreational Fuels					
Fund	318,300	573,300		2,221,800	3,113,400
Parks and Recreation Registration					
Fund	337,400	145,100		8,650,000	9,132,500
Miscellaneous Revenue					
Fund		15,600			15,600
Federal Grant					
Fund	<u>0</u>	<u>2,600</u>	<u>0</u>	<u>2,600,000</u>	<u>2,602,600</u>
TOTAL	\$2,676,900	\$2,668,300	\$107,600	\$13,841,800	\$19,294,600

II. PARK OPERATIONS:**FROM:****General**

Fund	\$2,139,700	\$588,700			\$2,728,400
------	-------------	-----------	--	--	-------------

Indirect Cost Recovery

Fund		2,400			2,400
------	--	-------	--	--	-------

Parks and Recreation

Fund	5,261,400	1,833,300	\$612,500		7,707,200
------	-----------	-----------	-----------	--	-----------

Recreational Fuels

Fund	230,300	244,600	1,226,600		1,701,500
------	---------	---------	-----------	--	-----------

Parks and Recreation Registration

Fund	1,003,700	1,081,300	70,300	\$200,000	2,355,300
------	-----------	-----------	--------	-----------	-----------

Miscellaneous Revenue

Fund	19,400	76,500			95,900
------	--------	--------	--	--	--------

Public Recreation Enterprise

Fund	810,200	1,329,000			2,139,200
------	---------	-----------	--	--	-----------

Parks and Recreation Expendable Trust

Fund	510,300	405,600			915,900
------	---------	---------	--	--	---------

Federal Grant

Fund	<u>1,072,600</u>	<u>628,600</u>	<u>0</u>	<u>1,227,500</u>	<u>2,928,700</u>
------	------------------	----------------	----------	------------------	------------------

TOTAL	\$11,047,600	\$6,190,000	\$1,909,400	\$1,427,500	\$20,574,500
--------------	---------------------	--------------------	--------------------	--------------------	---------------------

III. CAPITAL DEVELOPMENT:**FROM:****Parks and Recreation**

Fund			\$1,843,000		\$1,843,000
------	--	--	-------------	--	-------------

Recreational Fuels

Fund			1,565,000		1,565,000
------	--	--	-----------	--	-----------

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Parks and Recreation Registration					
Fund			1,312,000		1,312,000
Public Recreation Enterprise					
Fund			280,000		280,000
Parks and Recreation Expendable Trust					
Fund			<u>100,000</u>		<u>100,000</u>
TOTAL			\$5,100,000		\$5,100,000
GRAND TOTAL	\$13,724,500	\$8,858,300	\$7,117,000	\$15,269,300	\$44,969,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Parks and Recreation is authorized no more than one hundred fifty-seven and thirty-nine hundredths (157.39) 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 PROGRAM TRANSFER LIMITATIONS. Notwithstanding the provisions of Section 67-3511(2), Idaho Code, trustee and benefit payments appropriated for grants in the Management Services Program may be transferred to capital outlay in the Capital Development Program or to capital outlay in the Park Operations Program to reflect grants awarded to the Department of Parks and Recreation for the period July 1, 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. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Parks and Recreation any unexpended and unencumbered balances appropriated or reappropriated to the Department of Parks and Recreation for the Capital Development Program for fiscal year 2020 to be used for nonrecurring expenditures in the Capital Development 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.

Approved March 17, 2020

CHAPTER 171
(S.B. No. 1397)

AN ACT

RELATING TO THE APPROPRIATION TO THE LEGISLATIVE BRANCH FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE LEGISLATIVE BRANCH FOR THE LEGISLATIVE SERVICES OFFICE, OFFICE OF PERFORMANCE EVALUATIONS, AND REDISTRICTING COMMISSION FOR FISCAL YEAR 2021; PROVIDING REAPPROPRIATION AUTHORITY FOR THE PROFESSIONAL SERVICES FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE TECHNOLOGY INFRASTRUCTURE STABILIZATION FUND; AND EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Legislative Branch 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. LEGISLATIVE SERVICES OFFICE:				
FROM:				
General				
Fund	\$5,403,900	\$218,500	\$8,300	\$5,630,700
Miscellaneous Revenue				
Fund	144,400	124,000		268,400
Legislative Capitol Facilities				
Fund		440,000		440,000
Professional Services				
Fund	<u>1,447,400</u>	<u>105,700</u>	<u>6,800</u>	<u>1,559,900</u>
TOTAL	\$6,995,700	\$888,200	\$15,100	\$7,899,000
II. OFFICE OF PERFORMANCE EVALUATIONS:				
FROM:				
General				
Fund	\$882,500	\$67,700		\$950,200
III. REDISTRICTING COMMISSION:				
FROM:				
General				
Fund	\$24,800	\$342,800	\$77,300	\$444,900
GRAND TOTAL	\$7,903,000	\$1,298,700	\$92,400	\$9,294,100

SECTION 2. REAPPROPRIATION AUTHORITY FOR THE PROFESSIONAL SERVICES FUND. There is hereby reappropriated to the Legislative Services Office any unexpended and unencumbered balances appropriated or reappropriated to the Legislative Services Office from the Professional Services Fund for fiscal year 2020, in an amount not to exceed \$650,000 in personnel costs from the

Professional Services Fund, 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. REAPPROPRIATION AUTHORITY FOR THE TECHNOLOGY INFRASTRUCTURE STABILIZATION FUND. There is hereby reappropriated to the Legislative Services Office any unexpended and unencumbered balances appropriated or reappropriated to the Legislative Services Office from the Technology Infrastructure Stabilization 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. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. The Legislative Services Office, Office of Performance Evaluations, and Redistricting Commission are hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated to 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.

Approved March 17, 2020

CHAPTER 172
(S.B. No. 1390)

AN ACT

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

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SUPPORT SERVICES:					
FROM:					
General					
Fund	\$428,700	\$300,800			\$729,500
Department of Lands					
Fund	717,700	442,700	\$104,700		1,265,100
Indirect Cost Recovery					
Fund	71,000	128,200			199,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Endowment Earnings Administrative					
Fund	<u>3,100,600</u>	<u>1,757,600</u>	<u>257,600</u>		<u>5,115,800</u>
TOTAL	\$4,318,000	\$2,629,300	\$362,300		\$7,309,600
II. FOREST RESOURCES MANAGEMENT:					
FROM:					
General					
Fund	\$1,412,200	\$266,500	\$3,500	\$20,000	\$1,702,200
Department of Lands					
Fund	2,128,100	2,995,500	106,200	1,500,000	6,729,800
Indirect Cost Recovery					
Fund	116,800	320,100			436,900
Endowment Earnings Administrative					
Fund	11,235,800	7,160,400	471,000		18,867,200
Community Forestry					
Fund		20,000		20,000	40,000
Federal Grant					
Fund	<u>1,187,600</u>	<u>3,334,500</u>	<u>0</u>	<u>2,915,400</u>	<u>7,437,500</u>
TOTAL	\$16,080,500	\$14,097,000	\$580,700	\$4,455,400	\$35,213,600
III. LANDS AND WATERWAYS:					
FROM:					
General					
Fund	\$413,300	\$32,800			\$446,100
Department of Lands					
Fund	452,500	1,497,200			1,949,700
Navigable Waterways					
Fund	730,100	91,500	\$2,900		824,500
Endowment Earnings Administrative					
Fund	<u>2,596,100</u>	<u>4,105,200</u>	<u>10,000</u>		<u>6,711,300</u>
TOTAL	\$4,192,000	\$5,726,700	\$12,900		\$9,931,600
IV. FOREST AND RANGE FIRE PROTECTION:					
FROM:					
General					
Fund	\$1,970,300	\$288,900		\$920,500	\$3,179,700
Department of Lands					
Fund	4,019,700	470,500	\$688,900	873,000	6,052,100
Fire Suppression Deficiency					
Fund	129,500	22,100			151,600
Federal Grant					
Fund	<u>768,800</u>	<u>305,000</u>	<u>0</u>	<u>450,000</u>	<u>1,523,800</u>
TOTAL	\$6,888,300	\$1,086,500	\$688,900	\$2,243,500	\$10,907,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. SCALING PRACTICES:					
FROM:					
Department of Lands					
Fund	\$284,700	\$56,900			\$341,600
VI. OIL AND GAS CONSERVATION:					
FROM:					
General					
Fund	\$281,000	\$102,400			\$383,400
Oil and Gas Conservation					
Fund	117,500	85,100			202,600
Navigable Waterways					
Fund	<u>7,500</u>	<u>0</u>			<u>7,500</u>
TOTAL	\$406,000	\$187,500			\$593,500
GRAND TOTAL	\$32,169,500	\$23,783,900	\$1,644,800	\$6,698,900	\$64,297,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Lands is authorized no more than three hundred twenty-seven and eighty-two hundredths (327.82) 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 TRANSFER LIMITATIONS. The Department of Lands is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated for the Forest and Range Fire Protection Program for the period July 1, 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 17, 2020

CHAPTER 173
(H.B. No. 542)

AN ACT

RELATING TO THE APPROPRIATION TO THE WORKFORCE DEVELOPMENT COUNCIL FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE WORKFORCE DEVELOPMENT COUNCIL 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 Workforce Development Council 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:				
Workforce Development Training				
Fund	\$395,300	\$356,000	\$12,000,000	\$12,751,300
Federal Grant				
Fund	<u>96,700</u>	<u>46,800</u>	<u>0</u>	<u>143,500</u>
TOTAL	\$492,000	\$402,800	\$12,000,000	\$12,894,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Workforce Development Council 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 17, 2020

CHAPTER 174
(S.B. No. 1356)

AN ACT

RELATING TO JUDICIAL DISTRICTS; AMENDING SECTION 1-802, IDAHO CODE, TO PROVIDE FOR AN ADDITIONAL JUDGE IN THE FIRST DISTRICT AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 1-802, Idaho Code, be, and the same is hereby amended to read as follows:

1-802. FIRST DISTRICT -- NUMBER OF JUDGES -- RESIDENT CHAMBERS. (1) The first judicial district shall consist of the counties of Boundary, Bonner, Kootenai, Shoshone, and Benewah.

(2) The first judicial district shall have ~~six~~ seven (67) district judges.

(3) Resident chambers of the district judges of the first judicial district shall be established as follows:

(a) ~~One~~ Two (12) resident chambers shall be established in Bonner County;

(b) Four (4) resident chambers shall be established in Kootenai County; and

(c) One (1) resident chambers shall be established in Shoshone County.

Approved March 17, 2020

CHAPTER 175
(S.B. No. 1351, As Amended)

AN ACT

RELATING TO OCCUPATIONAL LICENSING REFORM; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 94, TITLE 67, IDAHO CODE, TO PROVIDE FOR THE CREATION OF AN OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE, TO PROVIDE FOR UNIVERSAL LICENSURE, TO PROVIDE FOR CERTAIN INQUIRIES REGARDING THE POTENTIAL IMPACT OF A CRIMINAL CONVICTION, AND TO ESTABLISH PROVISIONS REGARDING THE EVALUATION OF CRIMINAL CONVICTIONS WITH RESPECT TO MORAL CHARACTER REQUIREMENTS; AMENDING SECTION 26-2227, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 30-907, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 33-1208, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 38-1218, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-327, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-915, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 41-1016, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 41-1104, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE

AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 41-5811, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 50-1604, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-206, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 54-219, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-608, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-712, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-915, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-923, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-1116, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1128, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1413, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1510, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1726, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1844, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1910, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2103, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2508, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2819, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2916A, IDAHO CODE, TO REVISE A PROVISION REGARDING ELIGIBILITY REQUIREMENTS; AMENDING SECTION 54-3112, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-3211, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-3510, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-3804, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-4013, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-4711, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-4805, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-4806, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE

TECHNICAL CORRECTIONS; AMENDING SECTION 54-5303, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 54-5307, IDAHO CODE, TO REVISE A PROVISION REGARDING QUALIFICATIONS; AMENDING SECTION 54-5408, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 67-5309, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT.

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

SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 94, Title 67, Idaho Code, and to read as follows:

CHAPTER 94
OCCUPATIONAL LICENSING REFORM ACT

67-9408. OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE. (1) In order to establish oversight of occupational and professional licensure and related issues in Idaho, there is hereby established an occupational and professional licensure review committee.

(2) The committee shall consist of eight (8) members, with four (4) members from the senate, one (1) of whom shall be cochair of the committee, and four (4) members from the house of representatives, one (1) of whom shall be cochair of the committee. Members from the senate shall be appointed by the president pro tempore of the senate, and members from the house of representatives shall be appointed by the speaker of the house of representatives. No more than three (3) members from the senate and no more than three (3) members from the house of representatives shall be from the same political party. Appointments to the committee shall be for the term of office of the member appointed. Any vacancy shall be filled in a manner consistent with the appointment procedure set forth in this subsection, except the appointment shall be for the remainder of the unexpired term. A committee member may be reappointed to the committee.

(3) In addition to conducting sunrise reviews as set forth in this section, the committee is authorized to study and review 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. The committee shall meet as often as may be necessary for the proper performance of its duties upon the call of the cochairs.

(4) The committee shall operate for three (3) years and shall make a report to the first regular session of the sixty-seventh Idaho legislature in 2023. The legislature may take subsequent action to extend the duration of the committee or to make it permanent.

(5) Beginning January 1, 2021, the committee shall conduct a sunrise review upon request that a lawful profession or occupational group that is not licensed become licensed. For purposes of this section, a profession or occupation becoming "licensed" means adding a requirement that a person must hold a license, certificate, registration, permit, or other authorization issued by a licensing authority to engage in such profession or occupation. Sunrise review by the committee shall be required prior to the introduction of any proposed legislation that a lawful profession or occupational group that is not licensed become licensed; provided, however, that a germane committee of the legislature later considering such proposed legislation shall not be bound by the recommendation of the committee. The sunrise review process shall be as follows:

(a) The legislative services office shall prepare and publish an application form to be approved by the committee and used for the sunrise review process.

(b) A requestor shall, prior to the introduction of any proposed legislation, submit the application for sunrise review to the legislative services office. The application shall be submitted by May 1 for review and processing prior to the next regular legislative session.

(c) In addition to any other information requested by the committee or staff, the application shall include a copy of the applicant's proposed draft legislation and a description of:

(i) The requestor's identity and relationship to the profession or occupational group;

(ii) Why licensing or other regulation of the profession or occupation is necessary to protect against present, recognizable, and sufficient harm to the health, safety, or welfare of the public to warrant the regulation proposed;

(iii) Why the proposed licensing or other regulation is the least restrictive regulation necessary to protect against present, recognizable, and sufficient harm to the health, safety, or welfare of the public to warrant the regulation proposed;

(iv) Why the public cannot be effectively protected by other means;

(v) Whether the overall cost-effectiveness and economic impact of the proposed regulation, including the direct and indirect costs to consumers, will be outweighed by the benefits of the proposed licensing or other regulation;

(vi) Whether the proposed licensing or other regulation will have an unreasonably negative effect on job creation, job retention, or wages in the state or will place unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a given profession or occupation to continue to practice or to find employment; and

(vii) Any other relevant information.

(d) With respect to an application timely received by the legislative services office by May 1:

(i) By August 1, the legislative services office shall submit a report with factual analysis to the committee and the applicant. Such report shall be made available to the public. Such report shall verify the contents of an application and submitted information and address any other related factual matters, but shall not contain a recommendation.

(ii) By October 1, the committee shall review such application and submitted information and the associated report prepared by the legislative services office, along with any other relevant information, and hold a public hearing on such application.

(iii) By November 1, the committee shall prepare a written recommendation as to whether a requested occupation or profession should be licensed in the manner set forth in the application and shall deliver such recommendation to the president pro tempore of the senate and the speaker of the house of representatives for subsequent delivery to the appropriate germane committee chairpersons. Such written recommendation may include nonmandatory suggestions as to how the application, including the proposed legislation, may be improved. An applicant receiving such suggestions shall be encouraged to follow the recommended suggestions of the committee before offering the legislation for introduction during the next legislative session.

67-9409. UNIVERSAL LICENSURE. (1) A licensing authority shall establish a procedure for the issuance of licensure to a person who:

- (a) Possesses current, valid, and unrestricted licensure in another state, district, or territory of the United States; and
- (b) Demonstrates competency in the profession or occupation through methods determined by the licensing board or commission.

(2) Each applicant for universal licensure under this section must apply to the applicable licensing authority for relevant licensure. An applicant under this section shall be subject to the laws regulating the person's practice in Idaho and is subject to the applicable licensing authority's jurisdiction. For purposes of this section, the term "licensure" means a license, certificate, registration, permit, or other authorization to practice a profession or occupation.

(3) To determine whether an applicant for universal licensure who possesses the licensure requirements established in subsection (1) of this section is otherwise qualified for licensure under Idaho law, a licensing authority shall require an applicant to complete an application, submit supporting materials, and undergo the same background checks as required of other applicants for licensure.

(4) In addition to the requirements set forth in this section, if it administers an examination as part of the application requirements, a licensing authority may require an applicant to take and pass all or a portion of such examination as may be necessary to demonstrate competence to practice in Idaho.

(5) An applicant for universal licensure shall pay all applicable fees and shall be subject to all applicable requirements related to maintaining licensure as established by the licensing authority.

(6) A licensing authority may, at its discretion, compare the authorized scope of practice in the state, or states, where the applicant currently holds licensure to the authorized scope of practice in Idaho. If such licensing authority determines that the authorized scope of practice in Idaho is broader than the scope of practice authorized in the state, or states, where the applicant currently holds licensure, such licensing authority may, instead of issuing a denial on the basis of the difference in scope of practice, issue a limited license to such applicant pending completion of the additional education, training, and any other requirements determined necessary by the licensing authority. A limited license issued under this section shall restrict the applicant's practice in Idaho to the scope of practice authorized in the state where the applicant holds prior licensure until such time that the applicant satisfies the education, training, or other requirements deemed necessary by the licensing authority for a limited period of time necessary for an applicant to meet the qualifications for a full license.

(7) This section shall not restrict a person who is a member of a profession or occupation covered by an applicable interstate licensure compact or applicable reciprocity agreement from seeking licensure pursuant to this section. In such a situation, a person may apply for universal licensure under this section or may apply for licensure pursuant to the terms of the applicable licensure compact or reciprocity agreement. A licensing authority may promulgate applicable rules if necessary to implement the provisions of this section.

67-9410. INQUIRY REGARDING THE POTENTIAL IMPACT OF A CRIMINAL CONVICTION. (1) An individual who has been convicted of a criminal offense may request, at any time, that a licensing authority opine as to whether the individual's criminal conviction could disqualify the individual from obtaining a license, certificate, registration, permit, or other authorization to practice a profession or occupation issued or conferred by the licensing authority. An individual making such an inquiry shall include details of the

individual's criminal record and any payment required by the licensing authority. A licensing authority may charge a fee of no more than twenty-five dollars (\$25.00) for each inquiry made under this section to reimburse the costs it incurs in issuing the opinion.

(2) No later than sixty (60) days or at the next regular meeting after receiving an inquiry under this section, the licensing authority shall inform the individual whether, based on the criminal record information submitted, the individual is disqualified from receiving or holding the license about which the individual inquired.

(3) A licensing authority shall not be bound by an opinion issued under this section if it later determines that the facts and circumstances submitted in the individual's inquiry were not complete and accurate, that the individual's criminal background is different than described in the inquiry, that a subsequent criminal offense or other relevant conduct occurred after the inquiry was submitted, or that a change in law or regulation requires a different determination.

67-9411. EVALUATION OF CRIMINAL CONVICTIONS. (1) A licensing authority shall not deny a license, certificate, registration, permit, or other authorization to practice a profession or occupation to an applicant on the basis of such applicant having a prior conviction of a crime, unless such conviction is currently relevant to the applicant's fitness to engage in such profession or occupation as determined by the licensing authority. The licensing authority shall make its determination based on consideration of the following factors:

- (a) The nature and seriousness of the crime for which the individual was convicted;
- (b) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation;
- (c) The passage of time since the commission of the crime;
- (d) Any evidence of rehabilitation or treatment undertaken by the individual; and
- (e) Any other relevant factor.

(2) A licensing authority shall not deny a license, certificate, registration, permit, or other authorization to practice a profession or occupation to an applicant on the basis of vague or generic terminology related to a criminal conviction, including but not limited to "moral turpitude" or "moral character." Where such terms appear in code or rule with respect to a criminal conviction, a licensing authority shall conduct a relevancy evaluation pursuant to subsection (1) of this section.

SECTION 2. That Section 26-2227, Idaho Code, be, and the same is hereby amended to read as follows:

26-2227. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. (1) An application for a license may be denied or, after notice and the opportunity for a hearing, a license may be suspended or revoked by the director if he finds that facts or conditions exist which would have justified the director in refusing to grant a license had such facts or conditions been known to exist at the time the license was issued, or that the licensee or the applicant, or any officer, member, owner, manager or agent of a licensee or applicant:

- (a) Has violated any provision of this act, the federal fair debt collection practices act, 15 U.S.C. section 1692, et seq., as amended, or any rule or order of the director under this act;
- (b) Is not legally qualified to do business in this state;

- (c) Has failed to retain a natural person with three (3) years of experience related to the type of business conducted by the licensee under this act to supervise each office from which business activities are conducted under this act;
- (d) Has failed, refused or neglected to pay or remit to any creditor client the agreed portion of any sum collected by the applicant or licensee on any bill, claim, account or other indebtedness entrusted to such applicant or licensee for collection;
- (e) Has failed to return to a debtor an amount that was not owed on his debt;
- (f) Has made a material misstatement in the application for such license or renewal;
- (g) Has obtained or attempted to obtain a license or renewal by fraud or misrepresentation;
- (h) Has misappropriated or converted to his own use or improperly withheld moneys collected or held for any other person, except that a collection agency licensee may convert into business funds his portion of any moneys collected on behalf of a creditor client, pursuant to a written agreement with the creditor client and in compliance with this act;
- (i) Has falsely represented himself as a licensee for the purpose of soliciting for or representing any business covered in this act;
- (j) Has been convicted of, or a court of competent jurisdiction has entered a withheld judgment for ~~any felony, or for a misdemeanor, a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, including a crime involving financial wrongdoing or moral turpitude;~~
- (k) Has had a license substantially equivalent to a license under this act issued by another state revoked, suspended or denied; or
- (1) Demonstrates a lack of fitness to engage in business activities authorized for a licensee under this act.
- (2) The director may, after notice and the opportunity for a hearing, impose upon any licensee, or person required to be licensed under this act, a civil penalty of not more than five thousand dollars (\$5,000) for each violation of this act.
- (3) The director may, after notice and the opportunity for a hearing, impose upon a licensee, or person required to be licensed under this act, any sanction authorized by this section if the director finds that an agent of the licensee, or person required to be licensed under this act, has violated any provision of this act.
- (4) The director may, in his discretion, and by an order issued in accordance with chapter 52, title 67, Idaho Code, prohibit a licensee from using an individual as an agent if the individual has violated any provision of this act, or any similar statute or rule of another state.
- (5) Any denial, suspension or revocation of any license issued under this act shall be governed by chapter 52, title 67, Idaho Code.

SECTION 3. That Section 30-907, Idaho Code, be, and the same is hereby amended to read as follows:

30-907. DIRECTOR'S ISSUANCE OR DENIAL OF LICENSE. (1) The director shall receive and act upon all applications for licenses to engage in business as an escrow agency under this chapter. If the director finds that all requirements of statute and rule have been met and all applicable fees paid, and the applicant is not otherwise unqualified for licensure, the director shall issue a license to the applicant.

(2) An application for a license as an escrow agency shall be in writing and filed with the director in such form as is prescribed by the director, shall include such information as the director may reasonably require, and shall be verified on oath by the applicant. Such information shall be

updated and filed with the director as necessary to keep the information current. The application for licensure shall be accompanied by an application fee of three hundred fifty dollars (\$350). When an application for licensure is denied or withdrawn, the director shall retain all fees paid by the applicant.

(3) An application for an escrow agency license under this chapter may be denied if the director finds that:

(a) The escrow agency's business was or will be formed for any business other than legitimate escrow services, or proposes to use a name that is misleading or in conflict with the name of an existing licensee;

(b) Any incorporator, officer, director, member, general partner, employee, or agent of the escrow agency applicant has been:

~~(i) Convicted of, or received a withheld judgment for, any felony; or~~

~~(ii) Convicted of, or received a withheld judgment for, a misdemeanor involving dishonesty or moral turpitude; or~~

~~(iii) Committed any crime or act involving dishonesty, fraud or deceit, which crime or act is substantially related to the qualifications, functions, or duties of a person engaged in an escrow business or which crime is otherwise deemed relevant in accordance with section 67-9411(1), Idaho Code;~~

(c) There is no natural person possessing a minimum of three (3) years of supervisory experience in relation to an escrow business supervising each escrow agency office;

(d) The applicant or any officer, director, member, general partner, employee or agent of the applicant has demonstrated lack of fitness to transact escrow business;

(e) The applicant has made any false statement of a material fact in the application for a license; or

(f) The applicant, any officer, director, member, general partner or any person owning or controlling, directly or indirectly, ten percent (10%) or more of the outstanding equity securities of the applicant has violated any provision of this chapter or rules promulgated thereunder, or any similar regulatory scheme in this state or in any foreign jurisdiction.

SECTION 4. 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 that is deemed relevant in accordance with section 67-9411(1), Idaho Code;~~

- g. Conviction, finding of guilt, withheld judgment, or suspended sentence in this state or any other state for the delivery, manufacture 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., 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 crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, 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, section 18-5601, Idaho Code.
 - m. The abduction of 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 cer-

tificate 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.

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 5. That Section 38-1218, Idaho Code, be, and the same is hereby amended to read as follows:

38-1218. REVOCATION OR SUSPENSION OF CERTIFICATE. The board shall have power to (1) revoke the certificate of registration or, (2) to suspend the certificate of registration, for a period of time not exceeding two (2) years, of any registrant who is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration;

(b) Gross negligence, incompetency, habitual intemperance, insanity, conviction of a ~~felony, moral turpitude~~ crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, or misconduct in the practice of professional scaling as a registered professional scaler.

Any person may prefer charges, based on any of the ~~above~~ grounds listed in this section, against any registrant. Such charges shall be in writing, and shall be sworn to by the person making them and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board as soon as possible but not to exceed three (3) months after the date on which they shall have been preferred.

The time and place for said hearing shall be fixed by the board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on, or mailed to the last known address of, such registrant, at least thirty (30) days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses in his own defense.

If, after such hearing, three (3) or more members of the board vote in favor of finding the accused guilty, the board shall revoke or suspend, as herein provided, the certificate of registration of such registered professional scaler.

In addition to the foregoing, provisions contained in chapter 52, title 67, Idaho Code, shall also apply.

SECTION 6. That Section 41-327, Idaho Code, be, and the same is hereby amended to read as follows:

41-327. ADMINISTRATIVE PENALTY -- SUSPENSION OR REVOCATION OF CERTIFICATE OF AUTHORITY -- DISCRETIONARY AND SPECIAL GROUNDS. (1) The director may, in his discretion, impose an administrative penalty not to exceed five thousand dollars (\$5,000), for deposit in the general fund of the state of Idaho, or refuse to continue or suspend or revoke an insurer's certificate of authority if he finds after a hearing thereon that the insurer has violated or failed to comply with any lawful order of the director, or any provision of this code other than those for which suspension or revocation is mandatory.

(2) The director shall suspend or revoke an insurer's certificate of authority on any of the following grounds if he finds after a hearing thereon that the insurer:

(a) Is in unsound condition, or in such condition or using such methods and practices in the conduct of its business, as to render its further transaction of insurance in this state hazardous or injurious to its policyholders or to the public.

(b) Has failed, after written request therefor by the director, to remove or discharge an officer or director who has been convicted of any crime involving fraud, dishonesty, or ~~like moral turpitude~~ that is otherwise deemed relevant in accordance with section 67-9411(1), Idaho Code.

(c) With such frequency as to indicate its general business practice in this state, has without just cause refused to pay claims arising under coverages provided by its policies, whether the claim is in favor of an insured or is in favor of a third person with respect to the liability of an insured to such third person, or, with like frequency, without just cause compels insureds or claimants to accept less than the amount due them or to employ attorneys or to bring suit against the insurer or such an insured to obtain full payment or settlement of such claims.

(d) Is affiliated with and under the same general management, or interlocking directorate, or ownership as another insurer which transacts direct insurance in this state without having a certificate of authority therefor, except as permitted under this code.

(e) Refuses to be examined, or if its directors, officers, employees, or representatives refuse to submit to examination relative to its affairs, or to produce its accounts, records, and files for examination by the director when required, or refuses to perform any legal obligation relative to the examination.

(f) Has failed to pay any final judgment rendered against it in this state upon any policy, bond, recognizance, or undertaking issued or guaranteed by it, within thirty (30) days after the judgment became final, or within thirty (30) days after time for taking an appeal has expired, or within thirty (30) days after dismissal of an appeal before final determination, whichever date is ~~the later~~ latest.

(3) The director may, in his discretion and without advance notice or a hearing thereon, immediately suspend the certificate of authority of any insurer as to which proceedings for receivership, conservatorship, rehabilitation, or other delinquency proceedings, have been commenced in any state by the public insurance supervisory official of such state.

SECTION 7. That Section 41-915, Idaho Code, be, and the same is hereby amended to read as follows:

41-915. GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF LICENSE. (1) The license of an administrator shall be denied, suspended or revoked if the director finds that the administrator:

(a) Is in an unsound financial condition;

(b) Is using such methods or practices in the conduct of its business so as to render its further transaction of business in this state hazardous or injurious to insured persons or the public; or

(c) Has failed to pay any judgment rendered against it in this state within sixty (60) days after the judgment has become final.

(2) The director may deny, suspend or revoke the license of an administrator if the director finds that the administrator:

(a) Has violated any lawful rule or order of the director or any provision of title 41, Idaho Code;

(b) Has refused to be examined or to produce its accounts, records and files for examination, or if any individual responsible for the conduct of affairs of the administrator, including members of the board of

directors, board of trustees, executive committee or other governing board or committee, the principal officers in the case of a corporation or the partners or members in the case of a partnership, association or limited liability company, any shareholder or member holding directly or indirectly ten percent (10%) or more of the voting stock, voting securities or voting interest of the administrator and any other person who exercises control or influence over the affairs of the administrator, has refused to give information with respect to its affairs or has refused to perform any other legal obligation as to an examination, when required by the director;

(c) Has, without just cause, refused to pay proper claims or perform services arising under its contracts or has, without just cause, caused covered individuals to accept less than the amount due them or caused covered individuals to employ attorneys or bring suit against the administrator to secure full payment or settlement of such claims;

(d) Fails, at any time, to meet any qualification for which issuance of the license could have been refused had the failure then existed and been known to the director;

(e) Or any of the individuals responsible for the conduct of its affairs, including members of the board of directors, board of trustees, executive committee or other governing board or committee, the principal officers in the case of a corporation or the partners or members in the case of a partnership, association or limited liability company, any shareholder or member holding directly or indirectly ten percent (10%) or more of its voting stock, voting securities or voting interest and any other person who exercises control or influence over its affairs, has been convicted of, or has entered a plea of guilty or nolo contendere to any ~~felony, or to a misdemeanor that evidences bad moral character,~~ crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, or that evidences dishonesty, a lack of integrity and financial responsibility, or an unfitness and inability to provide acceptable service to the consuming public without regard to whether adjudication was withheld; or

(f) Is under suspension or revocation in another state.

(3) The director may, in his discretion and without advance notice or hearing, immediately suspend the license of an administrator if the director finds that one (1) or more of the following circumstances exist:

(a) The administrator is insolvent or impaired;

(b) A proceeding for receivership, conservatorship, rehabilitation or other delinquency proceeding regarding the administrator has been commenced in any state;

(c) The financial condition or business practices of the administrator otherwise pose an imminent threat to the public health, safety or welfare of the residents of this state; or

(d) A final order suspending or revoking the administrator's license in its home state has been entered.

(4) If the director finds that one (1) or more grounds exist for the suspension or revocation of a license issued under the provisions of this chapter, the director may, in lieu of or in addition to suspension or revocation, impose an administrative penalty upon the administrator pursuant to section 41-117, Idaho Code.

SECTION 8. That Section 41-1016, Idaho Code, be, and the same is hereby amended to read as follows:

41-1016. ADMINISTRATIVE PENALTY -- SUSPENSION, REVOCATION, REFUSAL OF LICENSE. (1) The director may impose an administrative penalty not to exceed one thousand dollars (\$1,000), for deposit in the general fund of the state of Idaho, and may suspend for not more than twelve (12) months or may

revoke or refuse to issue or continue any license issued under this chapter, chapter 27, title 41, Idaho Code (title insurance), chapter 11, title 41, Idaho Code (adjusters), or chapter 12, title 41, Idaho Code (surplus lines brokers), if the director finds that as to the licensee or applicant any one (1) or more of the following causes or violations exist:

- (a) Providing incorrect, misleading, incomplete or materially untrue information in the license application;
- (b) Violating any provision of title 41, Idaho Code, department rule, subpoena or order of the director or of another state's insurance director;
- (c) Obtaining or attempting to obtain a license through misrepresentation or fraud;
- (d) Improperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business;
- (e) Misrepresenting the terms of an actual or proposed insurance contract or application for insurance or misrepresenting any fact material to any insurance transaction or proposed transaction;
- (f) Being convicted of or pleading guilty to ~~any felony, or to a misdemeanor which evidences bad moral character, a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, or that evidences dishonesty, a lack of integrity and financial responsibility, or an unfitness and inability to provide acceptable service to the consuming public;~~
- (g) Admitting or being found to have committed any insurance unfair trade practice or fraud;
- (h) Using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility, or being a source of injury and loss to the public or others, in the conduct of business in this state or elsewhere;
- (i) Having an insurance license denied, suspended or revoked in any other state, province, district or territory;
- (j) Forging another's name on an application for insurance or on any document related to an insurance transaction;
- (k) Improperly using notes or any other reference material to complete an examination for an insurance license;
- (l) Knowingly accepting insurance business from an individual who is not licensed;
- (m) Failing to comply with an administrative or court order imposing a child support obligation, provided however, that nothing in this provision shall be deemed to abrogate or modify chapter 14, title 7, Idaho Code;
- (n) Failing to pay state income tax or to comply with any administrative or court order directing payment of state income tax; or
- (o) In the case of a bail agent, compensating or agreeing to compensate any incarcerated person to influence or encourage another incarcerated person or other incarcerated persons to engage the bail agent's services or the services of the bail agent's company or of other bail agents employed by such bail company. For purposes of this subsection, compensating any incarcerated person shall include providing payment in any form to any person, organization or entity designated by the incarcerated person to receive such payment.

(2) The director shall, without hearing, suspend for not more than twelve (12) months, or shall revoke or refuse to continue any license issued under this chapter to a nonresident where:

- (a) The director has received a final order of suspension, revocation or refusal to continue from the insurance regulatory official or court of jurisdiction of the licensee's home state; or
- (b) A nonresident no longer has a license in the licensee's home state because the home state license was:

- (i) Voluntarily surrendered for any reason except relicensing as a resident in another state; or
- (ii) Otherwise nonrenewed by the nonresident and remains nonrenewed for a period greater than ninety (90) days beyond its expiration date, and without notice to the director of relicensing as a resident in another state.

If cause under this provision exists after the expiration of the twelve (12) months, successive suspensions may be imposed by the director without hearing.

(3) The license of a business entity may be suspended, revoked or refused if the director finds that the violation of an individual licensee, who is registered to or acting on behalf of the business entity, was known or should have been known by one (1) or more of the owners, officers or managers acting on behalf of the business entity and that the violation was not reported to the director and no corrective action was taken.

(4) In addition to or in lieu of any applicable denial, suspension or revocation of a license, a person may, after hearing, be subject to a civil fine or administrative penalty pursuant to subsection (1) of this section or any other applicable section.

(5) The director shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by title 41, Idaho Code, against any person who is under investigation for or charged with a violation of title 41, Idaho Code, or department rule, even if the person's license or registration has been surrendered or has lapsed by operation of law, or if the person has never been licensed.

SECTION 9. That Section 41-1104, Idaho Code, be, and the same is hereby amended to read as follows:

41-1104. QUALIFICATIONS FOR ADJUSTER'S LICENSE. (1) Except as provided in subsection (2) of this section, the director shall not issue, continue, or permit to exist any license as an adjuster as to any person not qualified therefor as follows:

(a) Must be a natural person not less than twenty-one (21) years of age.

(b) Must be trustworthy, and be of good character and reputation as to morals, integrity, and financial responsibility, and must not have been convicted of ~~a felony or of any crime involving moral turpitude~~ that is deemed relevant in accordance with section 67-9411(1), Idaho Code.

(c) Must be a salaried employee of a licensed adjuster, or must have had experience or special education or training as to the investigation and settlement of loss of claims under insurance contracts of sufficient duration and extent reasonably to satisfy the director as to his competence to fulfill the responsibilities of an adjuster.

(d) If required by the director, must pass a written examination to test his knowledge of the duties and responsibilities of an adjuster and of matters involved in transactions under an adjuster's license. The examination shall be subject to the same applicable provisions as apply pursuant to title 41, Idaho Code, to examinations for license as insurance agent.

(2) A firm or corporation, whether or not organized under the laws of this state, may be licensed as an adjuster if each individual who is to exercise the license powers in this state is separately licensed, or is named in the firm or corporation license, and is qualified as for an individual license as adjuster under subsection (1) of this section. An additional full license fee shall be paid as to each individual in excess of one (1) so named in the firm or corporation license to exercise its powers.

SECTION 10. That Section 41-5811, Idaho Code, be, and the same is hereby amended to read as follows:

41-5811. LICENSE DENIAL, NONRENEWAL OR REVOCATION. (1) The department may place on probation, suspend, revoke or refuse to issue or renew a public adjuster's license or may levy a civil penalty in accordance with section 41-1016, Idaho Code, or any combination of actions, for any one (1) or more of the following causes:

- (a) Providing incorrect, misleading, incomplete or materially untrue information in the license application;
- (b) Violating any insurance laws, or violating any rule, regulation, subpoena or order of the department or of another state's insurance department;
- (c) Obtaining or attempting to obtain a license through misrepresentation or fraud;
- (d) Improperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business;
- (e) Intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance;
- (f) Having been convicted of a ~~felony, or a misdemeanor which~~ crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, or that evidences bad moral character, dishonesty, a lack of integrity and financial responsibility, or an unfitness and inability to provide acceptable service to the consuming public;
- (g) Having admitted to or been found to have committed any insurance unfair trade practice or insurance fraud;
- (h) Using fraudulent, coercive or dishonest practices; or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;
- (i) Having an insurance license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory;
- (j) Forging another's name to an application for insurance or to any document related to an insurance transaction;
- (k) Cheating, including improperly using notes or any other reference material, to complete an examination for an insurance license;
- (l) Knowingly accepting insurance business from an individual who is not licensed but who is required to be licensed by the department;
- (m) Failing to comply with an administrative or court order imposing a child support obligation, provided however, that nothing in this provision shall be deemed to abrogate or modify chapter 14, title 7, Idaho Code; or
- (n) Failing to pay state income tax or comply with any administrative or court order directing payment of state income tax.

(2) The license of a business entity may be suspended, revoked or refused if the department finds, after hearing, that an individual licensee's violation was known or should have been known by one (1) or more of the partners, officers or managers acting on behalf of the business entity and the violation was neither reported to the department nor corrective action taken.

(3) In addition to or in lieu of any applicable denial, suspension or revocation of a license, a person may, after hearing, be subject to a civil fine or administrative penalty according to section 41-1016, Idaho Code.

(4) The department shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by this chapter and title 41, Idaho Code, against any person who is under investigation for or charged with a violation of this chapter or title 41, Idaho Code, even if the person's license or registration has been surrendered or has lapsed by operation of law.

SECTION 11. That Section 50-1604, Idaho Code, be, and the same is hereby amended to read as follows:

50-1604. EXAMINATIONS -- QUALIFICATIONS OF APPLICANTS -- REQUIRES -- CAUSES FOR REMOVAL, DISCHARGE OR SUSPENSION OF INCUMBENTS. (1) Except as provided in subsection (3) of this section, all applicants for places of employment in the classified civil service shall be subject to examination, which shall be public competitive and free and shall be held at such times and places as the civil service commission shall from time to time determine. Such examinations shall be for the purpose of determining the qualifications of applicants for positions and shall be practical and shall fairly test the fitness of the persons examined to discharge the duties of the position to which they seek appointment.

(2) The governing body of each city, having created a civil service commission, shall provide a job description for each civil service position of the city and shall determine and establish the standards and qualifications therefor to be met by each applicant before appointment.

(3) Any applicant who, while in good standing, voluntarily terminated his or her employment with the agency with whom an appointment is sought may, upon written request to and approval from the appointing officer and in accordance with the written policy of the civil service commission, be rehired without taking an examination, provided:

(a) The applicant is otherwise qualified for the position; and

(b) The written request for rehire is physically delivered, mailed or electronically transferred to the appointing officer within such time as provided by the written policy of the civil service commission.

(4) All incumbents and applicants thereafter appointed shall hold office, place, position or employment only during good behavior, and any such person may be removed, discharged, suspended without pay, demoted, reduced in rank, deprived of vacation privileges or other special privileges for any of the following reasons, subject to the determination of the facts in each case by the commission:

(a) Incompetency, inefficiency or inattention to, or dereliction of duty;

(b) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public service; willful failure on the part of the employee to properly conduct himself, or any other willful violation of the civil service rules and regulations;

(c) Mental or physical unfitness for the position which the employee holds;

(d) Dishonest, disgraceful, immoral or prejudicial conduct;

(e) Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee or which prevents the employee from properly performing the functions and duties of any position under civil service;

(f) Conviction of a ~~felony or a misdemeanor involving moral turpitude~~ crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code;

(g) Any other act or failure to act, which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

SECTION 12. That Section 54-206, Idaho Code, be, and the same is hereby amended to read as follows:

54-206. DEFINITIONS. As used in this chapter:

- (1) "AICPA" means the American institute of certified public accountants.
- (2) "Applicant" means any person having the requisite qualifications who makes application to the board for examination, or for initial issuance or renewal or reinstatement of a license under the provisions of this chapter.
- (3) "Attest" means providing the following professional services:
 - (a) Any audit or other engagement to be performed in accordance with the statements on auditing standards;
 - (b) Any review of a financial statement to be performed in accordance with the statements on standards for accounting and review services;
 - (c) Any examination of prospective financial information to be performed in accordance with the statements on standards for attestation engagements;
 - (d) Any engagement to be performed in accordance with the standards of the PCAOB; and
 - (e) Any examination, review or agreed-upon procedures engagement to be performed in accordance with the statements on standards for attestation engagements, other than an examination described in paragraph (c) of this subsection.
- (4) "Board" means the Idaho state board of accountancy.
- (5) "Certificate" means that document issued by the board upon original approval of licensure. The original certificate does not constitute licensure and a person cannot represent himself or herself as a licensee unless a current and valid annual license has been issued by the board.
- (6) "Certified public accountant" or "CPA" means any person who holds a valid, unrevoked and unsuspended license under the provisions of chapter 2, title 54, Idaho Code, or an equivalent provision of the laws of another state designating said person as a certified public accountant.
- (7) "Client" means the person or entity that agrees with a licensee or licensee's employer to receive any professional services with or without compensation and shall include all affiliates and related entities in the financial statements of an attest or compilation engagement.
- (8) "Compilation" means a service performed in accordance with statements on standards for accounting and review services that presents, in the form of historical or prospective financial statements, information that is the representation of management or owners without undertaking to express any assurance on the statements. The term "compilation" does not include financial statements accompanied by the language set forth in section 54-226(3), Idaho Code, whether used by a licensee or by a person not licensed under this chapter, as long as the financial statements are not accompanied by any other language of assurance or disclaimer.
- (9) "Financial statements" means a presentation of historical or prospective financial data, which may include accompanying notes, intended to communicate an entity's economic resources or obligations at a point in time, or the changes therein for a period of time, in accordance with a comprehensive basis of accounting.
- (10) "Firm" means a proprietorship, partnership, professional corporation, professional limited liability company, or any other form of professional organization permitted by Idaho law, registered under the requirements of section 54-214, Idaho Code.
- (11) "Good moral character" means lack of a history of dishonest dealings or a ~~felonious act~~ conviction of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code.

(12) "License" means that authorization issued by the board upon original approval and on an annual basis permitting a qualified person to practice as a certified public accountant or licensed public accountant in the state of Idaho.

(13) "Licensed public accountant" or "LPA" means any person who holds a valid, unrevoked and unsuspended license under the provisions of chapter 2, title 54, Idaho Code, designating said person as a licensed public accountant.

(14) "Licensee" means the holder of a current valid license.

(15) "Member" means a person who has been admitted to membership in a firm that is organized as a limited liability company.

(16) "PCAOB" means the public company accounting oversight board.

(17) "Peer review" means a board-approved study, appraisal or review of one (1) or more aspects of the professional work of a licensee or firm that performs attest services or issues compilation reports, by a person or persons licensed under this chapter or by another state and who are independent of the licensee or firm being reviewed.

(18) "Permit" means a permit to practice as a firm issued under corresponding provisions of the laws of other states.

(19) "Person" means any natural living person.

(20) "Professional services" means services arising out of or related to the specialized knowledge or skills associated with certified public accountants or licensed public accountants.

(21) "Report," when used with reference to financial statements, means an opinion or other form of language that states or implies assurance as to the reliability of any financial statements and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. The term "report" includes any form of language that disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the financial statements referred to or special competence on the part of the person or firm issuing such language; and it includes any other form of language that is conventionally understood to imply such assurance or special knowledge or competence.

(22) "State" means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Commonwealth of the Northern Mariana Islands and Guam; except that "this state" means the state of Idaho.

(23) "Substantial equivalency" or "substantially equivalent" means a determination by the board that the education, examination and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to or exceed the education, examination and experience requirements for CPAs contained in this chapter or that an individual licensee's education, examination and experience qualifications are comparable to or exceed the education, examination and experience requirements for CPAs contained in this chapter.

SECTION 13. That Section 54-219, Idaho Code, be, and the same is hereby amended to read as follows:

54-219. LICENSE -- RESTRICTION, REVOCATION, SUSPENSION OR DENIAL -- CAUSES -- COST RECOVERY -- ADMINISTRATIVE PENALTIES. (1) After notice and opportunity for hearing in accordance with the provisions of chapter 52, title 67, Idaho Code, for cause shown, the board may revoke, suspend, refuse to renew, administratively penalize, reprimand, restrict or place on probation the holder of a certificate or license, or refuse to issue any certificate or any license to an applicant, for any one (1) of the following causes:

- (a) Any false statement with the intent to mislead or deceive the board or its members in connection with any application; or, cheating or any attempt to cheat in an examination.
- (b) Fraud or deceit in obtaining or renewing a certificate or license to practice as a certified public accountant or licensed public accountant under the provisions of this chapter.
- (c) Dishonesty, fraud or gross negligence in the performance of professional services as a licensee or individual granted privileges under section 54-227, Idaho Code, or in the filing of or failure to file his own income tax returns.
- (d) Violation of any provision of this chapter, or any rule adopted by the board under authority granted by this chapter, or an order of the board directed specifically to the licensee.
- (e) Conviction of or a guilty plea to a felony crime under the laws of any state or country that is deemed relevant in accordance with section 67-9411(1), Idaho Code.
- (f) Conviction of or a guilty plea to any crime ~~involving moral turpitude~~, an element of which is dishonesty or fraud, under the laws of any state or country, notwithstanding the form of the judgment or withheld judgment.
- (g) Representing oneself as a certified public accountant or licensed public accountant during any period in which the license of the person so practicing has been suspended or revoked by the board.
- (h) Cancellation, revocation, suspension or refusal to renew or grant a license or privileges under section 54-227, Idaho Code, for disciplinary reasons by any other state for any cause.
- (i) Practicing as a certified public accountant or licensed public accountant under a false or assumed name; provided, however, this paragraph shall have no application to practicing as a certified public accountant or licensed public accountant under the name of a firm, when such style or name is in conformity with a type or form approved by the rules of the board.
- (j) Habitual use of drugs or intoxicants to such a degree as to render the licensee unreliable and unfit to practice as a certified public accountant or licensed public accountant.
- (k) Suspension or revocation of the right to practice before any agency of the United States government or of the state of Idaho, for any cause other than failure to pay a registration or similar fee.
- (l) Having been declared mentally incompetent by a court of competent jurisdiction; provided, however, that when a person's license shall have been revoked or suspended for this cause, such license shall be reinstated by the board when said disability is judicially removed.
- (m) Representing oneself as qualified or authorized to practice as a certified public accountant or licensed public accountant in this state without holding a current, valid, unrevoked and unsuspended certificate and license or privileges under section 54-227, Idaho Code.
- (n) Performance of any fraudulent act while holding a certificate, license, permit or privileges under this chapter.
- (o) Any conduct reflecting adversely upon the licensee's fitness to perform services while a licensee, or individual granted privileges under section 54-227, Idaho Code.
- (2) The expenses, including attorney's fees, incurred by the board for any or all proceedings initiated against a person for violation of any of the provisions of this chapter may be charged against such person by the board, upon the finding of a violation of this chapter, in addition to any administrative penalties which may be levied by the board against such person. Administrative penalties levied by the board shall not exceed two thousand five hundred dollars (\$2,500) per violation.

(3) In lieu of or in addition to any remedy specifically provided, the board may require of a licensee or a firm:

- (a) A peer review conducted in such fashion as the board may specify;
- (b) Preissuance review;
- (c) Satisfactory completion of such continuing professional education programs or examinations as the board may specify; and
- (d) Other similar remedies.

(4) In any action brought under the provisions of this chapter, evidence of the commission of a single act prohibited in this chapter shall be sufficient to justify a suspension, revocation, fine, administrative penalty, restriction, reprimand, injunction, restraining order, conviction or any other remedy authorized in this chapter. Evidence of a general course of conduct shall not be required.

SECTION 14. That Section 54-608, Idaho Code, be, and the same is hereby amended to read as follows:

54-608. GROUNDS FOR SUSPENSION, DENIAL, REFUSAL TO RENEW OR REVOCATION OF LICENSE. No license may be issued, and a license previously issued may be suspended, revoked or otherwise disciplined, if the person applying or the person licensed is:

(1) Found guilty by a court of competent jurisdiction of a ~~felony or any offense involving moral turpitude~~ crime that is deemed relevant in accordance with section 67-9411 (1), Idaho Code;

(2) Found by the board to be a repeated and excessive abuser of any drug, including alcohol, or any controlled substance;

(3) Found by the board to be in violation of any provision of this chapter or the rules promulgated pursuant thereto;

(4) Found by the board to have used fraud or deception in the procuring of any license;

(5) Found by the board to have had any action, including denial of a license or the voluntary surrender of or voluntary limitation on a license, taken against the licensee by any peer review body, any health care institution, any professional medical society or association or any court, law enforcement or governmental agency;

(6) Found by the board to have been unethical, unprofessional or dishonorable in the practice of healing the sick; or

(7) Found by the board to have failed to comply with an order issued by the board.

SECTION 15. That Section 54-712, Idaho Code, be, and the same is hereby amended to read as follows:

54-712. DISCIPLINE BY THE BOARD -- GROUNDS. Any license or permit issued under the provisions of this chapter shall be subject to restriction, suspension, revocation or other discipline pursuant to the provisions of sections 54-707 and 54-713, Idaho Code, if the board finds that the licensee:

(1) Has been convicted, found guilty, received a withheld judgment or suspended sentence in this or any other state of a ~~felony or a crime involving moral turpitude~~ that is deemed relevant in accordance with section 67-9411 (1), Idaho Code;

(2) Used false, fraudulent or forged statements or documents, diplomas or credentials in connection with any licensing or other requirements of this chapter or misrepresented or concealed a material fact in obtaining licensing, renewal or reinstatement;

(3) Practiced chiropractic under a false or assumed name in this or any other state;

(4) Advertised the practice of chiropractic in a false, misleading or deceptive manner;

(5) Knowingly aided or abetted any person to practice chiropractic who is not authorized to practice chiropractic as provided in this chapter or failed to adequately supervise auxiliary staff who have contact with patients which creates or results in an unreasonable risk of harm to the patient;

(6) Is unable to obtain or renew a license to practice chiropractic, or whose license to practice chiropractic has been restricted, revoked or suspended by any other state, territory or district of the United States or foreign jurisdiction; a certified copy of the order shall be conclusive evidence of any restriction, revocation or suspension of a license;

(7) Failed to safeguard the confidentiality of chiropractic records or other chiropractic information pertaining to identifiable clients, except as required or authorized by law;

(8) Practiced chiropractic when a license pursuant to this chapter is suspended, revoked, or inactive due to failure to renew the annual license within the time and manner required by the board;

(9) Refused to divulge to the board, upon demand, the means, method, device or instrumentality used in the treatment of a disease, injury, ailment, or infirmity;

(10) Has engaged in any conduct which constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the licensee by the patient;

(11) ~~Has committed any act which constitutes a felony or has committed any act which constitutes a crime involving moral turpitude that is deemed relevant in accordance with section 67-9411(1), Idaho Code;~~

(12) Is unable to practice chiropractic with reasonable skill and safety by reason of:

(a) Mental illness; or

(b) Physical illness including, but not limited to, physical deterioration which adversely affects cognitive, motor or perceptive skills; or

(c) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substances which impair ability; or

(d) Having a communicable, contagious or infectious disease which endangers the health of patients;

(13) Has violated the standard of care or code of ethics as adopted by the board or misrepresented or committed fraud in any aspect of the business or practice of chiropractic;

(14) Promoted unnecessary or inefficacious treatment, procedures, devices or services or practiced in an incompetent or negligent manner resulting in or creating an unreasonable risk of harm; or

(15) Has violated any provision of this act or any rule promulgated by the board for the administration or enforcement of this act, interfered with the board's conduct of investigations, hearings or any other matters relating to discipline including, but not limited to, misrepresenting facts, attempting to influence witnesses or failing to answer subpoenas, or otherwise failed to cooperate with the board in the fulfillment of its duties.

SECTION 16. That Section 54-915, Idaho Code, be, and the same is hereby amended to read as follows:

54-915. QUALIFICATIONS REQUIRED FOR DENTIST, DENTAL THERAPIST, OR DENTAL HYGIENIST LICENSURE. No person hereafter shall be eligible for licensure to practice dentistry, dental therapy, or dental hygiene in this state unless the applicant:

(1) Is of good moral character and has not pled guilty to or been convicted of ~~any felony, or of any misdemeanor involving moral turpitude a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code,~~

unless the person demonstrates that he has been sufficiently rehabilitated to warrant the public trust;

(2) Shall, for dentistry, have successfully completed the course of study in dentistry, and graduated and received a degree of doctor of dental surgery or doctor of dental medicine from a dental school accepted and approved by the board;

(3) Shall, for dental therapy, have:

(a) Successfully completed a course of study in dental therapy;

(b) Graduated from a dental therapy school accredited by the commission on dental accreditation of the American dental association, provided that such school has been accepted and approved by the board; and

(c) Completed five hundred (500) hours of supervised clinical practice under the direct supervision of a dentist;

(4) Shall, for dental hygiene, have successfully completed the course of study in dental hygiene, and received a degree from a dental hygiene school accepted and approved by the board;

(5) Shall, for dentistry, dental therapy, and dental hygiene, pass the examinations provided for in section 54-918, Idaho Code.

SECTION 17. That Section 54-923, Idaho Code, be, and the same is hereby amended to read as follows:

54-923. REVOCATION FOR CONVICTIONS OF CRIME. A certificate or other evidence of qualification and right to practice dentistry, a dental specialty, dental therapy, or dental hygiene, and a license, may be revoked by the board whenever it shall be shown to the board that the holder of such certificate or other evidence of qualification, right to practice or license has been convicted of a felony, ~~or of a misdemeanor involving moral turpitude~~ crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, whether such conviction shall have occurred before or after qualification, or accrual of such right, or the issuance of such certificate or other evidence of qualification, or of such license. A person licensed to practice dentistry, a dental specialty, dental therapy, or dental hygiene who is convicted of a felony in any jurisdiction shall notify the board within thirty (30) days of conviction by submitting a copy of the judgment of conviction to the board.

SECTION 18. 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 any of the following acts or omissions:

(1) Conviction of a crime ~~involving moral turpitude~~ that is deemed relevant in accordance with section 67-9411(1), Idaho Code.

~~(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.

SECTION 19. 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 (32) of section 54-1116, Idaho Code, except subsections paragraphs (g) and (i) 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 20. That Section 54-1413, Idaho Code, be, and the same is hereby amended to read as follows:

54-1413. DISCIPLINARY ACTION. (1) Grounds for discipline. The board shall have the power to refuse to issue, renew or reinstate a license issued pursuant to this chapter and may revoke, suspend, place on probation, reprimand, limit, restrict, condition or take other disciplinary action against the licensee as it deems proper, upon a determination by the board that the licensee engaged in conduct constituting any one (1) of the following grounds:

- (a) Made, or caused to be made, a false, fraudulent or forged statement or representation in procuring or attempting to procure a license to practice nursing;
- (b) Practiced nursing under a false or assumed name;
- (c) Is convicted of a ~~felony or of any offense involving moral turpitude~~ crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code;
- (d) Is or has been grossly negligent or reckless in performing nursing functions;
- (e) Habitually uses alcoholic beverages or drugs as defined by rule;
- (f) Is physically or mentally unfit to practice nursing;
- (g) Violates the provisions of this chapter or rules and standards of conduct and practice as may be adopted by the board;
- (h) Otherwise engages in conduct of a character likely to deceive, defraud or endanger patients or the public, which includes, but is not limited to, failing or refusing to report criminal conduct or other conduct by a licensee that endangers patients;
- (i) Has been disciplined by a nursing regulatory authority in any jurisdiction. A certified copy of the order entered by the jurisdiction shall be prima facie evidence of such discipline;
- (j) Failure to comply with the terms of any board order, negotiated settlement or probationary agreement of the board, or to pay fines or costs assessed in a prior disciplinary proceeding;
- (k) Engaging in conduct with a patient that is sexual, sexually exploitative, sexually demeaning or may reasonably be interpreted as sexual, sexually exploitative or sexually demeaning; or engaging in conduct with a former patient that is sexually exploitative or may reasonably be interpreted as sexually exploitative. It would not be a violation under this subsection for a nurse to continue a sexual relationship with a spouse or individual of majority if a consensual sexual relationship existed prior to the establishment of the nurse-patient relationship; or
 - (1) Failure to comply with the requirements of the abortion complications reporting act, chapter 95, title 39, Idaho Code.
 - (2) Separate offense. Each day an individual violates any of the provisions of this chapter or rules and standards of conduct and practice as may be adopted by the board shall constitute a separate offense.
 - (3) Proceedings.
 - (a) The executive director shall conduct such investigations and initiate such proceedings as necessary to ensure compliance with this section. The board may accept the voluntary surrender of a license from any nurse under investigation and accordingly enter an order revoking or suspending such license and/or imposing such conditions, limitations, or restrictions on the practice of any such nurse as may be appropriate in the discretion of the board. Otherwise, every person subject to disciplinary proceedings shall be afforded an opportunity for hearing after reasonable notice. 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. The board and any person duly appointed by the board to conduct hearings shall have all powers as are necessary and incident to the orderly and effective receipt of evidence including, but not limited to, the power to administer oaths and to compel by subpoena attendance of witnesses and production of books, records and things at the hearing or at a deposition taken by a party in accordance with the Idaho rules of civil procedure. Any party shall be entitled to the use of subpoena upon application therefor.

(c) In the event any person fails to comply with a subpoena personally served upon him or refuses to testify to any matter regarding which he may be lawfully interrogated, the board shall petition the district court in the county where such failure or refusal occurred or where such person resides, to enforce such subpoena or compel such testimony. Proceedings before the district court shall be for contempt in the same nature as contempt of court for failure or refusal to comply with an order of the court, and the court shall have the same powers to secure compliance with subpoena and testimony or to impose penalties as in contempt of court proceedings.

(d) The assessment of costs and attorney's fees incurred in the investigation and prosecution or defense of an administrative proceeding against a licensee under this chapter shall be governed by the provisions of section 12-117(5), Idaho Code.

(4) Probation/subsequent review. Any order of the board entered under this section may be withheld or suspended for a probationary period to be fixed by the board upon such terms and conditions as may be appropriate in order to regulate, monitor and/or supervise the practice of nursing by the licensee subject to such order for the prescribed probationary period. Any order of the board entered under this section may be withdrawn, reversed, modified or amended upon a showing by the person subject to the order that the grounds for discipline no longer exist or that he is rehabilitated, qualified and competent to practice nursing and that he is not likely to violate this chapter or rules adopted hereunder in the future.

(5) Reporting investigative information.

(a) Nothing in section 74-106(8) and (9), Idaho Code, shall be construed as limiting the authority of the board to report current significant investigative information to the coordinated licensure information system for transmission to states that are parties to any multistate agreements or compacts regarding nurse licensure.

(b) The executive director of the board may, in the administration of this chapter, share information and otherwise cooperate with government regulatory and law enforcement agencies.

SECTION 21. That Section 54-1510, Idaho Code, be, and the same is hereby amended to read as follows:

54-1510. REVOCATION OF LICENSES -- GROUNDS. Every license issued under the provisions of this chapter shall be subject to suspension, revocation or other discipline upon any of the following grounds pursuant to the procedures set forth in chapter 52, title 67, Idaho Code. All hearings conducted pursuant to this section, whether before the board or a hearing officer, shall be held in Ada county unless otherwise designated by the board.

(1) Fraud or deception in procuring license.

(2) Practicing optometry under a false or assumed name or as a representative or agent of any person, firm or corporation other than another licensed optometrist, a physician licensed to practice medicine and surgery under chapter 18, title 54, Idaho Code, or a professional entity, ~~which that~~ has been incorporated under the authority of part 9, chapter 21, title 30, Idaho Code, by persons licensed to practice optometry under chapter 15, title 54, Idaho Code, or licensed to practice medicine and surgery under chapter 18, title 54, Idaho Code.

(3) Having been convicted or having received a withheld judgment or suspended sentence in this or any other state of a ~~felony~~, a crime involving moral turpitude that is deemed relevant in accordance with section 67-9411(1), Idaho Code, or any act related to the qualifications, functions or duties of an optometrist.

(4) Gross incompetency.

(5) Inability to practice optometry with reasonable skill and safety by reason of:

(a) Mental illness;

(b) Physical illness including, but not limited to, physical deterioration which adversely affects cognitive, motor or perceptive skills;

(c) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substances which impair ability; or

(d) Having a communicable, contagious or infectious disease which endangers the health of patients.

(6) Failure to pay to the board or the bureau of occupational licenses the annual fee and to secure a renewal license, whereupon after twenty (20) days' notice by registered mail the license of such delinquent may be revoked; but the payment of such fee at or before the time of hearing, with such additional sum, not exceeding twenty-five dollars (\$25.00) as may be fixed by the board of optometry, shall excuse the default.

(7) Any practice or behavior of a character likely to deceive or defraud the public.

(8) Obtaining of any fee or compensation by fraud, deceit or misrepresentation.

(9) Employing, either directly or indirectly, any suspended or unlicensed optometrist to do optometric work.

(10) Advertising the practice of optometry in a false, misleading or deceptive manner.

(11) Employment or use of what are known as "cappers" or "steerers."

(12) Consistently accepting referrals that violate the laws of the state of Idaho.

(13) For willfully permitting or allowing or causing a person who is not a licensed optometrist or a licensed physician or surgeon to use the optometrist's prescription or optometric finding to fit contact lenses upon a person or member of the public.

(14) For violation of any of the provisions of this chapter or the rules or code of ethics made and promulgated by the state board of optometry, as authorized in section 54-1509, Idaho Code.

(15) For willfully attempting to violate, directly or indirectly, conspiring to violate, or assisting or participating in or abetting the violation of any of the provisions of this chapter or the rules or code of ethics made, prescribed or promulgated by the state board of optometry pursuant to the authority granted in this chapter.

(16) Having engaged in any conduct which constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the licensee by the patient.

(17) Having committed ~~any act which constitutes a felony or has committed any act which that constitutes a crime involving moral turpitude that is deemed relevant in accordance with section 67-9411(1), Idaho Code.~~

SECTION 22. That Section 54-1726, Idaho Code, be, and the same is hereby amended to read as follows:

54-1726. GROUNDS FOR DISCIPLINE. (1) The board of pharmacy may refuse to issue or renew, or may suspend, revoke or restrict the license or registration of any person, pursuant to the procedures set forth in chapter 52, title 67, Idaho Code, upon one (1) or more of the following grounds:

(a) Unprofessional conduct as that term is defined by the rules of the board;

(b) Incapacity of a nature that prevents a pharmacist from engaging in the practice of pharmacy with reasonable skill, competence and safety to the public;

(c) Being found guilty, convicted or having received a withheld judgment or suspended sentence by a court of competent jurisdiction in this state or any other state of one (1) or more of the following:

(i) Any felony crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code;

(ii) Any act involving moral turpitude, gross immorality or which that is related to the qualifications, functions or duties of a licensee; or

(iii) Violations of the pharmacy or drug laws of this state or rules pertaining thereto, or of statutes, rules or regulations of any other state, or of the federal government;

(d) Fraud or intentional misrepresentation by a licensee in securing the issuance or renewal of a license-;

(e) Engaging or aiding and abetting an individual to engage in the practice of pharmacy without a license, or falsely using the title of pharmacist-; and

(f) Being found by the board to be in violation of any of the provisions of this chapter, chapter 27, title 37, Idaho Code, or rules adopted pursuant to either chapter.

(2) Nonresident licensees and registrants shall be held accountable to the board for violations by its agents and employees and subject to the same grounds for discipline and penalties for their actions as set forth herein.

SECTION 23. That Section 54-1844, Idaho Code, be, and the same is hereby amended to read as follows:

54-1844. DEFINITIONS. As used in this compact:

(1) "Bylaws" means those bylaws established by the interstate commission pursuant to section 54-1853, Idaho Code, for its governance, or for directing and controlling its actions and conduct.

(2) "Commissioner" means the voting representative appointed by each member board pursuant to section 54-1853, Idaho Code.

(3) "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a guilty or equivalent plea to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.

(4) "Expedited license" means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the compact.

(5) "Interstate commission" means the interstate commission created pursuant to section 54-1853, Idaho Code.

(6) "License" means authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization.

(7) "Medical practice act" means laws and rules governing the practice of allopathic and osteopathic medicine within a member state.

(8) "Member board" means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation and education of physicians as directed by the state government.

(9) "Member state" means a state that has enacted the compact.

(10) "Offense" means a felony, gross misdemeanor or crime of moral turpitude that is deemed relevant in accordance with section 67-9411(1), Idaho Code.

(11) "Physician" means any person who:

- (a) Is a graduate of a medical school accredited by the liaison committee on medical education, the commission on osteopathic college accreditation or a medical school listed in the ~~international medical education directory~~ world directory of medical schools or its equivalent;
- (b) Passed each component of the United States medical licensing examination (USMLE) or the comprehensive osteopathic medical licensing examination (COMLEX-USA) within three (3) attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;
- (c) Successfully completed graduate medical education approved by the accreditation council for graduate medical education or the American osteopathic association;
- (d) Holds specialty certification or a time-unlimited specialty certificate recognized by the American board of medical specialties or the American osteopathic association's bureau of osteopathic specialists;
- (e) Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;
- (f) Has never been convicted or received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction;
- (g) Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license;
- (h) Has never had a controlled substance license or permit suspended or revoked by a state or the United States drug enforcement administration; and
- (i) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal or foreign jurisdiction.

(12) "Practice of medicine" means the clinical prevention, diagnosis or treatment of human disease, injury or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state.

(13) "Rule" means a written statement by the interstate commission promulgated pursuant to section 54-1853, Idaho Code, that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact or an organizational, procedural or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

(14) "State" means any state, commonwealth, district or territory of the United States.

(15) "State of principal license" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the compact.

SECTION 24. That Section 54-1910, Idaho Code, be, and the same is hereby amended to read as follows:

54-1910. EXAMINATIONS, QUALIFICATIONS AND APPLICATIONS. Under such rules as the board may adopt, the administrator shall have the power and authority to investigate, classify, and to qualify applicants for licenses under this chapter, by written or oral examinations, or both.

The qualifications to be required of an applicant by the board are as follows:

(a) Such degree of experience, and such general knowledge of the building, safety, health and lien laws of the state, and of the rudimentary administrative principles of the contracting business, as may be deemed necessary by the board for the safety and protection of the public. The applicant if an individual may qualify as to the aforementioned experience and knowledge by personal appearance or by the appearance of his responsible managing employee, and if a copartnership or corporation, limited liability company, limited liability partnership and any other combination or organization, by the appearance of the responsible managing officer or member of the personnel of such applicant. If the person qualifying by examination as to experience and knowledge shall, for any reason whatsoever, cease to be connected with the licensee to whom the license is issued, such licensee shall so notify the administrator in writing within ten (10) days from such cessation. If such notice is given, the license shall remain in force for a reasonable length of time, to be determined by rules of the board. If such licensee fails to so notify the administrator within said ten (10) day period, then at the end of such ten (10) day period, the license of such licensee shall be automatically suspended. A suspended license shall be reinstated upon the filing with the administrator of an affidavit executed by the licensee or a member of the suspended firm, to the effect that the individual originally examined for the firm has been replaced by another individual who has been qualified by examination as herein provided, and who shall not have had a license suspended or revoked, nor have been connected with any licensee who has had a license suspended or revoked for reasons that should preclude him from personally qualifying as to good character as herein required of an applicant.

(b) The possession by the applicant of good character. Lack of character may be established by showing any of the following:

(1) That the applicant has committed or done any act which, if committed or done by any licensed contractor, would be grounds for the suspension or revocation of a contractor's license; or

(2) That the applicant has committed or done any act involving dishonesty, fraud or deceit whereby the applicant has been benefited or whereby some injury has been sustained by another; or

(3) That the applicant bears a bad reputation for honesty and integrity; or

(4) That the applicant has been convicted of a felony crime that is deemed relevant in accordance with section 67-9411 (1), Idaho Code.

(c) That he has never been refused a license or had a license revoked for reasons that would preclude the granting of the license applied for.

(d) No license shall be issued to a corporation, copartnership, limited liability company, limited liability partnership or other combination or organization if any responsible officer of such corporation, or other combination or organization, or any member of such copartnership does not meet the qualifications required of an applicant other than those qualifications relating to knowledge and experience.

(e) To obtain an original license under this chapter, the applicant shall submit to the administrator, on such forms as the administrator shall prescribe, accompanied by the required fee for the class of license applied for, and in accordance with such rules as may be deemed necessary and adopted by the board in order to carry out the foregoing provisions of this section, a sworn written application for such license, containing the statement that the applicant desires the issuance of a license under the terms of this chapter. The information contained in such application forms shall include a complete statement of the general nature of the applicant's contracting business, and stating concisely the applicant's experience and qualifications as a contractor; the value and character of contract work completed and for whom performed during the three (3) year period prior to filing the application; a general description of the applicant's

machinery and equipment; a complete financial statement which that may include a letter from the applicant's bonding company stating the amount of the applicant's bonding capability per project and in the aggregate, on such forms and disclosing such information as shall be required by the administrator, together with such additional information as may be required by the administrator to determine the applicant's fitness for a license under this chapter. The application shall contain, if by an individual, the individual's name, social security number and business address; if by a copartnership, its business address and the names and addresses of all partners; and if by a corporation, association, limited liability company, limited liability partnership or other organization, its business address and the names and addresses of the president, vice president, secretary, and chief construction managing officers, or responsible managing employee. A request for a licensing class higher than that for which the applicant qualifies must go to the administrator for review and may be approved up to the bond limit. A final appeal of a decision of the administrator may be made to the board.

SECTION 25. That Section 54-2103, Idaho Code, be, and the same is hereby amended to read as follows:

54-2103. DEFINITIONS. As used in this chapter:

(1) "Accredited continuing education activity" means a provider and course, seminar, scientific program or any other activity approved by the board or its designees for continuing education credit.

(2) "Accredited or approved school of veterinary medicine" means any veterinary college or division of a university or college inside or outside the United States or Canada that offers the degree of doctor of veterinary medicine, veterinary medicine doctor, or its equivalent and is accredited or approved by the council on education of the American veterinary medical association or other accrediting agency or association approved by the board.

(3) "Allied health professional" means a person holding a current active license, in good standing, in any state to practice one (1) of the healing arts including, but not limited to, medicine, dentistry, osteopathy, chiropractic, acupuncture and podiatry.

(4) "Anesthetized" means any condition of general anesthesia, caused by the administration of a drug or combination of drugs in sufficient quantity to produce a state of unconsciousness or disassociation and blocked response to a given pain or alarm stimulus.

(5) "Animal" means any animal other than man and includes fowl, birds, fish and reptiles, wild or domestic, living or dead.

(6) "Assistant" means any individual, other than a certified veterinary technician or a licensed veterinarian, who is utilized by a licensed veterinarian to assist in the performance of acts pertaining to the practice of veterinary medicine.

(7) "Board" means the state board of veterinary medicine.

(8) "Certified euthanasia agency" or "CEA" means a law enforcement agency, an animal control agency or a society for the prevention of cruelty to animals, which has been inspected and certified by the committee on humane euthanasia or the board.

(9) "Certified euthanasia technician" or "CET" means a person employed by a certified euthanasia agency who is instructed and certified by the committee on humane euthanasia or the board as defined in the rules of the board, but not to include an individual employed as a technician by animal research laboratories.

(10) "Certified veterinary technician" means a person who has fulfilled the certification requirements prescribed by board rule and has been certified by the board to practice veterinary technology in this state.

(11) "Consultation" means a deliberation between two (2) or more veterinarians concerning the diagnosis of a disease or the proper management of the case.

(12) "Credit hour" means fifty (50) minutes of participation in an accredited continuing education activity.

(13) "Dentistry" is the practice of veterinary medicine and means the application or use of any instrument or device to any portion of an animal's tooth, gum or any related tissue for the prevention, cure or relief of any wound, fracture, injury, disease or other condition of an animal's tooth, gum or related tissue. Dentistry includes, but is not limited to:

(a) "Preventive dental procedures" including, but not limited to, the removal of calculus, soft deposits, plaque, stains, and floating to shape the teeth above the gum line or the smoothing, filing or polishing of tooth surfaces above the gum line; and

(b) "Operative dentistry/oral surgery" or any other dental procedure that invades the hard or soft oral tissue including a procedure that alters the structure of one (1) or more teeth, or repairs damaged and diseased teeth, or the deliberate extraction of one (1) or more teeth.

(14) "Direct supervision" means the supervising veterinarian is on the premises where the animal is being treated, is quickly and easily available, and the animal has been examined by the supervising veterinarian as acceptable veterinary medical practice requires.

(15) "Discipline" means board action including, but not limited to:

(a) Refusing to issue, renew or reinstate a license, permit or certification to practice as a licensed veterinarian, a certified veterinary technician, a certified euthanasia agency or a certified euthanasia technician;

(b) Denial, revocation, suspension, sanction, probation or voluntary surrender of a license, permit or certification to practice as a licensed veterinarian, a certified veterinary technician, a certified euthanasia agency or a certified euthanasia technician;

(c) The ability to enter into consent agreements and negotiated settlements with licensed veterinarians, certified veterinary technicians, certified euthanasia agencies and certified euthanasia technicians;

(d) The ability to bring an administrative or civil action against any person in or outside of this state who practices veterinary medicine, veterinary technology or who performs euthanasia within this state.

(16) "Emergency" means that the animal has been placed in a life-threatening condition where immediate treatment is necessary to sustain life.

(17) "Emergency veterinary facility" means any facility with the primary function of receiving, treating, and monitoring emergency patients during its specified hours of operation or that displays to the public any sign, card, or advertisement that indicates it is an emergency veterinary clinic or hospital. An emergency veterinary facility may be an independent after-hours service, an independent twenty-four (24) hour service, or it may be part of a full-service veterinary medical facility.

(18) "Committee on humane euthanasia" means a committee established by the board for the purposes of training, examining, certifying and inspecting certified euthanasia agencies and certified euthanasia technicians.

(19) "Extra label use" means the actual or intended use of a human or veterinary drug in an animal in a manner that is not in accordance with the drug's labeling.

(20) "Floating" means shaping the posterior (cheek) teeth and the incisors (cutting teeth) in horses, mules and donkeys through the use of hand floats, rasps, burs, mechanical files or other file-like instruments to restore balance, allow more efficient mastication, and reduce pain and trauma to the periodontal tissues.

(21) "Herd," "litter," or "flock" of animals means animals managed as a group for purposes including, but not limited to, breeding, sale, show or food production.

(22) "Immediate supervision" means the supervising veterinarian is in the immediate area, in audible and visual range of the animal patient and the person treating the patient, and the animal has been examined by the supervising veterinarian as acceptable veterinary medical practice requires.

(23) "In good standing" means, when used in reference to an applicant for licensure or certification, that an applicant:

(a) Has not been the recipient of any administrative penalties regarding his practice of veterinary medicine including, but not limited to, fines, formal reprimands, license suspensions or revocations (except for license revocations for nonpayment of license renewal fees) or probationary limitations, or has not entered into any consent agreement or negotiated settlement that contains conditions placed by a board on his professional conduct and practice, including any voluntary surrender of a license; and

(b) Has never had his United States drug enforcement administration privileges restricted or revoked; and

(c) Is not currently under investigation by another veterinary licensing authority for acts which that would provide a basis for disciplinary action in this state, as determined by the board; and

(d) Has no physical or mental impairment related to drugs, or alcohol, or a finding of mental incompetence by a physician that would limit the applicant's ability to undertake the practice of veterinary medicine in a manner consistent with the safety of a patient or the public; and

~~(e) Has not been convicted of a felony as defined in chapter 1, title 18, Idaho Code; and~~

~~(f) Has no criminal conviction record or pending criminal charge relating to an offense, the circumstances of which substantially relate to the practice of veterinary medicine or that is deemed relevant in accordance with section 67-9411(1), Idaho Code. Applicants who have criminal conviction records or pending criminal charges shall require appropriate authorities to provide information about the record or charge directly to the board in sufficient detail to enable the board to make a determination whether the record or charge is substantially related to the practice of veterinary medicine.~~

(24) "Indirect supervision" means the supervising veterinarian is not on the premises but is available for immediate contact by telephone, radio or other means, has given either written or oral instructions for treatment of the animal patient, the animal has been examined by the supervising veterinarian as acceptable veterinary medical practice requires, and the animal, if previously anesthetized, has recovered to the point of being conscious and sternal.

(25) "Legend/Prescription drug" means any drug which, under federal law, regulation or rule, is required, prior to being distributed or delivered, to be labeled with one (1) of the following statements: "Caution: Federal law restricts this drug to be used by or on the order of a licensed veterinarian," or "Caution: Federal law prohibits dispensing without a prescription," or "RX Only," or a drug which is required by any applicable state or federal law, rule or regulation to be distributed or dispensed pursuant to a prescription only, or is restricted to use by licensed practitioners only.

(26) "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this state.

(27) "Malpractice" means, but is not limited to:

(a) Treatment in a manner contrary to accepted veterinary practices and with injurious results; or

(b) Any professional misconduct or unreasonable lack of professional skill or fidelity in the performance of the professional practice of veterinary medicine; or

(c) Failure to provide adequate supervision, except in an emergency situation; or

(d) Allowing an unqualified individual to perform a procedure that is part of the practice of veterinary medicine; or

(e) The negligent practice of veterinary medicine, as determined by the standard of practice for the area, that results in injury, unnecessary suffering or death.

(28) "Medical incompetence" means lacking in sufficient medical knowledge or skills or both to a degree likely to endanger the health of patients.

(29) "Mobile clinic" means a vehicle including, but not limited to, a camper, motor home, trailer or mobile home, used as a veterinary medical facility. A mobile clinic is not required for house calls or farm calls.

(30) "On-call emergency service" means a veterinary medical facility that is available to provide emergency veterinary services as requested if a veterinarian is available.

(31) "Owner/Ownership" means ownership as defined by the laws of property and ownership, chapter 1, title 55, Idaho Code, and chapter 1, title 73, Idaho Code.

(32) "Person" means any individual, firm, partnership, association, joint venture, cooperative and corporation, or any other group or combination acting in concert, and whether or not acting as principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person.

(33) "Physical or mental incompetence" means the veterinarian's ability to practice veterinary medicine with reasonable skill and safety is impaired by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals or any other substance, or as a result of any mental or physical disability.

(34) "Practice of veterinary medicine" in this state, through telephonic, electronic or other means, regardless of the location of the veterinarian, includes veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine and means:

(a) To directly or indirectly diagnose, treat, correct, change, relieve or prevent animal disease, deformity, defect, injury or other physical or mental conditions, including the prescribing, dispensing, delivering or administering of any drug, medicine, biologic, apparatus application, anesthetic or other therapeutic or diagnostic substance or technique, or the use of any obstetrical procedure or any manual or mechanical procedure for artificial insemination, for testing or examining for pregnancy, fertility evaluation, embryo transplant, grading of fresh semen, or to render advice or recommendation with regard to any ~~of the above act described in this paragraph.~~

(b) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in paragraph (a) of this subsection.

(c) To use any title, words, abbreviations or letter in a manner or under circumstances which that induce the belief that the person using them is qualified to do any act described in paragraph (a) of this subsection, except where such person is a licensed veterinarian.

(35) "Professional supervision" means the supervising veterinarian is in daily contact by telephone, radio or other means with the temporary licensee.

(36) "Referral" means the transfer of responsibility for diagnosis and treatment from the referring veterinarian to the receiving veterinarian, or from the referring veterinarian to the board-certified specialist, or from the referring veterinarian to an allied health professional.

(37) "Regular employee" means a person who performs services for the animal's owner other than, or in addition to, feeding, boarding, castrating and dehorning, but does not include independent contractors or agents.

(38) "Supervision" means the action or process of a supervising veterinarian in directing activities or a course of action for those individuals to whom activities or functions have been assigned or delegated.

(39) "Supervising veterinarian" means a licensed veterinarian utilizing the services of a temporary licensee, certified veterinary technician, veterinary technician, veterinary technician with a temporary certification, veterinary assistant, certified euthanasia technician, or as provided by rule. A supervising veterinarian shall be individually responsible and liable, regardless of the supervision provided, for all damages arising out of his own acts or omissions and for the performance of any acts and omissions pertaining to the practice of veterinary medicine that are delegated to the temporary licensee, certified veterinary technician, veterinary technician, veterinary assistant or certified euthanasia technician. Nothing herein shall be construed to deprive the board of its disciplinary authority with respect to the temporary licensees, certified veterinary technicians, veterinary technicians, veterinary assistants or certified euthanasia technicians.

(40) "Unethical or unprofessional conduct" means to knowingly engage in conduct of a character likely to deceive or defraud the public, false or misleading advertising or solicitation, obtaining any fee or compensation by fraud or misrepresentation, sharing office space and working in conjunction with any person illegally practicing veterinary medicine, employing either indirectly or directly an unlicensed or uncertified person to perform acts pertaining to the practice of veterinary medicine, except as provided by law or rule, or the violation of any law or rules adopted by the board pertaining to unethical or unprofessional conduct, or that provide a code of professional conduct to be followed and carried out by persons licensed or certified by the board.

(41) "Unlicensed practice" means:

(a) The practice of veterinary medicine in this state, through telephonic, electronic or other means, regardless of the location of the veterinarian, without a valid, unexpired, unrevoked, and unsuspended active license or certification in this state to do so, except as provided by law or rule; or

(b) Representing ~~one's self~~ oneself through offerings, advertisements or use of professional titles or designations as being qualified to practice veterinary medicine.

(42) "Veterinarian" means a person who has received a doctor's degree in veterinary medicine from an accredited or approved school of veterinary medicine or as otherwise provided by law or rule.

(43) "Veterinarian on call" means a veterinarian is not present at the veterinary medical facility, but is able to respond within a reasonable time to requests for emergency veterinary services.

(44) "Veterinarian on premises" means a veterinarian is present at the veterinary medical facility and is prepared and qualified to render veterinary services.

(45) "Veterinary medical facility" means any premises, office, unit, structure, mobile unit, or area utilized for the practice of veterinary medicine other than the premises of an owner when used for treatment of the owner's animal.

(46) "Veterinary technician" means a person who has graduated from a veterinary technology program accredited or approved by the committee on veterinary technician education and activities of the American veterinary medical association, or other accrediting agency approved by the board, or a person who has received equivalent training as set forth in the rules of the board.

(47) "Veterinary technology" means the performance of services within the practice of veterinary medicine by a person working under the direction of a supervising veterinarian to perform duties that require an understanding of veterinary medicine in order to carry out the orders of the veterinarian. Veterinary technology does not include prognosis, diagnosis, operative dentistry, deliberate tooth extraction procedures, or the prescribing of treatment or performing surgery of any kind.

SECTION 26. That Section 54-2508, Idaho Code, be, and the same is hereby amended to read as follows:

54-2508. LICENSE -- APPLICATION THEREFOR -- TYPE AND NUMBER OF RACES -- FEE PER DAY -- REFUND -- CANCELLATION -- HEARING -- SIMULCAST PURSE MONEYS FUND. It shall be unlawful for any person to hold any race meet in this state without having first obtained and having in force and effect a license issued by the commission as in this chapter provided. Every person making application for a license to hold a race meet, under the provisions of this chapter, shall file an application with the commission which shall set forth the time, place and number of days such will continue, an agreement with a horsemen's group as the term "horsemen's group" is defined in section 54-2502, Idaho Code, and such other information as the commission may require. The agreement shall be reached voluntarily or pursuant to binding arbitration in conformance with chapter 9, title 7, Idaho Code, and shall address, but not be limited to, number of live race days and percentage of the live race and simulcast handle that is dedicated to the live horse race purse structure. In addition, the agreement shall provide that all simulcast purse moneys that are accrued as required by the horsemen's agreement be held in the simulcast purse moneys fund created pursuant to the provisions of this section. Race days agreed upon shall be submitted to the Idaho state racing commission for its approval.

No person who has been convicted of any crime ~~involving moral turpitude that is deemed relevant in accordance with section 67-9411(1), Idaho Code,~~ shall be issued a license of any kind, nor shall any license be issued to any person who has violated the terms or provisions of this chapter, or any of the rules of the commission, or who has failed to pay any of the fees, taxes or moneys required under the provisions of this chapter.

All applications to hold race meets shall be submitted to the commission, which shall act upon such applications within thirty (30) days. The commission shall be the sole judge of whether or not the race meet shall be licensed and the number of days the meet shall continue.

The license issued shall specify the kind and character of the race meets to be held, the number of days the race meet shall continue and the number of races per day. For those licensees or facilities that have had a total race handle from both live races and simulcast races exceeding five million dollars (\$5,000,000) during the last calendar year in operation, the number of races per day shall not be less than eight (8), and the number of days of racing shall not be less than forty-six (46) unless otherwise agreed by the licensee and the horsemen's group. Provided however, the number of days of racing shall not be less than fifteen (15) and the number of days of racing shall be approved by the Idaho state racing commission. For those licensees or facilities that have had a total race handle from both live races and simulcast races of five million dollars (\$5,000,000) or less during the last calendar year in operation, the number of races per day shall

not be less than six (6) and the number of days of racing shall not be less than two (2). The licensee shall pay in advance of the scheduled race meet to the state treasurer a fee of not less than twenty-five dollars (\$25.00) for each day of racing, which fees shall be placed in the public school income fund of the state of Idaho. Provided, that if unforeseen obstacles arise, ~~which that~~ prevent the holding, or completion of any race meet, the license fee held may be refunded to the licensee, if the commission deems the reason for failure to hold or complete the race meet sufficient. Any unexpired license held by any person who violates any of the provisions of this chapter, pursuant thereto, or who fails to pay to the commission any and all sums required under the provisions of this chapter, shall be subject to cancellation and revocation by the commission. Such cancellation shall be made only after a summary hearing before the commission, of which three (3) days' notice in writing shall be given the licensee, specifying the grounds for the proposed cancellation, and at which hearing the licensee shall be given an opportunity to be heard in opposition to the proposed cancellation.

The simulcast purse moneys fund is hereby created in the state treasury. Moneys in the fund shall consist of all simulcast purse moneys that are accrued as required by horsemen's agreements. Moneys in the fund are hereby perpetually appropriated to the Idaho state racing commission for distribution pursuant to the provisions of horsemen's agreements and rules of the commission. The commission is authorized to promulgate rules providing for the receipt, deposit, withdrawal and distribution of such moneys. The state treasurer shall invest idle moneys in the fund and any interest received on those investments shall be returned to the fund.

SECTION 27. That Section 54-2819, Idaho Code, be, and the same is hereby amended to read as follows:

54-2819. DISCIPLINE. (1) Grounds for discipline. The board shall have the power to deny any application for or renewal of a certificate of registration or to revoke, suspend or otherwise discipline any registrant or registration issued pursuant to this chapter and to limit or restrict the practice of any registrant upon a determination by the board that the person:

- (a) Made, or caused to be made, a false, fraudulent or forged statement, document, credentials or representation in procuring or attempting to procure a certificate of registration to practice geology; or
- (b) Practiced geology under a false or assumed name; or
- (c) Was convicted of, found guilty, received a withheld judgment or suspended sentence in this or any other state of action constituting a felony or of a crime involving moral turpitude that is deemed relevant in accordance with section 67-9411(1), Idaho Code; or
- (d) Violated the provisions of this chapter or rules, standards of conduct and practice, or any ethical codes as may be adopted by the board; or
- (e) Is or has been grossly negligent, incompetent, or reckless in the practice of geology; or
- (f) Has had a license, certificate, or registration to practice as a professional geologist 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) Proceedings. Every person subject to disciplinary proceedings shall be afforded an opportunity for hearing after reasonable notice.

- (a) All proceedings hereunder shall be in accordance with chapter 52, title 67, Idaho Code, and the Idaho rules of administrative procedure of the attorney general (IDAPA 04.11.01).
- (b) Hearings shall be conducted by the board or by persons appointed by the board to conduct hearings and receive evidence.

(3) Probation. Any order of the board entered under this section may be withheld or suspended for a probationary period to be fixed by the board upon such terms and conditions as may be appropriate in order to regulate, monitor or supervise the practice of geology by the registrant subject to such order for the prescribed probationary period.

(4) Subsequent review. Any order of the board entered under this section may be withdrawn, reversed, modified or amended upon a showing by the person subject to the order that the grounds for discipline no longer exist or that he is rehabilitated, qualified and competent to practice professional geology and that he is not likely to violate the provisions of this section or rules adopted hereunder in the future.

(5) Costs and fees. The board may, pursuant to an order of discipline or as a condition to withdrawal, reversal, modification or amendment of the order, require the person to pay all or part of the costs and fees incurred by the board in proceedings upon which the order was entered.

(6) Administrative fines. The board may, pursuant to an order of discipline, require the payment of an administrative fine not to exceed one thousand dollars (\$1,000) for each violation of the provisions of this section or rules adopted hereunder.

SECTION 28. That Section 54-2916A, Idaho Code, be, and the same is hereby amended to read as follows:

54-2916A. QUALIFICATIONS FOR LICENSURE -- SIGN LANGUAGE INTERPRETER. To be eligible for licensure as a sign language interpreter, the applicant shall:

(1) File a written application with the board on forms prescribed and furnished by the board. A nonrefundable application fee shall accompany the completed written application. Such fees shall be established by the administrative rules of the board and shall be in such amounts as are reasonable and necessary for the proper execution and enforcement of this chapter;

(2) Provide verification acceptable to the board of the following:

(a) Good moral character;

(b) Never having had a license or certification revoked or otherwise sanctioned as part of disciplinary action from this or any other state;

(c) Never having been convicted, found guilty or received a withheld judgment for any felony crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code; and

(d) Never having been found by the board to have engaged in conduct prohibited by this chapter.

The board may take into consideration the rehabilitation of the applicant and other mitigating circumstances when considering applications for licensure.

(3) Provide evidence satisfactory to the board of having successfully passed a nationally recognized competency examination approved by the board or achieved certification defined by board rule;

(4) Provide educational documentation satisfactory to the board that the applicant has successfully graduated from a four (4) year course at an accredited high school or the equivalent; and

(5) Provide documentation that the applicant has successfully passed an examination approved by the board.

SECTION 29. That Section 54-3112, Idaho Code, be, and the same is hereby amended to read as follows:

54-3112. SUSPENSION AND REVOCATION OF TEMPORARY PERMIT OR CERTIFICATE. The board may refuse to issue, refuse to renew, suspend, revoke, or otherwise sanction a temporary permit or certified shorthand reporter certificate for any of the following reasons:

(1) Conviction of a ~~felony or a misdemeanor involving moral turpitude crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code~~. The record of conviction, or a certified copy thereof, shall be prima facie evidence of conviction in such cases.

(2) Fraud or misrepresentation resorted to in obtaining a certificate thereunder.

(3) Fraud, dishonesty, corruption, willful violation of duty, gross incompetence in practice or unprofessional conduct in performing services as a certified shorthand reporter.

(4) Persistent failure to perform duties.

(5) Any physical or mental disability materially interfering with the performance of duties.

(6) The violation of the provisions of this chapter or rules, or any ethical codes as may be adopted by the board.

SECTION 30. That Section 54-3211, Idaho Code, be, and the same is hereby amended to read as follows:

54-3211. REFUSAL TO ISSUE, REFUSAL TO RENEW, SUSPENSION OR REVOCATION OF LICENSE -- UNPROFESSIONAL CONDUCT. The board may refuse to issue, refuse to renew, may suspend, or may revoke any license issued under this chapter, or take other disciplinary action, upon proof, after a hearing, that the person has engaged in "unprofessional conduct." The words "unprofessional conduct" as relating to persons licensed under this chapter are defined to include but are not limited to:

(1) Conviction of a ~~felony, or of any offense involving moral turpitude crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code~~.

(2) Habitual drunkenness or addiction to habit-forming drugs, either of which impairs the ability to perform his work without danger to himself or the public he serves.

(3) Fraud or deceit in connection with services rendered as a bachelor social worker, master social worker or clinical social worker or in establishing qualifications for licensure under this chapter.

(4) Aiding or abetting any person not licensed under this chapter in the practice of social work in the state of Idaho.

(5) Failing to be licensed or continuing to represent himself as licensed after the expiration of his license.

(6) Being found guilty of unprofessional conduct by the rules established by the board.

(7) Having had a license or registration to practice social work revoked, suspended or otherwise disciplined in any state, territory or county.

(8) Failing to comply with a board order entered in a disciplinary action.

(9) Failing to comply with any of the provisions of this chapter.

SECTION 31. That Section 54-3510, Idaho Code, be, and the same is hereby amended to read as follows:

54-3510. GROUNDS FOR DISCIPLINE. The board, in accordance with the requirements of chapter 52, title 67, Idaho Code, may, upon recommendation of the licensure board, refuse to issue a license or permit, refuse to renew a license or permit, or may suspend, restrict or revoke a license or permit, under such conditions as the board may determine, if the licensee, permittee or applicant for license:

(1) Has been convicted of a ~~felony or crime involving moral turpitude~~, or has entered a plea of guilty to, or been found guilty of, the commission of a ~~felony or a crime involving moral turpitude~~ that is deemed relevant in accordance with section 67-9411(1), Idaho Code;

- (2) Obtained a license or permit pursuant to this chapter by means of fraud, misrepresentation or concealment of material facts;
- (3) Practiced dietetics under a false or an assumed name in this or any other state;
- (4) Knowingly aided or abetted the unlicensed practice of dietetics;
- (5) Engaged in the practice of dietetics in a manner that does not meet the generally accepted standards for the practice of dietetics within the state of Idaho;
- (6) Divided fees or gifts or agreed to split or divide fees or gifts received for professional services with any person, institution or corporation in exchange for a referral;
- (7) Failed to maintain the confidentiality of medical records or other medical information pertaining to identifiable patients, except as required or authorized by law;
- (8) Engaged in any conduct that constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the dietitian by the patient;
- (9) Failed to supervise the activities of a provisionally licensed dietitian;
- (10) Continued to practice as a dietitian when a license pursuant to this chapter was suspended, revoked or inactive;
- (11) Practiced as a dietitian in violation of a voluntary restriction or terms of probation pursuant to this chapter;
- (12) Continued to practice as a dietitian when registration by the CDR or its successor organization was not renewed or was suspended or revoked; or
- (13) Failed to comply with a board order.

SECTION 32. That Section 54-3804, Idaho Code, be, and the same is hereby amended to read as follows:

54-3804. 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 any of the following acts or omissions:

- (1) Conviction of, being found guilty of, pleading guilty to or receiving withheld judgment for a crime involving moral turpitude that is deemed relevant in accordance with section 67-9411(1), Idaho Code.
- (2) ~~Conviction of, being found guilty of, pleading guilty to or receiving withheld judgment for a felony.~~
- ~~(3)~~ Unprofessional conduct, which is hereby defined to include:
 - (a) Misrepresentation or fraud in the conduct of cemetery services;
 - (b) False or misleading advertising as a holder of a license for the advertising or using the name of an unlicensed person in connection with that of any cemetery establishment;
 - (c) 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 cemetery establishment;
 - (d) Gross immorality;
 - (e) Aiding or abetting an unlicensed person to engage in practice as a cemeterian;
 - (f) Violation of any of the provisions of section 54-1116, Idaho Code;
 - (g) Violation of any state law, or municipal or county ordinance, or regulation authorized under this act affecting the handling, custody, care, processing or transportation of dead human bodies;

- (h) Fraud or misrepresentation in obtaining or renewing a license;
- (i) Violation of statutes of any state having to do with prearrangement or prefinancing of cemetery supplies or services.

SECTION 33. That Section 54-4013, Idaho Code, be, and the same is hereby amended to read as follows:

54-4013. DISCIPLINARY ACTION. The board may refuse to issue or renew or otherwise discipline a license holder for any of the following:

- (1) The employment of fraud, deceit or misrepresentation in obtaining or attempting to obtain a license or the renewal of a license;
- (2) Practicing as a massage therapist when physical or mental abilities are impaired as determined by the board;
- (3) Conviction of a ~~felony~~, a crime involving moral turpitude or a crime under any municipal, state or federal narcotic or controlled substance law that is deemed relevant in accordance with section 67-9411(1), Idaho Code, provided that the board has taken into consideration the rehabilitation of the applicant or licensee and other mitigating circumstances;
- (4) Having been adjudged mentally incompetent by a court of competent jurisdiction;
- (5) Engaging in any act or practice in violation of any of the provisions of this chapter or any of the rules adopted by the board, or aiding, abetting or assisting any other person in such a violation;
- (6) The commission of an act of gross negligence or incompetence;
- (7) ~~Practice~~ Practicing without a valid license;
- (8) Engaging in any lewd, indecent, obscene or unlawful behavior with a client;
- (9) The employment of fraud, deceit, or misrepresentation when communicating with the general public, health care professionals or other business professionals;
- (10) Having had a license revoked or suspended, other disciplinary action taken or an application for licensure refused, revoked or suspended by the proper authorities of another state, territory or country, or omitting such information from any application to the board, or failing to divulge such information when requested by the board;
- (11) A violation of the code of ethics or standards of practice as adopted by the board; and
- (12) Failure to comply with an order issued by the board.

SECTION 34. That Section 54-4711, Idaho Code, be, and the same is hereby amended to read as follows:

54-4711. SUSPENSION AND REVOCATION. To protect the health, safety and welfare of the public, the board, in accordance with the requirements of chapter 52, title 67, Idaho Code, may refuse to issue or may refuse to renew a license, certification or permit, or may suspend or revoke a license, certification or permit, under such conditions as the board may require, if the applicant or holder of the license, certification or permit has:

- (1) Been convicted of a ~~felonious act~~, or crime involving moral turpitude that is deemed relevant in accordance with section 67-9411(1), Idaho Code;
- (2) Obtained or attempted to obtain the issuance or renewal of a license, certification or permit pursuant to this chapter by means of fraud, misrepresentation or concealment of material facts;
- (3) Engaged in the practice of acupuncture in a manner ~~which~~ that does not meet the generally accepted standards for the practice of acupuncture within the state of Idaho;

(4) Failed to maintain the confidentiality of records or other information pertaining to an identifiable client, except as required or authorized by law;

(5) Engaged in any conduct that constitutes an abuse or exploitation of a client arising out of the trust and confidence placed in the acupuncturist by the client;

(6) Engaged in conduct that violates the provisions of this chapter, the rules of the board or the terms of any permit issued by the board; or

(7) Failed to comply with a board order entered in a disciplinary matter.

SECTION 35. That Section 54-4805, Idaho Code, be, and the same is hereby amended to read as follows:

54-4805. REGISTRATION AS ATHLETE AGENT -- APPLICATION -- REQUIREMENTS -- RECIPROCAL REGISTRATION. (1) An applicant for registration as an athlete agent shall submit an application for registration to the bureau in a form prescribed by the bureau. The applicant must be an individual, and the application must be signed by the applicant under penalty of perjury. An application filed under this section is a public record. The application must contain at least the following:

(a) The name and date and place of birth of the applicant and the following contact information for the applicant:

(i) The address of the applicant's principal place of business;

(ii) Work and mobile telephone numbers; and

(iii) Any means of communicating electronically, including a facsimile number, electronic-mail address and personal and business or employer websites;

(b) The name of the applicant's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, type of business organization and the nature of the business;

(c) Each social media account with which the applicant or the applicant's business or employer is affiliated;

(d) Each business or occupation in which the applicant engaged within five (5) years before the date of the application, including self-employment and employment by others, and any professional or occupational license, registration or certification held by the applicant during that time;

(e) A description of the applicant's:

(i) Formal training as an athlete agent;

(ii) Practical experience as an athlete agent; and

(iii) Educational background relating to the applicant's activities as an athlete agent;

(f) The name of each student athlete for whom the applicant acted as an athlete agent within five (5) years before the date of the application or, if the individual is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last known team;

(g) The name and address of each person that:

(i) Is a partner, member, officer, manager, associate or profit sharer or directly or indirectly holds an equity interest of five percent (5%) or greater of the athlete agent's business if it is not a corporation; and

(ii) Is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of five percent (5%) or greater in the corporation;

(h) A description of the status of any application by the applicant, or any person named under paragraph (g) of this subsection, for a state or federal business, professional or occupational license, other than as an athlete agent, from a state or federal agency, including any denial,

refusal to renew, suspension, withdrawal or termination of the license and any reprimand or censure related to the license;

(i) Whether the applicant, or any person named under paragraph (g) of this subsection, has pleaded guilty or no contest to; has been convicted of; entered an Alford plea for; received a withheld judgment, suspended sentence or deferred prosecution for; or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in this state and, if so, identification of:

(i) The crime;

(ii) The law enforcement agency involved; and

(iii) If applicable, the date of the conviction and the fine or penalty imposed;

(j) Whether, within fifteen (15) years before the date of application, the applicant, or any person named under paragraph (g) of this subsection, has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of legal incompetence and, if so, the date and a full explanation of each proceeding;

(k) Whether the applicant, or any person named under paragraph (g) of this subsection, has an unsatisfied judgment or a judgment of continuing effect, including spousal support or a domestic order in the nature of child support, that is not current at the date of the application;

(l) Whether, within ten (10) years before the date of application, the applicant, or any person named under paragraph (g) of this subsection, was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

(m) Whether there has been any administrative or judicial determination that the applicant, or any person named under paragraph (g) of this subsection, made a false, misleading, deceptive or fraudulent representation;

(n) Each instance in which conduct of the applicant, or any person named under paragraph (g) of this subsection, resulted in the imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic, intercollegiate or professional athletic event on a student athlete or a sanction on an educational institution;

(o) Each sanction, suspension or disciplinary action taken against the applicant, or any person named under paragraph (g) of this subsection, arising out of occupational or professional conduct;

(p) Whether there has been a denial of an application for, suspension or revocation of, refusal to renew or abandonment of the registration of the applicant, or any person named under paragraph (g) of this subsection, as an athlete agent in any state;

(q) Each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent;

(r) If the applicant is certified or registered by a professional league or players association:

(i) The name of the league or association;

(ii) The date of certification or registration and the date of expiration of the certification or registration, if any; and

(iii) If applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of the certification or registration, or any reprimand or censure related to the certification or registration; and

(s) Any additional information requested by the bureau.

(2) Instead of proceeding under subsection (1) of this section, an individual registered as an athlete agent in another state may apply for registration as an athlete agent in this state by submitting to the bureau:

(a) A copy of the application for registration in the other state;

(b) A statement that identifies any material change in the information on the application or verifies there is no material change in the information, signed under penalty of perjury; and

(c) A copy of the certificate of registration from the other state.

(3) The bureau shall issue a certificate of registration to an individual who applies for registration under subsection (2) of this section, if the bureau determines:

(a) The application and registration requirements of the other state are substantially similar to or more restrictive than this chapter; and

(b) The registration has not been revoked or suspended and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

(4) For purposes of implementing subsection (3) of this section, the bureau shall:

(a) Cooperate with national organizations concerned with athlete agent issues, and agencies in other states that register athlete agents, to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than this chapter; and

(b) Exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies.

SECTION 36. That Section 54-4806, Idaho Code, be, and the same is hereby amended to read as follows:

54-4806. CERTIFICATE OF REGISTRATION -- ISSUANCE OR DENIAL -- RENEWAL. (1) Except as otherwise provided in subsection (2) of this section, the bureau shall issue a certificate of registration to an applicant for registration who complies with section 54-4805(1), Idaho Code.

(2) The bureau may refuse to issue a certificate of registration to an applicant for registration under section 54-4805(1), Idaho Code, if the bureau determines that the applicant has engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent. In making the determination, the bureau may consider whether the applicant has:

(a) Pled guilty or no contest to; has been convicted of; entered an Alford plea for; received a withheld judgment, suspended sentence or deferred prosecution for; or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in this state is deemed relevant in accordance with section 67-9411(1), Idaho Code;

(b) Made a materially false, misleading, deceptive or fraudulent representation in the application or as an athlete agent;

(c) Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;

(d) Engaged in conduct prohibited by section 54-4814, Idaho Code;

(e) Had a registration as an athlete agent suspended, revoked or denied in any state;

(f) Been refused renewal of registration as an athlete agent in any state;

(g) Engaged in conduct resulting in imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic, intercollegiate or professional athletic event on a student athlete or a sanction on an educational institution; or

(h) Engaged in conduct that adversely reflects on the applicant's credibility, honesty or integrity.

(3) In making a determination under subsection (2) of this section, the bureau shall consider:

(a) How recently the conduct occurred;

- (b) The nature of the conduct and the context in which it occurred; and
- (c) Other relevant conduct of the applicant.

(4) An athlete agent registered under subsection (1) of this section may apply to renew the registration by submitting an application for renewal in a form prescribed by the bureau. The applicant shall sign the application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.

(5) An athlete agent registered under section 54-4805(3), Idaho Code, may renew the registration by proceeding under subsection (4) of this section or, if the registration in the other state has been renewed, by submitting to the bureau copies of the application for renewal in the other state and the renewed registration from the other state. The bureau shall renew the registration if the bureau determines:

- (a) The registration requirements of the other state are substantially similar to or more restrictive than this chapter; and
- (b) The renewed registration has not been suspended or revoked and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

(6) A certificate of registration or renewal of registration under this chapter is valid for two (2) years.

SECTION 37. That Section 54-5303, Idaho Code, be, and the same is hereby amended to read as follows:

54-5303. DEFINITIONS. (1) "Board" means the liquefied petroleum gas safety board.

(2) "Bureau" means the bureau of occupational licenses.

(3) "Department" means the department of self-governing agencies.

(4) "Good moral character" means the absence of any behavior that violates accepted standards of the community including, but not limited to:

(a) Conviction or plea of guilty to a ~~felony or other crime involving moral turpitude~~ that is deemed relevant in accordance with section 67-9411(1), Idaho Code;

(b) Habitual use of drugs or intoxicants to such a degree as to render a person unfit and unreliable to practice;

(c) Revocation or suspension or other restriction of any license or certificate in any state in the previous five (5) years; and

(d) Failure to pay final judgments in any state in the previous seven (7) years.

(5) "License" means a physical document issued by the bureau certifying that a person or facility has met the appropriate qualifications and has been granted the authority to practice or operate in Idaho under the provisions of this chapter.

(6) "Liquefied petroleum gas" or "LPG" or "LP-Gas" means any material that is composed predominantly of or by the mixture of any of the following hydrocarbons: propane, propylene, butanes, isobutanes and butylenes.

(7) "LPG facility" means any facility at a fixed location licensed pursuant to this chapter whose activities include selling, filling, refilling, or commercial handling or commercial storage of LPG.

(8) "LPG dealer" means any person licensed pursuant to this chapter who engages in LPG dealer practice.

(9) "LPG dealer practice" means a person engaging in the selling, filling, refilling, transporting, delivering, or commercial handling of LPG, or engaging in the installation or maintenance of systems, equipment, pipes or containers for the use or storage of LPG.

(10) "LPG code" means the liquefied petroleum gas code adopted by the national fire protection association, inc., commonly known as NFPA 58.

SECTION 38. That Section 54-5307, Idaho Code, be, and the same is hereby amended to read as follows:

54-5307. QUALIFICATIONS FOR A DEALER'S LICENSE. Except as herein otherwise provided, the following shall be considered minimum requirements for a dealer's license. All applicants shall:

- (1) Provide verification acceptable to the board of:
 - (a) Being at least eighteen (18) years of age; and
 - (b) Good moral character; and
 - (c) Never having had a license revoked or otherwise sanctioned as part of disciplinary action from this or any other state; and
 - (d) Never having been convicted, found guilty, or received a withheld judgment for any felony crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code; and
 - (e) Never having been found by the board to have engaged in conduct prohibited by this chapter.

The board may take into consideration the rehabilitation of the applicant and other mitigating circumstances when considering applications for a license.

- (2) Provide documentation satisfactory to the board that the applicant has successfully completed a certified educational training program approved by the board.

- (3) Provide documentation satisfactory to the board that the applicant has successfully completed such experience as may be required by the board.

- (4) Provide documentation that the applicant has successfully passed an examination approved by the board.

- (5) Prior to July 1, 2006, the board may deem other education, experience, or examinations equivalent to the licensing requirements set forth in this chapter, provided that the board is satisfied, and the applicant provides documentation acceptable to the board that such applicant has:

- (a) Documented experience in this state prior to July 1, 2005, in the LPG industry; and
- (b) Practiced for not less than five (5) years in the field for which such applicant is applying for a license; and
- (c) Applied for a license prior to July 1, 2006.

SECTION 39. 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 is deemed relevant in accordance with section 67-9411(1), Idaho Code;
- (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.

(4) 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.

SECTION 40. That Section 67-5309, Idaho Code, be, and the same is hereby amended to read as follows:

67-5309. RULES OF THE DIVISION OF HUMAN RESOURCES AND THE PERSONNEL COMMISSION. The administrator of the division of human resources shall have the power and authority to adopt, amend, or rescind such rules as may be necessary for proper administration of this chapter. Such rules shall include:

(a) A rule requiring the administrator, after consulting with each department, to develop, adopt, and make effective a job classification system for positions covered by this chapter, based upon an analysis of the duties and responsibilities of the positions. The job classification shall include an appropriate title for each class and a description of duties and responsibilities of positions in the classes and the requirements of minimum training, experience and other qualifications suitable for the performance of duties of the position.

(b) A rule describing the relevant labor markets and benchmark job classifications used in the administrator's salary surveys.

(c) A rule requiring that all classes of positions which are common to the departments concerned shall have the same titles, minimum requirements and compensation ranges.

(d) A rule providing for review by the administrator of the personnel system including classifications and compensation policies and procedures.

(e) A rule that, notwithstanding the procedure for examination and ranking of eligibles on a register provided in subsection (f) of this section, an agency may appoint an individual directly into an entrance or promotional probation if the division of vocational rehabilitation, Idaho commission for the blind and visually impaired or the industrial commission certifies, with the concurrence of division of human resources staff, that the individual: (1) has a disability or handicap as defined under state or federal law; (2) is qualified to perform the essential functions of a particular classified position with or without reasonable accommodation; and (3) lacks competitiveness in the examination process due to the disability or handicap. The probationary period as provided in subsection (j) of this section shall be the sole examination for such individuals.

(f) A rule requiring fair and impartial selection of appointees to all positions other than those defined as nonclassified in this chapter, on the basis of open competitive merit examinations or evaluations. An application for an examination will be accepted after the closing date of the examination from a person who was serving in the armed forces or undergoing service-connected hospitalization up to one (1) year following discharge. The application must be submitted within one hundred twenty (120) days of separation from the armed forces or hospitalization and prior to the expiration of the register established as a result of the examination. A disabled veteran may file an application at any time up until a selection has been made for any position for which the division maintains a register as a source for future job openings or for which a register is about to be established, pro-

vided he or she has not already been examined twice for the same position and grade for which application is made, does not have current eligibility on that register, or is not serving in a competitive position in the same grade for which application is made. Examinations may be assembled or unassembled and may include various examining techniques such as rating of training and experience, written tests, oral interviews, recognition of professional licensing, performance tests, investigations and any other measure of ability to perform the duties of the position. Examinations shall be scored objectively. Five (5) points shall be added to the earned rating of any veteran as defined in section 65-502, Idaho Code, and the widow or widower of any veteran as defined in section 65-502, Idaho Code, as long as he or she remains unmarried. Pursuant to section 65-504, Idaho Code, ten (10) points shall be added to the earned rating of any disabled veteran as defined in section 65-502, Idaho Code, the widow or widower of any disabled veteran as long as he or she remains unmarried, or the spouse of any eligible disabled veteran who cannot qualify for any public employment because of a service-connected disability. Employment registers shall be established in order of final score except that the names of all five (5) and ten (10) point preference eligibles resulting from any merit system or civil service examination shall be placed on the register in accordance with their augmented rating. Certification of eligibility for appointment to vacancies shall be in accordance with a formula that limits selection by the hiring department from among the twenty-five (25) top ranking available eligibles plus the names of all individuals with scores identical to the twenty-fifth ranking eligible on the register. A register with at least five (5) eligibles shall be adequate. Selective certification shall be permitted when justified by the hiring department, under rules to be made by the division defining adequate justification based on the duties and requirements of the positions. Such examinations need not be held until after the rules have been adopted, the service classified and a pay plan established, but shall be held not later than one (1) year after departments commence participation in the personnel system.

(g) A rule that, whenever practicable, a vacancy in a classified position shall be filled by the promotion of a qualified employee of the agency in which the vacancy occurs. An interagency promotion shall be made through competitive examination and all qualified state employees shall have the opportunity to compete for such promotions. If an employee's name appears within certifiable range on a current register for a higher class of position, he shall be eligible for a transfer and promotion.

(h) A rule for development and maintenance of a system of service ratings and the use of such ratings by all departments in connection with promotions, demotions, retentions, separations and reassignments. The rule shall require that an evaluation of each classified employee shall be made after each two thousand eighty (2,080) hour period of credited state service and that a copy of the evaluation shall be filed with the division.

(i) A rule prohibiting disqualification of any person from taking an examination, from appointment to a position, from promotion, or from holding a position because of race or national origin, color, sex, age, political or religious opinions or affiliations, and providing for right of appeal.

(j) A rule establishing a probation period not to exceed one thousand forty (1,040) hours of credited state service for all appointments and promotions, except that peace officers as defined in section 19-5101, Idaho Code, shall be subject to a probation period of two thousand eighty (2,080) hours of credited state service, and for the appointing authority to provide the employee and the administrator a performance evaluation indicating satisfactory or unsatisfactory performance not later than thirty (30) days after the expiration of the probationary period. The rule shall provide that if the appointing authority fails to provide a performance evaluation within thirty (30) days after the expiration of the probationary period, the employee shall be deemed to have satisfactorily completed the probation

unless the appointing authority receives approval from the administrator to extend the probationary period for good cause for an additional specified period not to exceed one thousand forty (1,040) hours of credited state service. If an employee is performing in an unsatisfactory manner during the entrance probationary period, the appointing authority shall ask the employee to resign and, if no resignation is submitted, shall terminate the employment of such employee without the right of grievance or appeal.

(k) A rule concerning temporary appointments.

(l) A rule governing the employment of consultants and persons retained under independent contract.

(m) A rule for the disciplinary dismissal, demotion, suspension or other discipline of employees only for cause with reasons given in writing. Such rule shall provide that any of the following reasons shall be proper cause for the disciplinary dismissal, demotion or suspension of any employee in the state classified service:

1. Failure to perform the duties and carry out the obligations imposed by the state constitution, state statutes and rules of the employee's department, or rules of the administrator or the division.
2. Inefficiency, incompetency, or negligence in the performance of duties, or job performance that fails to meet established performance standards.
3. Physical or mental incapability for performing assigned duties.
4. Refusal to accept a reasonable and proper assignment from an authorized supervisor.
5. Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in the employee's department.
6. Intoxication on duty.
7. Careless, negligent, or improper use or unlawful conversion of state property, equipment or funds.
8. Use of any influence that violates the principles of the merit system in an attempt to secure a promotion or privileges for individual advantage.
9. Conviction of official misconduct in office, or conviction of any felony, ~~or conviction of any other crime involving moral turpitude crime that is deemed relevant in accordance with section 67-9411(1),~~ Idaho Code.
10. Acceptance of gifts in exchange for influence or favors given in the employee's official capacity.
11. Habitual pattern of failure to report for duty at the assigned place and time.
12. Habitual improper use of sick leave privileges.
13. Unauthorized disclosure of confidential information from official records.
14. Absence without leave.
15. Misstatement or deception in the application for the position.
16. Failure to obtain or maintain a current license or certificate lawfully required as a condition for performing the duties of the job.
17. Prohibited participation in political activities.

(n) A rule to establish procedures for maintenance of a record of the employment history and appropriate information relating to performance of all employees under the personnel system. For the purposes of this rule, the state shall be considered one (1) employer.

(o) Rules to provide for recruitment programs in cooperation with department heads and the employment security agency in keeping with current employment conditions and labor market trends.

(p) Rules to establish procedures for examinations as necessary for the purpose of maintaining current registers from which to fill employment vacancies.

(q) Other rules not inconsistent with the foregoing provisions of this section as may be necessary and proper for the administration and enforcement of this chapter.

(r) A rule concerning "project exempt" appointments.

(s) Rules relating to leave for state employees from official duties including, but not limited to, sick leave, military leave, jury duty, leaves of absence without compensation and such other forms of absence from performance of duties in the course of state employment as may be necessary.

(t) A rule providing up to twenty-five percent (25%) shift differential pay based on local market practices.

(u) A rule to establish guidelines for awarding employee suggestion awards set forth in sections 59-1603 and 67-5309D, Idaho Code.

(v) A rule to establish the reimbursement of moving expenses for a current or newly hired state employee.

(w) A rule to allow, at the request of the hiring agency, temporary service time to count toward fulfilling entrance probationary requirements as established in subsection (j) of this section.

(x) A rule to allow, at the request of the hiring agency, acting appointment service time to count toward fulfilling promotional probationary requirements as established in subsection (j) of this section.

Approved March 17, 2020

CHAPTER 176
(S.B. No. 1289)

AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-732, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE GROUPING OF CERTAIN LANDS FOR ASSESSMENT PURPOSES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 43-732, Idaho Code, be, and the same is hereby amended to read as follows:

43-732. CERTAIN LANDS MAY BE ASSESSED AT DIFFERENT AMOUNTS -- ADDITIONAL SERVICE CHARGE. (1) Notwithstanding any provision of sections 43-701 and 43-1824, Idaho Code, to the contrary, an irrigation district ~~which~~ that assesses land in the district under the provisions of chapters 7 and 18, title 43, Idaho Code, may assess any land within the district to which the district furnishes or supplies water for irrigation purposes ~~which~~ that:

(a) Lies above the level of the canals or ditches of the district and is irrigated by pumping by the landowner ~~or~~ ;

(b) Is irrigated by a partial, supplemental or intermittent supply of water from the district~~;~~ ; or

(c) Is irrigated by water of the district ~~which~~ that is subject to prior use by other lands within the district;

in such amount as the board determines to be just, taking into consideration the benefit to the land assessed and extra expenses, if any, of the landowner or holder~~;~~ in using such water, but such amount may not exceed the amount assessed against irrigable acres lying below the level of the canals or ditches of the district.

(2) Notwithstanding any provisions of sections 43-701 and 43-1824, Idaho Code, to the contrary, an irrigation district ~~which~~ that assesses land in the district under the provisions of chapters 7 and 18, title 43, Idaho Code, may, at the discretion of the board of directors, assess a service charge, in addition to the regular assessment, against subdivided and small-tract lands that have appurtenant water rights and to which irrigation water is furnished or is available for delivery, when delivery of water to these lands requires operation, construction and maintenance costs substantially greater than operation, construction and maintenance costs involved in delivering water to the majority of other lands in the district. All such small-tract or subdivided lands shall be placed in groupings of ~~two (2) acres~~ one (1) acre or less, or more than two (2) acres one (1) acre but not more than ten (10) acres, and each grouping shall be assessed as a single class.

Approved March 18, 2020

CHAPTER 177
(S.B. No. 1290)

AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-206, IDAHO CODE, TO PROVIDE THAT CERTAIN IRRIGATION DISTRICTS MAY COMBINE PRECINCTS INTO ONE POLLING PLACE, TO PROVIDE FOR THE LOCATION OF THE POLLING PLACE, TO PROVIDE FOR JUDGES OF ELECTION, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 43-206, Idaho Code, be, and the same is hereby amended to read as follows:

43-206. NOTICE OF ELECTION -- APPOINTMENT OF JUDGES. (1) The secretary of the district shall give notice of all elections in said district subsequent to the organization thereof, by posting the same in three (3) public places in each such precinct and in the office of said board, at least four (4) weeks before the day of such election, or by publication of the same once a week for two (2) successive weeks in a newspaper having general circulation within said district. If notice be given by publication in a weekly newspaper, the same shall be published in two (2) successive issues thereof, or, if in a daily newspaper, at least six (6) days shall elapse between the first and last dates of publication, and, in either case, publication shall be completed not less than fifteen (15) days before such election. Notices shall state the time of said election and the polling place for each precinct, and the director to be elected or other question to be voted upon, as the case may be. At least ten (10) days before the holding of any such election, the board of directors shall appoint three (3) electors of each precinct to serve as judges of election for such precinct, and such judges shall constitute a board of election for such precinct.

(2) A polling place for a precinct need not be located in the precinct, but shall be located within the district. Polling places for two (2) or more precincts may be combined at one (1) location, so as long as the physical arrangements of the polling place are sufficient to guarantee all voters the right to cast a secret ballot. Any combined polling place thus created shall be no farther than ten (10) miles outside of the precinct which is losing its polling place. In cases of combined polling places, the board of directors shall name one (1) elector from each of the combined precincts, ~~and they shall constitute the~~ to serve as judges of election for that polling place.

(3) Notwithstanding other provisions of this section, irrigation districts comprising fifteen thousand (15,000) or fewer irrigated acres within their boundary may, upon resolution of the board of directors, combine all precincts into one (1) polling place. In cases where such a district resolves to combine precincts into a single polling place, the polling place shall be the irrigation district office, and the board of directors shall name one (1) elector from each precinct to serve as judges of election at the combined polling place.

Approved March 18, 2020

CHAPTER 178
(S.B. No. 1403)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS TO THE ENVIRONMENTAL REMEDIATION BASIN FUND; PROVIDING REQUIREMENTS FOR THE ENVIRONMENTAL REMEDIATION BASIN FUND; PROVIDING REQUIREMENTS FOR THE WATER POLLUTION CONTROL FUND; PROVIDING REQUIREMENTS FOR THE USE OF CERTAIN MONEYS FOR AGRICULTURAL BEST MANAGEMENT PRACTICES; AND PROVIDING REAPPROPRIATION AUTHORITY.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$2,110,500	\$2,231,100			\$4,341,600
Air Quality Permitting					
Fund	221,200	125,000			346,200
Public Water System Supervision					
Fund	365,800	93,000			458,800
Environmental Remediation (Basin)					
Fund		26,300			26,300
Department of Environmental Quality (Receipts)					
Fund	246,100	147,800			393,900
Idaho Underground Storage Tank Program					
Fund	55,300	29,200			84,500
IPDES Program					
Fund	190,300	92,700			283,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Bunker Hill Trust					
Fund		12,400			12,400
Department of Environmental Quality (Federal)					
Fund	<u>1,466,100</u>	<u>1,845,900</u>			<u>3,312,000</u>
TOTAL	\$4,655,300	\$4,603,400			\$9,258,700
 II. AIR QUALITY:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$3,766,900	\$210,600	\$35,000		\$4,012,500
Air Quality Permitting					
Fund	1,309,000	82,700		\$40,000	1,431,700
Department of Environmental Quality (Receipts)					
Fund	372,200	693,000			1,065,200
Department of Environmental Quality (Federal)					
Fund	<u>1,339,600</u>	<u>3,171,200</u>	<u>0</u>	<u>41,400</u>	<u>4,552,200</u>
TOTAL	\$6,787,700	\$4,157,500	\$35,000	\$81,400	\$11,061,600
 III. WATER QUALITY:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$7,758,800	\$1,960,700		\$967,500	\$10,687,000
Public Water System Supervision					
Fund	1,143,100	499,700			1,642,800
Water Pollution Control					
Fund			\$59,000	343,700	402,700
Department of Environmental Quality (Receipts)					
Fund	528,700	1,003,500		2,521,600	4,053,800
IPDES Program					
Fund	778,800	49,400			828,200
Department of Environmental Quality (Federal)					
Fund	<u>5,046,300</u>	<u>1,523,000</u>	<u>9,200</u>	<u>2,753,200</u>	<u>9,331,700</u>
TOTAL	\$15,255,700	\$5,036,300	\$68,200	\$6,586,000	\$26,946,200
 IV. COEUR D'ALENE BASIN COMMISSION:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$121,200	\$10,200			\$131,400
Environmental Remediation (Basin)					
Fund	68,600	15,500			84,100
Department of Environmental Quality (Federal)					
Fund	<u>16,000</u>	<u>0</u>		<u>\$50,000</u>	<u>66,000</u>
TOTAL	\$205,800	\$25,700		\$50,000	\$281,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. WASTE MANAGEMENT AND REMEDIATION:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$2,706,300	\$102,700		\$134,600	\$2,943,600
Environmental Remediation (Box)					
Fund	271,600	76,600		150,500	498,700
Environmental Remediation (Basin)					
Fund	385,500	41,800		200,000	627,300
Environmental Remediation (Triumph Mine)					
Fund	64,000	343,500			407,500
Department of Environmental Quality (Receipts)					
Fund	836,400	127,100		51,800	1,015,300
Idaho Underground Storage Tank Program					
Fund	242,800	25,000			267,800
Bunker Hill Trust					
Fund	84,600	1,385,000		300,000	1,769,600
Department of Environmental Quality (Federal)					
Fund	<u>2,743,100</u>	<u>3,630,500</u>		<u>3,015,500</u>	<u>9,389,100</u>
TOTAL	\$7,334,300	\$5,732,200		\$3,852,400	\$16,918,900
VI. IDAHO NATIONAL LABORATORY OVERSIGHT:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$90,900	\$8,700			\$99,600
Department of Environmental Quality (Federal)					
Fund	<u>1,028,500</u>	<u>918,800</u>		<u>\$146,900</u>	<u>2,094,200</u>
TOTAL	\$1,119,400	\$927,500		\$146,900	\$2,193,800
GRAND TOTAL	\$35,358,200	\$20,482,600	\$103,200	\$10,716,700	\$66,660,700

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Environmental Quality is authorized no more than three hundred seventy-nine (379.00) 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 WASTE REMEDIATION. There is hereby appropriated to the Department of Environmental Quality and the State Controller shall transfer \$1,500,000 from the Water Pollution Control Fund to the Environmental Remediation (Basin) Fund through monthly installments or as practicable for the period July 1, 2020, through June 30, 2021, to be used for Superfund cleanup projects in the Coeur d'Alene Basin.

SECTION 4. REMEDIATION PROJECT REPORTING REQUIREMENTS. Moneys deposited into the Environmental Remediation (Basin) Fund shall be used for remediation of the Coeur d'Alene Basin in accordance with the Superfund contract with the Environmental Protection Agency. The Department of Environmental Quality shall file an annual report with the Governor, Legislature, and Coeur d'Alene Basin Environmental Improvement Project Commission on the remediation progress and the expenditures involved.

SECTION 5. USES OF THE WATER POLLUTION CONTROL FUND. The appropriation of moneys from the Water Pollution Control Fund in this act shall specifically supersede the provisions of Section 39-3630, Idaho Code.

SECTION 6. AGRICULTURAL BEST MANAGEMENT PRACTICES. As appropriated in Section 1 of this act, \$279,000 of the ongoing moneys appropriated from the Department of Environmental Quality (General) Fund to the Water Quality Program for trustee and benefit payments shall be used for a statewide grant program to support implementation of Agricultural Best Management Practices (BMPs) in high-priority watersheds throughout Idaho. The department shall administer this funding through existing BMP grant procedures and personnel. Funding shall be used by farmers and ranchers to modify their agricultural practices in order to improve water quality and help meet the objectives of Total Maximum Daily Loads (TMDLs).

SECTION 7. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Environmental Quality any unexpended and unencumbered balances appropriated to the Department of Environmental Quality for Agricultural Best Management Practices for fiscal year 2020, in an amount not to exceed \$500,000 from the General Fund, to be used for nonrecurring expenditures related to Agricultural Best Management Practices 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.

Approved March 18, 2020

CHAPTER 179
(S.B. No. 1404)

AN ACT

RELATING TO THE APPROPRIATION TO THE MEDICAL BOARDS; APPROPRIATING MONEYS TO THE MEDICAL BOARDS FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY; APPROPRIATING ADDITIONAL MONEYS TO THE MEDICAL BOARDS FOR FISCAL YEAR 2020; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Medical Boards 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. BOARD OF DENTISTRY:				
FROM:				
State Regulatory				
Fund	\$313,900	\$271,000	\$11,300	\$596,200
II. BOARD OF MEDICINE:				
FROM:				
State Regulatory				
Fund	\$1,413,200	\$879,200	\$5,800	\$2,298,200
III. BOARD OF NURSING:				
FROM:				
State Regulatory				
Fund	\$984,900	\$781,200	\$12,500	\$1,778,600
IV. BOARD OF PHARMACY:				
FROM:				
State Regulatory				
Fund	\$1,208,400	\$1,144,400		\$2,352,800
Federal Grant				
Fund	0	529,800		529,800
TOTAL	\$1,208,400	\$1,674,200		\$2,882,600
V. BOARD OF VETERINARY MEDICINE:				
FROM:				
State Regulatory				
Fund	\$189,200	\$120,100	\$1,500	\$310,800
GRAND TOTAL	\$4,109,600	\$3,725,700	\$31,100	\$7,866,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Medical Boards is authorized no more than the number of full-time equivalent positions listed below 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.

Board of Dentistry	3.60
Board of Medicine	18.00
Board of Nursing	13.00
Board of Pharmacy	15.00
Board of Veterinary Medicine	2.60

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Board of Nursing any unexpended and unencumbered balances appropriated to the Board of Nursing from the State Regulatory Fund for the Chinden Campus relocation for fiscal year 2020, in an amount not to exceed \$601,200 from the State Regulatory Fund, to be used for nonrecurring expenditures related to the Chinden Campus relocation 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. In addition to the appropriation made in Section 1, Chapter 136, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Medical Boards for the Board of Nursing \$601,200 from the State Regulatory Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020, for the purpose of relocating to the Chinden Campus.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved March 18, 2020

CHAPTER 180
(S.B. No. 1405)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE CONTROLLER FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICE COSTS TO THE INDIRECT COST RECOVERY FUND; AND PROVIDING REAPPROPRIATION AUTHORITY.

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

SECTION 1. There is hereby appropriated to the State Controller the following amounts to be expended 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. ADMINISTRATION:				
FROM:				
General				
Fund	\$630,500	\$97,500		\$728,000
II. STATEWIDE ACCOUNTING:				
FROM:				
General				
Fund	\$1,823,200	\$3,397,100		\$5,220,300
Miscellaneous Revenue				
Fund	<u>0</u>	<u>5,000</u>		<u>5,000</u>
TOTAL	\$1,823,200	\$3,402,100		\$5,225,300
III. STATEWIDE PAYROLL:				
FROM:				
General				
Fund	\$1,580,200	\$3,268,600		\$4,848,800
Miscellaneous Revenue				
Fund	<u>0</u>	<u>5,000</u>		<u>5,000</u>
TOTAL	\$1,580,200	\$3,273,600		\$4,853,800
IV. COMPUTER CENTER:				
FROM:				
Data Processing Services				
Fund	\$5,200,600	\$2,859,400	\$22,200	\$8,082,200
GRAND TOTAL	\$9,234,500	\$9,632,600	\$22,200	\$18,889,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Controller is authorized no more than ninety-five (95.00) 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. INDIRECT COST RECOVERY. The moneys assessed by the Division of Financial Management in accordance with Section 67-3531, Idaho Code, for State Controller services shall be placed in the Indirect Cost Recovery Fund.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Controller any unexpended and unencumbered balances appropriated or reappropriated to the State Controller from the Data Processing Services Fund for fiscal year 2020, in an amount not to exceed \$2,500,000 from the Data Processing Services Fund, to be used for nonrecurring expenditures related to the Computer Service Center 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.

Approved March 18, 2020

CHAPTER 181
(H.B. No. 416)

AN ACT

RELATING TO BANKS; AMENDING SECTION 26-216, IDAHO CODE, TO REVISE PROVISIONS REGARDING A BANK ACTING AS A CUSTODIAN OR FIDUCIARY.

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

SECTION 1. That Section 26-216, Idaho Code, be, and the same is hereby amended to read as follows:

26-216. CUSTODIAL ACCOUNTS. Any A bank, not having trust powers, may be authorized to act as custodian or fiduciary, and may receive reasonable compensation for so acting, of any under any written trust instrument or custodial account created or organized in the United States and forming part of a stock bonus, pension, or profit sharing agreement in connection with a tax-advantaged savings plan which qualifies or qualified for specific tax treatment under section 401(d), section 403(b) or section 408(a) of authorized under the Internal Revenue Code of 1954 as defined in section 63-3004 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 bank or in obligations or securities issued by such bank. All funds held in such custodial or fiduciary capacity by any such bank may be commingled for appropriate purposes of investment, but individual records shall be kept by the custodian for each participant and shall show in proper detail all transactions engaged in under the authority of this section.

Approved March 18, 2020

CHAPTER 182
(H.B. No. 424)

AN ACT

RELATING TO BARBER AND COSMETOLOGY SERVICES; AMENDING SECTION 54-5802, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE A TERM, AND TO REMOVE DEFINITIONS; AMENDING SECTION 54-5804, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR CERTAIN CHARITABLE SERVICES; AMENDING SECTION 54-5805, IDAHO CODE, TO REVISE PROVISIONS REGARDING SERVICES PERFORMED FOR CERTAIN ENTERTAINMENT PRODUCTIONS; AMENDING SECTION 54-5806, IDAHO CODE, TO REVISE A PROVISION REGARDING A PUBLIC MEMBER OF THE BOARD; AMENDING SECTION 54-5807, IDAHO CODE, TO PROVIDE FOR REGISTRATION AND TO REVISE PROVISIONS REGARDING CERTAIN POWERS OF THE BOARD; AMENDING SECTION 54-5808, IDAHO CODE, TO REMOVE AN APPLICATION REQUIREMENT; AMENDING SECTION 54-5810, IDAHO CODE, TO REVISE PROVISIONS REGARDING QUALIFICATIONS FOR LICENSURE; AMENDING SECTION 54-5811, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-5812, IDAHO CODE, TO PROVIDE THAT CERTAIN REQUIREMENTS SHALL BE ESTABLISHED BY RULE; AMENDING SECTION 54-5813, IDAHO CODE, TO PROVIDE THAT CERTAIN REQUIREMENTS SHALL BE ESTABLISHED BY RULE; AMENDING SECTION 54-5814, IDAHO CODE, TO PROVIDE THAT CERTAIN REQUIREMENTS SHALL BE ESTABLISHED BY RULE; AMENDING SECTION 54-5815, IDAHO CODE, TO REMOVE PROVISIONS REGARDING CERTAIN SCHOOL REQUIREMENTS AND TO PROVIDE FOR THE RECOGNITION OF CERTAIN TRAINING; AMENDING SECTION 54-5816, IDAHO CODE, TO REVISE A PROVISION REGARDING LICENSURE BY ENDORSEMENT; AMENDING SECTION 54-5817, IDAHO CODE, TO REVISE TERMINOLOGY AND TO ESTABLISH REQUIREMENTS REGARDING APPRENTICESHIPS; AMENDING SECTION 54-5818, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 54-5821, IDAHO CODE, TO PROVIDE FOR CERTIFICATES; AND AMENDING SECTION 54-5822, IDAHO CODE, TO REMOVE PROVISIONS REGARDING FEES AND TO PROVIDE AN EXCEPTION.

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

SECTION 1. That Section 54-5802, Idaho Code, be, and the same is hereby amended to read as follows:

54-5802. DEFINITIONS. As used in this chapter:

- (1) "Apprentice" means a person registered with the barber and cosmetology services licensing board to learn an occupation in a licensed establishment who, while so learning, performs or assists in performing any practices of barbering, barber-styling, or cosmetology, or electrology.
- (2) ~~"Approved or licensed school" means a postsecondary barber or cosmetology school that:~~
 - ~~(a) Is licensed under its official name by the barber and cosmetology services licensing board; and~~
 - ~~(b) Admits as students only those individuals who meet the requirements of paragraphs (a) and (b) in section 54-5810(7), Idaho Code.~~
- (3) "Barber" means a person licensed to practice barbering as defined in this section.
- (43) "Barbering" means any one (1) or any combination of the following practices when performed on the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:
 - (a) Shaving the face or cutting, trimming, arranging, dressing, curling, cleansing, singeing or performing similar work on the hair;
 - (b) Fitting, cutting or dressing hairpieces or toupees;
 - (c) Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or by a mechanical appliance; and

(d) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, and neck ~~or other parts of the upper body.~~

(54) "Barber-styling" means any one (1) or any combination of the following practices when performed on the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

(a) Shaving the face or cutting, trimming, arranging, dressing, curling, waving by any method, straightening, cleansing, singeing, bleaching, coloring or performing similar work on the hair;

(b) Fitting, cutting or dressing hairpieces or toupees;

(c) Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or by a mechanical appliance; and

(d) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, and neck ~~or other parts of the upper body.~~

(65) "Barber-stylist" means a person licensed to practice barber-styling as defined in this section.

(76) "Board" means the barber and cosmetology services licensing board established by section 54-5806, Idaho Code.

(87) "Bureau" means the bureau of occupational licenses.

(98) "Cosmetologist" means a person licensed to practice cosmetology as defined in this section.

(109) "Cosmetology" means any one (1) or any combination of the following practices when performed on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

(a) Cutting, trimming, arranging, dressing, curling, waving by any method, cleansing, singeing, bleaching, coloring or performing similar work on the hair;

(b) Fitting, cutting or dressing hairpieces or toupees;

(c) Noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams and essential oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup application; pore extraction; use of chemical exfoliants approved for professional esthetic use; particle exfoliation; use of any class I medical device, as classified by the United States food and drug administration, designed for care of the skin, except that a class II medical device designed for care of the skin may be used as directed and supervised by an authorized and licensed health care practitioner; temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories or other means; and tinting or perming the eyebrows and eyelashes; and

(d) Manicuring and pedicuring nails and applying artificial nails.

~~(110) "Department" means the Idaho department of self-governing agencies.~~

~~(12)~~ "Electrologist" means a person licensed to practice electrology, as defined in this section, and skilled in the permanent removal of unwanted hair.

(131) "Electrology" or "electrolysis" means the permanent removal of hair by destroying the hair-producing cells of the skin and vascular system through the use of equipment and devices approved by and registered with the United States food and drug administration.

(142) "Establishment" means a place licensed under this chapter, other than a licensed school, where barbering, barber-styling, cosmetology or electrology is practiced.

(153) "Esthetician" means a person licensed to practice esthetics as defined in this section.

(164) "Esthetics" means noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams and essential oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup application; pore extraction; use of chemical exfoliants approved for professional esthetic use; particle exfoliation; use of any class I medical device, as classified by the United States food and drug administration, designed for care of the skin, except that a class II medical device designed for care of the skin may be used as directed and supervised by an authorized and licensed health care practitioner; temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories or other means; and tinting or perming the eyebrows and eyelashes.

~~(17) "Haircutter" means a person licensed to practice haircutting as defined in this section.~~

(185) "Haircutting" means cutting, trimming, arranging, dressing, curling, cleansing, singeing or performing similar work on the hair and fitting, cutting or dressing hairpieces or toupees.

~~(196) "Instructor" means a barber, barber-stylist or cosmetologist licensed to teach barbering, barber-styling or cosmetology in a barber school, a cosmetology school or an establishment meeting the requirements for apprenticeship training person licensed under this chapter to practice and teach any practice defined in this section.~~

(2017) "Instructor trainee" means a barber, barber-stylist or cosmetologist attending a licensed school to receive training to teach barbering, barber-styling or cosmetology.

(18) "Licensed school" means a postsecondary barber, cosmetology, or electrology school that:

(a) Is licensed under its official name by the barber and cosmetology services licensing board; and

(b) Admits as students only those individuals who meet the requirements of paragraphs (a) and (b) of section 54-5810(1), Idaho Code.

~~(219) "Makeover or glamour photography business" means a business offering photographic services to the general public in which the business's employees apply cosmetic products to customers' faces or arrange the hair of customers in connection with the sale or attempted sale of photographic services.~~

(220) "Makeup artist" means a person certificated to practice makeup artistry as defined in this section.

(231) "Makeup artistry" means noninvasive care of the skin by application of cosmetic preparations for cleansing and the application of makeup, which includes the application of cosmetics or any pigment product that is used to cover, camouflage or decorate the skin.

(242) "Nail technician" means a person licensed to practice nail technology as defined in this section.

(253) "Nail technology" means any one (1) or more of the following practices when performed on the human body:

(a) Manicuring and pedicuring nails;

(b) Applying artificial nails; and

(c) Massaging the hands and feet.

~~(26) "Nail technology instructor" means a nail technician licensed to teach nail technology at a school of cosmetology.~~

~~(27) "Person" means a human individual.~~

(284) "Retail cosmetics dealer" means a stationary business offering cosmetic products for sale at retail to the general public, in which the business's employees apply cosmetic products to customers' faces in connection with the sale or attempted sale of the products without compensation from the customer other than the regular price of the products.

(295) "Retail thermal styling equipment dealer" means a retail business that offers thermal styling equipment, such as curling irons, curling wands, flat irons, heated hair rollers, blow-dryers or other devices using heat to style hair, for sale at retail to members of the general public and whose employees engage in the limited use of thermal styling equipment on customers in connection with the sale or attempted sale of the equipment without compensation from the customer other than the regular price of the equipment.

(3026) "Student" means a person learning barbering, barber-styling, cosmetology or electrology at a licensed school who, while so learning, performs or assists in performing any practices of barbering, barber-styling, cosmetology or electrology.

SECTION 2. That Section 54-5804, Idaho Code, be, and the same is hereby amended to read as follows:

54-5804. PROHIBITIONS REGARDING ESTABLISHMENTS -- EXCEPTIONS.

(1) It shall be unlawful:

(a) To practice any of the occupations licensed, certificated or registered under this chapter in a place or establishment that is not licensed or registered for such practice, except as specifically authorized by this chapter;

(b) For any establishment license holder to employ or allow to be employed in or about the licensed establishment a person who is not licensed or certificated under this chapter, unless the person is performing tasks that do not require a license or certificate; and

(c) Where a licensed establishment is located in a home or other building containing living quarters, to use the portions of the home or building that are used for the licensed practice as living, dining or sleeping quarters.

(2) The provisions of subsection (1) (a) of this section shall not apply

to:

(a) Licensees or certificants under this chapter who are performing licensed or certificated services for persons unable by reason of ill health, medical confinement or involuntary incarceration to go to a licensed establishment;

(b) A licensed electrologist practicing electrology or a licensed esthetician practicing esthetics under the supervision of a licensed chiropractor, dentist, medical doctor, nurse practitioner or podiatrist at a facility used by the supervising individual; ~~or~~

(c) A person licensed or certificated under this chapter to practice barbering, barber-styling, cosmetology, esthetics, ~~haireutting,~~ makeup artistry or nail technology provided that:

(i) The services provided outside a licensed establishment are limited to those authorized by board rule; and

(ii) The licensee or certificant and the facility or location where the services are provided must observe and comply with the inspection, safety and disinfection requirements established by board rule; or

(d) A person licensed or certificated under this chapter to practice barbering, barber-styling, cosmetology, esthetics, makeup artistry, or nail technology practicing on a charitable basis, provided that:

(i) The person shall not charge, and the public cannot be charged;

(ii) The person and the facility or location where the services are provided must observe and comply with the inspection, safety, and disinfection requirements established by board rule; and

(iii) Charitable work cannot exceed twelve (12) days in a year.

SECTION 3. That Section 54-5805, Idaho Code, be, and the same is hereby amended to read as follows:

54-5805. EXEMPTIONS FROM LICENSURE. The licensing, certification and registration provisions of this chapter shall not apply to the following:

(1) Persons authorized by the laws of this state to practice as a nurse or to practice any of the healing arts while in the proper discharge or delegation of their professional duties.

(2) Persons who provide on-site personal care or hygiene services including shaving, trimming of hair, beard or mustache, washing, brushing, or combing hair, and basic skin care and nail care to residents at facilities licensed under the department of health and welfare division of licensing and certification.

(3) Persons practicing in their own home without compensation who are not practicing on the public in general.

(4) Persons practicing on a relative without compensation.

(5) Persons whose practice is limited to the facial application of cosmetic products to customers in connection with the sale or attempted sale of cosmetic products on the premises of a retail cosmetics dealer without compensation from the customer other than the price of the products.

(6) Persons whose practice is limited to the demonstration of thermal styling equipment on customers in connection with the sale or attempted sale of thermal styling equipment on the premises of a registered thermal styling equipment dealer without compensation from the customer other than the price of the equipment.

(7) Currently enrolled students or actively registered apprentices practicing or demonstrating outside of a licensed school or establishment when that practice or demonstration is under the direct supervision of a licensed instructor. Members of the public may not be charged for any services performed by a student or an apprentice practicing pursuant to this subsection.

(8) Persons who are licensed or qualified through proper documentation to practice or teach barbering, barber-styling or cosmetology in a state, territory or possession of the United States or in a foreign country and whose practice and activities are limited to education or demonstration of no more than fourteen (14) consecutive days, provided that such persons shall observe and comply with sanitation requirements established by rule. Members of the public may not be charged for any services performed as part of the demonstration or education.

(9) ~~Persons who are licensed or qualified through proper documentation and in good standing to practice barber-styling and cosmetology services in another jurisdiction of the United States or in a foreign country and who are employed, participating in, or contracted to perform barber-styling or cosmetology services in the course of and incidental to the production of a theatrical or other visual arts production including, but not limited to, stage productions, television and motion pictures.~~

SECTION 4. That Section 54-5806, Idaho Code, be, and the same is hereby amended to read as follows:

54-5806. BOARD -- ORGANIZATION AND MEETINGS. (1) There is hereby established in the department of self-governing agencies, bureau of occupational licenses, the barber and cosmetology services licensing board.

(2) The board shall consist of seven (7) members, two (2) of whom shall be licensed cosmetologists, two (2) of whom shall be licensed barbers or barber-stylists, one (1) of whom shall be a licensed electrologist or esthetician, one (1) of whom shall be a currently active school representative and one (1) of whom shall be a member of the public ~~who has an interest in barber~~

~~and cosmetology services but~~ who does not hold a license issued under this chapter. All board members shall be residents of this state.

(3) Initial appointments to the board by the governor shall begin on July 1, 2018, and be for the following terms: two (2) members whose terms shall expire on July 1, 2019; two (2) members whose terms shall expire on July 1, 2020; and three (3) members whose terms shall expire on July 1, 2021.

(4) After their initial appointment, board members shall be appointed for a term of three (3) years by the governor. All board members shall serve at the pleasure of the governor.

(5) In the event of the death, resignation or removal of any board member before the expiration of the term to which the member is appointed, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(6) The board shall meet annually and at such times as deemed necessary and advisable by the chair of the board, by a majority of the board's members or by the governor. Four (4) members of the board shall constitute a quorum, provided at least one (1) board member of the relevant profession is present when any board action is taken that affects the profession, its licensees or its applicants. The board may act by virtue of a majority vote of members present in which a quorum is present.

(7) Members of the board shall be reimbursed for expenses as provided in section 59-509(n), Idaho Code.

SECTION 5. That Section 54-5807, Idaho Code, be, and the same is hereby amended to read as follows:

54-5807. POWERS OF THE BOARD. (1) The board shall have the power to:

(a) Receive applications for licensure, and certification, and registration, ~~determine the qualifications of persons applying for licensure, certification and registration applicants~~, provide licenses, certificates, and registrations to applicants qualified under the provisions of this chapter, and reinstate and deny licenses, certificates, and registrations;

(b) Establish fees by rule and collect fees as prescribed by this chapter;

(c) Maintain records necessary to carry out its duties under this chapter;

(d) Judge the qualifications and fitness of applicants for licenses, certificates and registrations;

(e) Examine for, deny, approve, issue, revoke and suspend licenses, certificates and registrations, or sanction or impose education, training or supervision on any licensee, certificiant or registrant pursuant to this chapter and conduct investigations in connection with such actions;

(f) Conduct hearings and proceedings in accordance with the provisions of chapter 52, title 67, Idaho Code;

(g) Establish requirements for reinstatement and renewal of licenses and registrations;

(h) Adopt and revise such rules as may be necessary to carry into effect the provisions of this chapter in compliance with chapter 52, title 67, Idaho Code, ~~including specific rules governing the disinfection and sanitation requirements for establishments and practice as provided by this chapter~~;

(i) Take such action as may be necessary to enforce the provisions of this chapter and to regulate the practice of occupations licensed, certificated and registered under this chapter;

(j) Approve relevant cosmetology education for barber and barber-styling licenses and approve relevant barber and barber-styling education for cosmetology licenses; provided that the total instruc-

tional hours required for a licensed cosmetologist to qualify for a barber or barber-styling license shall not exceed one hundred (100) hours, unless required by a national accrediting body; and

(k) Authorize, by written agreement, the bureau of occupational licenses as its agent to act in its interest and, at the board's discretion, contract with the bureau of occupational licenses for those services deemed necessary for the proper administration of this chapter.

(2) In any proceeding before the board authorized by this chapter, the board or its designee may administer oaths or affirmations to witnesses appearing before it, may subpoena witnesses and compel their attendance and also may require the production of books, papers, documents, electronically stored information and items at such proceedings. If any person shall refuse to obey any subpoena so issued or shall refuse to testify or comply with a request for production, the board may present its petition to a district judge to cause an order to be issued requiring such witness to appear before the board to testify and to produce such books, papers and other documents and items as directed in the subpoena. Any person failing or refusing to obey such order shall be punished for contempt of court.

~~(3) The board may recover the actual costs and fees, including attorney's fees, incurred by the board in the investigation and prosecution of a licensee, certificiant or registrant upon the finding of a violation of this chapter or of a rule adopted or an order issued by the board under this chapter.~~

~~(4) In a final order, the board may impose a civil penalty not to exceed one thousand dollars (\$1,000) for each violation by a licensee, certificiant or registrant of this chapter or of rules adopted by the board.~~

SECTION 6. That Section 54-5808, Idaho Code, be, and the same is hereby amended to read as follows:

54-5808. APPLICATIONS. Each applicant for a license, certificate or registration shall:

(1) Make application to the board on forms authorized and furnished by the board, such application to contain proof under oath by the applicant of the particular qualifications of the applicant;

~~(2) Furnish to the board a passport photograph of the applicant taken within the year preceding the filing of the application, together with a description of the applicant;~~

~~(3) Pay to the board the required fee; and~~

(4) Provide documentation and information to establish that the applicant meets the requirements for the license, certificate or registration sought.

SECTION 7. That Section 54-5810, Idaho Code, be, and the same is hereby amended to read as follows:

54-5810. QUALIFICATIONS FOR LICENSURE -- INSTRUCTORS -- APPRENTICES -- STUDENTS. (1) To qualify for licensure under this chapter, an applicant for licensure must:

(a) Be at least sixteen and one-half (16 1/2) years of age;

(b) Have completed at least two (2) years of high school or have attained an equivalent education as determined by the board;

~~(c) Be of good moral character~~ Pass an examination for the occupation in which the applicant is seeking licensure, which examination shall be conducted or approved by the board; and

~~(d) Pass an examination for the occupation in which the applicant is seeking licensure, which examination shall be conducted or approved by the board~~ Prove to the satisfaction of the board that the applicant has

not engaged in conduct that would constitute grounds for discipline under section 54-5823, Idaho Code.

(2) Except as otherwise provided, and in addition to the requirements listed in subsection (1) of this section, an applicant for licensure:

(a) As a barber, must have:

(i) Completed and graduated from a course of instruction of at least nine hundred (900) hours in a barber school approved by the board; or

(ii) Completed at least one thousand eight hundred (1,800) hours as an apprentice in an apprenticeship that covered all aspects of the practice of barbering;

(b) As a barber-stylist, must have:

(i) Completed and graduated from a course of instruction of at least one thousand five hundred (1,500) hours in a barber school approved by the board; or

(ii) Completed at least three thousand (3,000) hours as an apprentice in an apprenticeship that covered all aspects of the practice of barber-styling;

(c) As a cosmetologist, must have:

(i) Completed and graduated from a course of instruction of at least one thousand six hundred (1,600) hours in a cosmetology school approved by the board; or

(ii) Completed at least three thousand two hundred (3,200) hours as an apprentice in an apprenticeship that covered all aspects of the practice of cosmetology;

(d) As an electrologist, must have:

(i) Completed and graduated from a course of instruction of at least six hundred (600) hours in a school approved by the board; or

(ii) Completed at least one thousand two hundred (1,200) hours as an apprentice in a cosmetology establishment under the direct personal supervision of a licensed electrologist instructor. ~~Such establishment must have at least one (1) licensed electrologist on-site in accordance with board rules;~~

(e) As an esthetician, must have:

(i) Completed and graduated from a course of instruction of at least six hundred (600) hours in a school approved by the board; or

(ii) Completed at least one thousand two hundred (1,200) hours as an apprentice in a cosmetology establishment under the direct personal supervision of a licensed cosmetology instructor. Such establishment must have at least one (1) licensed esthetician on-site in accordance with board rules; and

~~(f) As a haircutter, must have completed and graduated from a course of instruction of at least nine hundred (900) hours in a school approved by the board;~~

~~(g) As a nail technician, must have:~~

~~(i) Completed and graduated from a course of instruction of at least four hundred (400) hours in a school approved by the board; or~~

~~(ii) Completed at least eight hundred (800) hours as an apprentice in a cosmetology establishment under the direct personal supervision of a licensed cosmetology instructor. Such establishment shall have at least one (1) licensed nail technician on-site in accordance with board rules.~~

(3) ~~To qualify as a barber instructor, an applicant must:~~

~~(a) Hold a current barber license;~~

~~(b) Pass an examination approved by the board; and~~

~~(c) Have at least five (5) years of experience as a licensed barber or have satisfactorily completed;~~

- ~~(i) A minimum six (6) month course of barber instructing as a student in a licensed barber school; or~~
 - ~~(ii) A minimum three (3) month course of barber instructing as a student in a licensed barber school, if the applicant has at least two (2) years of experience as a licensed barber.~~
 - ~~(4) To qualify as a barber-stylist instructor, an applicant must:~~
 - ~~(a) Hold a current barber-stylist license or a cosmetologist license;~~
 - ~~(b) Pass an examination approved by the board; and~~
 - ~~(c) Have at least five (5) years of experience as a licensed barber-stylist or have satisfactorily completed:~~
 - ~~(i) A minimum six (6) month course of barber-stylist instructing as a student in a licensed barber school; or~~
 - ~~(ii) A minimum three (3) month course of barber-stylist instructing as a student in a licensed barber school, if the applicant has at least two (2) years of experience as a licensed barber-stylist.~~
 - ~~(5) To qualify as an instructor of cosmetology, electrology, esthetics or nail technology, an applicant must:~~
 - ~~(a) Have completed twelve (12) college credit hours or an equivalent education as determined by the board or pass an examination required by board rules;~~
 - ~~(b) Hold a current license as a cosmetologist, electrologist, esthetician or nail technician; and~~
 - ~~(c) Have at least five (5) years of experience as a licensed cosmetologist, electrologist, esthetician or nail technician, which years of experience immediately precede the application for an instructor's license, or have satisfactorily completed:~~
 - ~~(i) A minimum six (6) month teacher's course of instruction in a school of cosmetology; or~~
 - ~~(ii) A minimum three (3) month teacher's course of instruction in a school of cosmetology, if the applicant has at least two (2) years of experience as a licensed cosmetologist, electrologist, esthetician or nail technician~~
- To qualify as an instructor of barbering, barber-styling, cosmetology, electrology, esthetics, or nail technology, an applicant must:
- (a) Hold a current license in the profession or closely related profession, as determined by the board, for which the applicant seeks to instruct;
 - (b) Have worked for at least five (5) of the last seven (7) years as a licensed barber, barber-stylist, cosmetologist, electrologist, esthetician, or nail technician, or have satisfactorily completed:
 - (i) A minimum six (6) month teacher's course of instruction in one (1) of the specialties described in this subsection; or
 - (ii) A minimum three (3) month teacher's course of instruction in a school of one (1) of the specialties described in this subsection, if the applicant has at least two (2) years of experience as a licensee in one (1) of the specialties described in this subsection; and
 - (c) Have completed twelve (12) college credit hours or equivalent education, as determined by the board, or pass an examination approved by the board.
- ~~(64) To be qualified to hold an apprenticeship for purposes of this chapter, a person must:~~
- ~~(a) Be at least sixteen and one-half (16 1/2) years of age; Meet the qualifications set forth in paragraphs (a), (b), and (d) of subsection (1) of this section; and~~
 - ~~(b) Have completed at least two (2) years of high school or have attained an equivalent education as determined by the board; and~~
 - ~~(c) Be registered as an apprentice with the board.~~

(75) To be considered a student for purposes of this chapter, a person must:

- (a) ~~Be at least sixteen and one-half (16 1/2) years of age; Meet the qualifications set forth in paragraphs (a) and (b) of subsection (1) of this section; and~~
- (b) ~~Have completed at least two (2) years of high school or have attained an equivalent education as determined by the board; and~~
- (c) Be registered as a student in a licensed barber school or cosmetology school.

SECTION 8. That Section 54-5811, Idaho Code, be, and the same is hereby amended to read as follows:

54-5811. CERTIFICATE FOR MAKEUP ARTIST. (1) The board shall issue a certificate to an applicant if the applicant:

- (a) Completes the application form for a certificate as required by the board;
- (b) Pays the fee as set by board rule;
- (c) Meets the qualifications set forth in section 54-5810(1)(a), (b), and (ed), Idaho Code; and
- (d) Successfully completes instruction approved by the board of at least one hundred (100) hours in the practice of makeup artistry, including safety and infection control.

(2) The board may set by rule the nature of the instruction, training, experience or other qualification in the practice of makeup artistry that may be credited toward the total hours of instruction required under subsection (1) of this section. Instruction may be received from, but not limited to, the following:

- (a) A cosmetology school licensed under this chapter or in another jurisdiction of the United States or in a foreign country; or
- (b) A retail cosmetics dealer licensed under this chapter or in another jurisdiction of the United States.

(3) The board may set by rule the number of hours that a certificated makeup artist may be credited toward the required hours for a course of instruction or apprenticeship in cosmetology or esthetics.

SECTION 9. That Section 54-5812, Idaho Code, be, and the same is hereby amended to read as follows:

54-5812. LICENSE FOR RETAIL COSMETICS DEALER. ~~(1)~~ The board shall issue a license to a retail cosmetics dealer if the dealer:

- (a~~1~~) Completes the application form for licensure as required by the board;
- (b~~2~~) Pays the license fee as required by section 54-5822, Idaho Code;
- (c~~3~~) Specifies a location within the retail cosmetics dealer's business premises as the area where the cosmetics will be sold; and
- (d~~4~~) Provides facilities and equipment in an area within the business premises to disinfect and store equipment and supplies necessary to perform any cosmetic application services provided. ~~The required facilities and equipment shall include:~~

- (i) ~~Hot and cold running water;~~
- (ii) ~~Disinfectants registered by the United States environmental protection agency as effective against staphylococcus aureus (including methicillin-resistant staphylococcus aureus), human immunodeficiency virus and hepatitis B. All disinfectants shall be mixed, changed and used according to the manufacturers' instructions for disinfection between customer application services;~~

- ~~(iii) Single-use samples, wipes, spatulas or other dispensing techniques designed to prevent contamination of the cosmetic product;~~
- ~~(iv) A first aid kit; and~~
- ~~(v) Restroom facilities.~~

~~(2) Upon approval of an application for license as set forth in subsection (1) of this section, the board may issue a limited license to allow the application of cosmetic products to customers' faces in connection with the sale or attempted sale of the products without compensation from the customer other than the price of the products.~~

~~(3) A license issued pursuant to this section does not entitle a business or any employee of such business to furnish any cosmetology services not specifically set forth in subsection (2) of this section as provided by board rule.~~

SECTION 10. That Section 54-5813, Idaho Code, be, and the same is hereby amended to read as follows:

54-5813. REGISTRATION FOR RETAIL THERMAL STYLING EQUIPMENT DEALER. The board shall issue a registration to a retail thermal styling equipment dealer if the dealer:

- (1) Completes the application forms for registration as required by the board;
 - (2) Pays the registration fee as set by board rule;
 - (3) Specifies a location where the thermal styling equipment will be sold;
 - (4) Limits any demonstration of thermal styling equipment to styling less than a substantial portion of the customer's hair;
 - (5) Trains its employees on the proper and safe use of the thermal styling equipment and all disinfection related to the demonstration of the equipment prior to an employee's use of the equipment on customers; and
 - (6) Provides equipment and supplies in the defined area of the retail dealer's location to properly disinfect and store equipment and supplies necessary to perform any demonstration of the thermal styling equipment.
- The required equipment and supplies shall include:

- ~~(a) Disinfectants registered by the United States environmental protection agency as effective against staphylococcus aureus (including methicillin-resistant staphylococcus aureus), human immunodeficiency virus and hepatitis B. All disinfectants shall be mixed, changed and used according to the manufacturers' instructions for disinfection between customer application services; and~~
- ~~(b) A first aid kit as provided by board rule.~~

SECTION 11. That Section 54-5814, Idaho Code, be, and the same is hereby amended to read as follows:

54-5814. FACILITY LICENSE FOR MAKEOVER OR GLAMOUR PHOTOGRAPHY BUSINESS. (1) The board shall issue a license to a makeover or glamour photography business that:

- (a) Completes the application form for licensure as required by the board;
- (b) Pays the license fee as required by ~~section 54-5822, Idaho Code~~ board rule;
- (c) Specifies a location within the business premises as the area where the cosmetology practices will take place; and

(d) Provides facilities and equipment in the specified area within the business premises to properly disinfect and store equipment and supplies necessary to perform any cosmetic application services as provided, including the arranging of hair by use of thermal styling equipment. The required facilities and equipment shall include:

- ~~(i) Hot and cold running water;~~
- ~~(ii) Disinfectants registered by the United States environmental protection agency as effective against staphylococcus aureus (including methicillin-resistant staphylococcus aureus), human immunodeficiency virus and hepatitis B. All disinfectants shall be mixed, changed and used according to the manufacturers' instructions for disinfection between customer application services;~~
- ~~(iii) Single-use applicators, wipes, spatulas or other dispensing techniques designed to prevent contamination of the cosmetic product;~~
- ~~(iv) A first aid kit; and~~
- ~~(v) Restroom facilities.~~

~~(2) Upon approval of an application for license as set forth in subsection (1) of this section, the board may issue a limited license for the practice of cosmetology, which license limits the business to the application of facial cosmetics incidental to the photographic service offered and which license includes the ability for the photographer or employee to arrange hair using combs, brushes, picks and thermal curling devices such as curling irons, crimpers or heated rollers by board rule.~~

~~(32) A license issued pursuant to this section does not entitle a business or any employee of such business to furnish any cosmetology services unless incidental to the providing of photographic services and does not entitle such an individual or business to furnish any cosmetology services not specifically set forth in subsection (2) of this section provided by board rule.~~

SECTION 12. That Section 54-5815, Idaho Code, be, and the same is hereby amended to read as follows:

54-5815. SCHOOL REQUIREMENTS. (1) Every barber school or cosmetology school located in this state must:

- (a) Be licensed under the provisions of this chapter;
- (b) Employ and maintain at least one (1) licensed barber instructor or barber-stylist instructor if a barber school and one (1) licensed cosmetology instructor if a cosmetology school. A school must employ and maintain a licensed instructor for every twenty (20) students or fraction thereof, with an instructor trainee counting as an instructor for purposes of the student-instructor ratio as long as there is a licensed instructor on the premises who is available during all school hours. An instructor at an approved a licensed school must be licensed in the state of Idaho as a barber an instructor, barber-stylist instructor or cosmetology instructor;
- (c) Possess sufficient apparatus and equipment for the proper and full teaching of all subjects of its curriculum;
- (d) Keep a daily attendance record for each student;
- (e) Maintain regular class and instruction hours, establish grades and hold monthly examinations;
- (f) Prescribe a school term for training in all aspects of the practice of barbering, barber-styling, cosmetology or electrology;
- (g) Provide applicable curricula on hygiene, bacteriology, and elementary chemistry relating to disinfection and antiseptics;
- (h) If a school of cosmetology, provide applicable curricula on subjects relating to cosmetology, nail technology, esthetics, electrology, instruction and haircutting as follows:

(i) The curriculum for cosmetology shall include ~~hygiene; bacteriology; histology of the hair, skin, muscles, nails and nerves; structure of the head, face and neck; elementary chemistry relating to disinfection and antiseptics; diseases of the skin, hair, glands and nails; massaging and manipulating the muscles of the body; permanent waving, haircutting and arranging, dressing, coloring, bleaching and tinting of the hair; a study of electricity as applied to cosmetology; and the Idaho laws and rules governing the practice of cosmetology;~~

(ii) The curriculum for nail technology shall include ~~hygiene; bacteriology; histology of the hands and feet, skin, muscles, nails and nerves; structure of the hands and feet; elementary chemistry relating to disinfection and antiseptics; diseases of the skin, glands and nails; massaging and manipulating the muscles of the hands and feet; a study of electricity as applied to nail technology; and the Idaho laws and rules governing the practice of nail technology;~~

(iii) The curriculum for esthetics shall include ~~hygiene; bacteriology; histology of the skin, muscles and nerves; structure of the head, face and neck; elementary chemistry relating to disinfection and antiseptics; diseases of the skin, glands and nails; massaging and manipulating the muscles of the body; a study of electricity as applied to esthetics; and the Idaho laws and rules governing the practice of esthetics;~~

(iv) The curriculum for electrology shall include ~~hygiene; bacteriology; histology of the hair, skin, muscles, nails and nerves; structure of the body; elementary chemistry relating to disinfection and antiseptics; diseases of the skin, hair, glands and nails; hypertrichosis; permanent removal of unwanted hair; a study of electricity as applied to electrology, including the use and study of galvanic current and the use and study of both automatic and manual high-frequency current; and the Idaho laws and rules governing the practice of electrology; and~~

(v) The curriculum for instructors shall include fundamentals of adult education; communication; preparation of lesson plans; practical and theoretical presentation and demonstration; use of teaching aids; measurement and evaluation; and the Idaho laws and rules governing cosmetology and electrology, in addition to teaching the occupations defined in section 54-5802, Idaho Code; and

~~(vi) The curriculum for haircutting shall include hygiene; bacteriology; histology of the hair, skin, muscles and nerves; structure of the head and neck; elementary chemistry relating to disinfection and antiseptics; diseases of the skin, hair and glands; massaging and manipulating of the muscles of the head and neck; haircutting and arranging hair; the study of electricity as applied to haircutting; and the Idaho laws and rules governing the practice of haircutting;~~

(hi) If a school of barbering, provide applicable curricula on subjects relating to barbering and barber-styling as follows:

(i) The curriculum for barbers shall include ~~hygiene; bacteriology; histology of the hair, skin, nails, muscles and nerves; structure of the head, face and neck; elementary chemistry relating to disinfection and antiseptics; diseases of the skin, hair, glands and nails; massaging and manipulating the muscles of the upper body; haircutting; shaving; arranging and dressing the hair; and the Idaho laws and rules governing the practice of barbering; and~~

(ii) The curriculum for barber-stylists shall include ~~hygiene;~~ ~~baacteriology;~~ histology of the hair, skin, nails, muscles and nerves; structure of the head, face and neck; ~~elementary chemistry relating to disinfection and antiseptics;~~ diseases of the skin, hair, glands and nails; massaging and manipulating the muscles of the upper body; haircutting; shaving; arranging, dressing, curling, waving, straightening, coloring, bleaching and tinting of the hair; and the Idaho laws and rules governing the practice of barber-styling;

(ij) Denote with clarity that the establishment is a school and that work is done by students. Such facts shall be made clear to patrons of the school by signs conspicuously posted in the school and the adjoining shop, if any. Students shall not be permitted to render any chemical service to a live human until such student has completed at least five percent (5%) of the required instruction;

(jk) Employ instructors who are licensed instructors in this state;

(kl) Not permit any student or apprentice to receive instruction unless the school is licensed under the provisions of this chapter;

(lm) Require instructors to devote their time during school or class hours to instructing students rather than to engaging in occupational practice; and

(mn) Offer school hours for the purpose of instruction on at least five (5) days per week.

(2) ~~A person receiving cosmetology training in an establishment not meeting the requirements for schools as herein set forth shall receive credit for said training as an apprentice rather than as a student, provided said training meets the requirements for apprentice training.~~

~~(3) Training received in electrology, esthetics, or nail technology in a school shall not be recognized unless the school has been approved for such training by the board and the school meets and maintains the requirements to train electrologists, estheticians, and nail technicians as established by board rules.~~

~~(4) Training received in esthetics in a school shall not be recognized unless the school has been approved for such training by the board and the school meets and maintains the requirements to train estheticians as established by board rules.~~

~~(5) Training received in nail technology in a school shall not be recognized unless the school has been approved for such training by the board and the school meets and maintains the requirements to train nail technicians as established by board rules.~~

~~(6) Training received in haircutting in a school shall not be recognized unless the school has been approved for such training by the board and the school meets and maintains the requirements to train haircutters as established by board rules.~~

(73) Every school approved by the board shall deliver to the board a bond to the state of Idaho in the sum of twenty thousand dollars (\$20,000) and shall renew the same bond annually, conditioned that such school shall continue to give its courses of instruction in accordance with the provisions of this chapter until it has completed all such courses for which students have enrolled and further conditioned that such school shall fully comply with all promises or representations made to enrolled students as an inducement to such students to enroll. The bond must be in a form approved by the board and must be executed by a corporate surety company duly authorized to do business in this state. Any student so enrolled who may be damaged by reason of the failure of such school to comply with such conditions shall have a right of action in the student's own name on such bonds for such damage.

SECTION 13. That Section 54-5816, Idaho Code, be, and the same is hereby amended to read as follows:

54-5816. ENDORSEMENT LICENSURE. (1) The board, upon application and the payment of the required fee, may issue a license, certificate or registration by endorsement, without examination, to a person who ~~is at least eighteen (18) years of age and of good moral character who has completed two (2) years of high school or an equivalent education as determined by the board, who meets the qualifications set forth in section 54-5810 (1) (a), (b), and (d), Idaho Code, who~~ holds a certificate of qualification or a license issued to that person by the proper authority of any state, territory or possession of the United States or of a foreign country, and who either:

(a) Provides official documentation that the requirements for licensure or certification under which the license or certificate was issued are of a standard not lower than those specified in this chapter; or

(b) Provides official documentation that said person has practiced the pursuit for which licensure is requested for at least one (1) year of the last three (3) years immediately prior to such application.

(2) The board or its agent shall evaluate each application for license or certificate by endorsement.

SECTION 14. That Section 54-5817, Idaho Code, be, and the same is hereby amended to read as follows:

54-5817. ~~PRACTICE OF BARBERING, BARBER-STYLING, OR COSMETOLOGY APPRENTICE APPRENTICESHIPS.~~ No barber, barber-stylist, or cosmetology apprentice may practice independently. A barber, barber-stylist, or cosmetology An apprentice may perform any and all acts necessary for professional training within the scope of this chapter when such acts are performed in compliance with board rule, including immediate personal supervision of the apprentice by a licensed instructor. ~~Barber or cosmetology e~~Establishments employing apprentices shall keep a daily work record of the attendance of such apprentices and shall, upon the termination of such apprenticeship, certify to the board the total number of hours worked and the types of instruction given to the apprentice. All apprenticeships must be completed within three (3) years from the time of commencement, unless an extension is approved by the board for good cause. The specific time allowed for each apprenticeship shall be set by board rule.

SECTION 15. That Section 54-5818, Idaho Code, be, and the same is hereby amended to read as follows:

54-5818. ESTABLISHMENTS -- INSPECTION RULES. Inspections for the purpose of enforcing the provisions of this chapter shall be made by the board. The board shall have authority to prescribe safety, disinfection and sanitary requirements for barber and cosmetology establishments, retail cosmetics dealers, retail thermal styling equipment dealers and barber and cosmetology schools as such requirements apply to the nature of the work performed. The officers of the board or its agents shall have authority to enter and inspect at any time during business hours any barber or cosmetology establishment, retail cosmetics dealer, retail thermal styling equipment dealer, barber or cosmetology school or other location where barber-styling or cosmetology services are being provided. A copy of the rules adopted by the board shall be furnished made available upon request by the board to the owner or manager of each establishment, retail cosmetics dealer, retail thermal styling equipment dealer, or school.

SECTION 16. That Section 54-5821, Idaho Code, be, and the same is hereby amended to read as follows:

54-5821. RENEWAL AND REINSTATEMENT OF LICENSE, AND REGISTRATION, AND CERTIFICATES. All licenses, ~~or~~ registrations, ~~or~~ certificates issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal and fees. License, ~~or~~ registration, ~~or~~ certificate renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code.

SECTION 17. That Section 54-5822, Idaho Code, be, and the same is hereby amended to read as follows:

54-5822. FEES. (1) Any fee required pursuant to this chapter, including fees for original licenses, certificates, registrations, permits, annual renewals, and licenses, certificates, and registrations by endorsement, shall be set by board rule in amounts not to exceed the following:

~~(a) Fifty dollars (\$50.00) for:~~

~~(i) An original license, certificate or registration for an establishment, a retail cosmetics dealer, a retail thermal styling equipment dealer, a makeover or glamour photography business, a barber, a barber-stylist, a cosmetologist, a nail technician, an instructor, an electrologist, an esthetician, a makeup artist or a haircutter; and~~

~~(ii) Renewal of a license or registration for an establishment, a retail cosmetics dealer, a retail thermal styling equipment dealer, a makeover or glamour photography business, a barber, a barber-stylist, a cosmetologist, a nail technician, an instructor, an electrologist, an esthetician or a haircutter;~~

~~(b) One hundred dollars (\$100) for a license, certificate or registration by endorsement;~~

~~(c) Five hundred dollars (\$500) for an original license for a barber school or a cosmetology school;~~

~~(d) One hundred fifty dollars (\$150) for renewal of a license for a barber school or a cosmetology school; and~~

~~(e) Twenty dollars (\$20.00) for an apprentice permit (no renewal fee is required).~~

~~(2) The fee for an examination, when required, shall be equal to the fee charged by the national examining entity.~~

~~(3) Fees shall not be prorated or returnable.~~

~~(4) All fees received by the board under the provisions of this chapter shall be nonrefundable, except as provided by board rule, and shall be deposited in the state treasury to the credit of the occupational license account in the dedicated fund, and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from the account for such purposes. The fees collected under this chapter shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding.~~

Approved March 18, 2020

CHAPTER 183
(H.B. No. 491)

AN ACT

RELATING TO AMBULANCE SERVICE AND COOPERATIVE AGREEMENTS; AMENDING SECTION 31-1430, IDAHO CODE, TO PROVIDE FOR INTRA-AGENCY AGREEMENTS BETWEEN FIRE PROTECTION DISTRICTS AND AMBULANCE SERVICE DISTRICTS AND COUNTIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3906, IDAHO CODE, TO PROVIDE FOR COOPERATIVE AGREEMENTS BETWEEN COUNTIES AND FIRE PROTECTION DISTRICTS FOR AMBULANCE SERVICE; AND AMENDING SECTION 31-3908, IDAHO CODE, TO PROVIDE THAT AN AMBULANCE SERVICE DISTRICT MAY ENTER INTO COOPERATIVE AGREEMENTS WITH COUNTIES AND FIRE PROTECTION DISTRICTS FOR THE PURPOSE OF INCREASING EFFICIENCY AND IMPROVING EMERGENCY MEDICAL SERVICES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 31-1430, Idaho Code, be, and the same is hereby amended to read as follows:

31-1430. COOPERATION AND RECIPROCATING USE OF FIREFIGHTING FORCES AND APPARATUS OF DISTRICTS AND CITIES. (1) Fire protection 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, including but not limited to counties, ambulance service districts, and municipalities in Idaho, and in other states, for the purposes of protecting life and property against loss by fire, protecting life, and for all other purposes of this chapter.

(2) Any fire protection district or city fire department extinguishing a fire or responding to a call for emergency assistance to persons or property not situated within the taxing authority of the fire district or city fire department, is authorized to charge a reasonable fee for the services provided and shall have a lien upon property serviced, which lien shall be filed of record against the property in the name of the district or city in the time and manner provided by section 45-507, Idaho Code, for liens of original contractors. Fire districts and cities are also authorized to charge reasonable fees for services provided to residents located within the fire district or city in accordance with the requirements and procedures contained in sections 63-1311 and 63-1311A, Idaho Code, and shall have a lien upon the property serviced as provided in this section.

SECTION 2. 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 AGREEMENTS. The board of county commissioners of any county wherein such ambulance service has been established is authorized in its discretion and under such terms and conditions as it deems appropriate to enter into a cooperative agreement with adjacent counties or fire protection districts 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 and fire protection districts, as determined by their respective boards of county commissioners.

SECTION 3. That Section 31-3908, Idaho Code, be, and the same is hereby amended to read as follows:

31-3908. AMBULANCE DISTRICT AUTHORIZED. (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_{7i};

(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)_{7i}; and

(iii) The service provided by the district is an advanced life support paramedic unit_{7i};

the board of county commissioners may submit to the electors within the district the question of whether the levy authorized in 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) The board of county commissioners is authorized by resolution to enter into cooperative agreements with other adjoining counties, adjoining fire protection districts, or other adjoining political subdivisions in Idaho or in other states in order to pool resources and increase efficiency and improve emergency medical services.

(7) 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.

CHAPTER 184
(H.B. No. 569)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2021; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS FOR FISCAL YEAR 2021; PROVIDING REQUIREMENTS FOR UTILIZATION OF MATCHING FUNDS; PROVIDING REQUIREMENTS REGARDING REALLOCATION OF PROJECT SAVINGS; AND PROVIDING FOR REPURPOSING OF AN APPROPRIATION.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Division of Public Works \$46,528,800 to be expended for capital outlay from the Permanent Building Fund for the period July 1, 2020, through June 30, 2021.

SECTION 2. ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS. Moneys appropriated in Section 1 of this act, or so much thereof as in each case may be necessary, shall be used for the purpose of paying the cost of any land, building, or equipment, or for the rebuilding, renovation, or repair of buildings, installations, facilities, or structures at the places, institutions, and agencies, or their successors, including those listed in this section. The Permanent Building Fund Advisory Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund for the purpose of undertaking the construction, renovation, repair, and acquisitions therein authorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

MAINTENANCE PROJECTS IN THE FOLLOWING AREAS:

Alteration and Repair Projects	\$33,817,400
Asbestos Abatement	500,000
Statewide Americans with Disabilities Act Compliance	1,300,000
Capitol Mall Maintenance	<u>1,307,400</u>
TOTAL	\$36,924,800

CAPITAL PROJECTS:

LCSC CTE Building	\$2,500,000
CSI Canyon Building Phase II	2,289,000
IDJC Gym/CTE Building JCCN	3,330,000
Public Safety - Blackfoot Communications Site	315,000
Veterans Services - Blackfoot Cemetery Projects	<u>1,170,000</u>
TOTAL	\$9,604,000

GRAND TOTAL	\$46,528,800
-------------	--------------

SECTION 3. UTILIZATION OF MATCHING FUNDS. Moneys appropriated in this act may be made available for matching any allocation of moneys now in existence or hereafter made available by agencies of the United States and/or private donations; and the Division of Public Works is authorized to expend, for the purpose of paying the cost of any land, building, or equipment, or for the rebuilding, renovation, or repair of buildings, moneys appropriated for public works to various agencies as part of the respective agency operating budgets, provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such moneys in each instance.

SECTION 4. REALLOCATION OF PROJECT SAVINGS. The Division of Public Works may have the flexibility to allocate any savings or unused appropriation from any project to any other requested and funded project. The reallocation of such appropriation must be approved by the Permanent Building Fund Advisory Council prior to the funds being spent.

SECTION 5. REPURPOSING OF APPROPRIATION. Notwithstanding the provisions of Section 2, Chapter 302, Laws of 2018, and any other provision of law to the contrary, of the \$10,000,000 appropriated to the Department of Administration for the Division of Public Works from the Permanent Building Fund for the College of Western Idaho's Nampa Health Science Building, \$1,200,000 may be used for the College of Eastern Idaho Future Tech Building.

Approved March 18, 2020

CHAPTER 185
(H.B. No. 570)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE BOND PAYMENTS PROGRAM FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE BOND PAYMENTS PROGRAM FOR FISCAL YEAR 2021.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Bond Payments Program 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 OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:			
General			
Fund	\$2,075,000	\$1,855,000	\$3,930,000
Permanent Building			
Fund	8,383,200	6,790,800	15,174,000
Administration and Accounting Services			
Fund	<u>293,000</u>	<u>380,000</u>	<u>673,000</u>
TOTAL	\$10,751,200	\$9,025,800	\$19,777,000

Approved March 18, 2020

CHAPTER 186
(H.B. No. 571)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2021; APPROPRIATING MON- EYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COM- MISSION FOR FISCAL YEAR 2021; PROVIDING FOR A CASH TRANSFER; AND PROVID- ING REAPPROPRIATION AUTHORITY.

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

SECTION 1. There is hereby appropriated to the Department of Adminis- tration for the Idaho State Capitol 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 OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:			
Capitol Commission Operating			
Fund	\$142,000		\$142,000
Capitol Maintenance Reserve			
Fund	<u>0</u>	<u>\$2,200,000</u>	<u>2,200,000</u>
TOTAL	\$142,000	\$2,200,000	\$2,342,000

SECTION 2. CASH TRANSFER. There is hereby appropriated to the Depart- ment of Administration for the Idaho State Capitol Commission and the State Controller shall transfer \$250,000 from the Capitol Maintenance Reserve Fund to the Capitol Commission Operating Fund on July 1, 2020, or as soon thereafter as practicable, for the period July 1, 2020, through June 30, 2021.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Administration for the Idaho State Capitol Commission any unexpended and unencumbered balances appropriated to the Department of Administration for the Idaho State Capitol Commission from the Capitol Com- mission Operating Fund for fiscal year 2020 to be used for nonrecurring ex- penditures for the period July 1, 2020, through June 30, 2021. The State Con- troller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

Approved March 18, 2020

CHAPTER 187
(H.B. No. 572)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2021; AND EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS FOR THE POSTSECONDARY PROGRAM.

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

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

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. STATE LEADERSHIP & TECHNICAL ASSISTANCE:					
FROM:					
General					
Fund	\$2,693,000	\$365,900			\$3,058,900
Federal Grant					
Fund	<u>252,500</u>	<u>55,000</u>			<u>307,500</u>
TOTAL	\$2,945,500	\$420,900			\$3,366,400
II. GENERAL PROGRAMS:					
FROM:					
General					
Fund		\$695,000		\$14,282,300	\$14,977,300
Hazardous Materials/Waste Enforcement					
Fund				67,800	67,800
Miscellaneous Revenue					
Fund				15,000	15,000
Federal Grant					
Fund	<u>\$454,300</u>	<u>294,800</u>		<u>6,358,900</u>	<u>7,108,000</u>
TOTAL	\$454,300	\$989,800		\$20,724,000	\$22,168,100
III. POSTSECONDARY PROGRAMS:					
FROM:					
General					
Fund	\$42,651,300	\$3,703,700	\$215,000		\$46,570,000
IV. DEDICATED PROGRAMS:					
FROM:					
General					
Fund				\$1,794,100	\$1,794,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Displaced Homemaker					
Fund				<u>170,000</u>	<u>170,000</u>
TOTAL				\$1,964,100	\$1,964,100
V. RELATED SERVICES:					
FROM:					
General					
Fund	\$91,400	\$5,600		\$1,069,100	\$1,166,100
Miscellaneous Revenue					
Fund		300,000			300,000
Federal Grant					
Fund	<u>54,000</u>	<u>117,800</u>		<u>2,174,000</u>	<u>2,345,800</u>
TOTAL	\$145,400	\$423,400		\$3,243,100	\$3,811,900
GRAND TOTAL	\$46,196,500	\$5,537,800	\$215,000	\$25,931,200	\$77,880,500

SECTION 2. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS. Postsecondary Programs within the Division of Career Technical Education is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated to it for the period July 1, 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 188
(H.B. No. 573)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2020; REDUCING THE APPROPRIATION TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2020; AND DECLARING AN EMERGENCY.

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the appropriation made to the Division of Career Technical Education for the General Programs Program in Section 1, Chapter 230, Laws of 2019, from the General Fund is hereby reduced by \$264,800 for trustee and benefit payments for the period July 1, 2019, through June 30, 2020, for the purpose of secondary added cost funding.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 230, Laws of 2019, and any other appropriation provided by law, there is hereby appropriated to the Division of Career Technical Education for the General Programs Program \$264,800 from the General Fund to be expended for trustee and benefit payments for the period July 1, 2019, through June 30, 2020, for the purpose of teacher education.

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 18, 2020

CHAPTER 189
(H.B. No. 579)

AN ACT

RELATING TO THE APPROPRIATION TO IDAHO PUBLIC TELEVISION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO IDAHO PUBLIC TELEVISION 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 Idaho Public Television 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	\$1,584,300	\$1,094,000	\$2,678,300
Miscellaneous Revenue			
Fund	3,622,800	2,432,000	6,054,800
Federal Grant			
Fund	<u>14,000</u>	<u>36,000</u>	<u>50,000</u>
TOTAL	\$5,221,100	\$3,562,000	\$8,783,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, Idaho Public Television is authorized no more than sixty-nine and forty-eight hundredths (69.48) 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 190
(H.B. No. 580)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE COMMISSION ON HISPANIC AFFAIRS 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 Hispanic Affairs 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	\$162,100	\$86,400	\$248,500
Miscellaneous Revenue			
Fund	<u>60,500</u>	<u>86,100</u>	<u>146,600</u>
TOTAL	\$222,600	\$172,500	\$395,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on Hispanic Affairs is authorized no more than three (3.00) 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 191
(H.B. No. 596)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION ON AGING FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE COMMISSION ON AGING 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 Aging 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	\$540,800	\$80,600	\$3,897,600	\$4,519,000
Federal Grant				
Fund	<u>717,700</u>	<u>501,200</u>	<u>8,021,900</u>	<u>9,240,800</u>
TOTAL	\$1,258,500	\$581,800	\$11,919,500	\$13,759,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on Aging is authorized no more than thirteen (13.00) 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 192
(H.B. No. 604)

AN ACT

RELATING TO THE APPROPRIATION TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AMENDING SECTION 72-503, IDAHO CODE, TO INCREASE THE SALARIES OF THE INDUSTRIAL COMMISSIONERS; AND REQUIRING REPORTS REGARDING BUSINESS AND TECHNOLOGY MODERNIZATION.

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

SECTION 1. There is hereby appropriated to the Industrial Commission the following amounts to be expended 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. COMPENSATION:					
FROM:					
Industrial Administration					
Fund	\$5,492,900	\$4,948,300	\$72,000	\$1,355,600	\$11,868,800
Peace Officer and Detention Officer Temporary Disability					
Fund	8,700	3,800		156,100	168,600
Miscellaneous Revenue					
Fund	<u>0</u>	<u>45,000</u>	<u>0</u>	<u>0</u>	<u>45,000</u>
TOTAL	\$5,501,600	\$4,997,100	\$72,000	\$1,511,700	\$12,082,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. REHABILITATION:					
FROM:					
Industrial Administration					
Fund	\$3,555,600	\$658,100	\$129,100		\$4,342,800
III. CRIME VICTIMS COMPENSATION:					
FROM:					
General					
Fund				\$294,000	\$294,000
Crime Victims Compensation					
Fund	\$865,900	\$659,500		2,000,000	3,525,400
Federal Grant					
Fund	<u>0</u>	<u>0</u>		<u>1,200,000</u>	<u>1,200,000</u>
TOTAL	\$865,900	\$659,500		\$3,494,000	\$5,019,400
GRAND TOTAL	\$9,923,100	\$6,314,700	\$201,100	\$5,005,700	\$21,444,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Industrial Commission is authorized no more than one hundred thirty-three and twenty-five hundredths (133.25) 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. That Section 72-503, Idaho Code, be, and the same is hereby amended to read as follows:

72-503. SALARY. Commencing July 1, 2019~~20~~, the annual salary of each member of the industrial commission shall be one hundred ~~seven~~ nine thousand ~~one~~ two hundred ~~forty-one~~ eighty-four dollars (~~\$107,141~~109,284). Industrial commissioner salaries shall be paid from sources set by the legislature. Each member of the industrial commission shall devote full time to the performance of his duties.

SECTION 4. BUSINESS AND TECHNOLOGY MODERNIZATION. In accordance with Section 1, Article VIII, of the Constitution of the state of Idaho, of the amount appropriated in Section 1 of this act, \$3,000,000 from the Industrial Administration Fund is the first of multiple onetime appropriations for the commission's business and technology modernization, subject to the availability of funds and satisfactory project implementation. On or before September 1 of each year, the commission shall report to the Legislature regarding the specific efforts made to upgrade its business applications, the outcomes of those efforts, and an estimate of the appropriation amount needed to continue those efforts.

Approved March 18, 2020