

GENERAL LAWS
OF THE
STATE OF IDAHO



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SIXTY-FIFTH IDAHO LEGISLATURE

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Volume 2

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

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

CHAPTER 179
(H.B. No. 167)

AN ACT

RELATING TO WEIGHT, SPEED AND TIRE REGULATIONS; AMENDING SECTION 49-1004, IDAHO CODE, TO REVISE TERMINOLOGY REGARDING THE DEPARTMENT AND LOCAL AUTHORITIES AND TO ESTABLISH THAT DESIGNATED ROUTES SHALL BE PUBLISHED ON A MAP RATHER THAN LISTED IN IDAHO CODE.

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

SECTION 1. That Section 49-1004, Idaho Code, be, and the same is hereby amended to read as follows:

49-1004. PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS -- SPECIAL ROUTES AND ANNUAL PERMITS. (1) Upon application in writing to the board department or ~~other proper local~~ local authorities in charge of or having jurisdiction over a highway, the board department or local authorities may in their discretion issue a special permit to the owner or operator of any vehicle allowing vehicles or loads having a greater weight or size than permitted by law to be moved or carried over and on the highways and bridges.

(a) Special permits shall be in either hard copy or digital format and may limit the time of use and operation over the particular highways and bridges which may be traversed and may contain any special conditions and require any undertaking or other security as the board department or ~~other proper local~~ local authority shall deem to be necessary to protect the highways and bridges from injury, or provide indemnity for any injury to highways and bridges or to persons or property resulting from such operation.

(b) The owner or operator of an overweight or oversize vehicle shall obtain a permit or shall establish intent to obtain a permit by contacting a permit office and receiving a permit number before moving the vehicle on the highways.

(c) All special permits or evidence of intent to obtain a permit, whether in hard copy or digital format, shall be carried in the vehicles to which they refer and shall upon demand be delivered for inspection to any peace officer, authorized agent of the board or local authority, or any officer or employee charged with the care or protection of the highways.

(2) Nonreducible vehicles or combinations of vehicles hauling nonreducible loads at weights in excess of those set forth in section 49-1001, Idaho Code, shall pay fees as set forth in this subsection. Such fees are based on the number of axles on the vehicle or combination of vehicles and the total gross weight.

	Column 1	Column 2
	Gross weight of vehicle and load in	Gross weight of vehicle and load in
Number of axles	pounds	pounds
2	40,001	-
3	54,001	-
4	68,001	-
5	80,001	131,001
6	97,001	148,001
7	114,001	165,001

(a) To determine the maximum allowable permit fee for vehicles with more than seven (7) axles, the table can be extended by adding seventeen thousand (17,000) pounds to the last listed weight in both columns 1 and 2 for each added axle.

(b) Permit fees for column 1 shall start at four cents (4¢) per mile and increase four cents (4¢) per mile for each additional two thousand (2,000) pound increment up to the weight indicated in column 2. Permit fees for column 2 shall start at one dollar and two cents (\$1.02) per mile and increase seven cents (7¢) per mile for each additional two thousand (2,000) pound increment.

(c) Vehicles operating at weights less than the starting weights per axle configuration listed in column 1 shall be charged four cents (4¢) per mile.

(d) For vehicles operating with axles wider than eight (8) feet six (6) inches or axles with more than four (4) tires per axle, the fee may be reduced by the board or other proper authority having jurisdiction over a highway.

(3) It shall be unlawful for any person to violate, or to cause or permit to be violated, the limitations or conditions of special permits, and any violation shall be deemed for all purposes to be a violation of the provisions of this chapter.

(4) An annual special route permit authorizing travel on designated routes shall be issued by the board department or may, in its discretion, be issued by a local public highway agency authority for operation of vehicles with a legal maximum gross weight of at least one hundred five thousand five hundred one (105,501) pounds but not exceeding one hundred twenty-nine thousand (129,000) pounds. Such routes on nonstate and noninterstate highways shall be determined by the local highway agency authority for those roads under its jurisdiction. No local public highway agency shall approve a route which provides a thoroughfare for interstate carriers to pass through the state. State routes designated by the legislature department and local authorities shall be identified on a map entitled "Designated Routes up to 129K." are:

~~(a) US-20 Montana border to its junction with SH-33; SH-33 to its junction with US-20; US-20 to its junction with US-93; US-93 to its junction with SH-25; SH-25 to its junction with SH-50; SH-50 to its junction with US-30; US-30 to its junction with SH-74; SH-74 to its junction with US-93; US-93 to the Nevada border.~~

~~(b) US-91 from its junction with SH-34 to the Utah border.~~

~~(c) US-30 from its junction with I-15 to the Wyoming border.~~

~~(d) US-95 south from milepost 66 (Fruitland) to its junction with SH-55.~~

~~(e) SH-19 from its junction with US-95 (Wilder) to its junction with I-84B (Caldwell).~~

~~(f) SH-78 from its junction with SH-55 (Marsing) to its junction with SH-51; SH-51 to its junction with SH-78; SH-78 to its junction with I-84B (Hammett).~~

~~(g) SH-67 from its junction with SH-51 (Mountain Home) to its junction with SH-78 (Grandview).~~

~~(h) SH-55 from intersection with Farmway Road to junction with US-95.~~

~~(i) SH-25 from its junction with SH-24 to its junction with SH-27 (Paul).~~

~~(j) SH-25 from its junction with US-93 to milepost 27 (Hazelton).~~

~~(k) SH-24 from intersection with US-93 to its intersection with SH-25.~~

~~(l) US-20 from its intersection with New Sweden Road to its junction with SH-22/33.~~

~~(m) SH-34 from milepost 78 to the junction with US-91.~~

~~(n) US-26 from its junction with US-91 north to its intersection with Gallatin/West 23rd Street in Idaho Falls.~~

- ~~(o) US-91 from the intersection with Canyon Road to the junction with US-26.~~
- ~~(p) SH-22 from its junction with I-15 northbound ramps (Dubois) to its junction with SH-33.~~
- ~~(q) SH-45 from its junction with SH-78 to its junction with I-84 business loop; I-84 business loop to its junction with exit 35 (Nampa Boulevard/Northside Boulevard).~~
- ~~(r) SH-87 from Montana border to junction with US-20.~~
- ~~(s) SH-33 from its junction with SH-31 (Victor) to its junction with SH-33 spur; SH-33 spur to its junction with US-20.~~
- ~~(t) SH-28 from junction with SH-22 to junction with SH-33.~~
- ~~(u) SH-38 from milepost 0.689 to milepost 1.318 at Malad.~~
- ~~(v) SH-27 from its junction with SH-25 (Paul) to its junction with I-84B (Burley); I-84B to its junction with SH-27; SH-27 to milepost 0 (Oakley).~~
- ~~(w) SH-81 from its junction with SH-77 (Malta) to its junction with US-30 (Burley).~~
- ~~(x) US-30 from junction with SH-81 at Burley to junction with SH-50 at Kimberly.~~
- ~~(y) US-93 spur from junction with US-30 to junction with US-93 at Twin Falls.~~
- ~~(z) US-93 from junction with US-93 spur to junction with US-30 at Twin Falls.~~
- ~~(aa) US-30 from junction with SH-74 at Twin Falls to junction with I-84 business loop at Bliss.~~
- ~~(bb) US-26 from its junction with SH-75 (Shoshone) to its junction with I-84 exit 141 westbound ramps (Bliss); I-84 business loop from its junction with I-84 exit 141 westbound ramps to its junction with US-30 (Bliss).~~
- ~~(cc) SH-46 spur from its junction with SH-46 (Wendell) to its junction with I-84 exit 155 eastbound ramps.~~
- ~~(dd) SH-46 from its junction with US-20 to its junction with I-84 exit 157 eastbound ramps (Wendell).~~
- ~~(ee) US-20 from junction with US-93 at Carey to junction with I-84 business loop at interchange 95; I-84 business loop from interchange 95 to junction with SH-51; SH-51 to junction with SH-67.~~
- ~~(ff) SH-51 from junction with SH-67 to junction with SH-78.~~
- ~~(gg) SH-44 from its junction with SH-55 (Eagle) to its junction with I-84 exit 25 eastbound ramps.~~
- ~~(hh) US-20/26 from its junction with US-95 (Parma) to its junction with I-84 exit 26 westbound ramps.~~
- ~~(ii) US-20 from junction with US-33 at Sugar City south to junction with US-20 business loop/Holmes Avenue; US-20 business loop/Holmes Avenue south to junction with US-26/Yellowstone; US-26 from intersection with US-20 business loop/Holmes Avenue south to Callatin.~~

~~Additions or deletions to the approved state routes specified in this subsection shall be made only with the approval of the state legislature.~~

(5) ~~An annual administrative permit fee for operating on designated routes at the weights specified in subsection (4) of this section shall be set by the board department for travel on state routes and by the local public highway agency for travel on routes under its jurisdiction, but not to exceed a maximum of fifty dollars (\$50.00) per vehicle. The annual administrative permit fee shall cover administrative costs. Local public highway agencies authorities are authorized to issue special permits and such permits shall be in either hard copy or digital format. Administrative permit fees for permits issued by a local public highway agency authority shall be retained by the local public highway agency authority to cover administrative costs, and administrative permit fees for permits issued by the department shall be retained by the department to cover administrative costs. In addition to~~

the annual administrative permit fee and the appropriate registration fee for weights up to one hundred five thousand five hundred (105,500) pounds, the appropriate vehicle registration fees for weights over one hundred five thousand five hundred (105,500) pounds shall be calculated and collected in accordance with the fee schedules set forth in section 49-432 or 49-434, Idaho Code.

(6) (a) In any action or proceeding brought for the purpose of setting aside a special permit issued pursuant to this section, in which any party seeks a stay or seeks a temporary restraining order or preliminary injunction against the department, ~~other appropriate~~ local authority, the state of Idaho or any party requesting the permit, the court may require bond as provided in rule 65(c) of the Idaho rules of civil procedure, in an amount not to exceed ten percent (10%) of the shipper's or transporter's insured value of the product or material to be transported under the provisions of the permit. If any attorney's fees and/or costs are awarded to the department or other state actor, such bond may be used to satisfy that award and all awarded amounts shall be paid to the state highway account established in section 40-702, Idaho Code.

(b) Where there is a final judgment in an action or proceeding brought for the purpose of setting aside a special permit issued pursuant to this section against the party or parties who brought such action or proceeding, the court may determine the actual damages resulting from the action or proceeding caused to the department or other state actor and may award up to that amount to the party or parties.

Approved March 22, 2019

CHAPTER 180
(H.B. No. 168)

AN ACT

RELATING TO WEIGHT, SPEED, AND TIRE REGULATIONS; AMENDING SECTION 49-1004, IDAHO CODE, TO REVISE A PROVISION REGARDING FEES AND TO REVISE A PROVISION REGARDING A CERTAIN MAP; AMENDING SECTION 49-1004A, IDAHO CODE, TO PROVIDE FOR DEPARTMENT SPECIAL ROUTE DESIGNATIONS AND TO REMOVE PROVISIONS REGARDING LOCAL AUTHORITIES; REPEALING SECTION 49-1004A, IDAHO CODE, RELATING TO DEPARTMENT SPECIAL ROUTE DESIGNATIONS; AMENDING CHAPTER 10, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1004A, IDAHO CODE, TO PROVIDE FOR NEW SPECIAL ROUTES; AMENDING CHAPTER 10, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1004B, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING LOCAL AUTHORITY ROUTE DESIGNATIONS AND PERMITS, TO PROVIDE AN APPEAL PROCESS, AND TO ESTABLISH THE LOCAL AUTHORITY TECHNICAL ANALYSIS FUND; AMENDING SECTION 49-1004B, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; PROVIDING A SUNSET DATE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-1004, Idaho Code, be, and the same is hereby amended to read as follows:

49-1004. PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS -- SPECIAL ROUTES AND ANNUAL PERMITS. (1) Upon application in writing to the board or other proper authorities in charge of or having jurisdiction over a highway, the board or authorities may in their discretion issue a special permit to the owner or operator of any vehicle allowing vehicles or loads having a greater

weight or size than permitted by law to be moved or carried over and on the highways and bridges.

(a) Special permits shall be in either hard copy or digital format and may limit the time of use and operation over the particular highways and bridges which may be traversed and may contain any special conditions and require any undertaking or other security as the board or other proper authority shall deem to be necessary to protect the highways and bridges from injury, or provide indemnity for any injury to highways and bridges or to persons or property resulting from such operation.

(b) The owner or operator of an overweight or oversize vehicle shall obtain a permit or shall establish intent to obtain a permit by contacting a permit office and receiving a permit number before moving the vehicle on the highways.

(c) All special permits or evidence of intent to obtain a permit, whether in hard copy or digital format, shall be carried in the vehicles to which they refer and shall upon demand be delivered for inspection to any peace officer, authorized agent of the board or any officer or employee charged with the care or protection of the highways.

(2) Nonreducible vehicles or combinations of vehicles hauling nonreducible loads at weights in excess of those set forth in section 49-1001, Idaho Code, shall pay fees as set forth in this subsection. Such fees are based on the number of axles on the vehicle or combination of vehicles and the total gross weight.

Number of axles	Column 1	Column 2
	Gross weight of vehicle and load in pounds	Gross weight of vehicle and load in pounds
2	40,001	-
3	54,001	-
4	68,001	-
5	80,001	131,001
6	97,001	148,001
7	114,001	165,001

(a) To determine the maximum allowable permit fee for vehicles with more than seven (7) axles, the table can be extended by adding seventeen thousand (17,000) pounds to the last listed weight in both columns 1 and 2 for each added axle.

(b) Permit fees for column 1 shall start at four cents (4¢) per mile and increase four cents (4¢) per mile for each additional two thousand (2,000) pound increment up to the weight indicated in column 2. Permit fees for column 2 shall start at one dollar and two cents (\$1.02) per mile and increase seven cents (7¢) per mile for each additional two thousand (2,000) pound increment.

(c) Vehicles operating at weights less than the starting weights per axle configuration listed in column 1 shall be charged four cents (4¢) per mile.

(d) For vehicles operating with axles wider than eight (8) feet six (6) inches or axles with more than four (4) tires per axle, the fee may be reduced by the board or other proper authority having jurisdiction over a highway.

(3) It shall be unlawful for any person to violate, or to cause or permit to be violated, the limitations or conditions of special permits, and any violation shall be deemed for all purposes to be a violation of the provisions of this chapter.

(4) An annual special route permit authorizing travel on designated routes shall be issued by the board or may, in its discretion, be issued by a local public highway agency for operation of vehicles with a legal maximum gross weight of at least one hundred five thousand five hundred one (105,501) pounds but not exceeding one hundred twenty-nine thousand (129,000) pounds. Such routes on nonstate and noninterstate highways shall be determined by the local highway agency for those roads under its jurisdiction. No local public highway agency shall approve a route which provides a thoroughfare for interstate carriers to pass through the state. State routes designated by the legislature and identified on a map entitled "Designated Routes up to 129K" are:

- (a) US-20 Montana border to its junction with SH-33; SH-33 to its junction with US-20; US-20 to its junction with US-93; US-93 to its junction with SH-25; SH-25 to its junction with SH-50; SH-50 to its junction with US-30; US-30 to its junction with SH-74; SH-74 to its junction with US-93; US-93 to the Nevada border.
- (b) US-91 from its junction with SH-34 to the Utah border.
- (c) US-30 from its junction with I-15 to the Wyoming border.
- (d) US-95 south from milepost 66 (Fruitland) to its junction with SH-55.
- (e) SH-19 from its junction with US-95 (Wilder) to its junction with I-84B (Caldwell).
- (f) SH-78 from its junction with SH-55 (Marsing) to its junction with SH-51; SH-51 to its junction with SH-78; SH-78 to its junction with I-84B (Hammett).
- (g) SH-67 from its junction with SH-51 (Mountain Home) to its junction with SH-78 (Grandview).
- (h) SH-55 from intersection with Farmway Road to junction with US-95.
- (i) SH-25 from its junction with SH-24 to its junction with SH-27 (Paul).
- (j) SH-25 from its junction with US-93 to milepost 27 (Hazelton).
- (k) SH-24 from intersection with US-93 to its intersection with SH-25.
- (l) US-20 from its intersection with New Sweden Road to its junction with SH-22/33.
- (m) SH-34 from milepost 78 to the junction with US-91.
- (n) US-26 from its junction with US-91 north to its intersection with Gallatin/West 23rd Street in Idaho Falls.
- (o) US-91 from the intersection with Canyon Road to the junction with US-26.
- (p) SH-22 from its junction with I-15 northbound ramps (Dubois) to its junction with SH-33.
- (q) SH-45 from its junction with SH-78 to its junction with I-84 business loop; I-84 business loop to its junction with exit 35 (Nampa Boulevard/Northside Boulevard).
- (r) SH-87 from Montana border to junction with US-20.
- (s) SH-33 from its junction with SH-31 (Victor) to its junction with SH-33 spur; SH-33 spur to its junction with US-20.
- (t) SH-28 from junction with SH-22 to junction with SH-33.
- (u) SH-38 from milepost 0.689 to milepost 1.318 at Malad.
- (v) SH-27 from its junction with SH-25 (Paul) to its junction with I-84B (Burley); I-84B to its junction with SH-27; SH-27 to milepost 0 (Oakley).
- (w) SH-81 from its junction with SH-77 (Malta) to its junction with US-30 (Burley).
- (x) US-30 from junction with SH-81 at Burley to junction with SH-50 at Kimberly.
- (y) US-93 spur from junction with US-30 to junction with US-93 at Twin Falls.

- (z) US-93 from junction with US-93 spur to junction with US-30 at Twin Falls.
- (aa) US-30 from junction with SH-74 at Twin Falls to junction with I-84 business loop at Bliss.
- (bb) US-26 from its junction with SH-75 (Shoshone) to its junction with I-84 exit 141 westbound ramps (Bliss); I-84 business loop from its junction with I-84 exit 141 westbound ramps to its junction with US-30 (Bliss).
- (cc) SH-46 spur from its junction with SH-46 (Wendell) to its junction with I-84 exit 155 eastbound ramps.
- (dd) SH-46 from its junction with US-20 to its junction with I-84 exit 157 eastbound ramps (Wendell).
- (ee) US-20 from junction with US-93 at Carey to junction with I-84 business loop at interchange 95; I-84 business loop from interchange 95 to junction with SH-51; SH-51 to junction with SH-67.
- (ff) SH-51 from junction with SH-67 to junction with SH-78.
- (gg) SH-44 from its junction with SH-55 (Eagle) to its junction with I-84 exit 25 eastbound ramps.
- (hh) US-20/26 from its junction with US-95 (Parma) to its junction with I-84 exit 26 westbound ramps.
- (ii) US-20 from junction with US-33 at Sugar City south to junction with US-20 business loop/Holmes Avenue; US-20 business loop/Holmes Avenue south to junction with US-26/Yellowstone; US-26 from intersection with US-20 business loop/Holmes Avenue south to Gallatin.

Additions or deletions to the approved state routes specified in this subsection shall be made only with the approval of the state legislature.

(5) ~~An annual administrative permit fee for operating on designated routes at the weights specified in subsection (4) of this section shall be set by the board department for travel on state routes and by the local public highway agency for travel on routes under its jurisdiction, but not to exceed a maximum of fifty dollars (\$50.00) per vehicle. Effective July 1, 2019, until June 30, 2021, t~~The annual administrative permit fee shall cover administrative costs not exceed fifty-five dollars (\$55.00) per vehicle and such fee shall be used to defray the costs of the department to issue permits, provided however that five dollars (\$5.00) of each permit fee shall be submitted to the local authority technical analysis fund. Local public highway agencies are authorized to issue special permits and such permits shall be in either hard copy or digital format. Administrative permit fees for permits issued by a local public highway agency shall be retained by the local public highway agency to cover administrative costs, and administrative permit fees for permits issued by the department shall be retained by the department to cover administrative costs. In addition to the annual administrative permit fee and the appropriate registration fee for weights up to one hundred five thousand five hundred (105,500) pounds, the appropriate vehicle registration fees for weights over one hundred five thousand five hundred (105,500) pounds shall be calculated and collected in accordance with the fee schedules set forth in section 49-432 or 49-434, Idaho Code.

(6) (a) In any action or proceeding brought for the purpose of setting aside a special permit issued pursuant to this section, in which any party seeks a stay or seeks a temporary restraining order or preliminary injunction against the department, other appropriate authority, the state of Idaho or any party requesting the permit, the court may require bond as provided in rule 65(c) of the Idaho rules of civil procedure, in an amount not to exceed ten percent (10%) of the shipper's or transporter's insured value of the product or material to be transported under the provisions of the permit. If any attorney's fees and/or costs are awarded to the department or other state actor, such bond may be used

to satisfy that award and all awarded amounts shall be paid to the state highway account established in section 40-702, Idaho Code.

(b) Where there is a final judgment in an action or proceeding brought for the purpose of setting aside a special permit issued pursuant to this section against the party or parties who brought such action or proceeding, the court may determine the actual damages resulting from the action or proceeding caused to the department or other state actor and may award up to that amount to the party or parties.

SECTION 2. That Section 49-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

49-1004A. ~~PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS~~ -- NEW SPECIAL ROUTES DESIGNATIONS BY THE DEPARTMENT. (1) Notwithstanding the provision on the addition or deletion of approved routes in section 49-1004(4), Idaho Code, the ~~authority having jurisdiction~~ department may designate routes within its jurisdiction for operation of vehicle combinations with a legal maximum gross weight of at least one hundred five thousand five hundred one (105,501) pounds but not exceeding one hundred twenty-nine thousand (129,000) pounds, utilizing criteria established by the ~~board~~ department based upon road and bridge structural integrity engineering standards, as well as public safety engineering standards. ~~If the authority having jurisdiction designates routes as provided herein, its governing board shall issue an annual special permit authorizing travel on such designated routes for such travel.~~ Any routes approved by the ~~authority having jurisdiction~~ department shall be included in the statewide route map provided for in section 49-1004(4), Idaho Code, ~~entitled "Designated Routes up to 129K."~~

(2) For all requests that new routes be designated for travel by vehicle combinations with a maximum gross weight of up to one hundred twenty-nine thousand (129,000) pounds, the ~~authority having jurisdiction~~ department shall analyze the safety and feasibility of adding such routes within the department's jurisdiction.

(3) ~~Nothing in this section shall limit the exclusive jurisdiction of a local authority in its discretion to decline to designate, to revoke or modify an existing designation, or to place limits upon the designation of, highways within its jurisdiction that it determines hereunder to have public safety concerns or limited structural capacity of pavement, bridges or other appurtenances.~~ Prior to designating, ~~or~~ modifying, or deleting a designation of a route under this section a ~~local authority,~~ the department shall publish notice and conduct a public hearing concerning the proposed designation.

SECTION 3. That Section 49-1004A, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 10, 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 49-1004A, Idaho Code, and to read as follows:

49-1004A. NEW SPECIAL ROUTE DESIGNATIONS. (1) Notwithstanding the provision on the addition or deletion of approved routes in section 49-1004(4), Idaho Code, the authority having jurisdiction may designate routes within its jurisdiction for operation of vehicle combinations with a legal maximum gross weight of at least one hundred five thousand five hundred one (105,501) pounds but not exceeding one hundred twenty-nine thousand (129,000) pounds, utilizing criteria established by the board based upon road and bridge structural integrity engineering standards, as well as public safety engineering standards. If the authority having jurisdiction designates routes as provided in this section, its governing board shall

issue an annual special permit authorizing travel on such designated routes for such travel. Any routes approved by the authority having jurisdiction shall be included in the map provided for in section 49-1004(4), Idaho Code.

(2) For all requests that new routes be designated for travel by vehicle combinations with a maximum gross weight of up to one hundred twenty-nine thousand (129,000) pounds, the authority having jurisdiction shall analyze the safety and feasibility of adding such routes.

(3) Nothing in this section shall limit the exclusive jurisdiction of a local authority in its discretion to decline to designate, to revoke, or to modify an existing designation, or to place limits upon the designation of, highways within its jurisdiction that it determines hereunder to have public safety concerns or limited structural capacity of pavement, bridges, or other appurtenances. Prior to designating or modifying a designation of a route under this section, a local authority shall publish notice and conduct a public hearing concerning the proposed designation.

SECTION 5. That Chapter 10, 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 49-1004B, Idaho Code, and to read as follows:

49-1004B. SPECIAL ROUTE DESIGNATIONS AND PERMITS BY LOCAL AUTHORITIES. (1) Local authorities may, by resolution on their own initiative or pursuant to written request, designate routes and revoke previously authorized routes within their respective jurisdictions for the operation of vehicle combinations with a legal maximum gross weight between one hundred five thousand five hundred one (105,501) pounds and one hundred twenty-nine thousand (129,000) pounds. A local authority that designates routes under this section shall do so pursuant to the requirements of this section. Nothing in this section shall limit the exclusive jurisdiction of local authorities to authorize or decline to designate such routes. All routes authorized by this section that are effective on July 1, 2019, shall remain in effect unless subsequently revoked pursuant to the procedures set forth in this section.

(a) Within one hundred fifty (150) days after receipt of a written request to designate a route under this section, the governing board of a local authority shall issue a determination as to:

(i) Whether it designates routes under this section; and

(ii) If it designates routes under this section, whether to approve the specific route at issue.

(b) In exercising jurisdiction to designate a route under this section, a local authority shall analyze the long-term physical and safety consequences of allowing vehicles covered by this section to use the route at issue. In conducting such analysis, the local authority shall use Idaho transportation department standards or the Idaho standards for public works construction, or a successor publication.

(c) A local authority that designates routes under this section shall authorize a map of designated routes by resolution of its governing board and shall update the route map within thirty (30) days after authorization or revocation of a route under this section. Upon designation or update of a route map as set forth in this subsection, a local authority shall submit such designation or update to the department for inclusion in the statewide route map entitled "Designated Routes up to 129K."

(d) A local authority may charge an applicant for reimbursement of the total cost of technical review of an application, provided that such cost does not exceed five thousand dollars (\$5,000).

(2) A local authority that designates routes under this section may issue permits for travel upon such routes and may use such permits to designate conditions for travel, including possible seasonal restrictions or other

time, place, or manner limitations. A local authority shall indicate on its route map, or within the provisions of its authorizing resolution, whether a permit is required upon a designated route. Issuance of permits for use of designated routes shall be deemed an administrative action that can be carried out by the primary administrative officer of the jurisdiction, or his designee.

(a) Within thirty (30) days after receipt of a written request for a permit for travel upon a designated route, a local authority shall either issue a permit or issue a written denial of the permit requested. The denial shall explain why the permit was denied.

(b) A written permit issued under this section shall clearly state all conditions for travel upon the designated route.

(c) An annual administrative permit fee, not to exceed a maximum of fifty-five dollars (\$55.00) per vehicle, shall be set by the local authority for travel on designated routes. A local authority shall submit five dollars (\$5.00) from each administrative permit fee to the local authority technical analysis fund.

(3) After the issuance of the written decision, or in the event that the local authority has not acted pursuant to subsection (2) of this section within the time required, an applicant for a permit may request the opportunity to be heard by the governing body of the local authority. A local authority shall provide for the opportunity to be heard by its governing body at a public meeting within forty-five (45) days of filing such request. No fewer than fifteen (15) days after the conclusion of the public meeting at which the appeal by a permit applicant has first been heard, a local governing board shall render the final decision of the local jurisdiction, setting forth the factual and legal reasons therefor, regarding such permit request.

(4) There is hereby created a grant fund to be known as the local authority technical analysis fund within the state treasury. In addition to the cost that may be charged to and paid by an applicant for technical review pursuant to paragraph (d) of subsection (1) of this section, the grant fund shall be used to provide additional funding to local authorities to cover additional costs related to the technical review of applications as described in paragraph (b) of subsection (1) of this section. Such grants shall not exceed five thousand dollars (\$5,000) and shall be awarded under such terms and conditions as determined by the department or its designee. The department will maintain the local authority technical analysis fund in the state treasury in a separate sub-fund to ensure funds are not commingled with department funds until the money is requested by a local authority, after approval by the department or its designee. The funds will be disbursed to a local authority after approval of the request. All moneys in the fund are to be continuously appropriated. Any interest earned on the investment of idle moneys in the fund shall be returned to the fund.

(5) Notwithstanding any other law to the contrary, the department shall perform its obligations pursuant to this section.

SECTION 6. That Section 49-1004B, Idaho Code, be, and the same is hereby amended to read as follows:

49-1004BC. SPECIAL PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS -- INTERSTATE SYSTEM. Exclusively for the purposes of section 49-1001(1)(c), Idaho Code, the interstate system, which shall be considered to consist of I-15, I-84, I-86, I-90 and I-184, in Idaho is deemed a noninterstate highway. Exclusively for the purposes of section 49-1004(4), Idaho Code, the interstate system, which shall be considered to consist of I-15, I-84, I-86, I-90 and I-184, in Idaho is deemed a designated state route.

SECTION 7. The provisions of Section 5 of this act shall be null, void, and of no force and effect on and after June 30, 2021.

SECTION 8. Sections 3 and 4 of this act shall be in full force and effect on and after June 30, 2021.

Approved March 22, 2019

CHAPTER 181
(H.B. No. 180)

AN ACT

RELATING TO THE SYRINGE AND NEEDLE EXCHANGE ACT; AMENDING TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 34, TITLE 37, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING A SYRINGE AND NEEDLE EXCHANGE PROGRAM, TO PROVIDE FOR A CERTAIN REPORT, AND TO PROVIDE RULEMAKING AUTHORITY.

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

SECTION 1. That Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 34, Title 37, Idaho Code, and to read as follows:

CHAPTER 34
SYRINGE AND NEEDLE EXCHANGE ACT

37-3401. **SHORT TITLE.** This chapter shall be known and may be cited as the "Syringe and Needle Exchange Act."

37-3402. **LEGISLATIVE INTENT.** In adopting this chapter, it is the intent of the legislature to prevent the transmission of disease and to reduce morbidity and mortality among individuals who inject drugs.

37-3403. **DEFINITIONS.** As used in this chapter:

- (1) "Department" means the state department of health and welfare.
- (2) "Director" means the director of the department.
- (3) "Entity" means:
 - (a) The department;
 - (b) A government entity; or
 - (c) A private organization, whether for profit or nonprofit.

37-3404. **SYRINGE AND NEEDLE EXCHANGE PROGRAM.** (1) Notwithstanding any provision of law to the contrary:

- (a) An entity may operate a syringe and needle exchange program in this state if such entity complies with the provisions of this section and with rules promulgated by the department;
- (b) An entity may procure supplies needed to operate a syringe and needle exchange program in this state if such entity complies with the provisions of this section and with rules promulgated by the department; and
- (c) An entity may supply a syringe and needle exchange program with materials necessary to operate the program if such entity complies with rules promulgated by the department.

(2) An entity operating a syringe and needle exchange program must:

- (a) Facilitate the exchange of used syringes or needles for new syringes or needles in sealed sterile packaging; and
- (b) Ensure that the recipient of a new syringe or needle is given verbal and written instruction on:

- (i) Methods for preventing the transmission of blood-borne diseases, including hepatitis C and human immunodeficiency virus; and

- (ii) Options for obtaining:

- 1. Services for the treatment of a substance use disorder;
- 2. Testing for a blood-borne disease; and
- 3. An opioid antagonist pursuant to section 54-1733B, Idaho Code.

(3) An entity operating a syringe and needle exchange program must report annually to the department on the following information about the program:

- (a) The number of individuals who have exchanged syringes or needles;
- (b) The number of used syringes or needles exchanged for new syringes or needles; and
- (c) The number of new syringes or needles provided in exchange for used syringes or needles.

37-3405. REPORT. No later than July 1, 2020, and every two (2) years thereafter, the department shall report to the senate and house of representatives health and welfare committees on:

(1) The activities and outcomes of syringe and needle exchange programs operating in the state, including:

- (a) The number of individuals who have exchanged syringes or needles;
- (b) The number of used syringes or needles exchanged for new syringes or needles;
- (c) The number of new syringes or needles provided in exchange for used syringes or needles;
- (d) The estimated impact, if any, that the programs have had on blood-borne infection rates; and
- (e) The estimated impact, if any, of the programs on the number of individuals receiving treatment for a substance use disorder;

(2) The potential for additional reductions in the number of syringes and needles contaminated with blood-borne disease if the programs receive additional funding;

(3) The potential for additional reductions in state and local government spending if the programs receive additional funding;

(4) Whether the programs promote illicit use of drugs; and

(5) Whether the programs, in the opinion of the director, should be continued, continued with modifications, or terminated.

37-3406. RULES. The department may promulgate such rules as are necessary to enforce the provisions of this chapter.

Approved March 22, 2019

CHAPTER 182
(S.B. No. 1011)

AN ACT

RELATING TO UNDERGROUND FACILITIES DAMAGE PREVENTION; AMENDING SECTION 55-2202, IDAHO CODE, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-2205, IDAHO CODE, TO REVISE PROVISIONS REGARDING LOCATING AND MARKING UNDERGROUND FACILITIES AND TO REVISE PROVISIONS REGARDING COMPENSATION FOR FAILURE TO COMPLY; AND AMENDING SECTION 55-2208, IDAHO CODE, TO REVISE A PROVISION REGARDING THE DUTIES OF UNDERGROUND FACILITY OWNERS AND EXCAVATORS.

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

SECTION 1. 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) "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.
- (7) "Excavator" means any person who engages directly in excavation.
- (8) "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.
- (9) "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.
- (10) "Identified but unlocatable underground facility" means an underground facility which that has been identified but cannot be located with reasonable accuracy.
- (101) "Identified facility" means any underground facility which that is indicated in the project plans as being located within the area of proposed excavation.
- (112) "Locatable underground facility" means an underground facility which that can be field-marked with reasonable accuracy.
- (13) "Locator" means a person who identifies and marks the location of an underground facility owned or operated by an underground facility owner.
- (124) "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.

(135) "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.

(146) "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.

(157) "Reasonable accuracy" or "reasonably accurate" means location within twenty-four (24) inches horizontally of the outside dimensions of each side of an underground facility.

(168) "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.

(19) "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.

(1720) "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.

(1821) "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), 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.

(1922) "Underground facility owner" means any person who owns or operates an underground facility.

SECTION 2. That Section 55-2205, Idaho Code, be, and the same is hereby amended to read as follows:

55-2205. PERMIT COMPLIANCE -- NOTICE OF EXCAVATION -- RESPONSE TO NOTICE -- COMPENSATION FOR FAILURE TO COMPLY -- EXEMPTIONS. (1) Before commencing excavation, the excavator shall:

(a) Comply with other applicable law or permit requirements of any public agency issuing permits;

(b) Pre-mark on-site the path of excavation with white paint or, as the circumstances require, other reasonable means that will set out clearly the path of excavation. An excavator need not pre-mark as required in this subsection if:

(i) The underground facility owner or its agent can determine the location of the proposed excavation by street address or lot and block by referring to a locate ticket; or

(ii) The excavator and underground facility owner have had a meeting prior to the beginning of the proposed excavation at the excavation site for the exchange of information required under this subsection.

(c) Provide notice of the scheduled commencement of excavation to all underground facility owners through a one-number notification service. If no one-number notification service is available, notice shall be provided individually to those owners of underground facilities known to have or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated by the excavator

to the one-number notification service or, if no one-number notification service is available, to the owners of underground facilities not less than two (2) business days nor more than ten (10) business days before the scheduled date for commencement of excavation, unless otherwise agreed in writing by the parties.

(2) Upon receipt of the notice provided for in this section, the underground facility owner or the owner's agent shall locate and mark its locatable underground facilities with reasonable accuracy, as defined in section 55-2202, Idaho Code, by surface-marking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities or the owner's agent shall locate and mark the underground facilities in accordance with the best information available to the owner of the underground facilities and ~~with reasonable accuracy as defined in section 55-2202(15), Idaho Code.~~ The owner of the underground facility or the owner's agent providing the information shall respond no later than two (2) business days after the receipt of the notice or before the excavation time set forth in the excavator's notice, at the option of the underground facility owner, unless otherwise agreed in writing by the parties. Excavators shall not excavate until all known facilities have been marked. Once marked by the owner of the underground facility, or the owner's agent, the excavator is responsible for maintaining the markings. Unless otherwise agreed in writing by the parties, maintained markings shall be valid for purposes of the notified excavation for a period of no longer than three (3) consecutive weeks following the date of notification ~~se~~ as long as it is reasonably apparent that site conditions have not changed so substantially as to invalidate the markings. If excavation has not commenced within three (3) weeks from the original notice to underground facility owners through the one-number notification service, the excavator shall reinitiate notice in accordance with this section.

(a) Excavators shall have the right to receive compensation from the owner of the underground facility for costs incurred if the owner of the underground facility does not locate its facilities in accordance with this chapter.

(b) The owner of the underground facility shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two (2) business days prior to the excavation except for notices given for discovered facilities after the owner has identified facilities.

(3) Emergency excavations are exempt from the time requirements for notification provided in this section.

(4) If the excavator, while performing the excavation, discovers underground facilities (whether active or abandoned) which are not identified or were not located in accordance with reasonable accuracy subsection (2) of this section, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number notification service. The excavator shall have the right to receive compensation from the underground facility owner for standby cost (based on standby rates made publicly available) incurred as a result of waiting for the underground facility owner or the owner's agent to arrive at the work site to identify the unidentified facilities and provided that if the underground facility owner or the owner's agent supplies ~~reasonable accurate~~ the locate information required under subsection (2) of this section within eight (8) hours of the time that the excavator notifies the underground facility owner of facilities not previously located, the excavator's compensation for delay of the excavation project shall be limited to actual costs or two thousand dollars (\$2,000), whichever is less.

SECTION 3. That Section 55-2208, Idaho Code, be, and the same is hereby amended to read as follows:

55-2208. DAMAGE TO UNDERGROUND FACILITIES -- DUTIES OF EXCAVATOR AND OWNER -- REPORTING OF DATA. (1) An excavator who, in the course of excavation, contacts or damages an underground facility shall notify the underground facility owner and the one-number notification service. If the damage causes an emergency condition or an actual breach of an underground facility that releases gas or hazardous liquids into the surrounding environment, the excavator causing the damage shall also alert the appropriate local public safety agencies by, at a minimum, calling 911, and take all appropriate steps to ensure the public safety. No damaged underground facility may be buried until it is repaired or relocated.

(2) The owner of the underground facilities damaged shall arrange for repairs or relocation as soon as is practical or may permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

(3) Any party responsible for damages to an underground facility shall be liable for the cost of repairs.

(4) The board shall adopt by rule a procedure for the processing of claims related to damages to underground facilities.

(5) ~~Underground facility owners and excavators who observe, or suffer or cause damage to an underground facility or~~ and excavators who observe, or suffer or cause excavator downtime related to a failure of one (1) or more stakeholders to comply with applicable damage prevention regulations shall report such information to the board in accordance with the rules promulgated by the board. Reporting of such data does not constitute a complaint provided for in section 55-2211, Idaho Code.

Approved March 22, 2019

CHAPTER 183
(S.B. No. 1086)

AN ACT

RELATING TO IRRIGATION AND DRAINAGE; AMENDING SECTION 42-1102, IDAHO CODE, TO REVISE PROVISIONS REGARDING RIGHTS ASSOCIATED WITH RIGHTS-OF-WAY; AMENDING SECTION 42-1204, IDAHO CODE, TO REVISE PROVISIONS REGARDING RIGHTS ASSOCIATED WITH RIGHTS-OF-WAY AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 42-1209, IDAHO CODE, TO REVISE PROVISIONS REGARDING ENCROACHMENTS ONTO EASEMENTS AND RIGHTS-OF-WAY.

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

SECTION 1. That Section 42-1102, Idaho Code, be, and the same is hereby amended to read as follows:

42-1102. OWNERS OF LAND -- RIGHT TO RIGHT-OF-WAY. When any such owners or claimants to land have not sufficient length of frontage on a stream to afford the requisite fall for a ditch, canal or other conduit on their own premises for the proper irrigation thereof, or where the land proposed to be irrigated is back from the banks of such stream, and convenient facilities otherwise for the watering of said lands cannot be had, such owners or claimants are entitled to a right-of-way through the lands of others, for the purposes of irrigation. The right-of-way shall include, but is not limited to, the right to enter the land across which the right-of-way extends, for the purposes of cleaning, maintaining and repairing the ditch, canal or conduit, and to occupy such width of the land along the banks of the ditch, canal or conduit as is necessary to properly do the work of cleaning, main-

taining and repairing the ditch, canal or conduit with personnel and with such equipment as is commonly used, or is reasonably adapted, to that work. The right-of-way also includes the right to remove from and to deposit on the banks of the ditch or canal the debris, vegetation, and other matter necessarily required to be taken from the ditch, or canal, or right-of-way to properly access, clean, and maintain it them, but no greater width of land along the banks of the canal or ditch than is absolutely necessary for such deposits shall be occupied by the removed debris, vegetation, or other matter. The right-of-way also includes the right to remove or control vegetation within the ditch or canal or along the banks of the ditch or canal to properly access, clean, and maintain them, but the owner or operator of the ditch, canal, or conduit is not obligated to maintain or control the right-of-way or vegetation for the benefit of the owners or claimants of lands of others. Provided, that in the making, constructing, keeping up and maintenance of such ditch, canal or conduit, through the lands of others, the person, company or corporation, proceeding under this section, and those succeeding to the interests of such person, company or corporation, must keep such ditch, canal or other conduit in good repair, and are liable to the owners or claimants of the lands crossed by such work or aqueduct for all damages occasioned by the overflow thereof, or resulting from any neglect or accident (unless the same be unavoidable) to such ditch or aqueduct.

The existence of a visible ditch, canal or conduit shall constitute notice to the owner, or any subsequent purchaser, of the underlying servient estate, that the owner of the ditch, canal or conduit has the right-of-way and incidental rights confirmed or granted by this section.

Rights-of-way provided by this section are essential for the operations of the ditches, canals and conduits. No person or entity shall cause or permit any encroachments onto the right-of-way, including public or private roads, utilities, fences, gates, pipelines, structures, landscaping, trees, vegetation, or other construction or placement of objects, without the written permission of the owner of the right-of-way, in order to ensure that any such encroachments will not unreasonably or materially interfere with the use and enjoyment of the right-of-way. Encroachments of any kind placed in such right-of-way without express written permission of the owner of the right-of-way shall be removed at the expense of the person or entity causing or permitting such encroachment, upon the request of the owner of the right-of-way, in the event that any such encroachments unreasonably or materially interfere with the use and enjoyment of the right-of-way. Nothing in this section shall in any way affect the exercise of the right of eminent domain for the public purposes set forth in section 7-701, Idaho Code.

This section shall apply to ditches, canals or other conduits existing on the effective date of this act, as well as to ditches, canals or other conduits constructed after such effective date.

SECTION 2. That Section 42-1204, Idaho Code, be, and the same is hereby amended to read as follows:

42-1204. PREVENTION OF DAMAGE TO OTHERS. The owners or constructors of ditches, canals, works or other aqueducts, and their successors in interest, using and employing the same to convey the waters of any stream or spring, whether the said ditches, canals, works or aqueducts be upon the lands owned or claimed by them, or upon other lands, must carefully keep and maintain the same, and the embankments, flumes or other conduits, by which such waters are or may be conducted, in good repair and condition, so as not to damage or in any way injure the property or premises of others. The duties referenced in this section, whether statutory or common law, require reasonable care only, and shall not be construed to impose strict liability or to otherwise enlarge the liability of the owner or owners of any irrigating ditch, canal, works or

other aqueduct. The owners or constructors of such ditches, canals, works or other aqueducts, while responsible for their own acts or omissions, shall not be liable for damage or injury caused by: (1) The diversion or discharge of water into a ditch, canal, works or other aqueduct by a third party without the permission of the owner or owners of the ditch, canal, works or other aqueduct; (2) Any other act or omission of a third party, other than an employee or agent of the owner or owners of the ditch, canal, works or other aqueduct; or (3) An act of God, including fire, earthquake, storm or similar natural phenomenon. The provisions of this section shall not be construed to impair any defense that an owner or constructor of a ditch, canal, works or other aqueduct may assert in a civil action. The owners or constructors have the right to enter the land across which the right-of-way extends, for the purposes of cleaning, maintaining and repairing the ditch, canal or conduit, and to occupy such width of the land along the banks of the ditch, canal or conduit as is necessary to properly do the work of cleaning, maintaining and repairing the ditch, canal or conduit with personnel and with such equipment as is commonly used, or is reasonably adapted, to that work. The right-of-way also includes the right to remove from and to deposit on the banks of the ditch or canal the debris, vegetation, and other matter necessarily required to be taken from the ditch, or canal, or from the right-of-way to properly clean and maintain it them, but no greater width of land along the banks of the canal or ditch than is absolutely necessary for such deposits shall be occupied by the removed debris, vegetation, or other matter. The right-of-way also includes the right to remove or control vegetation within the ditch or canal or along the banks of the ditch or canal to properly access, clean, and maintain them, but the owner or operator of the ditch, canal, or conduit is not obligated to maintain or control the right-of-way or vegetation for the benefit of the owners or claimants of lands of others.

SECTION 3. That Section 42-1209, Idaho Code, be, and the same is hereby amended to read as follows:

42-1209. ENCROACHMENTS ON EASEMENTS AND RIGHTS-OF-WAY. Easements or rights-of-way of irrigation districts, Carey act operating companies, nonprofit irrigation entities, lateral ditch associations, and drainage districts are essential for the operations of such irrigation and drainage entities. Accordingly, no person or entity shall cause or permit any encroachments onto the easements or rights-of-way, including any public or private roads, utilities, fences, gates, pipelines, structures, landscaping, trees, vegetation, or other construction or placement of objects, without the written permission of the irrigation district, Carey act operating company, nonprofit irrigation entity, lateral ditch association, or drainage district owning the easement or right-of-way, in order to ensure that any such encroachments will not unreasonably or materially interfere with the use and enjoyment of the easement or right-of-way. Encroachments of any kind placed in such easement or right-of-way, without such express written permission, shall be removed at the expense of the person or entity causing or permitting such encroachments, upon the request of the owner of the easement or right-of-way, in the event that any such encroachments unreasonably or materially interfere with the use and enjoyment of the easement or right-of-way. Nothing in this section shall in any way affect the exercise of the right of eminent domain for the public purposes set forth in section 7-701, Idaho Code.

Approved March 22, 2019

CHAPTER 184
(S.B. No. 1022)

AN ACT

RELATING TO JURIES; REPEALING SECTION 2-217, IDAHO CODE, RELATING TO THE PENALTY FOR EVASION OF JURY SERVICE.

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

SECTION 1. That Section 2-217, Idaho Code, be, and the same is hereby repealed.

Approved March 21, 2019

CHAPTER 185
(S.B. No. 1042)

AN ACT

RELATING TO MAGISTRATES; AMENDING SECTION 1-2206, IDAHO CODE, TO REVISE A PROVISION REGARDING A CERTAIN REQUIREMENT FOR A MAGISTRATE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 1-2206, Idaho Code, be, and the same is hereby amended to read as follows:

1-2206. MAGISTRATES -- QUALIFICATIONS -- INSTITUTE -- EXCEPTIONS -- OFFICE APPOINTIVE. (1) A magistrate shall be an elector of the state of Idaho and shall reside in the county for which the appointment is made throughout the term of service as magistrate.

(2) To be appointed to the office of magistrate judge, a person must, at the time of such appointment, meet all of the following qualifications:

- (a) Be at least thirty (30) years of age;
- (b) Be a citizen of the United States;
- (c) Have been a legal resident of the state of Idaho for at least two (2) continuous years immediately preceding such appointment;
- (d) Have been in good standing as an active or judicial member of the Idaho state bar for at least two (2) continuous years immediately preceding such appointment; and
- (e) Have held a license to practice law or held a judicial office in one (1) or more jurisdictions for at least five (5) continuous years immediately preceding such appointment.

For purposes of this section, the following terms have the following meanings:

- (a) "Active," "judicial" and "good standing" have the same definitions as those terms are given by rule 301 of the Idaho bar commission rules or any successors to those rules;
- (b) "Jurisdiction" means a state or territory of the United States, the District of Columbia or any branch of the United States military; and
- (c) "Elector" means one who is lawfully registered to vote.

(3) Magistrates shall ~~not take, within one (1) year of taking office for the first time as magistrates until they have attended,~~ attend an institute on the duties and functioning of the magistrate's office to be held under the supervision of the supreme court, unless such attendance is waived by the supreme court. All magistrates shall be entitled to their actual and necessary expenses while attending institutes. The supreme court will establish the institute to which this subsection refers and will provide that the institute be held at such other times and for such other purposes as it deems necessary and may require the attendance of magistrates.

(4) Notwithstanding the provisions of subsection (2) of this section, all magistrates holding office on the effective date of this act shall be eligible for appointment to the office of magistrate and for retention in office pursuant to section 1-2220, Idaho Code.

Approved March 21, 2019

CHAPTER 186
(S.B. No. 1043)

AN ACT

RELATING TO JUDGES; AMENDING SECTION 1-805, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE NUMBER OF DISTRICT JUDGES OF THE FOURTH JUDICIAL DISTRICT.

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

SECTION 1. That Section 1-805, Idaho Code, be, and the same is hereby amended to read as follows:

1-805. FOURTH DISTRICT -- NUMBER OF JUDGES -- RESIDENT CHAMBERS. (1) The fourth judicial district shall consist of the counties of Valley, Boise, Ada and Elmore.

(2) The fourth judicial district shall have ~~eleven~~ twelve (~~11~~2) district judges.

(3) Resident chambers of the district judges of the fourth judicial district shall be established as follows:

(a) ~~Ten~~ Eleven (~~10~~1) resident chambers shall be established in Ada County;

(b) One (1) resident chambers shall be established in Ada or Elmore County.

Approved March 21, 2019

CHAPTER 187
(S.B. No. 1044)

AN ACT

RELATING TO SPECIAL PROCEEDINGS; AMENDING SECTION 7-1509, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN AMOUNT IN DAMAGES.

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

SECTION 1. That Section 7-1509, Idaho Code, be, and the same is hereby amended to read as follows:

7-1509. EVALUATION DECISION -- TRIAL DE NOVO -- MISCELLANEOUS. (1) Within fourteen (14) days following the evaluation, the evaluator shall issue a written, signed decision. The evaluator shall determine all issues raised by the pleadings, including a determination of any damages. The evaluator shall apply the applicable law as it exists; however, neither findings of fact nor conclusions of law shall be required. The decision shall be served on the parties. The evaluator shall file a notice of issuance of the evaluator's decision with the clerk of the court, together with proof of service of the notice and the decision on the parties. The decision shall not be filed with the clerk of the court. The evaluator's decision shall not exceed ~~twenty~~thirty-five thousand dollars (\$235,000) in total damages to a party. The evaluator's decision shall not include exemplary or punitive damages. An evaluator may, in addition, award costs and attorney's fees under the terms of an applicable contract. All other costs and attorney's fees to which a party is entitled by statute or court rule shall be awarded by the court.

(2) Within twenty-one (21) days after the notice of issuance of the evaluator's decision has been filed with the clerk of the court, any party may file with the clerk a request for a trial de novo in the district court on all issues of law and fact.

(3) The trial de novo shall proceed as if the evaluation had not occurred. No reference to the evaluation or to the amount of the evaluation decision shall be made to the trial court or the jury during any part of the trial de novo. Discovery taken and recorded statements made during the evaluation process may be used at the trial de novo as provided in the Idaho rules of civil procedure and the Idaho rules of evidence; however, no reference shall be made to the fact that any statement was made in an evaluation proceeding. Any dollar amount sought, demanded or awarded during the evaluation, including the parties' agreement that for the purposes of the evaluation the claim is limited to ~~twenty~~thirty-five thousand dollars (\$235,000), shall be treated as an offer of compromise pursuant to the Idaho rules of evidence and shall not be admissible at trial. Any examination made pursuant to the provisions of section 7-1507(1)(c), Idaho Code, shall be subject to rule 35 of the Idaho rules of civil procedure. Any violation of the provisions of this subsection by a party or its attorney shall be subject to appropriate sanctions by the trial court.

(4) The relief sought at trial shall not be limited by the evaluation; provided however, that judgment for damages of more than ~~twentythree~~ thirty-five thousand dollars (\$235,000), exclusive of costs and fees, may not be entered for a party who has agreed that its claim does not exceed ~~twentythree~~ thirty-five thousand dollars (\$235,000) for the purposes of initiating alternative dispute resolution under this chapter and shall be reduced by the court unless the claimant establishes the applicability of the factors of rule 60 of the Idaho rules of civil procedure. An evaluator may not be called as a witness at the trial de novo.

(5) The trial court shall assess costs, reasonable attorney's fees, and the entire amount of the evaluator's fee against a party who requests a trial de novo and fails to improve its position at the trial de novo by at least fifteen percent (15%). For purposes of this subsection, "costs and reasonable attorney's fees" means all attorney's fees and costs as provided for by statute or court rule incurred after the filing of a request for a trial de novo. In addition, the court shall award all other expert witness fees and expenses in excess of those permitted by statute or rule if the court finds that they were reasonably incurred.

(6) Within twenty-one (21) days following the filing of the request for trial de novo, a party may serve upon the other party(ies) a written offer of compromise. If an offer of compromise is not accepted by the other party(ies) within fourteen (14) days after service thereof, the amount used for determining whether the party requesting the trial de novo has improved its position shall be the amount of the offer of compromise. Neither the evaluator's decision nor the offer of compromise shall be submitted to the trial court until the verdict or judgment has been rendered in the trial de novo.

(7) The trial court may assess some or all costs and reasonable attorney's fees against a party who withdraws its request for a trial de novo where the withdrawal is not in conjunction with the acceptance of an offer of compromise.

(8) If no request for trial de novo has been filed at the expiration of twenty-one (21) days following the filing of the evaluator's notice of decision, a judgment may be presented to the court by any party accompanied by a copy of the evaluator's decision. If the judgment is in conformity with the evaluator's decision it shall be entered and shall have the same force and effect as any other judgment in a civil action but shall not be subject to appellate review and may only be set aside pursuant to the provisions of rule 60 of the Idaho rules of civil procedure. An accepted offer of compromise may also be presented to the court to be converted to a judgment.

(9) Except as provided in subsection (5) of this section, the provisions of this chapter do not affect or preclude the application of any other statute or rule regarding fees or costs including, but not limited to, those in title 7 or 12, Idaho Code, section 41-1839, Idaho Code, or the Idaho rules of civil procedure. Awards of damages and of attorney's fees and costs, when made to opposing parties, shall be set off against one another and judgment shall be entered for the net amount to the party(ies) entitled thereto.

(10) An evaluator may obtain a judgment for his fees and costs in the pending litigation against any party that refuses to pay its share. Judgment shall be obtained by motion to the trial court which shall only be granted after the party failing to pay has had the opportunity to be heard and object.

CHAPTER 188
(S.B. No. 1048)

AN ACT

RELATING TO CREDIT UNIONS; AMENDING SECTION 26-2113A, IDAHO CODE, TO REVISE PROVISIONS REGARDING ANNUAL MEMBERSHIP MEETINGS; AMENDING SECTION 26-2114, IDAHO CODE, TO REVISE PROVISIONS REGARDING A CERTAIN RATING AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 26-2121A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SUPERVISORY COMMITTEE OF A CREDIT UNION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 26-2156, IDAHO CODE, TO REVISE PROVISIONS REGARDING BOND COVERAGE.

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

SECTION 1. That Section 26-2113A, Idaho Code, be, and the same is hereby amended to read as follows:

26-2113A. ANNUAL MEMBERSHIP MEETINGS. (1) A credit union's annual membership meeting shall be held in the community one of its principal place of business within this state, the communities where it maintains a branch to serve its members at such time as the bylaws prescribe, and shall be conducted according to the rules of procedure approved by the board. The director may, upon written request of a credit union's board of directors, authorize a credit union's annual membership meeting to be held outside of the community of its principal place of business. ~~Written requests from the credit union's board of directors shall not include holding the credit union's annual meeting outside the state of Idaho unless a majority of the credit union's membership resides in another state.~~

(2) Notice of the annual membership meetings of a credit union shall be given as provided in the bylaws of the credit union.

SECTION 2. That Section 26-2114, Idaho Code, be, and the same is hereby amended to read as follows:

26-2114. BOARD OF DIRECTORS -- ELECTION OF DIRECTORS -- TERMS -- VACANCIES -- MEETINGS -- RULES. (1) The business and affairs of a credit union shall be managed by a board of no fewer than five (5) and no more than fifteen (15) directors.

(2) The directors must be elected by and from the membership in conjunction with the credit union's annual membership meeting. They shall hold their offices until their successors are elected or appointed.

(3) Directors shall be elected to terms of between one (1) and three (3) years, as provided in the bylaws. If the terms are longer than one (1) year, the directors must be divided into classes, and an equal number of directors, as nearly as possible, must be elected each year.

(4) Except as provided in subsection (5) of this section, any vacancy on the board must be filled by an interim director appointed by the board, unless the interim director would serve a term of fewer than ninety (90) days. Interim directors appointed to fill vacancies created by expansion of the board will serve until the next annual meeting of members. Other interim directors will serve out the unexpired term of the former director, unless provided otherwise in the credit union's bylaws.

(5) In the case of a merger between two (2) credit unions pursuant to section 26-2132, Idaho Code, a board member of the merging credit union may continue to serve as a board member of the continuing credit union for a period not to exceed the equivalent of the duration of his or her unexpired term on the board of the merging credit union, provided that the approved plan of merger or other agreement approved by the director provides for such service on the continuing credit union's board, with a corresponding expansion in the size of the continuing credit union's board not to exceed the limits under subsection (1) of this section.

(6) (a) The board must have at least six (6) regular meetings each year, with at least one (1) of these meetings held in each calendar quarter. The board meetings must be held in the community of the credit union's principal place of business within this state. The director may, upon written request of a credit union's board of directors, authorize a credit union's board meetings to be held at another location. Written requests from the credit union's board of directors shall not include holding the credit union's board meeting outside the state of Idaho unless a majority of the credit union's membership resides in another state.

(b) The director may require the board to meet more frequently than six (6) times per year if the director finds it necessary in order to address matters the director determines necessitate more frequent meetings including, without limitation, evidence of any of the following:

(i) The credit union's current composite capital adequacy, asset quality, management, earnings, liquidity, and sensitivity to market risk (CAMELS) rating issued by the director is a "3," "4" or "5";

(ii) The credit union's current management component CAMELS rating issued by the director is a "3," "4" or "5";

(iii) The credit union's net worth ratio is less than seven percent (7%);

(iv) The credit union is currently in a troubled condition;

(v) In the judgment of the director, the credit union has committed an unsafe or unsound practice that has not been corrected to the satisfaction of the director and that continues to be a concern to the director, or the credit union is about to commit an unsafe or unsound practice; or

(vi) The credit union has been notified in writing by the director of a significant supervisory or financial concern.

(c) If the director determines, as set forth in paragraph (b) of this subsection, that a board of directors must meet more frequently than as set forth in paragraph (a) of this subsection, the director will send written notice to the board chair, with a copy to the credit union's manager, setting forth the director's findings underlying the determination and the required frequency of the board of directors' meetings. This notice will remain in effect until rescinded in writing by the director.

SECTION 3. That Section 26-2121A, Idaho Code, be, and the same is hereby amended to read as follows:

26-2121A. SUPERVISORY COMMITTEE DUTIES. (1) The supervisory committee of a credit union shall:

(a) Meet at least quarterly;

(b) Keep fully informed as to the financial condition of the credit union and the decisions of the credit union's board;

(c) Perform or arrange for an annual audit of the credit union's financial statements and provide any related findings and recommendations to the board;

(d) Make or cause to be made a verification of member accounts as follows:

(i) At least annually by statistical sampling, with the sampling method to provide for:

1. Random selection;
2. A sample that is representative of the population from which it was selected;
3. An equal chance of selecting each dollar in the population;
4. Sufficient accounts in both number and scope on which to base conclusions concerning management's financial reporting objectives; and
5. Additional procedures to be performed if evidence provided by confirmation alone is not sufficient; or

(ii) At least annually by nonstatistical sampling conducted by an independent person licensed as an accountant in the state of Idaho, ~~using a sampling method as set forth in subparagraph (i) of this paragraph~~ and nonstatistical sampling methods consistent with generally accepted auditing standards if such methods provide for:

1. Sufficient accounts in both number and scope on which to base conclusions concerning management's financial reporting objectives to provide assurance that the general ledger accounts are fairly stated in relation to the financial statements taken as a whole;
2. Additional procedures to be performed by the accountant if evidence provided by confirmations alone is not sufficient; and
3. Documentation of the sampling procedures used and of their consistency with generally accepted auditing standards, to be provided to the department upon request; or

(iii) At least ~~each~~ every two (2) years by controlled verification of all member accounts;

(e) Review or arrange to have reviewed annually the effectiveness of the credit union's internal controls;

(f) Report its findings and recommendations to the board;

(g) Provide an annual written report to members at each annual membership meeting on the credit union's financial condition;

(h) Perform or arrange for additional audits as requested by the board or management or as deemed necessary by the supervisory committee and provide any related findings and recommendations to management or the board as deemed appropriate by the supervisory committee;

(i) Monitor the implementation of management responses to material adverse findings in audits and regulatory examinations;

(j) Implement a process for the supervisory committee to receive and respond to whistleblower complaints; and

(k) Perform any additional duties as specified by the board or in the credit union's bylaws.

(2) The supervisory committee may in its sole discretion retain, at the credit union's expense, independent counsel or other professional advisors or consultants as necessary to perform the duties under this section.

SECTION 4. That Section 26-2156, Idaho Code, be, and the same is hereby amended to read as follows:

26-2156. BOND COVERAGE. (1) Each credit union must be adequately insured against risk. The board of directors of each credit union must at least annually review its bond and other insurance coverage to ensure that it is adequate in relation to the potential risks facing the credit union and the minimum requirements set by the board.

(2) Each credit union must purchase a blanket fidelity bond that:

(a) Covers the officers, employees, directors, members of official committees, attorneys and other agents;

(b) Covers against loss caused by fraud, ~~and dishonesty, burglary, robbery, larceny, theft, forgery or alterations of instruments, misplacement or mysterious disappearance, and for faithful performance of duty;~~ and

(c) Has the following required minimum dollar amount of coverage:

Assets	Minimum Bond
\$0 to \$4,000,000	Lesser of total assets or \$250,000
\$4,000,001 to \$50,000,000	\$100,000 plus \$50,000 for each million or fraction thereof over \$1,000,000
\$50,000,001 to \$500,000,000	\$2,550,000 plus \$10,000 for each million or fraction thereof over \$50,000,000, to a maximum of \$5,000,000
Over \$500,000,000	1% of assets rounded to the nearest hundred million, to a maximum of \$9,000,000

(3) The maximum amount of allowable deductible is computed based on the credit union's asset size and capital level, as follows:

Assets	Maximum Deductible
\$0 to \$100,000	No deductible allowed
\$100,001 to \$250,000	\$1,000
\$250,001 to \$1,000,000	\$2,000
Over \$1,000,000	\$2,000 plus .001 of total assets, to a maximum of \$200,000; for credit unions that received a composite capital, asset, management, earnings, liquidity, and sensitivity (CAMELS) rating of "1" or "2" for the last two (2) full examinations and maintained a net worth classification of "well-capitalized" under national credit union administration (NCUA) regulations part 702 for six (6) immediately preceding quarters or, if subject to a risk-based net worth (RBNW) requirement under NCUA regulations part 702, has remained "well-capitalized" for the six (6) immediately preceding quarters after applying the applicable RBNW requirements, the maximum deductible is \$1,000,000

(4) The director may require an additional amount of bond coverage for a credit union, taking into account the size of the credit union, the credit union's field of membership, risk level of the credit union, and any other factors the director finds relevant to the determination of appropriate bond coverage for a credit union.

(5) The board of directors should purchase additional or enhanced coverage when circumstances warrant.

(6) If a credit union fails to maintain a blanket fidelity bond in the amount prescribed by the director, the director may order the credit union to cease its operations until such time when the credit union obtains the required bond.

(7) When a credit union receives notice that its fidelity bond coverage will be suspended or terminated, the credit union shall notify the director in writing no fewer than thirty (30) days prior to the effective date of the suspension or termination.

Approved March 21, 2019

CHAPTER 189
(S.B. No. 1059)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1632, IDAHO CODE, TO REVISE PROVISIONS REGARDING MASTERY-BASED EDUCATION AND TO ESTABLISH THE IDAHO MASTERY EDUCATION NETWORK.

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

SECTION 1. That Section 33-1632, Idaho Code, be, and the same is hereby amended to read as follows:

33-1632. MASTERY-BASED EDUCATION. (1) The legislature finds that moving toward a mastery-based model of education where students progress as they demonstrate mastery of a subject or grade level is in the best interest of Idaho students. The legislature further finds that moving from the current time-based system with to a mastery-based model approach will allow for more personalized and differentiated learning; create a focus on explicit, measurable, transferable learning objectives that empower students; and emphasize competencies that include application and knowledge along with skill development.

(2) The state department of education shall perform the following activities to move Idaho toward a mastery-based education system:

(a) ~~Conduct a~~ Provide ongoing statewide outreach and communications to increase awareness campaign to promote and understanding of and promote interest in mastery-based education for teachers, administrators, parents, students, business leaders, and policymakers;

(b) ~~Establish a committee of educators to identify roadblocks and possible solutions in implementing mastery-based education and develop recommendations for the incubator process; and~~

~~(c) Facilitate the planning and development of an incubator process and assessments of local education agencies to identify the initial cohort of up to twenty (20) local education agencies to serve as incubators in fiscal year 2017.~~

Facilitate and maintain the Idaho mastery education network composed of Idaho public school districts and charter schools that collaborate to transition Idaho to mastery-based education. The network shall:

(i) Advise the superintendent of public instruction and the state board of education on the progress of the transition to mastery-based education;

(ii) Develop evidence-based recommendations for continued implementation;

(iii) Implement the policies of the legislature and the state board of education for the transition to mastery-based education; and

(iv) Provide network resources, including professional development, coaching, and best practices, to Idaho public school districts and charter schools; and

(c) Create a sustainability plan for statewide scaling of mastery-based education and ensure that all public school districts and charter schools participating in the Idaho mastery education network develop plans that describe how the public school district or charter school will maintain a mastery-based approach to education. Plans must include a process to develop the rubrics and assessments necessary to determine mastery and award credit.

(3) The state department of education may expend or distribute moneys appropriated for purposes identified in subsection (2) of this section directly to public school districts and charter schools that are participating in the mastery education network and have applied and been selected to receive mastery-based education grants. The cost of activities provided for in this section shall be paid by the state department of education from moneys appropriated for this program in the educational support program budget as provided for in section 33-1002, Idaho Code.

(4) Any public school district or charter school may participate in the mastery education network by applying to the state department of education, even if such district or school is not selected to receive mastery-based education grants.

(5) ~~Not~~ No later than January 31 of each year, the state department of education shall report annually to the state board of education and the education committees of the senate and the house of representatives regarding the progress toward implementing mastery-based education.

(56) For purposes of this section:

~~(a) "Incubator process" means a process where districts and charter schools that are willing and ready to start moving toward a mastery-based education system would be identified through site assessments and would form an initial cohort of incubators for mastery-based education. The incubators would receive support for staff professional development, stakeholder education and ongoing assessment and coaching. These incubators would provide data and best practices for continued implementation of mastery-based education.~~

~~(b) "Mastery-based education system" means an education system where student progress is based upon a student's demonstration of mastery of competencies and content, not seat time or the age or grade level of the student.~~

(b) "Network" means the Idaho mastery education network.

CHAPTER 190
(S.B. No. 1084)

AN ACT

RELATING TO IRRIGATION; REPEALING CHAPTER 21, TITLE 42, IDAHO CODE, RELATING TO CAREY ACT CONSTRUCTION COMPANIES ACTING AS OPERATING COMPANIES; REPEALING SECTION 42-2202, IDAHO CODE, RELATING TO CERTAIN STATEMENTS FILED WITH COUNTY RECORDERS; REPEALING SECTION 42-2204, IDAHO CODE, RELATING TO DUTIES OF COUNTY RECORDERS; REPEALING SECTION 42-2504, IDAHO CODE, RELATING TO THE TRANSFER OF CERTAIN WATER RIGHTS; REPEALING SECTION 42-2505, IDAHO CODE, RELATING TO CERTAIN APPEALS; REPEALING SECTION 42-2506, IDAHO CODE, RELATING TO FEES FOR DECISIONS ON APPLICATIONS FOR TRANSFERS OF WATER RIGHTS; REPEALING CHAPTER 26, TITLE 42, IDAHO CODE, RELATING TO THE SALE OF WATER RIGHTS; AMENDING SECTION 43-323, IDAHO CODE, TO REMOVE PROVISIONS ASSOCIATED WITH CERTAIN REPORTS TO THE DEPARTMENT OF WATER RESOURCES AND TO PROVIDE FOR PLACE OF USE; AND REPEALING SECTION 30-806, IDAHO CODE, RELATING TO CERTAIN REPORTS OF IRRIGATION COMPANIES.

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

SECTION 1. That Chapter 21, Title 42, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 42-2202, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 42-2204, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 42-2504, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 42-2505, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 42-2506, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 26, Title 42, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Section 43-323, Idaho Code, be, and the same is hereby amended to read as follows:

~~43-323. REPORT TO DEPARTMENT OF WATER RESOURCES PLACE OF USE. (1) At least as often as once a year after organization, the board of directors shall make a report to the department of water resources of the condition of the work of construction, as to capacity, stability and permanency, and whether or not the plan of irrigation formulated under the provisions of this title is being successfully carried out, and whether or not in the opinion of the board the funds available will complete the proposed works. Upon the receipt of such report by the department, it shall make such suggestions and recommendations to such board of directors as it may deem advisable for the best interest of the district.~~

(2) A change in the generally described place of use for a water right held by an irrigation district may be made without applying for a change under the provisions of section 42-222, Idaho Code, provided the district files with the department of water resources a map portraying the changes to the generally described place of use within which the district's water rights shall be exercised. For this filing requirement, it shall be sufficient to provide a drawing on a seven-and-one-half-minute (7-1/2) quadrangle map having a scale of one to twenty-four thousand (1:24,000) which shows the changes to the outer limits of the boundaries of the irrigation district to include each quarter-quarter section within which irrigation occurs. This map showing changes to the generally described place of use shall be filed with the department no later than April 1 of the year following the changes. Notwithstanding the filing of such map, only the legal description of an irrigation district's boundaries recorded in compliance with title 43, Idaho Code, shall constitute conclusive proof of the district's boundaries for purposes other than defining the generally described place of use for a water right held by the district.

SECTION 9. That Section 30-806, Idaho Code, be, and the same is hereby repealed.

Approved March 21, 2019

CHAPTER 191
(S.B. No. 1085)

AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-303, IDAHO CODE, TO REVISE PROVISIONS REGARDING MEETINGS OF IRRIGATION DISTRICT BOARDS OF DIRECTORS.

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

SECTION 1. That Section 43-303, Idaho Code, be, and the same is hereby amended to read as follows:

43-303. MEETINGS OF BOARD. The board of directors shall hold a regular monthly meeting in ~~their~~ its office, or in any other location the board deems more convenient and suitable within the boundary of the district, on the first Tuesday in every month or such date each month as it shall fix by resolution and such special meetings as may be required for the proper transaction of business. All meetings of the board shall be held in compliance with Idaho's open meetings law as provided in chapter 2, title 74, Idaho Code.

~~All special meetings shall be ordered by the president or a majority of the board, the order must be entered of record and the secretary must give each member not joining in the order five (5) days' notice of such special meetings. The order must specify the business to be transacted at such special meeting and none other than that specified shall be transacted: provided, that whenever all members of the board are present, however called, the same shall be deemed a legal meeting and any lawful business may be transacted.~~

All meetings of the board must be public, and a majority shall constitute a quorum for the transaction of business; ~~but on all questions requiring a vote there shall be a concurrence of at least a majority of the members of the board.~~ Unless otherwise provided by law, a question before the board shall be decided by a majority of the board members present. All records of the board shall be open to the inspection of any elector during business hours. Notwithstanding any other provision of law, this section and section 43-325, Idaho Code, shall be the exclusive method for inspection of records of the board.

Approved March 21, 2019

CHAPTER 192
(S.B. No. 1097)

AN ACT

RELATING TO HEALTH BENEFIT PLANS; AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 65, TITLE 41, IDAHO CODE, TO DEFINE A TERM, TO REQUIRE CERTAIN COVERAGE FOR PERSONS ENROLLED IN APPROVED CLINICAL TRIALS, TO ESTABLISH PROVISIONS REGARDING RESEARCH INSTITUTIONS, TO PROVIDE LIMITATIONS ON COVERAGE, TO ESTABLISH PROVISIONS REGARDING INSURER LIABILITY, TO PROVIDE FOR DEDUCTIBLE, COINSURANCE, AND COPAYMENT REQUIREMENTS, AND TO PROHIBIT CANCELLATION OR NONRENEWAL OF A HEALTH BENEFIT PLAN UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 65, Title 41, Idaho Code, and to read as follows:

CHAPTER 65
COVERAGE FOR PARTICIPANTS IN CLINICAL TRIALS

41-6501. "ROUTINE PATIENT CARE COSTS" DEFINED. "Routine patient care costs" means the costs of any medically necessary health care service for which benefits are provided under a health benefit plan, without regard to whether the enrollee is participating in a clinical trial. Routine patient care costs do not include the cost:

- (1) Of an investigational new drug or device that is not approved for any indication by the United States food and drug administration;
- (2) Of a service that is not a health care service, regardless of whether the service is required in connection with participation in a clinical trial;
- (3) Of a service that is inconsistent with widely accepted and established standards of care for a particular diagnosis;
- (4) Associated with managing a clinical trial; or
- (5) Of a health care service that is specifically excluded from coverage under a health benefit plan.

41-6502. REQUIRED COVERAGE. The issuer of a health benefit plan shall provide benefits for routine patient care costs to an enrollee in connection with an approved clinical trial. For purposes of this chapter, "approved clinical trial" means a phase I, phase II, phase III, or phase IV clinical trial that is conducted in relation to the prevention, detection, or treatment of a disease or condition and:

- (1) The study or investigation is approved or funded, which may include funding through in-kind contributions, by one (1) or more of the following:

- (a) The national institutes of health;
 - (b) The centers for disease control and prevention;
 - (c) The agency for healthcare research and quality;
 - (d) The centers for medicare and medicaid services;
 - (e) A cooperative group or center of any of the entities through the department of defense or the department of veterans affairs; or
 - (f) A qualified nongovernmental research entity identified in the guidelines issued by the national institutes of health for center support grants;
- (2) The study or investigation is conducted under an investigational new drug application reviewed by the food and drug administration;
 - (3) The study or investigation is not a new drug trial and therefore exempt from having such an investigational new drug application by the food and drug administration; or
 - (4) The study or investigation has been reviewed and approved by an institutional review board of an institution that has an agreement with the office for human research protections of the United States department of health and human services.

41-6503. RESEARCH INSTITUTIONS. The issuer of a health benefit plan is not required to:

- (1) Reimburse a research institution conducting a clinical trial for the cost of routine patient care provided through the research institution unless the research institution, and each health care professional providing routine patient care through the research institution, agrees to accept reimbursement under the health benefit plan at the rates established under the plan as payment in full for the routine patient care provided in connection with the clinical trial; or
- (2) Provide benefits under this section for services that are customarily paid for by the research institution conducting the clinical trial in accordance with centers for medicare and medicaid services billing guidelines.

41-6504. LIMITATIONS ON COVERAGE. The issuer of a health benefit plan is not required to provide benefits for routine patient care services provided outside:

- (1) Of the plan's health care provider network, unless out-of-network benefits are otherwise provided under the plan; or
- (2) This state, unless the health benefit plan otherwise provides benefits for health care services provided outside this state.

41-6505. INSURER LIABILITY. An insurer that provides coverage required by this chapter is not, based on that coverage, liable for any adverse effects of the approved clinical trial.

41-6506. DEDUCTIBLE, COINSURANCE, AND COPAYMENT REQUIREMENTS. Benefits may be made subject to a deductible, coinsurance, or copayment requirement comparable to other deductible, coinsurance, or copayment requirements applicable under the health benefit plan.

41-6507. CANCELLATION OR NONRENEWAL PROHIBITED. The issuer of a health benefit plan may not cancel or refuse to renew coverage under a plan solely because an enrollee in the plan participates in a clinical trial.

CHAPTER 193
(S.B. No. 1142)

AN ACT

RELATING TO THE APPROPRIATION TO THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2020; 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, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Miscellaneous Revenue				
Fund	\$67,800	\$13,300		\$81,100
Endowment Earnings Administrative				
Fund	<u>479,200</u>	<u>183,200</u>	<u>\$2,000</u>	<u>664,400</u>
TOTAL	\$547,000	\$196,500	\$2,000	\$745,500

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, 2019, through June 30, 2020, 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, 2019, through June 30, 2020.

SECTION 4. TRANSFERS FROM EARNINGS RESERVE FUNDS. For fiscal year 2020, it is hereby appropriated and the Endowment Fund Investment Board shall transfer \$80,918,000 as follows: \$51,260,000 from the Public School Earnings Reserve Fund to the Public School Income Fund; \$1,466,000 from the Agricultural College Earnings Reserve Fund to the Agricultural College Income Fund; \$5,754,000 from the Charitable Institutions Earnings Reserve Fund to the Charitable Institutions Income Fund; \$4,946,000 from the Normal School Earnings Reserve Fund to the Normal School Income Fund; \$2,247,000 from the Penitentiary Earnings Reserve Fund to the Penitentiary Income Fund; \$4,930,000 from the Scientific School Earnings Reserve Fund to the Scientific School Income Fund; \$5,955,000 from the Mental Hospital Earnings Reserve Fund to the Mental Hospital Income Fund; and \$4,360,000 from the University Earnings Reserve Fund to the University Income Fund.

Approved March 21, 2019

CHAPTER 194
(S.B. No. 1155)

AN ACT

RELATING TO THE APPROPRIATION TO IDAHO PUBLIC TELEVISION FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO IDAHO PUBLIC TELEVISION FOR FISCAL YEAR 2020; 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, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General				
Fund	\$1,499,700	\$1,141,500	\$284,000	\$2,925,200
Technology Infrastructure Stabilization				
Fund			400,000	400,000
Miscellaneous Revenue				
Fund	3,639,600	2,431,900	155,000	6,226,500
Federal Grant				
Fund	<u>12,500</u>	<u>36,900</u>	<u>0</u>	<u>49,400</u>
TOTAL	\$5,151,800	\$3,610,300	\$839,000	\$9,601,100

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, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 21, 2019

CHAPTER 195
(S.B. No. 1164)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2020; 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, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COURT OPERATIONS:					
A. SUPREME COURT:					
FROM:					
General					
Fund	\$6,404,300	\$1,499,500		\$225,600	\$8,129,400
Miscellaneous Revenue					
Fund		318,500			318,500
Federal Grant					
Fund	<u>355,400</u>	<u>1,432,800</u>		<u>0</u>	<u>1,788,200</u>
TOTAL	\$6,759,700	\$3,250,800		\$225,600	\$10,236,100
B. COURT OF APPEALS:					
FROM:					
General					
Fund	\$2,245,800	\$51,800			\$2,297,600
C. DISTRICT COURTS:					
FROM:					
General					
Fund	\$16,181,400	\$558,600			\$16,740,000
Court Technology					
Fund	5,157,800	2,058,200	\$3,640,000		10,856,000
Drug Court, Mental Health Court and Family Court Services					
Fund	<u>1,242,800</u>	<u>2,459,900</u>	<u>0</u>		<u>3,702,700</u>
TOTAL	\$22,582,000	\$5,076,700	\$3,640,000		\$31,298,700
D. MAGISTRATE DIVISION:					
FROM:					
General					
Fund	\$15,736,900	\$412,600			\$16,149,500
Drug Court, Mental Health Court and Family Court Services					
Fund	1,041,600	1,145,400			2,187,000
Guardianship Pilot Project					
Fund	301,100	78,300			379,400
Senior Magistrate Judges					
Fund		510,000			510,000
Federal Grant					
Fund	<u>0</u>	<u>110,000</u>			<u>110,000</u>
TOTAL	\$17,079,600	\$2,256,300			\$19,335,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
E. WATER ADJUDICATION:					
FROM:					
General					
Fund	\$758,700	\$166,300			\$925,000
F. COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES:					
FROM:					
General					
Fund				\$2,561,100	\$2,561,100
Substance Abuse Treatment					
Fund	<u>\$216,300</u>	<u>\$291,200</u>		<u>3,215,500</u>	<u>3,723,000</u>
TOTAL	\$216,300	\$291,200		\$5,776,600	\$6,284,100
G. SENIOR JUDGES:					
FROM:					
General					
Fund	\$1,181,900				\$1,181,900
DIVISION TOTAL	\$50,824,000	\$11,093,100	\$3,640,000	\$6,002,200	\$71,559,300
II. GUARDIAN AD LITEM PROGRAM:					
FROM:					
General					
Fund	\$16,700			\$1,162,500	\$1,179,200
III. JUDICIAL COUNCIL:					
FROM:					
General					
Fund	\$1,800	\$129,000			\$130,800
GRAND TOTAL	\$50,842,500	\$11,222,100	\$3,640,000	\$7,164,700	\$72,869,300

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, 2019, through June 30, 2020. 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 21, 2019

CHAPTER 196
(S.B. No. 1170)

AN ACT

RELATING TO THE APPROPRIATION TO THE MILITARY DIVISION FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE MILITARY DIVISION FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING A CONTINUOUS APPROPRIATION.

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

SECTION 1. There is hereby appropriated to the Military Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MILITARY MANAGEMENT:					
FROM:					
General					
Fund	\$2,396,100	\$401,200	\$278,500	\$300,000	\$3,375,800
Indirect Cost Recovery					
Fund	393,600	29,600			423,200
Miscellaneous Revenue					
Fund		765,900			765,900
Administration and Accounting Services					
Fund	<u>2,468,800</u>	<u>942,600</u>	<u>476,200</u>	<u>0</u>	<u>3,887,600</u>
TOTAL	\$5,258,500	\$2,139,300	\$754,700	\$300,000	\$8,452,500
II. FEDERAL/STATE AGREEMENTS:					
FROM:					
General					
Fund	\$975,100	\$1,087,000			\$2,062,100
Miscellaneous Revenue					
Fund	1,611,800	544,200			2,156,000
Federal Grant					
Fund	<u>24,767,000</u>	<u>20,405,800</u>	<u>\$5,545,000</u>		<u>50,717,800</u>
TOTAL	\$27,353,900	\$22,037,000	\$5,545,000		\$54,935,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. OFFICE OF EMERGENCY MANAGEMENT:					
FROM:					
General					
Fund	\$1,846,200	\$204,200			\$2,050,400
Federal Grant					
Fund	<u>2,713,500</u>	<u>3,854,700</u>		<u>\$11,225,600</u>	<u>17,793,800</u>
TOTAL	\$4,559,700	\$4,058,900		\$11,225,600	\$19,844,200
GRAND TOTAL	\$37,172,100	\$28,235,200	\$6,299,700	\$11,525,600	\$83,232,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Military Division is authorized no more than three hundred ninety-eight and eight-tenths (398.80) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION. The Military Division is hereby granted continuous appropriation authority for the Idaho Office of Emergency Management's Miscellaneous Revenue Fund for the period July 1, 2019, through June 30, 2020, for the purpose of covering incurred costs arising out of hazardous substance incidents.

Approved March 21, 2019

CHAPTER 197
(S.B. No. 1058)

AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5206, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CERTIFICATES FOR CHARTER SCHOOL ADMINISTRATORS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-5206, Idaho Code, be, and the same is hereby amended to read as follows:

33-5206. REQUIREMENTS AND PROHIBITIONS OF A PUBLIC CHARTER SCHOOL. (1) In addition to any other requirements imposed in this chapter, a public charter school shall be nonsectarian in its programs, affiliations, admission policies, employment practices, and all other operations, shall not charge tuition, levy taxes or issue bonds, and shall not discriminate against any student on any basis prohibited by the federal or state constitutions 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.

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.

Approved March 21, 2019

CHAPTER 198
(S.B. No. 1139)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID FOR FISCAL YEAR 2019; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF MEDICAID FOR FISCAL YEAR 2019; 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 339, Laws of 2018, 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, 2018, through June 30, 2019:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MGMT:			
FROM:			
Cooperative Welfare (General)			
Fund	\$580,400		\$580,400
Cooperative Welfare (Federal)			
Fund	<u>1,741,200</u>		<u>1,741,200</u>
TOTAL	\$2,321,600		\$2,321,600
II. ENHANCED MEDICAID PLAN:			
FROM:			
Cooperative Welfare (General)			
Fund		\$42,481,800	\$42,481,800
Idaho Millennium Income			
Fund		4,055,200	4,055,200

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)			
Fund		<u>61,439,000</u>	<u>61,439,000</u>
TOTAL		\$107,976,000	\$107,976,000
GRAND TOTAL	\$2,321,600	\$107,976,000	\$110,297,600

SECTION 2. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Enhanced Medicaid Plan Program in Section 1, Chapter 339, Laws of 2018, from the Cooperative Welfare (Dedicated) Fund is hereby reduced by \$56,766,000 for trustee and benefit payments for the period July 1, 2018, through June 30, 2019.

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 25, 2019

CHAPTER 199
(H.B. No. 158, As Amended)

AN ACT

RELATING TO HOMEOWNER'S ASSOCIATIONS; AMENDING SECTION 55-115, IDAHO CODE, TO PROVIDE FOR CERTAIN PROHIBITED CONDUCT BY HOMEOWNER'S ASSOCIATIONS, TO PROVIDE THAT A HOMEOWNER'S ASSOCIATION MAY ADOPT CERTAIN RULES, AND TO PROVIDE AN EXCEPTION.

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

SECTION 1. That Section 55-115, Idaho Code, be, and the same is hereby amended to read as follows:

55-115. HOMEOWNER'S ASSOCIATION -- PROHIBITED CONDUCT. (1) As used in this section:

(a) "Homeowner's association" shall have the same meaning as in section 45-810(6), Idaho Code.

(b) "Board" means the entity that has the duty of governing the association that may be referred to as the board of directors, executive board or any such similar name.

(c) "Member" or "membership" means any person or entity owning or possessing an interest in residential real property or lot within the physical boundaries of an established homeowner's association.

(2) No fine may be imposed for a violation of the covenants and restrictions pursuant to the rules or regulations of the homeowner's association unless the authority to impose a fine is clearly set forth in the covenants and restrictions and:

(a) A majority vote by the board shall be required prior to imposing any fine on a member for a violation of any covenants and restrictions pursuant to the rules and regulations of the homeowner's association.

(b) Written notice by personal service or certified mail of the meeting during which such vote is to be taken shall be made to the member at least thirty (30) days prior to the meeting.

(c) In the event the member begins resolving the violation prior to the meeting, no fine shall be imposed as long as the member continues to address the violation in good faith until fully resolved.

(d) No portion of any fine may be used to increase the remuneration of any board member or agent of the board.

(e) No part of this section shall affect any statute, rule, covenant, bylaw, provision or clause that may allow for the recovery of attorney's fees.

(3) No homeowner's association may add, amend or enforce any covenant, condition or restriction in such a way that limits or prohibits the rental, for any amount of time, of any property, land or structure thereon within the jurisdiction of the homeowner's association, unless expressly agreed to in writing at the time of such addition or amendment by the owner of the affected property. Nothing in this section shall be construed to prevent the enforcement of valid covenants, conditions or restrictions limiting a property owner's right to transfer his interest in land or the structures thereon as long as that covenant, condition or restriction applied to the property at the time the homeowner acquired his interest in the property.

(4) No homeowner's association may add, amend, or enforce any covenant, condition, or restriction in such a way that prohibits the installation of solar panels or solar collectors on the rooftop of any property or structure thereon within the jurisdiction of the homeowner's association; provided however, that a homeowner's association may determine the specific location where solar panels or solar collectors may be installed on the roof as long as installation is permitted within an orientation to the south or within forty-five (45) degrees east or west of due south. A homeowner's association may adopt reasonable rules for the installation of solar panels or solar collectors consistent with an applicable building code or to require that panels or collectors be parallel to a roof line, conform to the slope of the roof, and that any frame, support bracket, or visible piping or wiring be painted to coordinate with the roofing material. The provisions of this subsection shall apply only to rooftops that are owned, controlled, and maintained by the homeowner.

(5) Attorney's fees and costs shall not accrue and shall not be assessed or collected by the homeowner's association until the homeowner's association has complied with the requirements of subsection (2) of this section and the member has failed to address the violation as prescribed in subsection (2)(c) of this section. A court of competent jurisdiction may determine the reasonableness of attorney's fees and costs assessed against a member. In an action to determine the reasonableness of attorney's fees and costs assessed by the homeowner's association against a member, the court may award reasonable attorney's fees and costs to the prevailing party.

Approved March 19, 2019

CHAPTER 200
(H.B. No. 164)

AN ACT

RELATING TO PROPERTY ASSESSMENT EQUALIZATION; AMENDING SECTION 63-109, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EQUALIZATION OF AN ASSESSMENT OF A CATEGORY OF PROPERTY AND TO PROVIDE CERTAIN REQUIREMENTS FOR NOTICE.

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

SECTION 1. That Section 63-109, Idaho Code, be, and the same is hereby amended to read as follows:

63-109. EQUALIZATION BY CATEGORIES -- IDENTIFICATION AND REASSESSMENT. (1) The state tax commission shall publish rules establishing and defining categories in which various properties will be placed for assessment purposes. If the state tax commission has reason to believe that a county assessor has improperly assessed a category of property, it shall provide notice to the county assessor and board of county commissioners of the alleged improper assessment no later than the first Monday of April. The notice shall include the grounds upon which the state tax commission believes the county assessor has improperly assessed a category of property, as well as any findings, reports, or other documentation supporting the position of the state tax commission. No equalization shall occur unless notice of an improper assessment pursuant to this subsection has been provided to the county assessor and board of county commissioners.

(2) The state tax commission shall equalize the assessments of property throughout the state, by categories, as shown by the abstracts transmitted by the several county auditors, county by county. In such equalization, the state tax commission shall have power to increase or decrease the total value of any category of property in any county as shown by the abstract from that county when, in the opinion of the commission, the value of that category appearing in such abstract is not just and equal as compared with the value of other categories of property in that county, or the value of similar categories of property in other counties, because of its being greater than or less than the market value. Upon receiving information from any source that any property in any county of the state has been omitted from the property roll, or has been improperly assessed, the state tax commission shall have the power to compel the assessor of such county to assess such property and place it upon the property roll forthwith, and to compel the reassessment of all property improperly assessed. The state tax commission is also empowered to identify or order and compel a proper identification of property by categories for assessment purposes in any county, and to create new categories for any taxable property, and to order and compel reassessment by the county assessor of any category or categories of property within the county.

(3) Notwithstanding the provisions of subsection (1) of this section, the state tax commission may equalize the assessment of a category of property in a county if the state tax commission becomes aware that either a county assessor has changed the assessed value of a category of property after the deadline has passed for notice provided for in subsection (1) of this section or that a county board of equalization improperly categorized a category of property. The state tax commission shall immediately provide written notice to the county assessor and board of county commissioners as soon as it becomes aware of the improper assessment or equalization. In no event shall the notice be made later than the Monday following the adjournment of the county board of equalization in July.

(4) The state tax commission shall provide a copy of any equalization order to the county assessor, board of county commissioners, and board of tax appeals within two (2) weeks of the issuance of the equalization order. The board of county commissioners shall notify any property owner affected by the equalization order within two (2) weeks of receiving the equalization order from the state tax commission. The notice shall include a new assessment notice consistent with the state tax commission order.

Approved March 25, 2019

CHAPTER 201
(H.B. No. 176)

AN ACT

RELATING TO POTATOES; AMENDING SECTION 22-1204, IDAHO CODE, TO REVISE DEFINITIONS AND TO PROVIDE THAT CERTAIN RULEMAKING SHALL NOT BE AUTHORIZED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 22-1204, Idaho Code, be, and the same is hereby amended to read as follows:

22-1204. DEFINITIONS. As used in this act:

1. The term "commission" means the Idaho potato commission.
2. The term "person" means individual, partnership, corporation, association, grower and/or any other business unit.
3. The term "potatoes" means and includes only potatoes sold or intended for human consumption and grown in the state of Idaho.
4. "Shipment" of potatoes shall be deemed to take place when the potatoes are loaded within the state of Idaho, in a car, bulk, truck or other conveyance in which the potatoes are to be transported for sale or otherwise.
5. The term "dealer" means and includes any person engaged in the business of buying, receiving, processing, or selling potatoes for profit or remuneration.
6. The term "shipper" means and includes one who is properly licensed under federal and state laws, and actively engaged in the packing and shipping of potatoes in the primary channel of trade in interstate commerce in the state of Idaho, who does not provide the primary management to a growing or processing operation, and who ships more than he produces.
7. The term "grower" means one who is actively engaged in the production of farm products, primarily growing of potatoes on five (5) or more acres in the state of Idaho, and who is not engaged in the does not provide the primary management to a shipping or processing of potatoes operation.
8. Potatoes shall be deemed to be delivered into the primary channel of trade when any such potatoes are sold or delivered for shipment, or delivered for canning and/or processing into by-products.
9. The term "hundredweight" means each one hundred (100) pound unit or combination of packages making a one hundred (100) pound unit of any shipment of potatoes based on invoice and/or bill of lading records.
10. The term "processor" means a person who is actively engaged in the processing of potatoes in the state of Idaho for human consumption.
11. The term "processing" means changing the form of potatoes from the raw or natural state into a product for human consumption.
12. The term "handler" means and includes any person processing potatoes or handling them in the primary channel of trade.
13. The term "tax" means an assessment levied on potatoes covered by this act for the sole purpose of financing, on behalf of the potato industry

in Idaho, the commission's activities in carrying out the purposes of this act.

Notwithstanding any other provision of law to the contrary, the commission shall not be authorized to promulgate rules relating to the amendments to the definitions of the terms "shipper," "grower," and "processor" as provided for in this act for a period of one (1) year from the effective date of this 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.

Approved March 25, 2019

CHAPTER 202
(H.B. No. 177)

AN ACT

RELATING TO RETIRED OFFICERS; AMENDING SECTION 59-1356, IDAHO CODE, TO PROVIDE FOR THE REEMPLOYMENT OF CERTAIN RETIRED MEMBERS; AND AMENDING SECTION 33-1004H, IDAHO CODE, TO PROVIDE FOR SCHOOL RESOURCE OFFICERS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 59-1356, Idaho Code, be, and the same is hereby amended to read as follows:

59-1356. REEMPLOYMENT OF RETIRED MEMBERS. (1) If an early retired member is reemployed with the same employer within ninety (90) days from retiring, or the early retired member is guaranteed reemployment with the same employer, the member shall be considered to have continued in the status of an employee and not to have separated from service. Any retirement allowance payments received by the retired member shall be repaid to the system and the retirement shall be negated. The month of last contribution prior to the negated retirement and the month of initial contribution upon return to reemployment shall be considered consecutive months of contributions in the determination of an appropriate salary base period upon subsequent retirement. A retired member is not considered to have separated from service if he continues performing services for the same employer in any capacity including, but not limited to, independent contractor, leased employee, or temporary services.

(2) Except as provided in subsection (3) of this section, when a retired member meets the definition of an employee as defined in section 59-1302(14)(A)(a), Idaho Code, any benefit payable on behalf of such member shall be suspended and any contributions payable by such member under sections 59-1331 through 59-1334, Idaho Code, shall again commence. The suspended benefit, as adjusted pursuant to section 59-1355, Idaho Code, shall resume upon subsequent retirement, along with a separate allowance computed with respect to only that salary and service credited during the period of reemployment. Any death benefit that becomes payable under the suspended benefit shall be payable under section 59-1361(2), Idaho Code. Any death benefit that becomes payable with respect to salary and service accrued during the period of reemployment shall be payable under section 59-1361(3), Idaho Code, if the member dies during the period of reemployment.

(3) If a retired member who is receiving a benefit that is not reduced under section 59-1346, Idaho Code, and who has been retired for more than six (6) months, again becomes employed as defined in this section and section 59-1302(14) (A) (b), Idaho Code, as a result of being elected to a public office other than an office held prior to retirement, the retired member may elect to continue receiving benefits and not accrue additional service, in which event no contributions shall be made by the member or employer during such reemployment and any benefit payable on behalf of such member shall continue.

(4) If a retired ~~school teacher~~ schoolteacher or administrator who retired on or after age sixty (60) years, or a public safety officer who retired, and is receiving a benefit that is not reduced under section 59-1346, Idaho Code, again becomes an employee as defined in this section and section 59-1302(14), Idaho Code, as a result of returning to employment with a school district as provided in section 33-1004H, Idaho Code, the retired member may elect to continue receiving benefits and not accrue additional service, in which event no contributions shall be made by the member during such reemployment and any benefit payable on behalf of such member shall continue. However, the school district shall pay the required employer contribution for that employee to the public employee retirement system.

(5) It is the responsibility of each employer to immediately report to the retirement board the employment of any retired member so that benefit payments can be suspended as provided in this section. If an employer fails to properly report the employment of a retired member and it results in the retirement board making benefit payments that should have been suspended, the employer shall, in addition to paying delinquent employee and employer contributions from the date of eligibility, also be responsible for repaying to the retirement board the benefit payments made to the retired member that should have been suspended, plus interest. The employer may then recoup such payments from the retired member.

(6) For purposes of this section, "same employer" means the employer for which the retired member last worked prior to retirement.

SECTION 2. That Section 33-1004H, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004H. EMPLOYING RETIRED TEACHERS AND ADMINISTRATORS. (1) Notwithstanding the provisions of section 33-514, 33-1271 or 33-1273, Idaho Code, school districts may employ school resource officers, ~~certificated school teachers~~ schoolteachers, and administrators who are receiving retirement benefits from the public employee retirement system of Idaho, except those who received benefits under the early retirement program previously provided by the state in positions requiring such certification, as at-will employees. Any employment contract between the retiree and the school district shall be separate and apart from the collective bargaining agreement of the school district.

(2) Retirees employed under this section shall accrue one (1) day per month of sick leave, with no annual sick leave accumulation unless additional sick leave is negotiated between the candidate and the school district at the time of employment. No sick leave accrued under this section qualifies for unused sick leave benefits under section 33-1228, Idaho Code.

(3) School districts are not required to provide health insurance or life insurance benefits to persons employed under this section. Post-termination benefits may be negotiated between the school district and the certificated employee at the time of rehiring but in no event can the parties affect or attempt to affect the provisions governing the public employee retirement system.

CHAPTER 203
(H.B. No. 184)

AN ACT

RELATING TO FINANCIAL AUDITS; AMENDING SECTION 67-450B, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXPENDITURE LEVELS OF LOCAL GOVERNMENTAL ENTITIES SUBJECT TO AUDITS.

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

SECTION 1. That Section 67-450B, Idaho Code, be, and the same is hereby amended to read as follows:

67-450B. INDEPENDENT FINANCIAL AUDITS OF LOCAL GOVERNMENTAL ENTITIES -- FILING REQUIREMENTS. (1) The requirements set forth in this section are minimum audit requirements for all local governmental entities, and include, without limitation, all cities, counties, authorities and districts organized as separate legal and reporting entities under Idaho law, and include the councils, commissions and boards as appointed or elected and charged with fiscal management responsibilities of the local governmental entity.

Audits under these requirements are to be performed by independent auditors in accordance with generally accepted governmental auditing standards, as defined by the United States general accountability office. The auditor shall be employed on written contract.

The entity's governing body shall be required to include in its annual budget all necessary expenses for carrying out the provisions of this section.

The entity shall file one (1) copy of each completed audit report with the legislative services office within nine (9) months after the end of the audit period.

(2) The minimum requirements for any audit performed under the provisions of this section are:

(a) The governing body of a local governmental entity whose annual expenditures ~~{from all sources}~~ exceed two hundred fifty thousand dollars (\$250,000) shall cause a full and complete audit of its financial statements to be made each fiscal year.

(b) The governing body of a local governmental entity whose annual expenditures ~~{from all sources}~~ exceed one hundred fifty thousand dollars (\$1050,000), but do not exceed two hundred fifty thousand dollars (\$250,000) in the current year, shall have an annual audit or may elect to have its financial statements audited on a biennial basis. The first year that expenditures exceed one hundred fifty thousand dollars (\$1050,000) is the first year of the biennial audit period. The ~~local government~~ governmental entity may continue the biennial audit cycle in subsequent years as long as the entity's annual expenditures during the first year of the biennial audit period do not exceed two hundred fifty thousand dollars (\$250,000). In the event that annual expenditures exceed two hundred fifty thousand dollars (\$250,000) in the current year following a year in which a biennial audit was completed, the ~~local government~~ governmental entity shall complete an annual audit. In the event that annual expenditures in the current year do not exceed one hundred fifty thousand dollars (\$1050,000) following a year in which an annual or biennial audit was completed, the ~~local government~~ governmental entity has no minimum audit requirement.

(c) The governing body of a local governmental entity whose annual expenditures {from all sources} do not exceed one hundred fifty thousand dollars (\$1050,000) has no minimum audit requirements under this section.

(d) Federal audit requirements applicable because of expenditure of federal assistance supersede the minimum audit requirements provided in this section.

Approved March 25, 2019

CHAPTER 204
(H.B. No. 191)

AN ACT

RELATING TO THE SECRETARY OF STATE; AMENDING SECTION 30-21-214, IDAHO CODE, TO REVISE A PROVISION REGARDING ENTITY FILING, TO PROVIDE A FEE FOR EXPEDITED FILING SERVICES FOR AN ENTITY FILING, AND TO CLARIFY THE APPLICATION OF A SURCHARGE FOR MANUAL ENTRY OF A FILING.

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

SECTION 1. That Section 30-21-214, Idaho Code, be, and the same is hereby amended to read as follows:

30-21-214. FEES. (a) The secretary of state shall collect the following fees for copying and certifying the copy of any filed record:

- (1) Twenty-five cents (25¢) per page for copying; and
- (2) Ten dollars (\$10.00) for the certification.

(b) The secretary of state shall collect the following fees when an entity filing is delivered for filing:

- (1) Statement of merger \$30.00
- (2) Statement of withdrawal \$30.00
- (3) Statement of interest exchange \$30.00
- (4) Statement of abandonment \$30.00
- (5) Statement of conversion \$30.00
- (6) Statement of domestication \$30.00
- (7) Annual report No fee
- (8) Articles of incorporation of a business corporation \$100.00
- (9) Articles of incorporation of a nonprofit corporation \$30.00
- (10) Statement of qualification of a limited liability partnership ...
..... \$100.00
- (11) Certificate of amendment to certificate of assumed business name
..... \$10.00
- (12) Certificate of amendment to certificate of assumed business name
with only an address change No fee
- (13) Certificate of assumed business name \$25.00
- (14) Certificate of cancellation of a certificate of assumed business
name No fee
- (15) Certificate of limited partnership of a limited partnership
..... \$100.00
- (16) Certificate of organization of a limited liability company
..... \$100.00
- (17) Other public organic documents or a statement not otherwise speci-
fied herein \$30.00

(18) Commercial registered agent listing statement	\$100.00
(19) Commercial registered agent termination statement	\$20.00
(20) Commercial registered agent statement of change	\$30.00
(21) Registered agent statement of resignation	No fee
(22) Statement designating a registered agent	\$20.00
(23) Foreign entity registration statement	\$100.00
(24) Amendment of foreign entity registration statement	\$30.00
(25) Statement of withdrawal of foreign entity registration statement	\$20.00
(26) Statement of correction	\$30.00
(27) Application for reinstatement following administrative dissolution	\$30.00
(28) Statement of dissolution of a limited liability company ...	No fee
(29) Statement of partnership authority	\$100.00
(30) Certificate of existence	\$10.00
(31) Application for use of deceptively similar name	\$20.00
(32) Application for reserved name	\$20.00
(33) Notice of transfer of reserved name	\$20.00
(34) Application for registered name	\$60.00
(35) Application for renewal of registered name	\$60.00
(36) Amendment of articles of incorporation	\$30.00
(37) Restatement of articles of incorporation with amendment of arti- cles	\$30.00
(38) Articles of dissolution	No fee
(39) Articles of revocation of dissolution	\$30.00
(40) Certificate of administrative action	\$10.00
(41) Certificate of judicial dissolution	No fee
(42) Statement of termination	No fee

(c) The withdrawal under section 30-21-204, Idaho Code, of a filed record before it is effective or the correction of a filed record under section 30-21-205, Idaho Code, does not entitle the person on whose behalf the record was filed to a refund of the filing fee.

(d) The secretary of state shall collect a surcharge of twenty forty dollars (\$240.00) for providing evidence of filing an entity filing within eight (8) working hours after the entity filing is delivered, either in person or electronically, for filing.

(e) The secretary of state shall collect a surcharge of one hundred dollars (\$100) for providing evidence of filing an entity filing that is submitted to the secretary of state before 1:00 p.m. mountain time and that requests expedited service within the same working day that the filing is submitted.

(f) The secretary of state shall collect a surcharge of twenty dollars (\$20.00) for filing any form that is not generated by the secretary of state's electronic filing system and that requires manual data entry; provided, however, that no surcharge for manual data entry shall be collected under this subsection for any form that is not available for online filing by the secretary of state's electronic filing system.

Approved March 25, 2019

CHAPTER 205
(H.B. No. 201)

AN ACT

RELATING TO NONSCHOOL TAXING DISTRICTS AND PROPERTY TAX LEVIES; AMENDING CHAPTER 13, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-1315, IDAHO CODE, TO PROVIDE FOR THE FUNDING OF CERTAIN JUDICIALLY CONFIRMED OBLIGATIONS OF CERTAIN NONSCHOOL TAXING DISTRICTS; AMENDING CHAPTER 13, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-1316, IDAHO CODE, TO PROVIDE FOR VOTER APPROVAL OF FUNDING FOR A JUDICIALLY CONFIRMED OBLIGATION; AMENDING SECTION 31-1901, IDAHO CODE, TO PROVIDE THAT COUNTY COMMISSIONERS MAY ISSUE BONDS TO FUND A JUDICIALLY CONFIRMED OBLIGATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-2908, IDAHO CODE, TO PROVIDE FOR THE CALCULATION OF THE TAX RATE IN A REVENUE ALLOCATION AREA FOR LEVIES FOR JUDICIALLY CONFIRMED OBLIGATIONS, TO PROVIDE CORRECT CODE REFERENCES, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-802, IDAHO CODE, TO SPECIFY THAT REVENUES FROM A LEVY FOR THE PAYMENT OF JUDICIALLY CONFIRMED OBLIGATIONS ARE EXCLUDED FROM A TAXING DISTRICT'S ANNUAL BUDGET AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-803, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 63-811, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Chapter 13, 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 63-1315, Idaho Code, and to read as follows:

63-1315. FUNDING OF A JUDICIALLY CONFIRMED OBLIGATION. (1) A non-school taxing district having a population of less than seven thousand five hundred (7,500) may certify a budget request for an amount of property tax revenues to finance an annual budget in excess of the limitations imposed by section 63-802, Idaho Code, for the purpose of paying an obligation that has been judicially confirmed pursuant to chapter 13, title 7, Idaho Code, provided that all of the following conditions are met:

- (a) The taxing district has, within the previous five (5) years, held at least three (3) elections to obtain voter approval to incur the debt;
- (b) The taxing district first budgets the maximum amount of property tax permitted pursuant to section 63-802, Idaho Code, including any available forgone amount;
- (c) All surplus funds available to the taxing district are used to pay the obligation;
- (d) The obligation was judicially confirmed after March 1, 2018, but before December 31, 2019;
- (e) The obligation amount exceeds one-third (1/3) of the property tax revenues used to finance the taxing district's highest annual budget in the preceding three (3) years; and
- (f) The amount in excess of the limitations imposed by section 63-802, Idaho Code, authorized by this section does not increase the budget that would otherwise be applicable by more than the amount raised by a levy rate of one-tenth of one percent (0.1%).

(2) The provisions of subsection (1) of this section pertain regardless of whether the obligation is paid in cash, redeemable warrants, the proceeds of bonded indebtedness permitted as an ordinary and necessary expense, or any combination of these methods of payment.

(3) The state tax commission may promulgate rules necessary to administer the provisions of this section.

(4) The levy resulting from the provisions of subsection (1) of this section may be imposed only until the obligation is paid in full.

SECTION 2. That Chapter 13, 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 63-1316, Idaho Code, and to read as follows:

63-1316. ELECTION -- AUTHORIZATION OF GOVERNING BODY. (1) No non-school taxing district shall exercise any powers provided pursuant to section 63-1315, Idaho Code, unless a majority of qualified electors have voted to approve the obligation provided for in section 63-1315, Idaho Code, within the five (5) years prior to the budget request.

(2) The election provided for in this section shall be held in accordance with the provisions of section 34-106, Idaho Code.

SECTION 3. That Section 31-1901, Idaho Code, be, and the same is hereby amended to read as follows:

31-1901. COMMISSIONERS MAY ISSUE FUNDING AND REFUNDING BONDS. The board of county commissioners of any county in this state may issue negotiable coupon bonds of their county for the purpose of paying, redeeming, funding or refunding the outstanding indebtedness of the county, including an obligation meeting the criteria of section 63-1315, Idaho Code, whether the indebtedness exists as a warrant indebtedness or bonded indebtedness. All such bonds shall be in the form and shall be issued, sold or exchanged and redeemed in accordance with the provisions of chapter 2, of title 57, Idaho Code, known as the "Municipal Bond Law" of the state of Idaho, except where different provision is made herein. Provided, that the authority to fund warrant indebtedness shall extend only to the funding of warrant indebtedness existing as of the second Monday in January, 1933, and providing further that all taxes and other revenues which but for the funding of warrants would have been lawfully applicable to the redemption of the warrants so funded shall, as and when collected, be apportioned to and placed in the sinking fund for the payment of the interest and retirement of the principal of such bonds. Bonds issued for the purpose of funding warrants shall bear interest payable semiannually as the board of county commissioners may determine.

SECTION 4. That Section 50-2908, Idaho Code, be, and the same is hereby amended to read as follows:

50-2908. DETERMINATION OF TAX LEVIES -- CREATION OF SPECIAL FUND. (1) For purposes of calculating the rate at which taxes shall be levied by or for each taxing district in which a revenue allocation area is located, the county commissioners shall, with respect to the taxable property located in such revenue allocation area, use the equalized assessed value of such taxable property as shown on the base assessment roll rather than on the current equalized assessed valuation of such taxable property, except the current equalized assessed valuation shall be used for calculating the tax rate for:

(a) Levies for refunds and credits pursuant to section 63-1305, Idaho Code, and any judgment pursuant to section 33-802(1), Idaho Code, certified after December 31, 2007;

(b) Levies permitted pursuant to section 63-802(3), Idaho Code, certified after December 31, 2007;

(c) Levies for voter approved general obligation bonds of any taxing district and plant facility reserve fund levies passed after December 31, 2007;

(d) Levies for payment of obligations that have been judicially confirmed pursuant to chapter 13, title 7, Idaho Code, and that meet the criteria of sections 63-1315 and 63-1316, Idaho Code;

(e) Levies set forth in paragraphs (a) through (ed) of this subsection, first certified prior to December 31, 2007, when the property affected by said levies is included within the boundaries of a revenue allocation area by a change in the boundaries of either the revenue allocation area or any taxing district after December 31, 2007; and

(ef) School levies for supplemental maintenance and operation pursuant to section 33-802(3) and (4), Idaho Code, approved after December 31, 2007, and for emergency funds pursuant to section 33-805, Idaho Code, approved after July 1, 2015.

(2) With respect to each such taxing district, the tax rate calculated under subsection (1) of this section shall be applied to the current equalized assessed valuation of all taxable property in the taxing district, including the taxable property in the revenue allocation area. The tax revenues thereby produced shall be allocated as follows:

(a) To the taxing district shall be allocated and shall be paid by the county treasurer:

(i) All taxes levied by the taxing district or on its behalf on taxable property located within the taxing district but outside the revenue allocation area;

(ii) A portion of the taxes levied by the taxing district or on its behalf on the taxable property located within the revenue allocation area, which portion is the amount produced by applying the taxing district's tax rate determined under subsection (1) of this section to the equalized assessed valuation, as shown on the base assessment roll, of the taxable property located within the revenue allocation area; and

(iii) All taxes levied by the taxing district to satisfy obligations specified in subsection (1) ~~(a) through (e)~~ of this section.

(b) To the urban renewal agency shall be allocated the balance, if any, of the taxes levied on the taxable property located within the revenue allocation area.

(3) Upon enactment of an ordinance adopting a revenue allocation financing provision as part of an urban renewal plan, the urban renewal agency shall create a special fund or funds to be used for the purposes enumerated in this chapter. The revenues allocated to the urban renewal agency pursuant to this chapter shall be paid to the agency by the treasurer of the county in which the revenue allocation district is located and shall be deposited by the agency into one (1) or more of such special funds. The agency may, in addition, deposit into such special fund or funds such other income, proceeds, revenues and funds it may receive from sources other than the revenues allocated to it under subsection (2) (b) of this section.

(4) For the purposes of section 63-803, Idaho Code, during the period when revenue allocation under this chapter is in effect, and solely with respect to any taxing district in which a revenue allocation area is located, the county commissioners shall, in fixing any tax levy other than ~~the~~ a levy specified in subsection (1) ~~(a) through (e)~~ of this section, take into consideration the equalized assessed valuation of the taxable property situated in the revenue allocation area as shown in the base assessment roll, rather than the current equalized assessed value of such taxable property.

(5) For all other purposes, including, without limitation, for purposes of sections 33-802, 33-1002 and 63-1313, Idaho Code, reference in the Idaho Code to the term "market value for assessment purposes" (or any other such similar term) shall mean market value for assessment purposes as defined in section 63-208, Idaho Code.

SECTION 5. 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 the right to recover all or any portion of that year's forgone increase by adoption of a resolution declaring the same. 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 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 provided 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.

SECTION 6. That Section 63-803, Idaho Code, be, and the same is hereby amended to read as follows:

63-803. CERTIFICATION OF BUDGETS IN DOLLARS. (1) Whenever any taxing district is required by law to certify to any county treasurer, county auditor, county assessor, county commissioners or to any other county officer, any property tax levy, upon property located within said district, such certification shall, notwithstanding any other provision of the law applicable to any such district, be made at the time and in the manner hereinafter provided.

(2) The county auditor shall inform each of the taxing districts within his county of the taxable value of that district as soon as such value is known to the auditor, whether the value comes from the appraisal and assessment of real and personal property, or from allocation of the taxable value of operating property, or from other sources.

(3) Using the taxable value of the district, the council, trustees, board or other governing body of any taxing district shall certify the total amount required from a property tax upon property within the district to raise the amount of money fixed by their budget as previously prepared or approved. The amount of money so determined shall be certified in dollars to the appropriate county commissioners. Any taxing unit, except regional airport authorities, located in more than one (1) county shall divide its dollar budget for certification to the separate counties by multiplying the amount of such budget by a fraction, the numerator of which shall be the total taxable value of all property in such taxing unit within the county to which such certification is to be made, and the denominator of which shall be the total taxable value of property in such taxing unit in all such counties. Budget certification to the participating counties of regional airport authorities shall be made in the manner prescribed in section 21-807(10), Idaho Code. Taxable value shall be certified by the county auditor of each affected county to such taxing unit and such certification shall be used in this formula. Except as provided in section 33-805, Idaho Code, relating to school emergency fund levies, the certification to the county commissioners required in this section shall be made not later than the Thursday prior to the second Monday in September, unless, upon application therefor, the county commissioners grant an extension of not more than seven (7) working days. After receipt of this certification, the county commissioners shall make a tax levy as a percent of taxable value of all property in the taxing district which, when applied to the tax rolls, will meet the budget requirements certified by such taxing districts.

(4) Except as provided in ~~subsection (1)(a) through (e) of section 50-2908(1)~~, Idaho Code, for the purpose of this section, "taxable value" shall mean the portion of the equalized assessed value, less any exemptions, and the value that exceeds the value of the base assessment roll for the portion of any taxing district within a revenue allocation area of an urban renewal district, located within each taxing district which certifies a budget to be raised from a property tax levy. When the county auditor is notified of revenues sufficient to cover expenses as provided in section 50-2903(5), Idaho Code, taxable value shall also include the value that exceeds the value of the base assessment roll for the portion of any taxing district within a revenue allocation area. For each taxing district, taxable value shall include the value from the property and operating property rolls for the current year and subsequent and missed property rolls for the prior year or the best estimate of the subsequent and missed property rolls for the current year.

SECTION 7. That Section 63-811, Idaho Code, be, and the same is hereby amended to read as follows:

63-811. COMPUTATION OF PROPERTY TAXES -- DUTY OF COUNTY AUDITOR. (1) The county auditor must cause to be computed the amount of the local property taxes levied on the total of the taxable value as entered on the property and operating property rolls, and must deliver the property and operating property rolls to the tax collector on or before the first Monday of November.

(2) The county auditor must cause to be computed the amount of the local property taxes levied on the total of the taxable value as entered on the subsequent property roll, and must deliver the subsequent property roll to the tax collector as soon as possible, without delay, after the first Monday of December.

(3) The county auditor must cause to be computed the amount of the state property tax and the amount of the local property taxes levied on the total taxable value as entered on the missed property roll, and must deliver the missed property roll to the tax collector as soon as possible, without delay, in the year following the year in which the assessment was entered on the missed property roll.

(4) Except as provided in ~~subsection (1)(a) through (e) of section 50-2908(1)~~, Idaho Code, for the purpose of this section, "taxable value" shall mean the portion of the equalized assessed value, less any exemptions and the value that exceeds the value of the base assessment roll for the portion of any taxing district within a revenue allocation area of an urban renewal district, located within each taxing district which certifies a budget to be raised from a property tax levy.

(5) The county auditor, at the time of delivery to the county tax collector of the property roll, subsequent property roll, missed property roll or operating property roll with all property taxes computed, must subscribe an affidavit to such roll that he has to the best of his knowledge and ability computed the proper amount of property taxes due, and recorded such orders of the board of equalization as have been made and has made no other changes.

(6) Failure of the auditor to make the affidavit shall not affect the validity of any entry on the roll. The making of such affidavit, however, is declared to be a duty pertaining to the office of the county auditor. In every case where the said affidavit is omitted from the real property assessment roll, completed and delivered as aforesaid, the board of county commissioners must require the county auditor to make the same, and upon refusal or neglect of such county auditor to make and subscribe to such affidavit forthwith, the chairman of the said board must immediately file in the district court in the county, an information in writing, verified by his oath, charging such county auditor with refusal or neglect to perform the official duties pertaining to his office, and thereupon he must be proceeded against as in such cases provided by law.

SECTION 8. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 9. 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, 2019.

CHAPTER 206
(H.B. No. 207)

AN ACT

RELATING TO WETLANDS; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 93, TITLE 67, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSE, TO DEFINE TERMS, AND TO PROVIDE FOR LIMITATIONS.

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 93, Title 67, Idaho Code, and to read as follows:

CHAPTER 93
COMPENSATORY MITIGATION FOR IMPACTS TO WETLANDS

67-9301. 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.

67-9302. 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.

67-9303. 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.

Approved March 25, 2019

CHAPTER 207
(H.B. No. 209)

AN ACT

RELATING TO PEACE OFFICERS; AMENDING SECTION 19-603, IDAHO CODE, TO REVISE A PROVISION REGARDING A PERSON WHO HAS COMMITTED A VIOLATION, TO AUTHORIZE A PEACE OFFICER TO ARREST A PERSON WITHOUT A WARRANT IN CERTAIN INSTANCES, 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 19-603, Idaho Code, be, and the same is hereby amended to read as follows:

19-603. WHEN PEACE OFFICER MAY ARREST. A peace officer may make an arrest in obedience to a warrant delivered to him, or may, without a warrant, arrest a person:

1. For a public offense committed or attempted in his presence.
2. When a person arrested has committed a felony, although not in his presence.
3. When a felony has in fact been committed and he has reasonable cause for believing the person arrested to have committed it.
4. On a charge made, upon a reasonable cause, of the commission of a felony by the party arrested.
5. At night, when there is reasonable cause to believe that he has committed a felony.
6. When upon immediate response to a report of a commission of a crime there is probable cause to believe, that the person arrested has committed a violation of section 18-902~~1~~ (assault), 18-903 (battery), 18-918 (domestic

~~assault or battery violence~~), 18-7905 (first-degree stalking), 18-7906 (second-degree stalking), 39-6312 (violation of a protection order), ~~or~~ 18-920 (violation of a no contact order), or 18-3302I (threatening violence upon school grounds -- firearms and other deadly or dangerous weapons), Idaho Code.

7. When there is reasonable cause to believe, based upon physical evidence observed by the officer or statements made in the presence of the officer upon immediate response to a report of a commission of a crime aboard an aircraft, that the person arrested has committed such a crime.

Approved March 25, 2019

CHAPTER 208
(H.B. No. 244)

AN ACT

RELATING TO NATUROPATHIC MEDICINE LICENSING; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 51, TITLE 54, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR SCOPE OF PRACTICE, TO PROVIDE EXEMPTIONS FROM LICENSURE, TO ESTABLISH A NATUROPATHIC MEDICAL BOARD, TO PROVIDE FOR THE POWERS AND DUTIES OF THE NATUROPATHIC MEDICAL BOARD, TO ESTABLISH PROVISIONS REGARDING QUALIFICATIONS FOR LICENSURE, TO PROVIDE FOR LICENSURE BY ENDORSEMENT, TO PROVIDE FOR LICENSE EXPIRATION AND RENEWAL, TO PROVIDE GROUNDS FOR DISCIPLINE OR DENIAL OF A LICENSE, TO SPECIFY CERTAIN PROHIBITED ACTS, AND TO PROVIDE FOR PREEMPTION OF LOCAL REGULATIONS.

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

SECTION 1. That Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 51, Title 54, Idaho Code, and to read as follows:

CHAPTER 51
NATUROPATHIC MEDICINE LICENSING

54-5101. DEFINITIONS. As used in this chapter:

(1) "Approved naturopathic medical program" means a naturopathic medical education program in the United States or Canada that provides the degree of doctor of naturopathy or doctor of naturopathic medicine, that includes graduate level, full-time, didactic, and supervised clinical training, and is either accredited or has achieved candidacy status for accreditation by the nationally recognized accrediting body for naturopathic medical programs.

(2) "Board" means the Idaho board of medicine.

(3) "Minor office procedures" means the use of operative, electrical, or other methods for the repair and care incidental to superficial lacerations and abrasions, superficial lesions, and the removal of foreign bodies located in the superficial tissues and the use of antiseptics and local topical anesthetics in connection with such methods.

(4) "Naturopathic medical board" means an advisory naturopathic licensure board established by this chapter to accept applications under this chapter, to make recommendations and consult with the board, and to perform such other duties as may be required or authorized in this chapter or by the board.

(5) "Naturopathic medical doctor" means a person authorized and licensed to practice naturopathic medicine under this chapter.

(6) "Naturopathic medical formulary" means the prescription medicines used by naturopathic medical doctors, as set forth in rule, which may include legend medications excluding scheduled controlled substances except for testosterone.

(7) "Naturopathic medicine" means a distinct and comprehensive system of primary health care practiced by a naturopathic medical doctor.

54-5102. SCOPE OF PRACTICE. (1) Naturopathic medical doctors provide primary care, including but not limited to the following services:

(a) Naturopathic medical doctors may use physical and laboratory examinations consistent with naturopathic medical education and training for diagnostic purposes. Naturopathic medical doctors may order and perform diagnostic and imaging tests consistent with naturopathic medical education and training. All diagnostic and imaging tests not consistent with naturopathic medical education and training must be referred to an appropriately licensed health care professional for treatment and interpretation.

(b) Naturopathic medical doctors are authorized to dispense, administer, and prescribe prescription drugs and medical devices as authorized by the naturopathic medical formulary as set forth in rule.

(c) Naturopathic medical doctors may perform minor office procedures.

(d) Naturopathic medical doctors may perform those therapies for which they are trained and educated, consistent with the provisions of this chapter.

(e) Naturopathic medical doctors may admit patients to a hospital at which they are credentialed and privileged to do so.

(2) The practice of naturopathic medicine does not include the practice of obstetrics.

(3) This section shall take effect on July 1, 2020.

54-5103. EXEMPTIONS FROM LICENSURE. This chapter is not intended to and does not prohibit, restrict, or apply to:

(1) The practice of a profession by individuals who are licensed, certified, registered, or otherwise authorized under other laws of this state and are performing services within the authorized scope of practice;

(2) The practice of naturopathic medicine by an individual employed by the federal government while the individual is engaged in the performance of duties prescribed by the laws and regulations of the United States;

(3) An individual rendering aid in an emergency, when no fee or other consideration for the service is charged, received, expected, or contemplated;

(4) An individual engaged in the sale of vitamins, health foods, over-the-counter homeopathic products, dietary supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited under state or federal law;

(5) The practice by a licensed naturopathic physician duly licensed in another state, territory, or the District of Columbia when that licensed naturopathic physician is called into this state for consultation with a physician licensed pursuant to this chapter or chapter 18, title 54, Idaho Code;

(6) The practice of naturopathic medicine by a student enrolled in an approved naturopathic medical program. Services shall be performed pursuant to a course of instruction or assignments from an instructor and under the supervision and observation of the instructor or a naturopathic medical doctor; or

(7) The practice of the complementary and alternative healing methods and treatments as described in section 54-1804(1)(j), Idaho Code.

(8) This section shall take effect on July 1, 2020.

54-5104. NATUROPATHIC MEDICAL BOARD. (1) There is hereby established a naturopathic medical board.

(2) The naturopathic medical board shall consist of five (5) members appointed by the board, all of whom shall be residents of Idaho, three (3) of whom shall be licensed pursuant to this chapter, one (1) of whom shall be a physician licensed pursuant to chapter 18, title 54, Idaho Code, and one (1) of whom shall be a public member. The initial naturopathic medical board shall be appointed for staggered terms, the longer of which will not exceed four (4) years. After the initial appointments, all terms shall be for three (3) years, and no member of the naturopathic medical board shall serve more than three (3) terms.

(3) The initial three (3) naturopathic medical doctor members shall have at least two (2) years of experience in the practice of naturopathic medicine and shall be eligible to become licensed pursuant to this chapter.

(4) After initial naturopathic medical board members are appointed, the three (3) naturopathic medical board members who are naturopathic medical doctors shall be licensed pursuant to this chapter and shall actively practice naturopathic medicine in the state of Idaho for the duration of their appointment.

(5) In the event of death, resignation, or removal of any naturopathic medical board member before the expiration of the term to which he 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 may, upon recommendation of the naturopathic medical board, or upon its own motion, remove any member of the naturopathic medical board for cause prior to the expiration of the member's term.

(7) The naturopathic medical board shall, within thirty (30) days after its appointment, and at least semiannually thereafter, hold a meeting and elect a chairperson. The naturopathic medical board may hold additional meetings on the call of the chairperson or at the written request of any two (2) members of the naturopathic medical board. The naturopathic medical board may appoint such committees as it considers necessary to carry out its duties. A majority of the members of the naturopathic medical board shall constitute a quorum.

(8) Each member of the naturopathic medical board shall be compensated as provided in section 59-509(n), Idaho Code.

54-5105. BOARD OF MEDICINE AND NATUROPATHIC MEDICAL BOARD -- POWERS AND DUTIES -- FUNDS. (1) The board of medicine shall administer, coordinate, and enforce the provisions of this chapter and, for that purpose, may hire such employees as may be necessary. The naturopathic medical board shall make recommendations to, and consult with, the board concerning qualification of applicants for licensure, issuance of licenses, renewal of licenses, discipline of licensees, and rules to be promulgated under this chapter.

(2) The board of medicine may, upon recommendation of the naturopathic medical board, or by its own motion, adopt rules pursuant to chapter 52, title 67, Idaho Code, necessary to implement the provisions of this chapter, including but not limited to rules relating to professional licensure examination, the establishment of ethical standards of practice, disciplinary proceedings, and license suspension, revocation, or restriction for persons holding a license to practice naturopathic medicine in this state.

(3) The naturopathic medical board shall hold meetings, conduct hearings, and keep records and minutes as are necessary to carry out its functions.

(4) All fees received under the provisions of this chapter shall be deposited in the state treasury to the credit of the state board of medicine fund created in section 54-1809, Idaho Code, and all costs and expenses incurred by the board and naturopathic medical board under the provisions of this chapter shall be a charge against and paid from said fund for such pur-

poses, and the funds collected hereunder shall be immediately available for the administration of this chapter. In no instance shall the state board of medicine fund be obligated to pay any claims which, in aggregate with claims already allowed, exceed the income to the state board of medicine fund that has been derived from the application of this chapter. Money paid into the state board of medicine fund pursuant to this chapter is hereby continuously appropriated to the board for expenditure in the manner prescribed in this section to defray the expenses of the board and naturopathic medical board in carrying out and enforcing the provisions of this chapter.

54-5106. **QUALIFICATIONS FOR LICENSURE.** To be eligible for a license to practice as a naturopathic medical doctor in the state of Idaho, the applicant shall submit an application, pay the fee, and fulfill the following requirements:

(1) The applicant must be a graduate of an approved naturopathic medical program as defined in this chapter.

(2) The applicant must provide proof of having received a passing grade on the naturopathic physicians licensing examinations administered by the approved national board of naturopathic examiners.

(3) The board may require an applicant to be personally interviewed by the board, the naturopathic medical board, or by a designated committee of the board. Such an interview shall be limited to a review of the applicant's qualifications and professional credentials.

(4) The application shall require a fingerprint-based criminal history check of the Idaho central criminal database and the federal bureau of investigation criminal history database. Each applicant must submit a full set of the applicant's fingerprints on forms supplied by the board, which shall be forwarded to the Idaho state police and the federal bureau of investigation identification division for this purpose. The board shall not disseminate data acquired from a fingerprint-based criminal history check except as allowed by law.

(5) This section shall take effect on July 1, 2020.

54-5107. **ENDORSEMENT.** The naturopathic medical board may waive the examination, education, or experience requirements and grant a license by endorsement to any applicant who:

(1) Presents proof of a current license in good standing to engage in the practice of naturopathic medicine in another state or the District of Columbia that requires standards for licensure considered by the board to be equivalent to the requirements for licensure pursuant to this chapter; and

(2) Does not have any disciplinary action, whether past, pending, public or confidential, by any licensing board, licensing authority, professional association, hospital, or institution in any state or district. The standards for licensure of applicants who are licensed in another jurisdiction shall not be less than the qualifications for licensure in this chapter.

(3) This section shall take effect on July 1, 2020.

54-5108. **LICENSE EXPIRATION AND RENEWAL.** (1) A license issued under the provisions of this chapter shall be subject to annual or biennial renewal and shall expire unless renewed in the manner prescribed by the rules of the naturopathic medical board, upon payment of a renewal fee.

(2) The board shall establish the following fees relating to licensing, which fees shall be established in an amount sufficient to defray all costs necessary for the administration of this chapter:

(a) Initial license and examination fee;

(b) Renewal of license fee;

(c) Inactive license fee; and

(d) Late renewal fees.

(3) No license expired for more than twenty-four (24) months may be renewed. The applicant shall comply with the requirements of section 54-5106, Idaho Code, for obtaining an initial license.

(4) This section shall take effect on July 1, 2020.

54-5109. GROUNDS FOR DISCIPLINE OR DENIAL OF A LICENSE. (1) The board, upon recommendation of the naturopathic medical board, or on its own motion, may refuse to issue or renew a license or may revoke, suspend, or otherwise discipline a license holder for any of the following grounds:

(a) The use of fraud or deceit in obtaining a license under this chapter or in connection with services rendered as a naturopathic medical doctor;

(b) A legal finding of mental incompetence;

(c) Aiding or abetting a person, not duly licensed under this chapter, in claiming to be a naturopathic medical doctor or in practicing naturopathic medicine;

(d) Gross negligence, incompetence, or misconduct in the performance of naturopathic medicine;

(e) Conviction of a felony or the entering of a plea of guilty or the finding of guilt by a jury or court of commission of a felony;

(f) Providing health care that fails to meet the standard of health care provided by other qualified naturopathic medical doctors in the same community or similar communities, taking into account their training, experience, and the degree of expertise to which they hold themselves out to the public;

(g) Violating any law or rule pursuant to this chapter;

(h) Engaging in any conduct that constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the naturopathic physician by the patient;

(i) Having a license to practice naturopathic medicine or other health care license or certificate refused, revoked, suspended, or otherwise disciplined by any state, territory, district of the United States, or Canada;

(j) Prescribing, dispensing, or administering any controlled substance or device except as authorized by this chapter, or as authorized by the medical practice act in section 54-1804(1)(g), Idaho Code;

(k) Performing surgical procedures, except those minor office procedures authorized by this chapter;

(l) Administering ionizing radioactive substances for therapeutic purposes;

(m) Performing surgical procedures using a laser device;

(n) Inducing or performing an abortion;

(o) Failure to comply with a board order; or

(p) Committing an act that constitutes a felony.

(2) The board may reinstate any revoked or suspended license on such terms as it may determine upon recommendation of the naturopathic medical board or upon its own motion.

(3) This section shall take effect on July 1, 2020.

54-5110. CERTAIN ACTS PROHIBITED. It shall be unlawful and a misdemeanor for any person to engage in any of the following acts:

(1) To practice, attempt, or offer to practice naturopathic medicine as defined in this chapter without a valid, unexpired, unrevoked, and unsuspended license issued under this chapter; or

(2) To represent oneself as licensed to practice naturopathic medicine under this chapter or to use the title or designation "licensed naturopathic physician," "physician of naturopathic medicine," "naturopathic medical doctor," or "NMD," unless such person is so licensed. The use of the term

"naturopath," "naturopathic doctor," or "ND" by persons not licensed under this chapter shall not be restricted.

(3) This section shall take effect on July 1, 2020.

54-5111. PREEMPTION OF LOCAL REGULATION. Beginning July 1, 2020, licensure of naturopathic medical doctors shall occur pursuant only to this chapter.

Approved March 25, 2019

CHAPTER 209
(H.B. No. 245)

AN ACT

RELATING TO THE APPROPRIATION TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Executive Office of the Governor the following amounts to be expended according to the designated programs and expense classes from the listed fund for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. ADMINISTRATION - GOVERNOR'S OFFICE:			
FROM:			
General			
Fund	\$2,036,200	\$223,600	\$2,259,800
II. ACTING GOVERNOR PAY:			
FROM:			
General			
Fund	\$18,200		\$18,200
III. EXPENSE ALLOWANCE:			
FROM:			
General			
Fund		\$5,000	\$5,000
GRAND TOTAL	\$2,054,400	\$228,600	\$2,283,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Executive Office of the Governor is authorized no more than twenty-one (21.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2020, the Executive Office of the Governor is hereby exempted from the provisions of Section 67-3511(1), (2), and (3), Idaho Code, allowing unlimited transfers between object codes and between programs for all moneys appropriated to it for the period July 1, 2019, through June 30, 2020. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 25, 2019

CHAPTER 210
(H.B. No. 246)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES FOR FISCAL YEAR 2020; 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, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$932,200	\$697,600	\$1,629,800
Technology Infrastructure Stabilization			
Fund		690,600	690,600
Administration and Accounting Services			
Fund	<u>5,467,900</u>	<u>2,174,200</u>	<u>7,642,100</u>
TOTAL	\$6,400,100	\$3,562,400	\$9,962,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of Information Technology Services is authorized no more than sixty-six (66.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 25, 2019

CHAPTER 211
(S.B. No. 1050)

AN ACT

RELATING TO WATER; AMENDING SECTION 42-201, IDAHO CODE, TO REVISE A PROVISION REGARDING THE DIVERSION AND USE OF WATER WITH OR WITHOUT A WATER RIGHT AND TO MAKE TECHNICAL CORRECTIONS.

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 ~~from a natural watercourse~~ 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.

(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.

CHAPTER 212
(S.B. No. 1071)

AN ACT

RELATING TO FEES AND EXPENSES; AMENDING SECTION 12-117, IDAHO CODE, TO REVISE THE DEFINITION OF "LICENSING AUTHORITY" AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 12-117, Idaho Code, be, and the same is hereby amended to read as follows:

12-117. ATTORNEY'S FEES, WITNESS FEES AND EXPENSES AWARDED IN CERTAIN INSTANCES. (1) Unless otherwise provided by statute, in any proceeding involving as adverse parties a state agency or a political subdivision and a person, the state agency, political subdivision or the court hearing the proceeding, including on appeal, shall award the prevailing party reasonable attorney's fees, witness fees and other reasonable expenses, if it finds that the nonprevailing party acted without a reasonable basis in fact or law.

(2) If a party to a proceeding prevails on a portion of the case, and the state agency or political subdivision or the court hearing the proceeding, including on appeal, finds that the nonprevailing party acted without a reasonable basis in fact or law with respect to that portion of the case, it shall award the partially prevailing party reasonable attorney's fees, witness fees and other reasonable expenses with respect to that portion of the case on which it prevailed.

(3) Expenses awarded against a state agency or political subdivision pursuant to this section shall be paid from funds in the regular operating budget of the state agency or political subdivision. If sufficient funds are not available in the budget of the state agency, the expenses shall be considered a claim governed by the provisions of section 67-2018, Idaho Code. If sufficient funds are not available in the budget of the political subdivision, the expenses shall be considered a claim pursuant to chapter 9, title 6, Idaho Code. Every state agency or political subdivision against which litigation expenses have been awarded under this act shall, at the time of submission of its proposed budget, submit a report to the governmental body which appropriates its funds in which the amount of expenses awarded and paid under this act during the fiscal year is stated.

(4) In any civil judicial proceeding involving as adverse parties a governmental entity and another governmental entity, the court shall award the prevailing party reasonable attorney's fees, witness fees and other reasonable expenses. For purposes of this subsection, "governmental entity" means any state agency or political subdivision.

(5) Notwithstanding any other provision of law, in any administrative proceeding or administrative judicial proceeding involving as adverse parties a licensing authority and a licensee, the prevailing party shall be entitled to recover its reasonable attorney's fees and reasonable investigative or defense costs, as the case may be, necessarily and actually incurred. "Prevailing party," for the purpose of this subsection, means a party that prevailed on the claims or allegations that constituted the gravamen of the claims and allegations as a whole. An assessment of fees and costs made pursuant to this section is subject to judicial review. Notwithstanding any other provision of law, the failure of a licensee to pay an award of costs or attorney's fees awarded under this subsection shall not be deemed a violation of a licensure requirement, as long as the licensee is in compliance with a payment arrangement made with the licensing authority.

(6) For purposes of this section:

(a) "Licensee" means any person holding a license, registration, certificate, permit or other authorization to practice a profession or occupation.

(b) "Licensing authority" means any agency, bureau, commission, department, division, or professional or occupational licensing board charged with granting, suspending or revoking the license, certificate, registration, permit or other authorization of any person to practice a profession or occupation.

(c) "Person" means any individual, partnership, limited liability partnership, corporation, limited liability company, association or any other private organization~~†~~.

(d) "Political subdivision" means a city, a county, any taxing district or a health district~~†~~.

(e) "Proceeding" means any administrative proceeding, administrative judicial proceeding, civil judicial proceeding or petition for judicial review or any appeal from any administrative proceeding, administrative judicial proceeding, civil judicial proceeding or petition for judicial review.

(f) "State agency" means any agency as defined in section 67-5201, Idaho Code.

(7) If the amount pleaded in an action by a person is twenty-five thousand dollars (\$25,000) or less, the person must satisfy the requirements of section 12-120, Idaho Code, as well as the requirements of this section before he or she may recover attorney's fees, witness fees or expenses pursuant to this section.

Approved March 25, 2019

CHAPTER 213

(S.B. No. 1075, As Amended)

AN ACT

RELATING TO INDIVIDUALS WITH DISABILITIES; AMENDING SECTION 18-5811, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-5811A, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 18-5812, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-5812A, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-5812B, IDAHO CODE, TO REVISE PROVISIONS REGARDING SERVICE DOGS-IN-TRAINING; AMENDING SECTION 49-109, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 49-706, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING THE HEADING FOR CHAPTER 7, TITLE 56, IDAHO CODE; AMENDING SECTION 56-701, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 56-701A, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 56-702, IDAHO CODE, TO REVISE PROVISIONS REGARDING FREE USE OF PLACES OF PUBLIC ACCOMMODATIONS BY INDIVIDUALS WITH DISABILITIES; AMENDING SECTION 56-703, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-704, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 7, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-704A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING RIGHTS OF INDIVIDUALS WITH SERVICE DOGS; AMENDING SECTION 56-704A, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS REGARDING RIGHTS OF INDIVIDUALS WITH DOGS-IN-TRAINING; AMENDING SECTION 56-705, IDAHO

CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 56-706, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 56-707, 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 18-5811, Idaho Code, be, and the same is hereby amended to read as follows:

18-5811. ACTION REQUIRED TO AVOID ACCIDENT OR INJURY TO ~~DISABLED PERSON INDIVIDUALS WITH DISABILITIES~~ -- PROHIBITED INTENTIONAL ACTIONS -- PENALTIES. (1) Any person, whether a pedestrian, operating a vehicle or otherwise, who approaches an individual appearing to be a ~~disabled person~~ an individual with a disability or lawfully using an assistance device or ~~assistance a service dog~~, and who:

(a) Intentionally fails to stop, change course, speak, or take such other action as is necessary to avoid any accident or injury to the ~~disabled person individual with a disability~~, the assistance device, or the ~~service dog~~, is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000), or by both.

(b) Intentionally startles or frightens such person's service dog, is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000), or by both.

(2) Any person who, without justification, intentionally interferes with the use of an ~~assistance a service dog~~ or an assistance device by obstructing, battering, or intimidating the user or the service dog, is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine of not less than fifty dollars (\$50.00) nor more than one thousand five hundred dollars (\$1,500), or by both.

SECTION 2. That Section 18-5811A, Idaho Code, be, and the same is hereby amended to read as follows:

18-5811A. UNLAWFUL USE OF ASSISTANCE DEVICE, ASSISTANCE ANIMAL, OR SERVICE DOG. Any person, not being a ~~disabled person~~ an individual with a disability or being trained to assist ~~disabled persons~~ individuals with disabilities, who uses an assistance device, an assistance animal, or ~~assistance a service dog~~ in an attempt to gain treatment or benefits as a ~~disabled person~~, an individual with a disability is guilty of a misdemeanor.

SECTION 3. That Section 18-5812, Idaho Code, be, and the same is hereby amended to read as follows:

18-5812. BATTERY TO ~~DISABLED PERSONS AND ASSISTANCE ANIMALS~~, SERVICE DOGS, AND DOGS-IN-TRAINING -- PENALTIES. (1) Any person who:

(a) Permits any animal which that is owned, harbored, or controlled by him to cause injury to or the death of any assistance animal, service dog, or dog-in-training, is guilty of a misdemeanor.

(b) Intentionally causes injury to or the death of any assistance animal, service dog, or dog-in-training is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding five thousand dollars (\$5,000), or by both.

(2) In addition to any other criminal or civil penalties provided for violation of this section, any person convicted under this section, regardless of the form of judgment, shall be ordered to make full restitution to

the owner or custodian of such dog for all veterinary bills, replacement, and other costs resulting from the injury or death of the dog.

SECTION 4. That Section 18-5812A, Idaho Code, be, and the same is hereby amended to read as follows:

18-5812A. ~~DISABLED PERSONS~~ INDIVIDUALS WITH DISABILITIES MAY BE ACCOMPANIED BY ASSISTANCE SERVICE DOGS -- PENALTY FOR INTENTIONAL VIOLATION. (1) ~~A disabled person~~ An individual with a disability shall not be denied the use of any common carrier or public transportation facility or admittance to any hotel, motel, cafe, elevator, housing for sale or rent, or any other ~~public~~ public place of public accommodation within the state of Idaho by reason of his being accompanied by an ~~assistance~~ a service dog. ~~A disabled person~~ An individual with a disability shall be entitled to have an ~~assistance~~ a service dog with him in such places and while using such facilities without being required to pay any additional charges for his ~~assistance~~ service dog, but shall be liable for any damage caused by his ~~assistance~~ service dog.

(2) Any person, firm, association, or corporation or agent of any person, firm, association, or corporation intentionally violating the provisions of this section shall be guilty of a misdemeanor.

SECTION 5. That Section 18-5812B, Idaho Code, be, and the same is hereby amended to read as follows:

18-5812B. ~~PERSON MAY BE ACCOMPANIED BY AN ASSISTANCE~~ A SERVICE DOG-IN-TRAINING -- LIABILITY. (1) A person shall not be denied the use of any common carrier or public transportation facility or admittance to any hotel, motel, cafe, elevator, or any other ~~public~~ public place of public accommodation within the state of Idaho by reason of being accompanied by a dog-in-training. Such dog-in-training shall be properly leashed so that the person may maintain control of the dog.

(2) Access to public places for dogs-in-training may be temporarily denied if the dog is poorly groomed so as to create a health hazard or the person accompanying the dog cannot maintain control of the dog.

(3) ~~The person accompanying~~ school or organization responsible for the dog-in-training shall be liable for any damages or injuries caused by the dog, and any third-party owner, lessor, or manager of the public property shall in no way suffer liability for damages or injuries caused by the dog-in-training. ~~If the person accompanying a dog-in-training is a minor, the parents of the child shall be liable.~~

(4) The dog-in-training shall be visually identified as a dog-in-training as provided in section 56-701A, Idaho Code.

SECTION 6. That Section 49-109, Idaho Code, be, and the same is hereby amended to read as follows:

49-109. DEFINITIONS -- H. (1) "Habitual violator" means any person who has a driving record ~~which~~ that shows a violation point count of eighteen (18) or more points in any consecutive twenty-four (24) month period; or twenty-four (24) or more points in any consecutive thirty-six (36) month period.

(2) "Hazardous material" means any material that has been designated as hazardous under 49 U.S.C. ~~section~~ 5103~~7~~ and is required to be placarded under subpart F of 49 CFR part 172~~7~~ or any quantity of material listed as a select agent or toxin under 42 CFR part 73.

(3) "Hazardous waste" means a material that is subject to the hazardous waste manifest requirements of the EPA due to the type and quantity of the material~~7~~ or ~~which~~ that would be subject to these requirements absent an in-

terim authorization to the state under title 40, code of federal regulations or which that includes in whole or in part polychlorinated biphenyls which are regulated by title 40, code of federal regulations, part 761.

(4) "~~Hearing aid dog.~~" (~~See "Hearing impaired person," section 56-701A, Idaho Code~~)

(5) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part is open to the use of the public for vehicular travel, with jurisdiction extending to the adjacent property line, including sidewalks, shoulders, berms and rights-of-way not intended for motorized traffic. The term "street" is interchangeable with highway.

(a) Arterial. Any highway designated by the local authority as part of a major arterial system of highways within its jurisdiction.

(b) Controlled-access. Any highway or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the highway except at such points only or in such manner as may be determined by the public authority having jurisdiction over the highway.

(c) Through. Any highway or portion of it on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on the through highway in obedience to a stop sign, yield sign, or other traffic-control device.

SECTION 7. That Section 49-706, Idaho Code, be, and the same is hereby amended to read as follows:

49-706. ~~BLIND AND/OR HEARING IMPAIRED PEDESTRIAN WITH A DISABILITY HAS RIGHT-OF-WAY.~~ The driver of a vehicle shall yield the right-of-way to any blind pedestrian individual with a disability carrying a clearly visible white cane or accompanied by a guide dog or a hearing impaired person accompanied by a hearing aid service dog.

SECTION 8. That the Heading for Chapter 7, Title 56, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 7

RIGHTS OF ~~THE BLIND AND PERSONS~~ INDIVIDUALS WITH DISABILITIES

SECTION 9. That Section 56-701, Idaho Code, be, and the same is hereby amended to read as follows:

56-701. POLICY OF STATE. It is the policy of this state to encourage and enable ~~the blind, the visually impaired, the hearing impaired, and the otherwise physically disabled~~ individuals with disabilities to participate fully in the social and economic life of the state and to engage in remunerative employment.

SECTION 10. That Section 56-701A, Idaho Code, be, and the same is hereby amended to read as follows:

56-701A. DEFINITIONS. As used in this chapter and chapter 58, title 18, Idaho Code:

(1) "Assistance device" means a cane or walking stick, predominantly white or metallic in color, with or without red tip, or a manual or motorized wheelchair or similar scooter, or other similar devices that enhance the safety or mobility of a disabled person.

(2) "~~Assistance dog~~" means ~~a dog that has been trained as a guide dog for a blind or visually impaired person, a hearing dog for a hearing-impaired person, or a service dog for a disabled person.~~

~~(3) "Disabled person" means a hearing, visually, mentally or physically impaired person.~~

~~(4) "Dog-in-training" means a dog being specifically trained to develop social, environmental, and other skills needed for admission to a training school or other program for assistance dogs work with or to perform tasks for an individual with a disability. Dogs-in-training shall wear a jacket, collar, scarf, or other similar article identifying it as a dog-in-training.~~

~~(5) "Guide dog" means a dog that has been specially trained to aid a particular blind or visually impaired person.~~

~~(6) "Hearing dog" means a dog that has been specially trained to aid a particular hearing-impaired person.~~

~~(7) "Hearing-impaired person" means a person who has a hearing impairment manifested by a speech discrimination score of forty percent (40%) or more in the better ear with appropriate correction as certified by a licensed otologist, licensed audiologist, or the Idaho division of vocational rehabilitation.~~

~~(8) "Physically impaired person" means any person with any substantial physical disability that prevents normal participation in community or life activities as are available and participated in by persons with no such afflictions or conditions of the same age and sex.~~

(3) "Individual with a disability" means an individual who has a disability as defined by the federal Americans with disabilities act, 42 U.S.C. 12101 et seq., and its implementing regulations effective as of January 1, 2019.

(4) "Place of public accommodation" shall have the same meaning as provided in the federal Americans with disabilities act, 42 U.S.C. 12101 et seq., and its implementing regulations.

(95) "Service dog" means a dog that has been specially trained to aid a particular physically or mentally disabled person with a disability other than sight or hearing impairment is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this chapter. The work or tasks performed by the service dog must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this chapter.

~~(10) "Visually impaired person" means any person who is blind, totally blind, partially blind or otherwise visually impaired, meaning such person has central visual acuity not exceeding 20/200 in the better eye, with corrected lenses, as measured by the Snellen test, or visual acuity greater than 20/200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle not greater than twenty (20) degrees.~~

SECTION 11. That Section 56-702, Idaho Code, be, and the same is hereby amended to read as follows:

56-702. RIGHT TO FULL AND FREE USE OF STREETS, HIGHWAYS, PUBLIC BUILDINGS AND PUBLIC FACILITIES. ~~The blind, the visually impaired, the hearing impaired, and the otherwise physically disabled~~ Individuals with disabilities have the same rights and privileges as the able-bodied general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places of public accommodations.

SECTION 12. That Section 56-703, Idaho Code, be, and the same is hereby amended to read as follows:

56-703. RIGHT TO FULL AND EQUAL ACCOMMODATIONS IN ALL COMMON CARRIERS, HOTELS, LODGING HOUSES, PLACES OF PUBLIC ACCOMMODATIONS OR OTHER PUBLIC PLACES. ~~The blind, the visually impaired, the hearing impaired, and the otherwise physically disabled~~ Individuals with disabilities are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, and railroad trains, motor buses, streetcars, boats, or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodations, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

SECTION 13. That Section 56-704, Idaho Code, be, and the same is hereby amended to read as follows:

56-704. RIGHT TO USE OF ASSISTANCE SERVICE DOG -- LIABILITY. ~~Every disabled person~~ An individual with a disability shall have the right to be accompanied by an assistance a service dog, in any of the places listed described in section 56-703, Idaho Code, without being required to pay an extra charge for the assistance service dog; provided that ~~he~~ the individual shall be liable for any damage done to the premises or facilities by his the service dog.

SECTION 14. That Chapter 7, 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 56-704A, Idaho Code, and to read as follows:

56-704A. RIGHTS OF INDIVIDUALS WITH SERVICE DOGS. (1) General. A place of public accommodation shall modify its policies, practices, or procedures to permit the use of a service dog by an individual with a disability or an authorized handler.

(2) Exceptions. A place of public accommodation may ask an individual with a disability to remove a service dog from the premises if:

- (a) The service dog is out of control and the service dog's handler does not take effective action to control it; or
- (b) The service dog is not housebroken.

(3) If a service dog is excluded from a place of public accommodation pursuant to subsection (2) of this section, then the place of public accommodation shall give the individual with a disability the opportunity to participate in the service, program, or activity being offered without having the service dog on the premises.

(4) A service dog shall be under the control of its handler. A service dog shall have a harness, leash, or other tether, unless the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service dog's safe, effective performance of work or a task, in which case the service dog must otherwise be under the handler's control through voice control or other effective means.

(5) Inquiries. A place of public accommodation shall not ask about the nature or extent of a person's disability but may make two (2) inquiries to determine whether an animal qualifies as a service dog. A place of public accommodation may ask: if the service dog is required because of a disability; and what work or task the service dog has been trained to perform. A place of public accommodation shall not require documentation, such as proof that the service dog has been certified, trained, or licensed as a service dog. A place of public accommodation may not make inquiries about a service dog when it is readily apparent that the service dog is trained to do work or perform tasks for an individual with a disability, such as: the dog is observed guiding an individual who is blind or has low vision, pulling an individual's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability.

(6) Access. Individuals with disabilities shall be permitted to be accompanied by their service dog in all areas of a place of public accommodation including, but not limited to, a common carrier, hotel, lodging house, or place where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

(7) Surcharges. A place of public accommodation, including, but not limited to, a common carrier, hotel, lodging house, or other public place, shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees or to comply with other requirements generally not applicable to people without pets. If a place of public accommodation normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by the individual's service dog.

SECTION 15. That Section 56-704A, Idaho Code, be, and the same is hereby amended to read as follows:

56-704AB. RIGHTS OF PERSONS INDIVIDUALS WITH DOGS-IN-TRAINING -- LIABILITY. (1) Every person individual with a disability who is specially specifically training or socializing a dog for the purpose of being an assistanee a service dog shall have the right to be accompanied by the dog in any of the places listed described in section 56-703, Idaho Code, without being required to pay an extra charge for the dog if the accompaniment is part of the dog's training or socialization to become an assistanee a service dog.

(2) Every individual who is not an individual with a disability but who is specifically training or socializing a dog for the purpose of being a service dog shall have the privilege to be accompanied by the dog in any of the places described in section 56-703, Idaho Code, without being required to pay an extra charge for the dog if the accompaniment is part of the dog's training or socialization to become a service dog. The person individual accompanying the dog-in-training shall carry and upon request display an identification card issued by a recognized school for assistanee service dogs or training dogs or an organization which that serves disabled persons individuals with disabilities. The dog-in-training shall be visually identified as a dog-in-training as provided in section 56-701A, Idaho Code. The person school or organization as identified on the identification card shall be fully liable for any damages done to the premises or facilities by the dog, and no liability to other persons shall be attached to the owner, lessor, or manager of the property, arising out of activities permitted by this chapter.

SECTION 16. That Section 56-705, Idaho Code, be, and the same is hereby amended to read as follows:

56-705. CIVIL LIABILITY FOR INTENTIONAL VIOLATION OF STATUTES PROTECTING DISABLED PERSONS. Civil action may be brought against any person

intentionally violating the provisions of section 18-5811, 18-5811A, 18-5812 or 18-5812A, Idaho Code, with judgment awarded upon proof of the elements to a preponderance of the evidence. As a part of any such civil judgment, a successful plaintiff shall be awarded punitive damages in an amount equal to all other damages suffered by the plaintiff, but in no event less than five hundred dollars (\$500). The failure of a disabled person to use an assistance device or assistance a service dog shall not be held to constitute nor be evidence of contributory negligence in any civil action.

SECTION 17. That Section 56-706, Idaho Code, be, and the same is hereby amended to read as follows:

56-706. INTERFERENCE WITH RIGHTS OR ACTIVITIES -- PENALTY. Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation, who denies or interferes with admittance to or enjoyment of the public facilities enumerated in this chapter or otherwise interferes with the rights of ~~a totally or partially blind, hearing impaired, or otherwise disabled person~~ an individual with a disability under this chapter shall be guilty of a misdemeanor.

SECTION 18. That Section 56-707, Idaho Code, be, and the same is hereby amended to read as follows:

56-707. RIGHT TO BE EMPLOYED IN EMPLOYMENT SUPPORTED IN WHOLE OR IN PART BY PUBLIC FUNDS -- RESTRICTION -- USE OF SICK LEAVE. (1) ~~The blind, the visually impaired, the hearing impaired, and the otherwise disabled~~ Individuals with disabilities shall be employed in the state service, the service of the political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as ~~the able-bodied~~ individuals without disabilities, unless it is shown that the particular disability prevents the performance of the work involved.

(2) Persons employed as provided in subsection (1) of this section, may use accrued sick leave for the purpose of obtaining guide service dogs and necessary training.

Approved March 25, 2019

CHAPTER 214
(S.B. No. 1078)

AN ACT

RELATING TO BEER; AMENDING SECTION 23-1001, IDAHO CODE, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1057, IDAHO CODE, TO AUTHORIZE CONTRACT BREWING IN CERTAIN INSTANCES, TO PROVIDE CERTAIN REQUIREMENTS FOR A CONTRACTEE BREWER AND A CONTRACTOR BREWER, AND TO PROVIDE FOR HOW CERTAIN BEER IS COUNTED.

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

SECTION 1. That Section 23-1001, Idaho Code, be, and the same is hereby amended to read as follows:

23-1001. DEFINITIONS. As used in this chapter:

(a) ~~The word "bBeer"~~ means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and/or other ingredients in drinkable water.

(b) ~~The word "b~~Brewer" means a person licensed to manufacture beer.

(c) "Certificate of approval" means a license issued to a person whose business is located outside of the state of Idaho, who sells beer to wholesalers located within the state of Idaho.

(d) "Contractee brewer" means a brewer producing fewer than thirty thousand (30,000) barrels of beer in aggregate annually, including any beer manufactured outside the state of Idaho, that enters into a contractual relationship with another brewer to produce beer on the contractee's behalf.

(e) "Contractor brewer" means a brewer producing fewer than thirty thousand (30,000) barrels of beer in aggregate annually, including any beer manufactured outside the state of Idaho, that enters into a contractual relationship with a contractee brewer to produce beer for the contractee brewer on the contractor brewer's licensed premises.

(f) ~~The term "d~~Dealer" means a person licensed to import beer into this state for sale to a wholesaler.

(g) ~~The word "d~~Director" means the director of the Idaho state police.

(h) ~~The words "l~~Live performance" means a performance occurring in a theater and not otherwise in violation of any provision of Idaho law.

(i) ~~The word "p~~Person" includes any individual, firm, copartnership, association, corporation or any group or combination acting as a unit, and the plural as well as the singular number unless the intent to give a more limited meaning is disclosed by the context.

(j) ~~The word "p~~Premises" means the building and contiguous property owned, or leased or used under government permit, by a licensee as part of the business establishment in the business of sale of beer at retail, which property is improved to include decks, docks, boardwalks, lawns, gardens, golf courses, ski resorts, courtyards, patios, poolside areas or similar improved appurtenances in which the sale of beer at retail is authorized under the provisions of law.

(k) ~~The word "r~~Retailer" means a person licensed to sell beer to consumers at premises described in the license.

(l) ~~The word "t~~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.

(m) ~~The word "w~~Wholesaler" means any person licensed to sell beer to retailers, wholesalers, permittees or consumers and to distribute beer from warehouse premises described in the license.

(n) 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 acceptable meanings.

SECTION 2. That Chapter 10, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-1057, Idaho Code, and to read as follows:

23-1057. CONTRACT BREWING. (1) A contractee brewer may enter into a contractual relationship with a contractor brewer to contractually produce beer for the contractee brewer to the extent allowed by federal law.

(2) Both the contractee brewer and the contractor brewer shall be separately licensed and separately owned. Beer brewed for a contractee brewer shall count toward the contractee brewer's annual barrels produced, and such beer shall not count toward the contractor brewer's annual barrels produced. Each brewer shall be separately and distinctly responsible for compliance with the provisions of this chapter.

CHAPTER 215
(S.B. No. 1087)

AN ACT

RELATING TO ARTESIAN WELLS; AMENDING SECTION 42-1607, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES MAY PROMULGATE CERTAIN RULES AND TO PROVIDE LIMITATIONS ON COST-SHARING BY THE DEPARTMENT OF WATER RESOURCES ASSISTING OWNERS OF WELLS THAT NEED TO BE REPAIRED OR PLUGGED.

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

SECTION 1. That Section 42-1607, Idaho Code, be, and the same is hereby amended to read as follows:

42-1607. INVENTORY OF ARTESIAN WELLS -- PLUGGING WELLS. (1) The director of the department of water resources shall initiate a program to inventory and locate artesian wells throughout the state.

(2) The director of the department of water resources shall plug abandoned artesian wells or artesian wells where the owner cannot be ascertained.

(3) For artesian wells which are not in compliance with Idaho minimum well construction standards, the owner shall be required to have the well repaired in compliance with Idaho minimum well construction standards promulgated pursuant to section 42-238, Idaho Code, so as to preclude the wasting or commingling of water. The repairs shall be paid for by the owner of the well, and, if repairs are not made within a maximum of one (1) year following notification, the director of the department of water resources may order the owner to plug the well. The director upon good cause shown may grant an additional time period not in excess of two (2) years for the owner to make repairs of the well. If the well is not plugged within thirty (30) days of the order, or other longer time period as provided in the order, the director may plug or cause the well to be plugged at the owner's expense.

~~(4) For the period of July 1, 1987, to June 30, 1992, the~~ director of the department of water resources shall ~~promulgate rules to~~ may implement a cost-sharing program to assist owners of wells which have been ordered repaired or plugged pursuant to this subsection (3) of this section. The rules shall provide that up to fifty percent (50%) of the cost of the repairs or plugging shall be paid by the department of water resources based on an applicant's ability to pay and moneys available for this purpose. Any cost-share provided by the department shall be limited to fifty percent (50%) of the total cost to repair or plug the well to bring it into compliance with Idaho minimum well construction standards. Cost-share shall be based on an applicant's ability to pay or ability to obtain other funding and the amount of money available for this purpose.

(45) Any person owning or controlling an artesian well which has been ordered repaired or plugged by the director of the department of water resources pursuant to subsection (3) of this section shall be liable for the costs of the repair or plugging if it was undertaken by the department of water resources. All moneys owed under the provisions of this section shall be paid to the director. The director shall charge interest on the amount owed in an amount no greater than twelve percent (12%) per annum. The director shall deposit all moneys collected into the water administration account. Moneys owed pursuant to the provisions of this section shall be collected in a civil action brought in the district court in accordance with subsection (56) of this section.

(56) Any person aggrieved by a final order of the director entered pursuant to the provisions of this section may appeal to the district court

within twenty-eight (28) days of the issuance of the order. The appeal shall be heard and determined in accordance with chapter 52, title 67, Idaho Code. The director through the attorney general may petition the district court for injunctive relief or a temporary restraining order to prevent irreparable damage pending the outcome of proceedings before the director pursuant to the provisions of this section. The director through the attorney general may commence a civil action in the district court to enforce the provisions of any final order of the director issued pursuant to the provisions of this section.

Approved March 25, 2019

CHAPTER 216
(S.B. No. 1088, As Amended)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ISSUANCE OF FREE PERMITS AND TAGS TO MILITARY VETERANS WITH DISABILITIES AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 36-408, Idaho Code, be, and the same is hereby amended to read as follows:

36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS LIMITED -- OUTFITTERS SET-ASIDE. (1) Tags and Permits -- Method of Use. The commission is hereby authorized to prescribe the number and kind of wildlife that may be taken under authority of the several types of tags and permits provided for in this title and the manner in which said tags and permits shall be used and validated.

(2) Limit -- Licenses, Tags or Permits -- Controlled Hunts. The commission is hereby authorized to establish a limit annually as to the number of each kind and class of licenses, tags, or permits to be sold or issued and is further authorized to limit the number or prohibit entirely the participation by nonresidents in controlled hunts.

(3) Outfitters Set-Aside. When the commission establishes a limit as to the number of nonresident deer tags and nonresident elk tags, it shall set aside annually a maximum of twenty-five percent (25%) of the nonresident deer tag and nonresident elk tag limit. The set-aside tags shall be sold pursuant to commission rule, only to persons that have entered into an agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

In order for a person to purchase any set-aside nonresident deer tag or nonresident elk tag, that person's outfitter must submit an application with the proper fees as required by the director. If any nonresident deer tags or nonresident elk tags set aside pursuant to this subsection are unsold by July 1 of the year in which they were set aside, they may be sold by the department to the general public who are nonresidents. The commission may promulgate all necessary rules to implement the provisions of this subsection.

(4) Deer and Elk Tag Allocation. If the commission limits the number of deer or elk tags available for use in any game management area, unit or zone, the commission may allocate by rule a number of deer or elk tags for use by hunters that have entered into an agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

(5) Special Game Tags. The commission is hereby authorized to issue two (2) special bighorn sheep tags per year.

(a) Auction bighorn sheep tag. One (1) special bighorn sheep tag shall be auctioned off by an incorporated nonprofit organization dedicated to wildlife conservation, selected by the commission. The tag shall be issued by the department of fish and game to the highest eligible bidder. No more than five percent (5%) of all proceeds for the tag may be retained by the organization. The tag to be issued pursuant to this subsection shall be taken from the nonresident bighorn sheep tag quota. The net proceeds shall be forwarded to the director for deposit in the fish and game expendable trust account and shall be used for bighorn sheep research and management purposes. Moneys raised pursuant to this subsection may not be used to transplant additional bighorn sheep into that portion of southwest Idaho south of the Snake river and west of U.S. highway no. 93, nor for litigation or environmental impact statements involving bighorn sheep. No transplants of bighorn sheep accomplished with moneys raised pursuant to this subsection shall occur in any area until hearings are conducted in the area. Provided however, that none of the proceeds generated from the auction of bighorn sheep tags pursuant to this paragraph be used to purchase or acquire private property or federally managed grazing permits, nor shall any proceeds generated be used for matching funds for the purchase of private property or the retirement or the acquisition of federally managed grazing permits.

(b) Lottery bighorn sheep tag. The commission is also authorized to issue one (1) special bighorn sheep tag, which will be disposed of by lottery. The lottery permit can be marketed by the department of fish and game or a nonprofit organization dedicated to wildlife conservation selected by the commission. The tag will be issued by the department of fish and game to an eligible person drawn from the lottery provided in this subsection. No more than twenty-five percent (25%) of gross revenue can be retained for administrative costs by the organization. All net proceeds for the tag disposed of by lottery pursuant to this subsection shall be remitted to the department and deposited in the fish and game expendable trust account. Moneys in the account from the lottery bighorn sheep tag shall be utilized by the department in solving problems between bighorn sheep and domestic sheep, solving problems between wildlife and domestic animals or improving relationships between sportsmen and private landowners.

(6) Issuance of Free Permit or Tag to Minor Children with Life-Threatening Medical Conditions. Notwithstanding any other provision of law, the commission may issue free big game permits or tags to minor children who have life-threatening medical conditions that have been certified eligible by a qualified organization. The commission may prescribe by rule the manner and conditions of issuing and using the permits or tags authorized under this subsection. 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 may shall issue five (5) free big game permits or tags to disabled military veterans who have whose disability has 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, 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 section 501(c) (19), of the Internal Revenue Code and that affords opportu-

nities, 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 nonprofit organizations dedicated to wildlife conservation and selected by the director. No more than five percent (5%) of all proceeds from each tag sale may be retained by the nonprofit organization for administrative costs involved, including in the event a tag is redonated and reauctioned. Each tag shall be issued by the department of fish and game and awarded to the highest eligible bidder. Each tag shall be good for the harvest of one (1) big game animal pursuant to commission rule consistent with the provisions of this subsection. The proceeds from each tag shall be sent to the director to be allocated up to thirty percent (30%) for sportsmen access programs, such as access yes, and the balance for wildlife habitat projects, wildlife management projects to increase the quantity and quality of big game herds, and other research and management activities approved by the commission. Provided however, that none of the proceeds generated from the auctions pursuant to the provisions of this subsection shall be used to purchase or acquire private property or federally managed grazing permits, nor shall any proceeds generated be used for matching funds for the purchase of private property or the retirement or the acquisition of federally managed grazing permits. Moneys raised pursuant to this subsection may not be used to transplant additional bighorn sheep into that portion of southwest Idaho south of the Snake river and west of U.S. highway no. 93, nor for litigation or environmental impact statements involving bighorn sheep.

CHAPTER 217
(S.B. No. 1093)

AN ACT

RELATING TO PRETRIAL SUPERVISION; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-880, IDAHO CODE, TO PROVIDE FOR CERTAIN PRETRIAL RELEASE SUPERVISION SERVICES AND TO PROVIDE THAT COUNTIES SHALL NOT HAVE CERTAIN OBLIGATIONS; AMENDING SECTION 31-3201I, IDAHO CODE, TO PROVIDE FOR PRETRIAL RELEASE SUPERVISION FEES; AND AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3201J, IDAHO CODE, TO PROVIDE FOR A PRETRIAL SUPERVISION FEE, TO PROVIDE FOR CERTAIN REQUIREMENTS AND PROCEDURES FOR A PRETRIAL SUPERVISION FEE, TO PROVIDE FOR CERTAIN ADDITIONAL FEES, AND TO PROVIDE AN EXEMPTION IN CERTAIN INSTANCES.

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

SECTION 1. That Chapter 8, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-880, Idaho Code, and to read as follows:

31-880. PRETRIAL RELEASE SUPERVISION SERVICES. The board of county commissioners may establish a supervised pretrial release program to perform those functions as prescribed by the administrative district judge in each judicial district. The board of county commissioners may provide for supervised pretrial release services through employment of staff, contract, or any other process that will accomplish the purposes of this section. A board of county commissioners shall not be obligated to establish a supervised pretrial release program. Counties having established a supervised pretrial release program shall not be obligated to provide supervised pretrial release services beyond the funds generated by the fees collected pursuant to the provisions of section 31-3201J, Idaho Code, and any additional funds that may be annually appropriated by the board of county commissioners.

SECTION 2. That Section 31-3201I, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201I. DISTRIBUTION OF PAYMENTS IN CRIMINAL CASES. When ordered by the court to make one (1) of the following payments in a criminal case, a defendant shall make the payment to the clerk of the court in which the judgment was entered. The judgment shall be satisfied accordingly by entry in the electronic docket of the court, and the clerk of the court shall remit daily all such payments to the county auditor who shall, at least monthly, distribute the payments received as required by statute. The distributions shall first completely satisfy the amounts due in the following order before distribution of payments for any other amounts owed to the court:

(1) Fees for each felony, misdemeanor and infraction paid pursuant to section 31-3201A(2), Idaho Code;

(2) Fines or reimbursements paid for the crime victims compensation account pursuant to section 72-1025, Idaho Code;

(3) Misdemeanor probation supervision fees 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;

- (56) Fines paid for the peace officer and detention officer temporary disability fund pursuant to section 72-1105, Idaho Code;
- (67) Restitution to victims of crime paid pursuant to section 19-5304, Idaho Code, if paid through the clerk of the court;
- (78) Community service fees paid pursuant to section 31-3201C, Idaho Code;
- (89) Victim notification fund fees paid pursuant to section 31-3204, Idaho Code;
- (910) Court technology fees paid pursuant to section 31-3201(5), Idaho Code;
- (101) Surcharge fees paid pursuant to section 31-3201H, Idaho Code;
- (112) Peace officers standards and training fees paid pursuant to section 31-3201B, Idaho Code;
- (123) Domestic violence court fees paid pursuant to section 32-1410, Idaho Code;
- (134) Criminal fines;
- (145) Reimbursement for public defender costs paid pursuant to section 19-854(7), Idaho Code;
- (156) 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);
- (167) Domestic violence fines for the domestic violence project account paid pursuant to section 39-6312, Idaho Code;
- (178) Drug hotline fees paid pursuant to section 37-2735A, Idaho Code;
- (189) Additional fish and game fines for the search and rescue account paid pursuant to section 36-1405, Idaho Code;
- (1920) County administrative surcharge fees paid pursuant to section 31-3201(3), Idaho Code;
- (201) Motor vehicle violation surcharge fees and ignition interlock and electronic monitoring fees paid pursuant to sections 18-8008 and 18-1810, Idaho Code;
- (212) Costs for toxicology testing paid pursuant to section 37-2732C(g), Idaho Code;
- (223) Costs incurred by law enforcement agencies in investigating violations of the racketeering act or money laundering and illegal investment provisions paid pursuant to section 37-2732(k), Idaho Code;
- (234) Restitution for the repair or replacement of simulated wildlife paid pursuant to section 36-1101(b)(8), Idaho Code; and
- (245) Abandoned vehicle fees paid pursuant to section 31-3201F, Idaho Code.

SECTION 3. That Chapter 32, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-3201J, Idaho Code, and to read as follows:

31-3201J. PRETRIAL SUPERVISION FEE. (1) Any person under a supervised pretrial release program may be required to pay an amount not more than the maximum monthly misdemeanor probation supervision fee set forth in section 31-3201D, Idaho Code, per month, or such lesser sum as determined by the administrative judge of the judicial district, as a pretrial release supervision fee to cover the actual costs of supervising the defendant while in the supervised pretrial release program.

(2) A defendant shall not be required to pay the pretrial supervision fee authorized in subsection (1) of this section until after a judgment of conviction is entered for at least one (1) of the charges for which the defendant has been ordered to participate in a supervised pretrial release program.

(3) The pretrial supervision fee shall be paid to the clerk of the court, who shall pay such fees to the county treasurer. Such fees shall be

used exclusively to cover the costs of the pretrial services provided by the pretrial services agency that has been designated to provide such services.

(4) The court may also order the defendant to pay additional fees to cover the actual costs of electronic monitoring, alcohol testing, or drug testing if such monitoring or testing is a condition of the defendant's release. Such additional fees may be paid to the clerk of the court or directly to the provider of the service. If fees are paid to the clerk of the court, the clerk of the court shall pay such fees to the county treasurer and such fees shall be used exclusively to cover the costs for which the additional fees have been ordered.

(5) Based on a finding of indigence or other good cause, the court may exempt the defendant from the payment of all or any part of the fees authorized by this section, and no defendant shall be denied release or denied participation in a supervised pretrial release program because of an inability to pay the fees authorized by this section. Any unpaid pretrial services fee shall be considered a debt owed to the court and may be collected in the manner provided by law for the collection of such debts.

Approved March 25, 2019

CHAPTER 218
(S.B. No. 1116)

AN ACT

RELATING TO THE LIQUOR ACCOUNT; AMENDING SECTION 23-404, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPROPRIATIONS FOR CERTAIN FISCAL YEARS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 23-404, Idaho Code, be, and the same is hereby amended to read as follows:

23-404. DISTRIBUTION OF MONEYS IN LIQUOR ACCOUNT. (1) The moneys received into the liquor account shall be transferred or appropriated as follows:

(a) An amount of money equal to the actual cost of purchase of alcoholic liquor and payment of expenses of administration and operation of the division, as determined by the director and certified quarterly to the state controller, shall be transferred back to the division; provided, that the amount so transferred back for administration and operation of the division shall not exceed the amount authorized to be expended by regular appropriation authorization.

(b) From fiscal year 2006 through fiscal year 2009, forty percent (40%) of the balance remaining after transferring the amounts authorized by paragraph (a) of this subsection shall be transferred or appropriated pursuant to this paragraph. Beginning in fiscal year 2010, the percentage transferred pursuant to this paragraph shall increase to forty-two percent (42%) with an increase of two percent (2%) for each subsequent fiscal year thereafter until fiscal year 2014, when such percentage shall be fifty percent (50%).

(i) For fiscal year 2006 and through fiscal year 2009, one million eight hundred thousand dollars (\$1,800,000) shall be appropriated and paid to the cities and counties as set forth in paragraph (c) (i) and (ii) of this subsection;

(ii) Two million eighty thousand dollars (\$2,080,000) shall be transferred annually to the substance abuse treatment fund created in section 23-408, Idaho Code;

(iii) Eight hundred thousand dollars (\$800,000) shall be transferred annually to the state community college account created in section 33-2139, Idaho Code;

(iv) One million two hundred thousand dollars (\$1,200,000) shall be transferred annually to the public school income fund as defined in section 33-903, Idaho Code;

(v) Six hundred fifty thousand dollars (\$650,000) shall be transferred annually to the cooperative welfare account in the dedicated fund;

(vi) Six hundred eighty thousand dollars (\$680,000) shall be transferred annually to the drug court, mental health court and family court services fund;

(vii) Four hundred forty thousand dollars (\$440,000) shall be transferred annually to the drug and mental health court supervision fund created in section 23-409, Idaho Code; and

(viii) The balance shall be transferred to the general fund.

(c) The remainder of the moneys received in the liquor account shall be appropriated and paid as follows:

(i) For fiscal year 2018, forty percent (40%) of the balance remaining after the transfers authorized by paragraphs (a) and (b) of this subsection have been made is hereby appropriated to and shall be paid to the several counties. For fiscal year 2019, the amount apportioned to counties shall decrease to thirty-nine and two-tenths percent (39.2%) with a decrease of eight-tenths percent (.8%) for each subsequent fiscal year thereafter until fiscal year 2023 when such percentage shall be thirty-six percent (36%). Each county shall be entitled to an amount in the proportion that liquor sales through the division in that county during the state's previous fiscal year bear to total liquor sales through the division in the state during the state's previous fiscal year, except that no county shall be entitled to an amount less than that county received in distributions from the liquor account during the state's fiscal year 1981.

(ii) For fiscal year 2018, sixty percent (60%) of the balance remaining after the transfers authorized by paragraphs (a) and (b) of this subsection have been made is hereby appropriated to and shall be paid to the several cities. For fiscal year 2019, the amount apportioned to the several cities shall decrease to fifty-seven and eight-tenths percent (57.8%) with a decrease of two and two-tenths percent (2.2%) for each subsequent fiscal year thereafter until fiscal year 2023 when such percentage shall be forty-nine percent (49%). Amounts paid to the several cities shall be distributed as follows:

1. Ninety percent (90%) of the amount appropriated to the cities shall be distributed to those cities that have a liquor store or distribution station located within the corporate limits of the city. Each such city shall be entitled to an amount in the proportion that liquor sales through the division in that city during the state's previous fiscal year bear to total liquor sales through the division in the state during the state's previous fiscal year, except that no city shall be entitled to an amount less than that city received in distributions from the liquor account during the state's fiscal year 1981;

2. Ten percent (10%) of the amount appropriated to the cities shall be distributed to those cities that do not have a liquor store or distribution station located within the corporate limits of the city. Each such city shall be entitled to an amount in the proportion that ~~that city's~~ its population bears to the population of all cities in the state that do not have a liquor store or distribution station located within the corporate limits of the city, except that no city shall be entitled to an amount less than that city received in distributions from the liquor account during the state's fiscal year 1981.

(iii) For fiscal year 2019, an additional amount of three percent (3%) of the balance remaining after the transfers authorized by paragraphs (a) and (b) of this subsection have been made is hereby appropriated to the several counties for deposit in the district court fund. Such funds shall be dedicated to provide for the suitable and adequate quarters of the magistrate's division of the district court, including the facilities and equipment necessary to make the space provided functional for its intended use, and shall provide for the staff personnel, supplies and other expenses of the magistrate's division. For fiscal year 2020, the amount apportioned to the several counties for deposit in the district court fund shall be six percent (6%) with an increase of three percent (3%) for each subsequent year until fiscal year 2023 when such percentage shall be fifteen percent (15%). Amounts paid to the several counties shall be distributed as follows:

1. The first four hundred forty thousand dollars (\$440,000) shall be distributed to each of the forty-four (44) counties in equal amounts;
2. Fifty percent (50%) of the remaining funds shall be distributed to the forty-four (44) counties in proportion to the population of the county in relation to the population of the state ~~using the American community survey, one (1) year estimate, United States census bureau;~~ and
3. Fifty percent (50%) of the remaining funds shall be distributed to the forty-four (44) counties in proportion to the number of misdemeanor and infraction ~~citations issued~~ filings initiated by city law enforcement officers in the county during the state's previous fiscal year in relation to the proportion of the number of misdemeanor and infraction ~~citations issued~~ filings initiated by all city law enforcement officers in the state.

(2) All transfers and distributions shall be made periodically, but not less frequently than quarterly, but the apportionments made to any county or city that may during the succeeding three (3) year period be found to have been in error either of computation or transmittal shall be corrected during the fiscal year of discovery by a reduction of apportionments in the case of over-apportionment or by an increase of apportionments in the case of under-apportionment. The decision of the director on entitlements of counties and cities shall be final and shall not be subject to judicial review.

(3) For purposes of this section, "city law enforcement officer" means an individual, either employed directly by a city or by way of a contract for law enforcement services with another city or county, authorized to investigate, enforce, prosecute or punish violations of city or state statutes, ordinances or regulations.

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 July 1, 2018.

Approved March 25, 2019

CHAPTER 219
(S.B. No. 1122)

AN ACT

RELATING TO JUVENILES; AMENDING SECTION 19-4708, IDAHO CODE, TO PROVIDE FOR JUVENILE OFFENDERS, TO REVISE A DEFINITION, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-520, IDAHO CODE, TO PROVIDE FOR A CERTAIN MONTHLY PROBATION SUPERVISION FEE, TO PROVIDE THAT THE CLERK OF THE COURT MAY USE CERTAIN PROCEDURES REGARDING DEBTS, TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-529, IDAHO CODE, TO PROVIDE THAT COUNTY JUVENILE PROBATION SERVICES MAY BE PAID FOR FROM CERTAIN FUNDS; AND AMENDING SECTION 20-532, 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 19-4708, Idaho Code, be, and the same is hereby amended to read as follows:

19-4708. COLLECTION OF DEBTS OWED TO COURTS -- CONTRACTS FOR COLLECTION. (1) The supreme court, or the clerks of the district court with the approval of the administrative district judge, may enter into contracts in accordance with this section for collection services for debts owed to courts. The cost of collection shall be paid by the defendant or juvenile offender as an administrative surcharge when the defendant or juvenile offender fails to pay any amount ordered by the court and the court utilizes the services of a contracting agent pursuant to this section.

(2) As used in this section:

- (a) "Contracting agent" means a person, firm or other entity who contracts to provide collection services.
- (b) "Cost of collection" means the fee specified in contracts to be paid to or retained by a contracting agent for collection services.
- (c) "Debts owed to courts" means any assessment of fines, court costs, surcharges, penalties, fees, restitution, moneys expended in providing counsel and other defense services to indigent defendants or juvenile offenders or other charges which a court judgment or disposition has ordered to be paid to the court in civil, criminal, or juvenile cases, and which remain unpaid in whole or in part, and includes any interest or penalties on such unpaid amounts as provided for in the judgment or by law.

(3) The supreme court may adopt rules as deemed appropriate for the administration of this section, including procedures to be used in the negotiation and execution of contracts pursuant to this section, procedures to be followed by courts which utilize collection services under such contracts, and procedures for the compromise of debts owed to courts in criminal or juvenile cases.

(4) Each contract entered into pursuant to this section shall specify the scope of work to be performed and provide for a fee to be paid to or retained by the contracting agent for collection services. Such fee shall be designated as the cost of collection, and shall not exceed thirty-three percent (33%) of the amount collected. The cost of collection shall be deducted from the amount collected but shall not be deducted from the debts owed to courts.

(5) Contracts entered into shall provide for the payment of any amounts collected to the clerk of the district court for the court in which the debt being collected originated after first deducting the collection fee. In accounting for amounts collected from any person pursuant to this section, the district court clerk shall credit the person's amount owed in the amount of the net proceeds collected and shall not reduce the amount owed by any person by that portion of any payment which constitutes the cost of collection pursuant to this section.

(6) With the appropriate cost of collection paid to the contracting agent as agreed upon in the contract, the clerk shall then distribute the amounts collected in accordance with the law.

SECTION 2. That Section 20-520, Idaho Code, be, and the same is hereby amended to read as follows:

20-520. SENTENCING. (1) Upon the entry of an order finding the juvenile offender is within the purview of the act, the court shall then hold a sentencing hearing in the manner prescribed by the Idaho juvenile rules to determine the sentence that will promote accountability, competency development and community protection. Prior to the entry of an order disposing of the case, other than an order of discharge or dismissal, the court may request and, if requested, shall receive a report containing the results of an inquiry into the home environment, past history, competency development, prevention or out of home placement services provided, and the social, physical and mental condition of the juvenile offender. The court shall not consider or review the report prior to the entry of an order of adjudication. Upon presentation and consideration of the report by the court, the court may proceed to sentence the juvenile offender as follows:

(a) Place the juvenile offender on formal probation for a period not to exceed three (3) years from the date of the order, except the court may place a juvenile offender on formal probation for a period not to exceed the juvenile offender's twenty-first birthday if the court finds that the juvenile offender has committed a crime of a sexual nature. If a juvenile offender is committed to the Idaho department of juvenile corrections pursuant to paragraph (a) of this subsection, the court may place the juvenile offender on probation from the date of sentencing up to three (3) years past the date of release from custody or the juvenile offender's twenty-first birthday, whichever occurs first; provided the court shall conduct a review hearing within thirty (30) days following release of the juvenile offender from the department of juvenile corrections in order to determine the conditions and term of such probation;

(b) Sentence the juvenile offender to detention pursuant to this act for a period not to exceed thirty (30) days for each act, omission or status which is prohibited by the federal, state, local or municipal law or ordinance by reason of minority only. The sentence shall not be executed unless the act, omission or status is in violation of 18 U.S.C. section 922(x), or the court finds that the juvenile offender has violated the court's decree imposing the sentence as provided in this subsection.

If the court, after notice and hearing, finds that a juvenile offender has violated the court's decree imposing the sentence under circumstances that bring the violation under the valid court order exception of the federal juvenile justice and delinquency prevention act of 1974, as amended, the court may commit the juvenile offender to detention for the period of detention previously imposed at sentencing;

(c) Commit the juvenile offender to a period of detention, pursuant to this act, for a period of time not to exceed ninety (90) days for each unlawful or criminal act the juvenile offender is found to have committed, if the unlawful or criminal act would be a misdemeanor if committed by an adult, or where the juvenile offender has been adjudicated as a habitual status offender;

(d) If the juvenile offender has committed an unlawful or criminal act which would be a felony if committed by an adult, the court may commit the juvenile offender to detention for a period not to exceed one hundred eighty (180) days for each unlawful or criminal act;

(e) Whenever a court commits a juvenile offender to a period of detention, the juvenile detention center shall notify the school district where the detention center is located. No juvenile offender who is found to come within the purview of the act for the commission of a status offense shall be sentenced to detention in a jail facility unless an adjudication has been made that the juvenile offender is a habitual status offender;

(f) Commit the juvenile offender to detention and suspend the sentence on specific probationary conditions;

(g) The court may suspend or restrict the juvenile offender's driving privileges for such periods of time as the court deems necessary, and the court may take possession of the juvenile offender's driver's license. The juvenile offender may request restricted driving privileges during a period of suspension, which the court may allow if the juvenile offender shows by a preponderance of evidence that driving privileges are necessary for his employment or for family health needs;

(h) The court may order that the juvenile offender be examined or treated by a physician, surgeon, psychiatrist or psychologist, or that he receive other special care, or that he submit to an alcohol or drug evaluation, if needed, and for such purposes may place the juvenile offender in a hospital or other suitable facility;

(i) The court may order that the county probation office authorize a comprehensive substance abuse assessment of the juvenile offender. After receiving the comprehensive substance abuse assessment, and upon a finding by the court that treatment will provide a cost-effective means of achieving the sentencing goals of accountability, competency development and community protection, the court may order that the juvenile offender receive immediate treatment for substance abuse in keeping with a plan of treatment approved by the court. The initial cost of the assessment and treatment shall be borne by the department of juvenile corrections with funds allocated to the county probation office. The director of the department of juvenile corrections may promulgate rules consistent with this paragraph to establish a schedule of fees to be charged to parents by the county probation office for such services based upon the cost of the services and the ability of parents to pay;

(j) In support of an order under the provisions of this section, the court may make an additional order setting forth reasonable conditions to be complied with by the parents, the juvenile offender, his legal guardian or custodian, or any other person who has been made a party to the proceedings, including, but not limited to, restrictions on visitation by the parents or one (1) parent, restrictions on the ju-

venile offender's associates, occupation and other activities, and requirements to be observed by the parents, guardian or custodian;

(k) The court may make any other reasonable order which is in the best interest of the juvenile offender or is required for the protection of the public, except that no person under the age of eighteen (18) years may be committed to jail, prison or a secure facility which does not meet the standards set forth in section 20-518, Idaho Code, unless jurisdiction over the individual is in the process of being waived or has been waived pursuant to section 20-508 or 20-509, Idaho Code. The court may combine several of the above-listed modes of disposition where they are compatible;

(l) An order under the provisions of this section for probation or placement of a juvenile offender with an individual or an agency may provide a schedule for review of the case by the court;

(m) Order the proceeding expanded or altered to include consideration of the cause pursuant to chapter 16, title 16, Idaho Code;

(n) Order the case and all documents and records connected therewith transferred to the magistrate division of the district court for the county where the juvenile offender and/or parents reside if different than the county where the juvenile offender was charged and found to have committed the unlawful or criminal act, for the entry of a dispositional order;

(o) Order such other terms, conditions, care or treatment as appears to the court will best serve the interests of the juvenile offender and the community;

(p) The court shall assess a twenty dollar (\$20.00) detention/probation training academy fee against the juvenile offender for every petition filed where there has been an adjudication that the juvenile offender is within the purview of this chapter. All moneys raised pursuant to this paragraph shall be transmitted by the court for deposit in the juvenile corrections fund which is created in section 20-542, Idaho Code;

(q) Additionally, the court shall assess a fee of sixty cents (60¢) per hour of community service against the juvenile offender for every petition filed where there has been an adjudication that the juvenile offender is within the purview of this chapter and the court is ordering community service. Such fee is to be remitted by the court to the state insurance fund for purposes of providing worker's compensation insurance for persons performing community service pursuant to this chapter. However, if a county is self-insured and provides worker's compensation insurance for persons performing community service pursuant to the provisions of this chapter, then remittance to the state insurance fund is not required;

(r) Additionally, the court may assess a monthly probation supervision fee that shall be an amount not more than the maximum monthly misdemeanor probation supervision fee set forth in section 31-3201D, Idaho Code, per month, or such lesser sum as determined by the administrative judge of the judicial district, against the juvenile offender placed on probation. The amount of the monthly probation supervision fee shall be paid to the clerk of the district court who shall deposit such fee into the county juvenile probation fund, which is hereby created, in each county or, at the option of the board of county commissioners, deposited in the county justice fund to be used for county juvenile probation services. Moneys from this fee may be accumulated from year to year and shall be expended exclusively for county juvenile probation services and related purposes;

(s) Commit the juvenile offender to the legal custody of the department of juvenile corrections for an indeterminate period of time not to exceed the juvenile offender's nineteenth birthday, unless the custody

review board determines that extended time in custody is necessary to address competency development, accountability, and community protection; provided however, that no juvenile offender shall remain in the custody of the department beyond the juvenile offender's twenty-first birthday. The department shall adopt rules implementing the custody review board and operations and procedures of such board. Juvenile offenders convicted as adults and placed in the dual custody of the department of juvenile corrections and the state board of correction under section 19-2601A, Idaho Code, are under the retained jurisdiction of the court and are not within the purview of the custody review board;

(st) Notwithstanding any other provision of this section, a court may not commit a juvenile offender under the age of ten (10) years to a period of detention or to the custody of the department of juvenile corrections for placement in secure confinement.

(2) When an order is entered pursuant to this section, the juvenile offender shall be transported to the facility or program so designated by the court or the department, as applicable, by the sheriff of the county where the juvenile offender resides or is committed, or by an appointed agent. When committing a juvenile offender to the department, or another entity, the court shall at once forward to the department or entity a certified copy of the order of commitment.

(3) Unless the court determines that an order of restitution would be inappropriate or undesirable, it shall order the juvenile offender or his parents or both to pay restitution to or make whole any victim who suffers an economic loss as a result of the juvenile offender's conduct in accordance with the standards and requirements of sections 19-5304 and 19-5305, Idaho Code. The amount of restitution which may be ordered by the court shall not be subject to the limitations of section 6-210, Idaho Code. Court-ordered restitution shall be paid prior to any other court-ordered payments unless the court specifically orders otherwise. The clerk of the district court, with the approval of the administrative district judge, may use the procedures set forth in section 19-4708, Idaho Code, for the collection of the restitution.

(4) The court may order the juvenile offender's parents or custodian to pay the charges imposed by community programs ordered by the court for the juvenile offender, or the juvenile offender's parents or custodian.

(5) Any parent, legal guardian or custodian violating any order of the court entered against the person under the provisions of this chapter shall be subject to contempt proceedings under the provisions of chapter 6, title 7, Idaho Code.

(6) The clerk of the district court, with the approval of the administrative district judge, may use the procedures set forth in section 19-4708, Idaho Code, for the collection of other debts owed to the court by the juvenile offender.

SECTION 3. That Section 20-529, Idaho Code, be, and the same is hereby amended to read as follows:

20-529. APPOINTMENT OF COUNTY PROBATION OFFICERS. The courts in the several counties of this state shall enter into a contract or agreement for probation services to the counties or, if the court deems local probation services are preferable, may appoint one (1) or more persons to serve as probation officers at the expense of the county with the concurrence of the county commissioners. County juvenile probation services may be paid for from funds generated by the fees collected pursuant to the provisions of section 20-520, Idaho Code, and any additional funds that may be annually appropriated by the board of county commissioners.

SECTION 4. That Section 20-532, Idaho Code, be, and the same is hereby amended to read as follows:

20-532. TERM OF COMMITMENT -- REVIEW AFTER COMMITMENT. A juvenile offender committed to a secure facility shall remain until the juvenile offender reaches nineteen (19) years of age, is retained for extended custody pursuant to section 20-520(1) (~~is~~), Idaho Code, or is released or discharged. A juvenile offender committed to a secure facility shall appear before the department within ninety (90) days after commitment, for review of treatment plans.

Approved March 25, 2019

CHAPTER 220
(S.B. No. 1123)

AN ACT

RELATING TO COURTS; AMENDING SECTION 1-1624, IDAHO CODE, TO REVISE A DEFINITION AND TO REMOVE A PROVISION REGARDING DEBTS LESS THAN FIFTY DOLLARS.

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

SECTION 1. That Section 1-1624, Idaho Code, be, and the same is hereby amended to read as follows:

1-1624. SET-OFF PROCEDURE FOR DELINQUENT DEBTS OWED TO THE COURTS. (1) The purpose of this legislation is to enable the Idaho supreme court, as the supervisor of the unified and integrated judicial system of this state, to apply for a set-off of state tax refunds and credits owing to a taxpayer in payment of a delinquent debt owed by the taxpayer to the courts of this state. It is the intent of the legislature that this set-off remedy be in addition to and not in substitution of any other remedy or action provided for by law for the collection of such delinquent debts.

(2) The state tax commission shall withhold and set-off any income tax or tax credit refund of any taxpayer, upon notification from the Idaho supreme court, to collect any debt owed to the courts by the taxpayer which is delinquent. A remittance by the state tax commission to the court pursuant to this section shall be deemed to be, to the extent of the remittance, a refund to the taxpayer and any other person who has a claim to such refund, and the state tax commission shall not be liable to any person because of a refund that has been remitted under this section.

(3) A "debt owed to the courts" means any assessment of fines, court costs, surcharges, penalties, fees, restitution, moneys expended in providing counsel and other defense services to indigent defendants, or other charges assessed and contained in a that a court judgment against or disposition has ordered to be paid to the court in civil, criminal, or juvenile cases, or in an agreement by, a defendant in a criminal proceeding and owed to the court, including any interest or penalty on the same as provided for in such judgment, such disposition, such agreement or by law.

(4) As used in subsections (3) and (65) of this section, "agreement" means an agreement that:

- (a) Has been filed with the court and placed in the court's case file;
- (b) Has been approved by the court;
- (c) Provides that all payments due pursuant to the agreement shall be made to the clerk of the court; and
- (d) If executed on and after July 1, 2017, contains provisions serving to notify the taxpayer of payment due dates; the set-off of tax refunds and credits remedy provided for in this section; and the right to object

to a set-off of tax refunds and credits as provided for in subsection (87) (d) of this section.

~~(5) This section does not apply to a debt owed to the courts which does not exceed the sum of fifty dollars (\$50.00).~~

~~(6) A debt owed to the courts is delinquent when it is not paid according to the terms of such judgment or agreement, but at no time shall a delinquency be deemed to exist if the aggregate amount of money paid in satisfaction of an agreement equals or exceeds the total amount of money that the taxpayer was obligated to pay up to that time pursuant to the agreement.~~

(76) Any claims for current or past-due child support presented under section 56-203D, Idaho Code, or claims for set-off of income tax refunds against any tax liability or overpayment of benefits owed to the state department of labor pursuant to section 63-3077A, Idaho Code, shall take priority over any claim for delinquent debt owed to the courts under this section.

(87) The set-off or withholding of a refund due a taxpayer shall be remitted only after the following conditions have been met:

(a) A debt owed to the courts is delinquent. This section shall not be used to satisfy any amount ordered by the court until the order or judgment is final and the time for appealing the judgment or order has elapsed without any further right on the part of the person owing the amount to judicial review.

(b) All outstanding tax liabilities collectible by the state tax commission are satisfied.

(c) The supreme court shall forward to the state tax commission the full name and social security number of the taxpayer. The tax commission shall notify the supreme court of the amount of refund due the taxpayer and the taxpayer's address on the income tax return.

(d) Upon remittance of any set-off or part thereof, the court shall cause a written notice to be sent to the taxpayer whose refund is subject to the set-off. Notice of the set-off shall be sent by United States mail to the taxpayer at the address listed on the income tax return. Within twenty-one (21) days after such notice has been mailed (not counting Saturday, Sunday or a state holiday as the twenty-first day), the taxpayer may file a written objection to the set-off in accordance with procedures established by the supreme court, which may impose reasonable requirements concerning the information necessary to process the objection. No issues or claims previously decided in a court order or judgment, or admitted or agreed to by the taxpayer, shall be considered in connection with an objection. In the case of a refund that is set-off in error under this section, the court shall reimburse the taxpayer.

(98) The supreme court shall create a suspense account to pay amounts that are found to be set-off in error under the provisions of subsection (87) (d) of this section or to refund any balance that remains after the debt to the courts is satisfied. If no written objection to the set-off is made within twenty-one (21) days, such failure shall be deemed a waiver of the right to contest the set-off and the amount of the set-off shall be removed from the suspense account and shall be credited to the taxpayer's debt to the courts. The court may waive the twenty-one (21) day time limit in appropriate circumstances.

~~(109)~~ When set-off is attempted on a joint return under the provisions of this section, the taxpayer not specified to be the obligor in the judgment or agreement creating the debt owed to the court may file a written objection within the time limits specified in subsection (87) (d) of this section and the set-off will be limited to one-half (1/2) of the joint refund.

(110) If the refund is insufficient to satisfy the entire debt owed to the courts, the remainder of the debt may be collected as provided by law or submitted for set-off against subsequent refunds.

(121) The proceeds from the set-off shall be credited to the debt owing to the courts and shall be distributed as provided by law.

(132) The state tax commission and the supreme court independently may adopt rules governing its administration of this section and are authorized to enter into a written agreement to implement and facilitate the provisions of this section, including the method of making remittances of the amount which has been set-off pursuant to this section.

Approved March 25, 2019

CHAPTER 221
(S.B. No. 1129, As Amended)

AN ACT

RELATING TO DENTISTS; AMENDING SECTION 54-900, IDAHO CODE, TO PROVIDE FOR DENTAL THERAPISTS; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-902A, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 54-903, IDAHO CODE, TO DEFINE A TERM AND TO REVISE DEFINITIONS; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-906A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE UNLAWFUL PRACTICE OF DENTAL THERAPY; AMENDING SECTION 54-912, IDAHO CODE, TO PROVIDE FOR DENTAL THERAPY; AMENDING SECTION 54-913, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTIFICATES OF QUALIFICATION AND LICENSES; AMENDING SECTION 54-915, IDAHO CODE, TO PROVIDE FOR THE QUALIFICATIONS REQUIRED OF DENTAL THERAPISTS; AMENDING SECTION 54-916, IDAHO CODE, TO PROVIDE FOR DENTAL THERAPISTS; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-916C, IDAHO CODE, TO PROVIDE FOR DENTAL THERAPY LICENSURE BY CREDENTIALS; AMENDING SECTION 54-918, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXAMINATIONS; AMENDING SECTION 54-920, IDAHO CODE, TO PROVIDE FOR LICENSING AND LICENSE FEES FOR DENTAL THERAPISTS; AMENDING SECTION 54-922, IDAHO CODE, TO REQUIRE DISPLAY OF A DENTAL THERAPY LICENSE; AMENDING SECTION 54-923, IDAHO CODE, TO PROVIDE FOR REVOCATION OF A DENTAL THERAPY LICENSE; AMENDING SECTION 54-924, IDAHO CODE, TO REVISE PROVISIONS REGARDING GROUNDS OF REFUSAL, REVOCATION, OR SUSPENSION OF DENTISTS; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-926, IDAHO CODE, TO PROVIDE GROUNDS FOR REVOCATION OR SUSPENSION OF DENTAL THERAPISTS; AMENDING SECTION 54-930, IDAHO CODE, TO PROVIDE EXCEPTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-932, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR LOST OR DESTROYED DENTAL THERAPIST CERTIFICATES OR LICENSES; AND AMENDING SECTION 54-935, IDAHO CODE, TO PROVIDE FOR DENTAL THERAPISTS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 54-900, Idaho Code, be, and the same is hereby amended to read as follows:

54-900. PURPOSE. Recognizing that the practice of dentistry, dental therapy, and dental hygiene is a privilege granted by the state of Idaho and is not a natural right of individuals, the purpose of this chapter is to assure the public health, safety and welfare in the state by the licensure and regulation of dentists, dental therapists, and dental hygienists.

SECTION 2. That Chapter 9, 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 54-902A, Idaho Code, and to read as follows:

54-902A. DEFINITION -- PRACTICE OF DENTAL THERAPY. The practice of dental therapy is the doing by one (1) person for a direct or indirect consideration of one (1) or more of the following with respect to the teeth or dental health of another person, namely, identifying oral and systemic conditions, performing dental prophylaxis, dispensing and administering nonnarcotic analgesics, anti-inflammatory and antibiotic medications as prescribed by a licensed dentist, applying preventive agents, preparation and placement of direct restorations in primary and permanent teeth, indirect and direct pulp capping on permanent teeth, indirect pulp capping on primary teeth, and such other dental services as specified by the supervising dentist and for which the dental therapist is trained unless prohibited by the board in its adopted rules. The board shall enter into negotiated rulemaking to establish the appropriate levels of supervision for each authorized service or procedure. Except as otherwise specified in this chapter, such services and procedures shall be limited to the discharge of official duties on behalf of the United States government, including through the United States public health service, the Indian health service, or tribal health programs contracted to perform services on behalf of the United States government in a practice setting within the exterior boundaries of a tribal reservation.

SECTION 3. That Section 54-903, Idaho Code, be, and the same is hereby amended to read as follows:

54-903. GENERAL DEFINITIONS. As used in this chapter:

(1) "Association" means the Idaho state dental association and the Idaho dental hygienists' association.

(2) "Board" means the state board of dentistry.

(3) "Conviction" or "convicted" means a finding of guilt by a judge or jury, an entry of a guilty plea by a defendant and its acceptance by the court, a forfeiture of a bail bond or collateral deposited to secure a defendant's appearance, a judgment of conviction, a suspended sentence, probation, a withheld judgment, or a finding of guilt under the uniform code of military justice.

(4) "Dental assistant" is a person who need not be licensed under this chapter, but who is regularly employed at a dental office, who works under a dentist's supervision, and is adequately trained and qualified according to standards established by the board to perform the dental services permitted to be performed by assistants by this chapter and applicable rules of the board.

(5) "Dental hygienist" is a person both qualified and licensed by the laws of Idaho to practice dental hygiene.

(6) "Dental specialist" is a dentist who has graduated from a board-approved postgraduate program in the dentist's specialty and is a person both qualified and licensed by the laws of Idaho to practice a dental specialty recognized by the board.

(7) "Dental therapist" is a person both qualified and licensed by the laws of Idaho to practice dental therapy.

(8) "Dentist" is a person both qualified and licensed by the laws of Idaho to practice dentistry.

(89) "Direct supervision" is supervision of a dental therapist, dental assistant, or dental hygienist requiring that a dentist diagnose the condition to be treated, that a dentist authorize the procedure to be performed, that a dentist remain in the practice setting while the procedure is per-

formed, and that before dismissal of the patient a dentist approves the work performed by the dental therapist, dental assistant, or dental hygienist.

(910) "Extended access oral health care setting" means and includes:

(a) Dental and dental hygiene treatment and services provided at locations including, but not limited to, a school district, county, state or federal agency, hospital, medical office, long-term care facility, public health district, dental or dental hygiene school, tribal clinic, or federally qualified health center; or

(b) Oral health care programs approved by the board and conducted by or through a nonprofit public or private entity, organized in accordance with section 501(c)(3) or 501(c)(4) of the federal Internal Revenue Code, that provide free dental or dental hygiene services to persons who, due to age, infirmity, indigence, disability or other similar reason, may be unable to receive regular dental and dental hygiene treatment. The board may require reapproval of the oral health care programs on an annual basis or at such other times as may be deemed by the board to be necessary or appropriate.

(c) Dental therapy preventative treatment and preventative services provided in a school or long-term care facility in an incorporated city that is wholly or partially within or has a border contiguous to the boundaries of a tribal reservation.

(101) "General supervision" is supervision of a dental therapist, dental assistant, or dental hygienist requiring that a dentist authorize the procedure which is carried out, but not requiring that a dentist be in the practice setting when the authorized procedure is performed.

(112) "Indirect supervision" is supervision of a dental therapist, dental assistant, or dental hygienist requiring that a dentist authorize a procedure and that a dentist be in the practice setting while the procedure is performed by the therapist, assistant, or hygienist.

SECTION 4. That Chapter 9, 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 54-906A, Idaho Code, and to read as follows:

54-906A. UNLAWFUL PRACTICE OF DENTAL THERAPY. (1) Any person, not a dentist, who shall practice or in any manner hold himself out to any other person or to the public as qualified or licensed to practice dental therapy within the state of Idaho without at the time being a licensed dental therapist, or who performs any act, function, or service that is permitted a dental therapist by this chapter without the supervision of a dentist as specified by the rules of the board, shall be guilty of a misdemeanor and upon conviction shall be fined no less than one hundred dollars (\$100) nor more than three hundred dollars (\$300), or be imprisoned in the county jail for no less than thirty (30) days nor more than six (6) months, or both. Each act of practice, or holding out, or representation shall constitute a separate offense.

(2) Conviction under the provisions of this section shall not prevent issuance of an injunction as provided in section 54-933, Idaho Code.

SECTION 5. That Section 54-912, Idaho Code, be, and the same is hereby amended to read as follows:

54-912. BOARD OF DENTISTRY -- POWERS AND DUTIES. The board shall have the following powers and duties:

(1) To ascertain the qualifications and fitness of applicants to practice dentistry, a dental specialty, dental therapy, or dental hygiene; to prepare, conduct and grade qualifying examinations; to require and accept passing results of written and clinical examinations from approved dental, dental therapy, and dental hygiene testing organizations; to issue in the

name of the board a certificate of qualification to applicants found to be fit and qualified to practice dentistry, dental therapy, or dental hygiene.

(2) To prescribe rules for a fair and wholly impartial method of licensure and examination of applicants to practice dentistry, a dental specialty, dental therapy, or dental hygiene.

(3) To define by rule what shall constitute accepted and approved schools, colleges, institutions, universities or departments thereof for the teaching of dentistry, dental therapy, or dental hygiene and to determine, accept and approve those that comply therewith.

(4) To promulgate other rules required by law or necessary or desirable for its enforcement and administration; to define by rule the terms unprofessional conduct or practices injurious to the public as the terms are used in section 54-924, Idaho Code, to furnish applications, certificates, licenses and other necessary forms.

(5) To inspect or cause to be inspected the offices or operating rooms of all persons licensed under this chapter.

(6) (a) Upon its own motion or upon any complaint, to initiate and conduct investigations on all matters relating to the practice of dentistry, dental therapy, or dental hygiene and to conduct hearings or proceedings on its own or through its designated hearing officer, to revoke, suspend or otherwise condition certificates of qualification or licenses of persons practicing dentistry, dental therapy, or dental hygiene and, on such terms as the board shall deem appropriate, to revoke, suspend, or otherwise condition such licenses, provided such hearings and proceedings shall be had in conformance with the provisions of chapter 52, title 67, Idaho Code. Final decisions of the board shall be subject to judicial review as provided in chapter 52, title 67, Idaho Code.

(b) Whenever it appears that grounds for discipline exist under this chapter and the board finds that there is an immediate danger to the public health, safety or welfare, the board is authorized to commence emergency proceedings for revocation or other action. Such proceedings shall be promptly instituted and processed, including the right to contest the emergency proceedings and appeal, under the applicable provisions of chapter 52, title 67, Idaho Code.

(7) The board, its designated hearing officer, or representative shall have power to administer oaths, the power to engage in discovery as provided in the Idaho rules of civil procedure and chapter 52, title 67, Idaho Code, including, but not limited to, the power to take depositions of witnesses within or without the state in the manner provided by law in civil cases, and shall have power throughout the state of Idaho to require the attendance of witnesses and the production of books, records and papers as it may desire at any hearing before it of any matter which it has authority to investigate, and for that purpose the board or its designated hearing officer may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of any county of the state of Idaho, where the witness resides, or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases and shall be paid from the state board of dentistry fund 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 the district court, or any judge thereof, of any county in this state in which the disobedience, neglect or refusal occurs, upon application by the board to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or for refusal to testify. The licensed person accused

in the proceedings shall have the same right of subpoena upon making application to the board.

(8) The board shall establish an office and may appoint an executive director and may employ other personnel, including attorneys and hearing officers, as may be necessary to assist the board. The board shall prescribe the duties of the executive director and these duties shall include the preparation of all papers and records under law for the board, and shall include enforcement activities as to the board may from time to time appear advisable, and the executive director shall act for and on behalf of the board in such manner as the board may authorize, keep records, property and equipment of the board and discharge other duties as the board may from time to time prescribe. The compensation of the executive director or other personnel shall be determined by the board and the executive director shall be bonded to the state in the time, form and manner prescribed in chapter 8, title 59, Idaho Code.

(9) To report annually to the associations on the status of the state board of dentistry fund and furnish the associations a written report on all receipts and expenditures during the preceding year.

(10) Provide, by rule, for reasonable fees for administrative costs and assess costs reasonably and necessarily incurred in the enforcement of this chapter when a licensee has been found to be in violation of this chapter.

SECTION 6. That Section 54-913, Idaho Code, be, and the same is hereby amended to read as follows:

54-913. CERTIFICATES -- LICENSES -- RECORDS. (1) All certificates of qualification to practice dentistry, dental therapy, or dental hygiene, and all licenses shall be issued by the board in the name of the board, with the seal attached.

(2) The board shall keep a record of all applicants for licensure to qualify as a dentist, dental therapist, or dental hygienist, of applicants rejected on application or examination with the reason for rejection, of certificates of qualification and of licenses issued, and of dentists, dental therapists, and dental hygienists.

SECTION 7. 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, 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;

(45) Shall, for dentistry, dental therapy, and dental hygiene, pass the examinations provided for in section 54-918, Idaho Code.

SECTION 8. That Section 54-916, Idaho Code, be, and the same is hereby amended to read as follows:

54-916. APPLICATION FOR LICENSURE -- FEE. Any person desiring to practice dentistry, a dental specialty, dental therapy, or dental hygiene within the state of Idaho shall make an application for licensure in dentistry, a dental specialty, dental therapy, or dental hygiene, as the case may be, on forms furnished by the board, which forms shall call for information from the applicant as shall show his full, true name and that he possesses all the qualifications required by law for the license applied for. The application and supporting instruments as shall be required, together with payment of an application fee of not more than three hundred dollars (\$300) for dentists, the fee to be set by the rules of the board and not more than two hundred fifty dollars (\$250) for dental therapists and dental hygienists, the fee to be set by the rules of the board, and not more than six hundred dollars (\$600) for dental specialists, the fee to be set by the rules of the board, shall be filed with the board at a sufficient time to permit the board to investigate into the moral character of the applicant and his possession of the other qualifications for licensure. The fee shall not be refunded.

SECTION 9. That Chapter 9, 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 54-916C, Idaho Code, and to read as follows:

54-916C. DENTAL THERAPY LICENSURE BY CREDENTIALS. The board may issue a license to practice dental therapy without further examination to an applicant upon evidence that:

(1) The applicant currently holds an active license in good standing to practice dental therapy in another state with no disciplinary proceedings or unresolved complaints pending before the state's licensing board;

(2) The applicant has been in clinical practice at least two (2) years and has practiced a minimum of two thousand (2,000) hours in the three (3) years immediately preceding the date of application;

(3) The applicant has graduated from a dental therapy school accredited by the commission on dental accreditation of the American dental association as of the date of the applicant's graduation;

(4) The applicant has successfully completed board-approved examinations; and

(5) The applicant has paid the application fee as set by board rule.

SECTION 10. That Section 54-918, Idaho Code, be, and the same is hereby amended to read as follows:

54-918. EXAMINATIONS -- CERTIFICATE OF QUALIFICATION. (1) An applicant for licensure shall pass such examinations in dentistry, in dental therapy, and in dental hygiene as are conducted by the board or its agent. Examinations shall be written or clinical, or both, and upon such subjects in dentistry, dental therapy, and dental hygiene as the board shall determine will thoroughly test the fitness and ability of the applicant to practice dentistry, dental therapy, or dental hygiene. An applicant for licensure shall pass the written jurisprudence examination conducted by the board. A passing score of seventy-five percent (75%) correct shall be required on the written jurisprudence examination. A passing score of at least seventy-five

percent (75%) correct shall be required on any additional written or clinical examinations conducted by the board. It shall report and record the names of applicants who pass and of those who fail the examinations. Upon the candidate's request, the board will issue to each passing applicant in dentistry, who is qualified for Idaho licensure, a certificate of qualification to practice dentistry, and to each passing applicant in dental therapy, who is qualified for Idaho licensure, a certificate of qualification to practice dental therapy within the state of Idaho, and to each passing applicant in dental hygiene, who is qualified for Idaho licensure, a certificate of qualification to practice dental hygiene within the state of Idaho.

(2) In lieu of conducting written examinations other than the jurisprudence examination, the board may require and accept the results of the national board dental and dental hygiene examinations administered by the American dental association. The American dental association shall set the standards for passing the national board dental and dental hygiene examinations. In lieu of conducting clinical examinations, the board may require and accept the results of clinical examinations administered by national or regional testing organizations approved by the board. In lieu of conducting dental therapy examinations, the board may require and accept the results of dental therapy examinations administered by national or regional testing organizations approved by the board. The national or regional testing organizations shall set the standards for passing or acceptable level of competency on the clinical or dental therapy examinations administered.

(3) Applicants who fail any examination conducted by the board or its agent shall be notified thereof in writing by the board, which shall also record the fact of failure and the date and means of notification.

(4) Written questions and answers of applicants shall be subject to disclosure according to chapter 1, title 74, Idaho Code, unless exempt from disclosure in that chapter and title, and shall be destroyed by the board after the period of one (1) year following the examination.

SECTION 11. That Section 54-920, Idaho Code, be, and the same is hereby amended to read as follows:

54-920. LICENSING -- LICENSE FEES -- BIENNIAL RENEWAL OF LICENSES -- LATE FEES AND RETURNED CHECKS -- CLASSIFICATIONS OF LICENSES -- RIGHTS OF LICENSEES -- NOTIFICATION OF CHANGE OF ADDRESS. (1) Each person determined by the board as qualified for licensure under this chapter shall pay the prescribed biennial license fee to the board prior to issuance of a license. Unless otherwise specified on a license, licenses issued by the board shall be effective for the biennial licensing period specified in this section. The biennial licensing period for dental and dental therapy licenses shall be a two (2) year period from October 1 of each even-numbered calendar year to September 30 of the next successive even-numbered calendar year. The biennial licensing period for dental hygiene licenses shall be a two (2) year period from April 1 of each odd-numbered calendar year to March 31 of the next successive odd-numbered calendar year. Unless otherwise specified on a license, any license issued during a biennial licensing period shall be effective until the beginning date of the next successive biennial licensing period and the board may prorate the amount of the license fee from the date of issuance of the license until the beginning date of the next applicable biennial licensing period at the discretion of the board. A license issued by the board shall expire unless renewed in the manner specified in this section.

(2) The nonrefundable biennial license fees shall be fixed by the board, but shall not exceed the following amounts:

- (a) Four hundred dollars (\$400) for a dentist with an active status;
- (b) Two hundred dollars (\$200) for a dentist with an inactive status;
- (c) Three hundred dollars (\$300) for a dental therapist with an active status;

(d) One hundred fifty dollars (\$150) for a dental therapist with an inactive status;

(e) Two hundred twenty dollars (\$220) for a dental hygienist with an active status;

(df) One hundred twelve dollars (\$112) for a dental hygienist with an inactive status; or

(eg) Four hundred dollars (\$400) for a dentist with a specialist status.

(3) A license issued by the board shall be renewed as prescribed in this section. Prior to the expiration of the effective period of a license, the board shall provide notice of renewal to the licensee's address of record on file with the board. To renew a dental license, each licensee shall submit a properly completed renewal application and the appropriate biennial license fee to the board prior to September 30 of every even-numbered calendar year. To renew a dental hygiene license, each licensee shall submit a properly completed renewal application and the appropriate biennial license fee to the board prior to March 31 of each odd-numbered calendar year. Each licensee determined by the board as qualified for renewal of a license shall be issued a license for the applicable biennial licensing period.

(4) Failure to timely submit a complete renewal application and license fee shall result in expiration of the license and termination of the licensee's right to practice. Failure to submit a complete renewal application, license fee and fifty dollar (\$50.00) late fee within thirty (30) days of expiration of the license shall result in cancellation of the license.

(5) Any person who delivers a check or other payment to the board that is returned to the board unpaid by the financial institution upon which it was drawn shall pay to the board as an administrative cost, in addition to any other amount owing, the amount of fifty dollars (\$50.00). Following notification by the board of the returned check or other payment, the person shall make payment of all moneys owing to the board by certified check or money order within thirty (30) days of the date of notification. A failure to submit the necessary remittance within the thirty (30) day period may result in the expiration of a license or constitute grounds for the board to deny, cancel, suspend or revoke a license.

(6) The board of dentistry may issue different classes of licenses as defined in this subsection.

(a) The term "license with active status" means a license issued by the board to a qualified person who is authorized to practice dentistry, dental therapy, or dental hygiene in the state of Idaho.

(b) The term "license with an inactive status" means a license issued by the board to a qualified person who is not authorized to be an active practitioner of dentistry, dental therapy, or dental hygiene in the state of Idaho. A person issued a license with an inactive status is not entitled to practice dentistry, dental therapy, or dental hygiene in the state of Idaho.

(c) The terms "license with special status" and "license with provisional status" mean licenses issued by the board to a qualified person on a provisional, conditional, restricted or limited basis under the terms of which the licensee is authorized to practice dentistry, dental therapy, or dental hygiene in the state of Idaho subject to conditions, limitations and requirements imposed by the board. The conditions, limitations and requirements imposed by the board may include, but are not limited to, a limitation on the effective period of the license, a requirement that specific conditions must be fulfilled in order for the license to remain effective, a requirement that specified education, examinations and skills testing be successfully completed during the effective period of the license, a restriction on the scope of permissible services that the licensee is authorized to perform, a restriction on the type of patients for whom treatment may be rendered

and a restriction on the locations at which the licensee can perform authorized services.

(7) (a) The board may issue a license with active status to any qualified applicant or qualified licensee who is authorized to practice dentistry, dental therapy, or dental hygiene in the state of Idaho. Renewal of a license with active status requires compliance with requirements specified in rule.

(b) The board may issue a license with inactive status to any qualified applicant or qualified licensee who fulfilled the licensure requirements but does not practice in the state of Idaho. Renewal of a license with inactive status requires compliance with requirements specified in rule.

(c) The board may issue a license with provisional status or special status to any person who fulfills, or substantially fulfills, the applicable licensure requirements when the board, acting in its discretion, determined that special circumstances existed which, for the protection of the public health, safety and welfare, required that specific conditions, restrictions or limitations be imposed on the license. A license with special status or provisional status entitles the holder thereof to practice dentistry, dental therapy, or dental hygiene in the state of Idaho subject to the conditions, restrictions and limitations specifically determined by the board and for the period of time prescribed. A provisional license is effective for the period specified by the board and may not be renewed. The board shall develop rules to include definitions, application and renewal requirements, limitations of practice and other conditions regarding provisional and special status licenses.

(d) The board may convert a license with inactive status to a license with active status in the event the holder pays the license fee prescribed for licenses with active status and submits to the board satisfactory evidence of:

- (i) Compliance with the requirements of this chapter and all rules promulgated under the provisions of this chapter;
- (ii) Good moral character and good professional conduct; and
- (iii) Completion of accumulated continuing education as required of a license with uninterrupted active status.

(e) Persons unable to otherwise fully meet the requirements for conversion of an inactive status license to an active status license must apply as a first-time applicant.

(8) Each person licensed under this chapter shall notify the board in writing of any change in the person's name or address of record within thirty (30) days after the change has taken place.

SECTION 12. That Section 54-922, Idaho Code, be, and the same is hereby amended to read as follows:

54-922. DISPLAY OF LICENSE. No person shall practice dentistry, dental therapy, or dental hygiene unless he either has on display in his office an unrevoked and unsuspended license for the time period in which he shall practice or has the same immediately producible upon request.

SECTION 13. 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, 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 14. That Section 54-924, Idaho Code, be, and the same is hereby amended to read as follows:

54-924. OTHER GROUNDS OF REFUSAL, REVOCATION OR SUSPENSION OF DENTISTS -- PROBATION AGREEMENTS. The board may refuse to issue or renew a dental license, or may revoke, suspend, place on probation, reprimand or take other disciplinary action with respect to a dental license as the board may deem proper, including administrative penalties not to exceed ten thousand dollars (\$10,000) per violation and assessment of the costs of disciplinary proceedings in the event a dentist shall:

(1) Intentionally misstate, or fail fully to disclose, a fact material to determination of fitness and qualification in an application for licensure to practice dentistry, or cheat in an examination to practice dentistry; or procure a certificate or finding of qualification to practice dentistry or subsequently a license by false, fraudulent or deceitful means or in any other name than his own true name; or

(2) Practice dentistry under any name other than his own true name except as a professional service corporation or professional limited liability company or as a limited managed care plan pursuant to chapter 39, title 41, Idaho Code; or

(3) Practice or in any manner or by any means or at any place hold out or represent himself as practicing dentistry in or under the name of, or as a member, representative, agent or employee of, or in connection with, any company, association, or corporation, or under any trade, fictitious or business name except as a professional service corporation or professional limited liability company or as a limited managed care plan pursuant to chapter 39, title 41, Idaho Code, except for a dentist practicing dentistry as an employee or contracting dentist providing dentistry services to any health center as defined and authorized in section 330 of the public health service act, codified as amended at 42 U.S.C. 254b; or

(4) (a) Make, or cause to be made, or assist in making, any fraudulent, false, or misleading statement as to his own, or an employee's, associate's, or other dentist's, dental therapist's, or dental hygienist's skill or lack of skill, or method of practice; or

(b) Claim to practice dentistry without causing pain; or

(c) Claim superiority over other dentists; or

(d) Publish, advertise, or circulate reports, letters, certificates, endorsements, or evidence of cures or corrections of dental conditions by such dentist, his employee or associate by reason of his or their skill, experience, or ability or of his or their use of any system, method, technique, device, drug, medicine, material, manipulation or machine; or

(e) Advertise the use of, or use, any system, method, technique, device, drug, medicine, material or machine, which is either falsely advertised or misnamed; or

(5) Use intoxicants or drugs to such a degree as to render him unfit to practice; or

(6) Commit malpractice, that is, to provide dental care which fails to meet the standard of dental care provided by other qualified dentists in the same community or similar communities, taking into account his training, experience and the degree of expertise to which he holds himself out to the public; or

(7) Engage in unprofessional conduct, as defined by board rules; or

(8) Advertise in such way as to deceive or defraud, or probably deceive or defraud, the public or patrons; or

(9) Employ or permit any person not a dentist to practice dentistry, or any person not a dentist or dental therapist to practice dental therapy, or any person not a dentist or dental hygienist to practice dental hygiene, in his office or under his control or direction; or

(10) Fail, neglect or refuse to keep his office or equipment, or otherwise conduct his work in accordance with current state and federal laws, rules and regulations; or

(11) Violate any other provisions of law or rules adopted by the board; or

(12) Falsely identify himself to the public as a specialist in a specialty area of dentistry as defined by rule; or

(13) Engage in the practice of dentistry as a member, stockholder, employee, director, partner or proprietor in any business entity in which a person, not duly licensed to practice dentistry in this state, holds an ownership interest. The provisions of this subsection shall not apply to such engagement in a limited managed care plan pursuant to chapter 39, title 41, Idaho Code, or to a dentist practicing dentistry for any health care center as defined and authorized in section 330 of the public health service act, codified as amended at 42 U.S.C. 254b.

(14) Supervise more than three (3) dental therapists.

SECTION 15. That Chapter 9, 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 54-926, Idaho Code, and to read as follows:

54-926. OTHER GROUNDS OF REVOCATION OR SUSPENSION OF DENTAL THERAPISTS -- PROBATION AGREEMENTS. The certificate or other evidence of qualification, and the right to practice dental therapy and the license of any dental therapist, may be revoked, suspended, or otherwise conditioned by the board in the event such dental therapist shall do, in respect to the practice of dental therapy, or as a dental therapist any of the things or acts set forth in section 54-924, Idaho Code. Notwithstanding any provisions of section 54-924, Idaho Code, a dental therapist shall not practice otherwise than as provided in section 54-902A, Idaho Code, and his doing so shall be an additional ground for revocation, suspension, or other conditions as determined by the board. The board may refuse to issue or renew a dental therapist license, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action with respect to a dental therapy license as the board may deem proper, including administrative penalties not to exceed five thousand dollars (\$5,000) per violation and assessment of the costs of disciplinary proceedings.

SECTION 16. That Section 54-930, Idaho Code, be, and the same is hereby amended to read as follows:

54-930. EXCEPTIONS TO APPLICATION OF ACT. This act shall not be construed as prohibiting a physician or surgeon, duly authorized to practice as such in this state, from treating diseases of the mouth or performing operations in oral surgery; nor as prohibiting persons authorized by the laws of another state, territory or country to practice dentistry or dental hygiene therein, or persons teaching in approved dental, dental therapy, or

dental hygiene schools, from making clinical demonstrations before meetings of dentists, dental therapists, or dental hygienists in Idaho; nor as prohibiting any person from performing merely mechanical work upon inert matter in a dental laboratory; nor to prohibit students in approved dental, dental therapy, or dental hygiene schools from practicing dentistry, dental therapy, or dental hygiene therein as part of their training or education.

SECTION 17. That Section 54-932, Idaho Code, be, and the same is hereby amended to read as follows:

54-932. LOST OR DESTROYED CERTIFICATES OR LICENSES. If the certificate of qualification or the license of a dentist, dental therapist, or dental hygienist be lost or destroyed, and such fact appear by affidavit of such dentist, dental therapist, or dental hygienist filed with the board together with a fee of ten dollars (\$10.00), the board shall issue a duplicate.

SECTION 18. That Section 54-935, Idaho Code, be, and the same is hereby amended to read as follows:

54-935. VOLUNTEER'S LICENSE -- QUALIFICATIONS -- PERMISSIBLE PRACTICE -- IMMUNITY FROM LIABILITY. (1) Upon application and qualification, the board may issue, without examination, a volunteer's license to a dentist, dental therapist, or dental hygienist who is retired from the active practice of dentistry, dental therapy, or dental hygiene to enable the retired dentist, dental therapist, or dental hygienist to provide dental, dental therapy, or dental hygiene services at specified locations to persons who, due to age, infirmity, indigence or disability, are unable to receive regular dental treatment.

(2) For purposes of this section, a dentist, dental therapist, or dental hygienist previously holding a dental, dental therapist, or dental hygiene license with active status in Idaho or another state shall be considered to be retired if, prior to the date of application for a volunteer's license, he has surrendered or allowed his license with active status to expire with the intention of ceasing to actively practice as a dentist, dental therapist, or dental hygienist for remuneration, he has converted his license with active status to a license with inactive status with the intention of ceasing to actively practice as a dentist, dental therapist, or dental hygienist for remuneration, or he has converted his license with active or inactive status to a license with retirement or similar status that proscribed the active practice of dentistry, dental therapy, or dental hygiene. A dentist, dental therapist, or dental hygienist whose dental, dental therapy, or dental hygiene license had been restricted, suspended, revoked, surrendered, resigned, converted, or allowed to lapse or expire as the result of disciplinary action or in lieu of disciplinary action being taken shall not be eligible for a volunteer's license.

(3) An application for a volunteer's license shall include, but not be limited to, the following:

(a) Verification of graduation from a dental, dental therapy, or dental hygiene school accredited by the Commission on Ddental Accreditation of the American Ddental Association as of the date of the applicant's graduation;

(b) Verification from each state board in which the applicant was licensed that the applicant maintained his dental, dental therapy, or dental hygiene license in good standing without disciplinary action that restricted the applicant's license or resulted in the applicant's license being placed on probation, suspended, revoked or being surrendered, resigned or otherwise allowed to lapse or expire in lieu of disciplinary action;

(c) Verification that the applicant held a dental, dental therapy, or dental hygiene license in good standing in Idaho or another state as of the date upon which the dentist, dental therapist, or dental hygienist became retired;

(d) Verification that the applicant held an active status dental, dental therapy, or dental hygiene license in good standing in Idaho or another state within five (5) years of the date of application for a volunteer's license, provided that the board may waive the five (5) year requirement in the event that the applicant demonstrates he possesses the knowledge and skills requisite to the practice of dentistry, dental therapy, or dental hygiene by successfully completing such examinations as are required by the board; and

(e) A notarized statement from the applicant on a form prescribed by the board, that the applicant will not provide any dental, dental therapy, or dental hygiene services to any person or at any location other than as permitted by this section and that the applicant will not accept any amount or form of remuneration, other than as reimbursement for the amount of actual expenses incurred as a volunteer dentist, dental therapist, or dental hygienist, for any dental, dental therapy, or dental hygiene services provided under the authority of a volunteer's license.

(4) For purposes of this section, the specified locations at which a dentist, dental therapist, or dental hygienist holding a volunteer's license may provide dental, dental therapy, or dental hygiene services shall be limited to the premises or sites of extended access oral health care settings. The dental services provided in an extended access oral health care setting by a dentist holding a volunteer's license shall not require or include the administration of general anesthesia or moderate sedation to a patient unless otherwise specifically approved in advance by the board.

(5) A volunteer's license shall be valid for that period specified for dentists, dental therapists, and dental hygienists in section 54-920, Idaho Code, and may be renewed upon application of the licensee unless the license has been revoked in accordance with this section. The board shall maintain a register of all dentists, dental therapists, and dental hygienists who hold a volunteer's license. The board shall not charge an application or licensing fee for issuing or renewing a volunteer's license. A volunteer's license cannot be converted to a license with active, inactive, provisional or special status.

(6) The board may revoke a volunteer's license upon receiving proof satisfactory to the board that the holder of a volunteer's license provided dental, dental therapy, or dental hygiene services outside the permissible scope of the volunteer's license or that grounds existed for enforcement or disciplinary action against the holder of a volunteer's license under other sections of this chapter or the administrative rules promulgated under this chapter.

(7) When practicing dentistry, dental therapy, or dental hygiene within the permissible scope of a volunteer's license, the holder of a volunteer's license issued pursuant to this section shall be immune from liability for any civil action arising out of the provision of volunteer dental, dental therapy, or dental hygiene services. This section does not provide or extend immunity to a holder of a volunteer's license for any acts or omissions constituting negligence.

CHAPTER 222
(S.B. No. 1134)

AN ACT

RELATING TO JURIES; AMENDING SECTION 2-206, IDAHO CODE, TO PROVIDE FOR COUNTY JURY LISTS, TO PROVIDE THAT THE JURY COMMISSION MAY USE CERTAIN INFORMATION FROM THE SUPREME COURT, TO PROVIDE THAT THE SUPREME COURT SHALL COMPILE AND MAINTAIN A MASTER JURY LIST, AND TO PROVIDE THAT THE SUPREME COURT MAY REQUEST CERTAIN INFORMATION; AMENDING SECTION 2-207, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE MANNER OF UPDATING MASTER AND COUNTY JURY LISTS AND TO PROVIDE FOR THE METHOD AND TIMING OF UPDATING JURY LISTS; AMENDING SECTION 2-208, IDAHO CODE, TO REVISE A PROVISION REGARDING NAMES DRAWN FROM THE COUNTY JURY LIST AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 2-210, IDAHO CODE, TO REVISE PROVISIONS REGARDING NAMES IN A JURY PANEL; AMENDING SECTION 2-212, IDAHO CODE, TO REVISE A PROVISION REGARDING A PERSON EXCUSED FROM JURY SERVICE; AMENDING SECTION 2-213, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2-206, Idaho Code, be, and the same is hereby amended to read as follows:

2-206. MASTER AND COUNTY JURY LISTS OF REGISTERED VOTERS -- SUPPLEMENTATION BY OTHER LISTS DESIGNATED BY SUPREME COURT -- LIST AVAILABLE TO COMMISSION -- OPEN TO PUBLIC INSPECTION. (1) The jury commission for each county shall compile and maintain a master county jury list consisting of the current voter registration list for the county supplemented with names from other lists of persons resident therein, such as lists of utility customers, property taxpayers, motor vehicle registrations, drivers' licenses, and state identification cards, which the supreme court from time to time designates. The supreme court shall initially designate the other lists within ninety (90) days following the effective date of this act and exercise the authority to designate from time to time in order to foster the policy and protect the rights secured by sections 2-202 and 2-203, Idaho Code. In the alternative, and upon the consent of the supreme court, a jury commission may use the supreme court jury platform, including the county jury list derived therefrom, instead of compiling and maintaining a separate county jury list of its own.

(2) The supreme court shall compile and maintain a master jury list consisting of the current voter registration for the state supplemented with names from other lists of persons designated under subsection (1) of this section. The master jury list compiled and maintained by the supreme court shall be divided into county jury lists for use by the jury commissions authorized to use the supreme court jury platform.

(3) In compiling the master and county jury lists, the jury commission and the supreme court shall avoid duplication of names.

(34) Whoever has custody, possession, or control of any of the lists used in compiling the master or county jury lists, including those designated under subsection (1) of this section by the supreme court as supplementary sources of names, shall electronically transfer the list, including any changes, deletions and additions, and at the request of the jury commission or the supreme court, the custodian shall prepare a hard copy of the list and make the custodian's records, from which the list was compiled, available for inspection, reproduction, and copying at all reasonable times.

(45) The master and county jury lists shall be open to the public for examination as provided by supreme court rule.

SECTION 2. That Section 2-207, Idaho Code, be, and the same is hereby amended to read as follows:

2-207. MASTER AND COUNTY JURY LISTS -- MANNER OF UPDATING. (1) Updated information from the lists of ~~voter registration, drivers' licenses, and state identification cards~~ used to compile the master and county jury lists, including any changes, deletions and additions, shall be made to the master and county jury lists from time to time as determined by the jury commission or ~~as ordered by the administrative judge~~ the supreme court, but at a minimum not less frequently than December of each odd-numbered year.

(2) In the alternative, or in addition to the procedure set forth in subsection (1) of this section, ~~and if ordered by the administrative judge~~, in December of each odd-numbered year, or more frequently as determined by ~~the administrative judge~~ jury commission or the supreme court, the master and county jury lists shall be emptied and refilled as prescribed in section 2-206, Idaho Code.

(3) Pursuant to the provisions of subsections (1) and (2) of this section, the supreme court shall determine the method and timing of updating the master jury list, and the jury commission shall determine the method and timing of updating any county jury list that is separately compiled and maintained by a county.

SECTION 3. That Section 2-208, Idaho Code, be, and the same is hereby amended to read as follows:

2-208. NAMES RANDOMLY DRAWN FROM MASTER COUNTY JURY LIST -- QUALIFICATION QUESTIONNAIRE FORMS FOR PROSPECTIVE JURORS -- MAILING AND RETURN -- ORDER TO APPEAR -- CRIMINAL CONTEMPT -- PENALTY FOR MISREPRESENTATION. (1) The court or any other state or county official having authority to conduct a trial or hearing with a jury within the county may direct the jury commission to draw and assign to that court or official the number of qualified jurors deemed necessary for one (1) or more jury panels or as required by law for a grand jury. Upon receipt of the direction and in a manner prescribed by the court, the jury commission shall publicly draw at random, by use of a manual, mechanical, or automated system, from the ~~master~~ county jury list the number of prospective jurors specified. Neither the names drawn nor the list shall be disclosed to any person except upon specific order of the presiding judge.

(2) Each person on the prospective jury panel shall be served with a summons, issued by the clerk of the court or the jury commissioner. The summons shall be served either personally, or by regular mail or certified mail, addressed to the prospective juror at that person's usual residence, business or post office address.

(3) The clerk or the jury commissioner shall mail a qualification questionnaire form, accompanied by instructions, addressed to the prospective jurors at their usual residence, business or post office address. The qualification questionnaire form may be sent together with the summons in a single mailing to a prospective juror. The qualification questionnaire form shall be in a form prescribed by the supreme court. The qualification questionnaire form must be completed and returned to the clerk or the jury commissioner within ten (10) days from the date of mailing. The qualification questionnaire form shall elicit the name, address of residence, and age of the prospective juror and whether the prospective juror: (a) is a citizen of the United States of America and a resident of the county₇; (b) is able to read, speak and understand the English language₇; (c) has any disability impairing his capacity to render satisfactory jury service₇; and (d) has lost the right to serve on a jury because of a felony criminal conviction as provided by section 3, article VI, of the constitution of the state of Idaho, and who has not been restored to the rights of citizenship pursuant to section 18-310, Idaho Code, or other applicable law. The qualification

questionnaire form shall contain the prospective juror's declaration that his responses are true to the best of his knowledge and his acknowledgment that a willful misrepresentation of a material fact may be punished as a misdemeanor. Notarization of the completed qualification questionnaire form shall not be required. If the prospective juror is unable to complete the form, another person may do so on his or her behalf and shall indicate that such person has done so and the reason therefor. If it appears there is an omission, ambiguity, or error in a returned form, the clerk or the jury commissioner shall again send the form with instructions to the prospective juror to make the necessary addition, clarification, or correction and to return the form to the jury commission within ten (10) days after its second mailing.

(4) Any prospective juror who fails to return a completed qualification questionnaire form as instructed shall be directed by the jury commission to appear forthwith before the clerk or the jury commissioner to complete the qualification questionnaire form. At the time of his appearance for jury service, or at the time of interview before the court, clerk, or the jury commissioner, any prospective juror may be required to complete another qualification questionnaire form in the presence of the court, clerk, or the jury commissioner, at which time the prospective juror may be questioned, but only with regard to his responses to questions contained on the form and grounds for his excuse or disqualification. Any information thus acquired by the court, clerk, or the jury commissioner shall be noted on the qualification questionnaire form.

(5) A prospective juror who fails to appear as directed by the commission, pursuant to subsection (4) of this section, shall be ordered by the court to appear and show cause for his failure to appear as directed. A prospective juror who fails to appear pursuant to the court's order may be subject to contempt proceedings under chapter 6, title 7, Idaho Code, and applicable rules of the supreme court, and the prospective juror's service may be postponed to a new prospective jury panel as set by the presiding judge.

(6) Any person who willfully misrepresents a material fact on a qualification questionnaire form for the purpose of avoiding or securing service as a juror is guilty of a misdemeanor.

(7) The contents of the juror qualification questionnaire form shall be confidential to the extent provided by rules of the Idaho supreme court.

(8) The clerk or the jury commissioner may provide an opportunity to a prospective juror to complete and return the qualification questionnaire form through electronic mail, facsimile transmission, or other reliable means of communication prior to mailing the qualification questionnaire form to the prospective juror. If the prospective juror completes and returns the qualification questionnaire form in such manner, the qualification questionnaire form need not be mailed to the prospective juror.

SECTION 4. That Section 2-210, Idaho Code, be, and the same is hereby amended to read as follows:

2-210. NAMES PLACED IN PROSPECTIVE JURY PANEL -- SUMMONING ADDITIONAL TRIAL JURORS -- ~~NAMES DRAWN TO BE PUBLIC~~ -- EXCEPTION. (1) The jury commission shall maintain a prospective jury panel and shall place therein the names or identifying numbers of all prospective jurors drawn from the master county jury list who are not disqualified under section 2-209, Idaho Code.

(2) If there is an unanticipated shortage of available trial jurors drawn from a prospective jury panel, the court may require the sheriff to summon a sufficient number of trial jurors selected at random by the clerk from the master county jury list in a manner prescribed by the court. The jurors whose names are drawn from the master county jury list shall be served

with a summons and shall complete the qualification questionnaire form in the manner prescribed in section 2-208, Idaho Code.

SECTION 5. That Section 2-212, Idaho Code, be, and the same is hereby amended to read as follows:

2-212. EXCUSING OR POSTPONING JURY SERVICE -- INQUIRY BY COURT -- GROUNDS FOR EXCUSING OR POSTPONING. (1) The court, or a member of the jury commission designated by the court, upon request of a prospective juror or on its own initiative, shall determine on the basis of information provided on the qualification questionnaire form or interview with the prospective juror or other competent evidence whether the prospective juror should be excused from jury service or have their jury service postponed. The clerk or the jury commissioner shall keep a record of this determination.

(2) A person who is seventy (70) years of age or older shall be permanently excused if the person indicates on the qualification questionnaire form that he or she wishes to be excused. A person who requests to be excused on this basis shall be reinstated to the master county jury list by submitting a written request asking to be reinstated for jury service.

(3) A person who is not disqualified for jury service under section 2-209, Idaho Code, may have jury service postponed by the court or the jury commissioner only upon a showing of undue hardship, extreme inconvenience, or public necessity, or upon a showing that the juror is a mother breastfeeding her child.

(a) Any person requesting a postponement shall provide a written statement setting forth the reason for the request and the anticipated date that the reason will no longer exist.

(b) The court or the jury commissioner may require a person requesting a postponement for any medical reason to provide a statement from a medical provider supporting the request.

(c) The postponement, if granted, shall be for a period of time as the court or the jury commissioner deems necessary, at the conclusion of which the person shall reappear for jury service in accordance with the direction of the court or the jury commissioner.

SECTION 6. That Section 2-213, Idaho Code, be, and the same is hereby amended to read as follows:

2-213. STAY OF PROCEEDINGS OR QUASHING INDICTMENT FOR IRREGULARITY IN SELECTING JURY -- EVIDENCE IN SUPPORT OF MOTION -- REMEDIES EXCLUSIVE -- CONTENTS OF RECORDS NOT TO BE DISCLOSED. (1) Within seven (7) days after the moving party discovered or by the exercise of diligence could have discovered the grounds therefor, and in any event before the trial jury is sworn to try the case, a party may move to stay the proceedings, and in a criminal case to quash the indictment, or for other appropriate relief, on the ground of substantial failure to comply with this chapter in selecting the grand or trial jury.

(2) Upon motion filed under subsection (1) of this section containing a sworn statement of facts which, if true, would constitute a substantial failure to comply with this chapter, the moving party is entitled to present in support of the motion the testimony of the jury commissioner or the clerk, any relevant records and papers not public or otherwise available used by the jury commissioner or the clerk, and any other relevant evidence. If the court determines that in selecting either a grand jury or a trial jury there has been a substantial failure to comply with this chapter, the court shall stay the proceedings pending the selection of the jury in conformity with this chapter, quash an indictment, or grant other appropriate relief.

(3) The procedures prescribed by this section are the exclusive means by which a person accused of a crime, the state, or a party in a civil case may challenge a jury on the ground that the jury was not selected in conformity with this chapter.

(4) The contents of any records or papers used by the jury commissioner or the clerk in connection with the selection process and not made public under section 2-206(45), Idaho Code, shall not be disclosed, except in connection with the preparation or presentation of a motion under subsection (1) of this section. The parties in a case may inspect, reproduce, and copy the records or papers at all reasonable times during the preparation and pendency of a motion under subsection (1) of this section.

SECTION 7. 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 25, 2019

CHAPTER 223
(S.B. No. 1193)

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 2020; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR A CASH TRANSFER TO THE OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT; PROVIDING SCHOLARSHIP AWARDS FOR FISCAL YEAR 2020; 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, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. FOREST UTILIZATION RESEARCH:					
FROM:					
General					
Fund	\$1,244,200	\$191,300			\$1,435,500
II. GEOLOGICAL SURVEY:					
FROM:					
General					
Fund	\$1,081,900	\$33,000	\$8,600		\$1,123,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. SCHOLARSHIPS AND GRANTS:					
FROM:					
General					
Fund	\$68,500			\$15,163,300	\$15,231,800
Miscellaneous Revenue					
Fund				1,000,000	1,000,000
Opportunity Scholarship Program					
Fund				7,000,000	7,000,000
Federal Grant					
Fund	<u>19,400</u>	<u>\$1,000</u>		<u>4,504,600</u>	<u>4,525,000</u>
TOTAL	\$87,900	\$1,000		\$27,667,900	\$27,756,800
IV. MUSEUM OF NATURAL HISTORY:					
FROM:					
General					
Fund	\$613,400	\$16,800	\$26,300		\$656,500
V. SMALL BUSINESS DEVELOPMENT CENTERS:					
FROM:					
General					
Fund	\$678,700	\$8,000			\$686,700
VI. TECHHELP:					
FROM:					
General					
Fund	\$351,200	\$14,800			\$366,000
GRAND TOTAL	\$4,057,300	\$264,900	\$34,900	\$27,667,900	\$32,025,000

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, 2019, through June 30, 2020, 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 2019 that are unexpended and unencumbered on June 30, 2019, 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. SCHOLARSHIP AWARDS FOR FISCAL YEAR 2020. Notwithstanding the provisions of Section 33-4303, Idaho Code, and any other provision of law to the contrary, the moneys appropriated in Section 1 of this act from the Opportunity Scholarship Program Account shall be used for the award of Opportunity Scholarships for fiscal year 2020.

SECTION 5. OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT REPORTING. The State Board of Education shall report to the Joint Finance-Appropriations Committee by January 10, 2020, 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 2021. The report shall include an estimate of the necessary balance in the account to meet these obligations.

Approved March 25, 2019

CHAPTER 224
(S.B. No. 1194)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR A DEDICATED FUND CASH TRANSFER; DIRECTING THE STATE EMPLOYEE INSURANCE AND BENEFITS PLAN STRUCTURE; DIRECTING THE ISSUANCE OF A REQUEST FOR PROPOSALS AND REQUIRING A REPORT; 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 Administration 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 PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. MANAGEMENT SERVICES:			
FROM:			
General			
Fund	\$174,800	\$84,100	\$258,900
Permanent Building			
Fund	145,300	100	145,400
Administration and Accounting Services			
Fund	528,600	96,300	624,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
Federal Surplus Property Revolving			
Fund	19,500		19,500
Employee Group Insurance			
Fund	73,300	100	73,400
Retained Risk			
Fund	53,100		53,100
Industrial Special Indemnity			
Fund	<u>24,000</u>	<u>0</u>	<u>24,000</u>
TOTAL	\$1,018,600	\$180,600	\$1,199,200
II. PUBLIC WORKS:			
FROM:			
General			
Fund		\$1,582,800	\$1,582,800
Permanent Building			
Fund	\$2,235,200	563,900	2,799,100
Administration and Accounting Services			
Fund	<u>2,542,200</u>	<u>9,745,300</u>	<u>12,287,500</u>
TOTAL	\$4,777,400	\$11,892,000	\$16,669,400
III. PURCHASING:			
FROM:			
General			
Fund	\$626,700		\$626,700
Administration and Accounting Services			
Fund	1,570,800	\$1,131,300	2,702,100
Federal Surplus Property Revolving			
Fund	<u>188,600</u>	<u>415,400</u>	<u>604,000</u>
TOTAL	\$2,386,100	\$1,546,700	\$3,932,800
IV. INSURANCE MANAGEMENT:			
FROM:			
Employee Group Insurance			
Fund	\$436,900	\$415,100	\$852,000
Retained Risk			
Fund	597,800	192,300	790,100
Industrial Special Indemnity			
Fund	<u>197,600</u>	<u>102,200</u>	<u>299,800</u>
TOTAL	\$1,232,300	\$709,600	\$1,941,900
GRAND TOTAL	\$9,414,400	\$14,328,900	\$23,743,300

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Administration is authorized no more than one hundred twenty-one (121.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, 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, 2019, or as soon thereafter as practicable, for the Public Officials' Capitol Mall Facilities payment in the Division of Public Works due in fiscal year 2020.

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 2020. Adherence with the plan structure shall not preclude the Office of Group Insurance from implementing positive plan changes as identified.

SECTION 5. REQUEST FOR PROPOSALS AND REPORT. Notwithstanding the provisions of Section 6, Chapter 318, Laws of 2018, and any other provision of law to the contrary, upon passage and approval of this act the Department of Administration shall develop requests for proposals (RFP) for state employee group insurance and benefits, to be implemented as soon as practicable. The Department of Administration shall report on the progress of the RFP to the germane legislative committees and the Joint Finance-Appropriations Committee no later than January 15, 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 25, 2019

CHAPTER 225
(S.B. No. 1140)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PUBLIC HEALTH SERVICES DIVISION FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE FOSTER AND ASSISTANCE PAYMENTS PROGRAM FOR FISCAL YEAR 2019; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE MEDICAID ADMINISTRATION AND MEDICAL MANAGEMENT PROGRAM FOR FISCAL YEAR 2019; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE HEALTH CARE POLICY INITIATIVES PROGRAM FOR FISCAL YEAR 2019; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SOUTHWEST IDAHO TREATMENT CENTER PROGRAM FOR FISCAL YEAR 2019; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SELF-RELIANCE OPERATIONS PROGRAM FOR FISCAL YEAR 2019; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PUBLIC HEALTH SERVICES DIVISION FOR FISCAL YEAR 2019; 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 340, Laws of 2018, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Public Health Services Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. PHYSICAL HEALTH SERVICES:				
FROM:				
Cooperative Welfare (Federal)				
Fund	\$550,000	\$6,800,000		\$7,350,000
II. EMERGENCY MEDICAL SERVICES:				
FROM:				
Emergency Medical Services III				
Fund			\$300,000	\$300,000
GRAND TOTAL	\$550,000	\$6,800,000	\$300,000	\$7,650,000

SECTION 2. In addition to the appropriation made in Section 1, Chapter 342, Laws of 2018, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Foster and Assistance Payments Program \$1,000,000 from the Cooperative Welfare (Federal) Fund to be expended for trustee and benefit payments for the period July 1, 2018, through June 30, 2019.

SECTION 3. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Medicaid Administration and Medical Management Program in Section 1, Chapter 339, Laws of 2018, from the Cooperative Welfare (Federal) Fund is hereby reduced by \$700,000 for operating expenditures for the period July 1, 2018, through June 30, 2019.

SECTION 4. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Health Care Policy Initiatives Program in Section 1, Chapter 353, Laws of 2018, is hereby reduced by the following amounts according to the designated expense classes from the listed funds for the period July 1, 2018, through June 30, 2019:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:			
Cooperative Welfare (General)			
Fund		\$107,800	\$107,800
FROM:			
Cooperative Welfare (Federal)			
Fund	\$3,100,000	267,200	3,367,200
GRAND TOTAL	\$3,100,000	\$375,000	\$3,475,000

SECTION 5. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Southwest Idaho Treatment Center Program in Section 1, Chapter 342, Laws of 2018, from the Cooperative Welfare (Federal) Fund is hereby reduced by the following amounts according to the designated expense classes for the period July 1, 2018, through June 30, 2019:

FOR:		
Personnel Costs		\$500,000
Operating Expenditures		<u>250,000</u>
TOTAL		\$750,000

SECTION 6. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Self-Reliance Operations Program in Section 1, Chapter 294, Laws of 2018, from the Cooperative Welfare (Federal) Fund is hereby reduced by the following amounts according to the designated expense classes for the period July 1, 2018, through June 30, 2019:

FOR:		
Personnel Costs		\$1,000,000
Operating Expenditures		<u>1,000,000</u>
TOTAL		\$2,000,000

SECTION 7. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Public Health Services Division in Section 1, Chapter 340, Laws of 2018, is hereby reduced by the following amounts according to the designated programs and expense classes from the Cooperative Welfare (Federal) Fund for the period July 1, 2018, through June 30, 2019:

	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
PHYSICAL HEALTH SERVICES:		\$1,500,000	\$1,500,000
EMERGENCY MEDICAL SERVICES:	\$300,000		300,000
TOTAL	\$300,000	\$1,500,000	\$1,800,000

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 26, 2019

CHAPTER 226
(H.B. No. 141)

AN ACT

RELATING TO MINES; AMENDING THE HEADING FOR CHAPTER 15, TITLE 47, IDAHO CODE; AMENDING SECTION 47-1501, IDAHO CODE, TO PROVIDE THAT THE PURPOSE OF SPECIFIED LAW SHALL ALSO APPLY TO UNDERGROUND MINES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1502, IDAHO CODE, TO REVISE A SHORT TITLE, TO REVISE PROVISIONS REGARDING APPLICABILITY, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1503, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE TERMS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1505, IDAHO CODE, TO REVISE THE DUTIES AND POWERS OF THE BOARD OF LAND COMMISSIONERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1506, IDAHO CODE, TO REVISE OPERATOR DUTIES; AMENDING SECTION 47-1507, IDAHO CODE, TO REVISE REFERENCE TO MINING OPERATIONS REGARDING RECLAMATION PLANS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1508, IDAHO CODE, TO REVISE REFERENCE TO MINING OPERATIONS REGARDING AMENDED AND SUPPLEMENTAL PLANS, TO PROVIDE FOR REVIEW OF RECLAMATION PLANS AND PERMANENT CLOSURE PLANS, TO PROVIDE FOR FEES, TO PROVIDE THAT CERTAIN DETERMINATIONS SHALL BE CONSIDERED FINAL ORDERS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1509, IDAHO CODE, TO REVISE REFERENCE TO MINING OPERATIONS REGARDING PROCEDURES IN RECLAMATION, TO REVISE SPECIFIED RECLAMATION ACTIVITIES, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1510, IDAHO CODE, TO REVISE REFERENCE TO MINING OPERATIONS REGARDING VEGETATION PLANTING AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1511, IDAHO CODE, TO REVISE REFERENCE TO MINING OPERATIONS REGARDING RECLAMATION ACTIVITIES AND TIME LIMITATIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 47-1512, IDAHO CODE, TO PROVIDE FOR FINANCIAL ASSURANCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 47-1513, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN OPERATOR'S FAILURE TO COMPLY AND TO MAKE TECHNICAL CORRECTIONS;

AMENDING SECTION 47-1516, IDAHO CODE, TO REVISE REFERENCE TO MINED LAND REGARDING THE DEPOSIT OF FORFEITURES AND DAMAGES; AMENDING SECTION 47-1517, IDAHO CODE, TO REVISE REFERENCE TO MINING OPERATIONS REGARDING COMPLIANCE WITH CERTAIN STATUTES AND REGULATIONS; AND AMENDING SECTION 47-1518, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM RECLAMATION FOR CERTAIN SURFACE MINE OPERATORS, TO PROVIDE FOR APPLICABILITY, AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That the Heading for Chapter 15, Title 47, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 15
SURFACE-MINING MINED LAND RECLAMATION

SECTION 2. That Section 47-1501, Idaho Code, be, and the same is hereby amended to read as follows:

47-1501. PURPOSE OF CHAPTER. It is the purpose of this chapter to provide for the protection of the public health, safety and welfare, through measures to reclaim the surface of all the lands within the state disturbed by exploration and surface and underground mining operations and measures to assure the proper closure of cyanidation facilities and thereby conserve natural resources, aid in the protection of wildlife, domestic animals, and aquatic resources, and reduce soil erosion.

SECTION 3. That Section 47-1502, Idaho Code, be, and the same is hereby amended to read as follows:

47-1502. SHORT TITLE. This act may shall be known and may be cited as "the "Idaho surface mining mined land reclamation act." The reclamation provisions of this act shall not apply to surface mining operations regulated by the Idaho dredge and placer mining protection act, nor shall such provisions apply to any workings at an underground mine below the surface.

SECTION 4. That Section 47-1503, Idaho Code, be, and the same is hereby amended to read as follows:

47-1503. DEFINITIONS. Wherever used or referred to in this chapter, unless a different meaning clearly appears from the context:

(1) "Board" means the state board of land commissioners or such department, commission, or agency as may lawfully succeed to the powers and duties of such board.

(2) "Cyanidation" means the method of extracting target precious metals from ores by treatment with cyanide solution, which is the primary leaching agent for the extraction.

(3) "Cyanidation facility" means that portion of a new ore processing facility, or a material modification or a material expansion of that portion of an existing ore processing facility, that utilizes cyanidation and is intended to contain, treat, or dispose of cyanide-containing materials including spent ore, tailings, and process water.

(4) "Director" means the head of the department of lands or such officer as may lawfully succeed to the powers and duties of said director.

(5) "Affected land" means the land area included in overburden disposal areas, mined areas, mineral stockpiles, roads, tailings ponds and other areas disturbed at on the surface mining operation site of mining operations.

(6) "Mineral" shall mean coal, clay, stone, sand, gravel, metalliferous and nonmetalliferous type of ores, and any other similar solid material or substance of commercial value to be excavated from natural deposits on or in the earth.

(7) "~~Surface~~ Mining operations" means the activities performed on a the surface of a surface or underground mine in the extraction of minerals from the ground, including the excavating of pits, removal of minerals, disposal of overburden, and the construction of haulage roads, exclusive of exploration operations, except that any exploration operations which, exclusive of exploration roads, (a) result during a period of twelve (12) consecutive months in more than five (5) contiguous acres of newly affected land, or (b) which, exclusive of exploration roads, result during a period of twelve (12) consecutive months in newly affected land consisting of more than ten (10) noncontiguous acres, if such affected land constitutes more than fifteen percent (15%) of the total area of any circular tract which that includes such affected land, shall be deemed to be a surface mining operation for the purposes of this chapter.

(8) "Exploration operations" means activities performed on the surface of lands to locate mineral bodies and to determine the mineability and merchantability thereof.

(9) "Surface mine" means an area where minerals are extracted by removing the overburden lying above and adjacent to natural deposits thereof and mining directly from the natural deposits thereby exposed.

(10) "Underground mine" means an area where minerals are extracted from beneath the surface of the ground by means of an adit, shaft, tunnel, decline, portal, bore hole, drill hole for solution mining, or such other means of access beneath the surface of the ground, other than a pit.

(11) "Mined area" means surface of land from which overburden, waste rock, or minerals have been removed other than by drilling of exploration drill holes.

(112) "Overburden" or "waste rock" means material extracted by an operator which that is not a part of the material ultimately removed from a surface mine or underground mine and marketed by an operator, exclusive of mineral stockpiles.

(123) "Overburden disposal area" means land surface upon which overburden or waste rock is piled placed or planned to be piled placed.

(134) "Exploration drill holes" means holes drilled from the surface to locate mineral bodies and to determine the mineability and merchantability thereof.

(145) "Exploration roads" means roads constructed to locate mineral bodies and to determine the mineability and merchantability thereof.

(156) "Exploration trenches" means trenches constructed to locate mineral bodies and to determine the mineability and merchantability thereof.

(167) "Peak" means a projecting point of overburden.

(18) "Significant change" means, for an underground mine, a fifty percent (50%) increase in the areal extent of the disturbed affected land.

(179) "Mine panel" means that portion of a mine designated by an operator as a panel of a surface mine or the surface effects of an underground mine on the map submitted pursuant to section 47-1506, Idaho Code.

(1820) "Mineral stockpile" means minerals extracted during surface mining operations and retained at the surface mine for future rather than immediate use.

(1921) "Permanent closure plan" means a description of the procedures, methods, and schedule that will be implemented to meet the intent and purposes of this chapter in treating and disposing of cyanide-containing materials including spent ore, tailings, and process water and in controlling and monitoring discharges and potential discharges for a reasonable period of time based on site-specific conditions.

(202) "Pit" means an excavation created by the extraction of minerals or overburden during at a surface mining operations mine.

(213) "Ridge" means a lengthened elevation of overburden.

(224) "Road" means a way constructed on a surface mine for the passage of vehicles, including the bed, slopes and shoulders thereof.

(235) "Operator" means any person or persons, any partnership, limited partnership, ~~or~~ corporation, or limited liability company, or any association of persons, either natural or artificial, including, but not limited to, every public or governmental agency engaged in surface mining operations or exploration operations or in operating a cyanidation facility, whether individually, jointly, or through subsidiaries, agents, employees, or contractors, and shall mean every governmental agency owning or controlling the use of any surface mine when the mineral extracted is to be used by or for the benefit of such agency. It shall not include any such governmental agency with respect to those surface mining or exploration operations as to which it grants mineral leases or prospecting permits or similar contracts, but nothing herein shall relieve the operator acting pursuant to a mineral lease, prospecting permit or similar contract from the terms of this chapter.

(246) "Hearing officer" means that person selected by the board to hear proceedings under section 47-1513, Idaho Code.

(257) "Final order of the board" means a written notice of rejection, the order of a hearing officer at the conclusion of a hearing, or any other order of the board where additional administrative remedies are not available.

(268) "Tailings pond" means an area on a the surface mine of a mining operation enclosed by a man-made or natural dam onto which has been discharged the waste material resulting from the primary concentration of minerals in ore excavated from a surface or underground mine.

(29) "Financial assurance" means monetary assurances in such form and amount as are necessary for the board or a third party to perform the reclamation activities required in this chapter.

(30) "Post-closure" means a description of the procedures, methods, and schedule for monitoring, care and maintenance, and water management that will be implemented on a mine panel after cessation of mining operations for a period not to exceed thirty (30) years unless the board determines a longer period is necessary.

SECTION 5. That Section 47-1505, Idaho Code, be, and the same is hereby amended to read as follows:

47-1505. DUTIES AND POWERS OF BOARD. In addition to the other duties and powers of the board prescribed by law, the board is granted and shall be entitled to exercise the following authority and powers and perform the following duties:

(1) To administer and enforce the provisions of this chapter and the rules and orders promulgated thereunder as provided in this chapter.

(2) To conduct and promote the coordination and acceleration of research, studies, surveys, experiments, demonstrations and training in carrying out the provisions of this chapter. In carrying out the activities authorized by this section, the board may enter into contracts with and make grants to institutions, agencies, organizations and individuals, and shall collect and make available any information obtained therefrom.

(3) To adopt and promulgate reasonable rules respecting the administration of this chapter and such rules as may be necessary to carry out the intent and purposes of this chapter, provided that no rules shall be adopted ~~which that~~ require reclamation activities in addition to those set forth in this chapter. All such rules shall be adopted in accordance with and subject to the provisions of chapter 52, title 67, Idaho Code.

(4) To enter upon affected lands at all reasonable times, for the purpose of inspection, to determine whether the provisions of this chapter have been complied with. Such inspections shall be conducted in the presence of the operator or his duly authorized employees or representatives, and the operator shall make such persons available for the purpose of inspections.

(5) To reclaim affected land with respect to which a bond financial assurance has been forfeited, and, in the board's discretion, with the permission of the landowner, to reclaim such other land ~~which~~ that becomes affected land.

(6) To complete closure activities with respect to a cyanidation facility for which a permanent closure bond financial assurance has been forfeited.

(7) (a) Upon receipt of a proposed reclamation plan or permanent closure plan or amended or supplemental plan required by this chapter, the director shall notify the cities and counties in which the surface mining operation or cyanidation facility is proposed. The notice shall include the name and address of the operator and shall describe the procedure and the schedule by which the plan may be approved or denied. This notification requirement shall not apply to exploration operations.

(b) Cities and counties may review the nonconfidential portions of the plan at the department's office and may provide comments to the director concerning the plan. Nothing in this section shall extend the time limit for the board to deliver to the operator a notice of rejection or approval of the plan or affect the confidentiality provisions of section 47-1515, Idaho Code.

(c) No city or county shall enact or adopt any ordinance, rule or resolution to regulate exploration or surface mining operations or a permanent closure plan in this state ~~which~~ that conflicts with any provision of this chapter or the rules promulgated thereunder. This subpart shall not affect the planning and zoning authorities available to cities and counties pursuant to chapter 65, title 67, Idaho Code.

SECTION 6. That Section 47-1506, Idaho Code, be, and the same is hereby amended to read as follows:

47-1506. OPERATOR -- DUTIES PRIOR TO OPERATION -- SUBMISSION OF MAPS AND PLANS. (a) Any operator desiring to conduct surface mining operations within the state of Idaho for the purpose of immediate or ultimate sale of the minerals in either the natural or processed state shall submit to the board prior to commencing such surface mining operations a reclamation plan that contains the following:

(1) A map of the mine panel on which said operator desires to conduct surface mining operations, which sets forth with respect to said panel the following:

(i) The location of existing roads and anticipated access and main haulage roads planned to be constructed in conducting the surface mining operations.

(ii) The approximate boundaries of the lands to be utilized in the process of surface mining operations.

(iii) The approximate location and, if known, the names of all streams, creeks, or bodies of water within the area where surface mining operations shall take place.

(iv) The name and address of the person to whom notices, orders, and other information required to be given to the operator pursuant to this chapter may be sent.

(v) The drainage adjacent to the area where the surface is being utilized by surface mining operations.

(vi) The approximate boundaries of the lands that will become affected lands as a result of surface mining operations during the year immediately following the date that a reclamation plan is approved as to said panel, together with the number of acres included within said boundaries.

(vii) A description of foreseeable, ~~site-specific nonpoint sources of water quality impacts upon adjacent surface waters, and the best management practices that will be used to control such nonpoint source impacts~~ from mining operations and proposed water management activities to comply with water quality requirements.

(viii) A description of foreseeable, ~~site-specific impacts from acid rock drainage and the best management practices that will be used to mitigate the impacts, if any, from such acid rock drainage post-closure activities.~~

(2) Diagrams showing the planned location of pits, mineral stockpiles, overburden piles and tailings ponds on said panel.

(3) A description of the action which said operator intends to take to comply with the provisions of this chapter as to the surface mining operations conducted on such mine panel.

(b) (1) Any operator who is not required to submit an operating plan for a surface mining operation to an entity of the federal government shall submit to the board, as part of the reclamation plan, an operating plan with regards to that surface mining operation. The operating plan shall include:

(i) Maps showing the location of existing roads and anticipated access and main haulage roads planned to be constructed for surface mining operations.

(ii) The boundaries and acreage of the lands to be utilized in the process of surface mining operations.

(iii) Maps showing the planned location of pits, mineral stockpiles, overburden piles and tailings ponds for the surface mining operations.

(iv) The location and, if known, the names of all streams, creeks, or bodies of water within the area where surface mining operations shall take place.

(v) The drainage adjacent to the area where the surface is being utilized by surface mining operations.

(vi) The approximate boundaries and acreage of the lands that will become affected during the first year of construction of surface mining operations.

(2) The board shall promulgate rules or guidelines to allow the content of a nonfederal operating plan to be determined based upon the type and size of the surface mining operation.

(c) No operator who is required to submit an operating plan for a surface mining operation to an entity of the federal government shall be required to submit an operating plan to the board. This provision shall apply to all lands, regardless of surface or mineral ownership, covered by the operating plan submitted to the entity of the federal government.

(d) No operator shall commence surface mining operations on any mine panel without first having a reclamation plan approved by the state board of land commissioners.

(e) Any operator desiring to conduct exploration operations within the state of Idaho using motorized earth-moving equipment in order to locate minerals for immediate or ultimate sale in either the natural or the processed state shall notify the board in writing prior to or as soon after beginning exploration operations as possible and in any event within seven (7) days after beginning exploration operations. The notice shall include the following:

- (1) The name and address of the operator;
- (2) The location of the operation and the starting date and estimated completion date;
- (3) The anticipated size of the operation, and the general method of operation.

The notice shall be subject to disclosure according to chapter 1, title 74, Idaho Code.

(f) Any operator desiring to operate a cyanidation facility within the state of Idaho shall submit to the board prior to the operation of such a facility a permanent closure plan that contains the following:

- (1) The name and address of the operator;
- (2) The location of the operation;
- (3) The objectives, methods and procedures the operator will use to attain permanent closure;
- (4) An estimate of the cost of attaining permanent closure as well as an estimate of the costs to achieve critical phases of the closure plan;
- (5) Any other information specified in the rules adopted to carry out the intent and purposes of this chapter; and
- (6) An operator may incorporate a description of post-closure activities in a permanent closure plan in lieu of inclusion in a reclamation plan.

(g) The board may require a reasonable fee for reviewing and approving a permanent closure plan or reclamation plan. The fee may include the reasonable cost to employ a qualified independent party, acceptable to the operator and the board, to verify the accuracy of the cost estimate required in subsection (f) (4) of this section and section 47-1512(c), Idaho Code.

(h) The board shall coordinate its review of activities in the a reclamation plan, operating plan, and permanent closure plan under statutory responsibility of the department of environmental quality with that department, but that coordination shall not extend the time limit in which the board must act on a plan submitted.

(i) No operator shall commence operation of a cyanidation facility without first having a permanent closure plan approved by the board.

SECTION 7. That Section 47-1507, Idaho Code, be, and the same is hereby amended to read as follows:

47-1507. PLAN -- APPROVAL OR REJECTION BY BOARD -- HEARING. (a) Upon determination by the board that a reclamation or permanent closure plan or any amended plan submitted by an operator meets the requirements of this chapter, the board 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 this chapter, with respect to the mine panel or cyanidation facility for which the plan was submitted.

(b) If the board determines that a reclamation or permanent closure plan or amended plan fails to fulfill the requirements of this chapter, 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 rejection, the factual findings upon which such rejection is based, the manner in which the plan fails to fulfill said requirements, and the requirements necessary to comply with this chapter. Upon receipt of said notice of rejection, said operator may submit amended plans. Upon further determination by the board that the amended plan still does not fulfill the requirements of said section, it shall deliver to the operator, in writing, a notice of rejection of the amended plan in the same form as set out above in this section.

(c) Weather permitting, the board shall deliver to the operator within sixty (60) days after the receipt of any reclamation plan or amended reclamation plan, or within one hundred eighty (180) days after the receipt of any permanent closure plan or amended permanent closure plan, the notice of rejection or notice of approval of said plan, as the case may be, provided, however, that if the board fails to deliver a notice of approval or notice of rejection within said time period, the plan submitted shall be deemed to comply with this chapter, and the operator may commence and conduct his surface mining operations on the mine panel or operate the cyanidation facility covered by such plan as if a notice of approval of said plan had been received from the board; provided, however, that if weather conditions prevent the board from inspecting the mine panel or cyanidation facility to obtain information needed to approve or reject a submitted plan, it may, in writing to the operator, extend the time not to exceed thirty (30) days after weather conditions permit such inspection.

(d) For the purpose of determining whether a proposed plan or amended or supplemental plan complies with the requirements of this chapter, the board may, in its discretion, call for a public hearing. The hearing shall be held under such rules as promulgated by the board. Any interested person may appear at the hearing and give testimony. At the discretion of the board, the director may conduct the hearing and transmit a summary thereof to the board. Any hearing held shall not extend the period of time limit in which the board must act on a plan submitted.

SECTION 8. That Section 47-1508, Idaho Code, be, and the same is hereby amended to read as follows:

47-1508. AMENDED PLAN -- SUPPLEMENTAL PLAN -- SUBMISSION. (a) In the event that a material change in circumstances arises which that the operator, or the board, believes requires a change in an approved plan, including any amended plan, then the operator shall submit to the board a supplemental plan setting forth the proposed changes and the board shall likewise set forth its proposed changes and stating state the reasons therefor. Upon determination by the board that a supplemental plan or any amended supplemental plan submitted by the operator meets the requirements of this chapter, it shall deliver to the operator, in writing, a notice of approval of said supplemental plan, and thereafter said supplemental plan shall govern and determine the nature and extent of the obligations of the operator for compliance with respect to the mine panel or cyanidation facility for which the plan was submitted.

(b) If the board determines that a supplemental plan fails to fulfill the requirements of this chapter, it shall deliver to the operator, in writing, a notice of rejection of the supplemental plan and shall set forth in said notice of rejection the manner in which said plan fails to fulfill said requirements and shall stipulate the corrective requirements necessary to comply with said sections. Upon receipt of said notice of rejection, the operator may submit amended supplemental plans. Upon further determination by the board that an amended supplemental plan does not fulfill the requirements of said sections, it shall deliver to the operator, in writing, a notice of rejection of amended supplemental plan, and shall set forth in said notice of rejection the manner in which such amended supplemental plan fails to fulfill said requirements, and shall stipulate the requirements necessary to comply with said sections.

(c) The board shall, weather permitting, deliver to the operator within sixty (60) days after the receipt of any supplemental reclamation plan or amended supplemental reclamation plan, or within one hundred eighty (180) days after the receipt of any supplemental permanent closure plan or amended supplemental permanent closure plan, the notice of rejection, setting forth in detail the reasons for such rejection and the factual findings upon which

such rejection is based, or notice of approval of said plan, as the case may be, provided, however, that if the board fails to deliver a notice of approval or notice of rejection within said time period, the plan submitted shall be deemed to comply with this chapter and the operator may commence and conduct or continue, as the case may be, his surface mining operations or operate the cyanidation facility as if a notice of approval of said plan had been received from the board. If weather conditions prevent the board from inspecting the mine panel or cyanidation facility to obtain information needed to approve or reject a submitted plan, it may, in writing to the operator, extend the time not to exceed thirty (30) days after weather conditions permit such inspection.

(d) If an operator determines that unforeseen events or unexpected conditions require immediate changes in or additions to an approved reclamation or permanent closure plan, the operator may continue operations in accordance with the procedures dictated by the changed conditions, pending submission and approval of a supplemental plan, even though such operations do not comply with the approved plan, provided, however, that nothing herein stated shall be construed to excuse the operator from complying with the reclamation requirements of sections 47-1509 and 47-1510, Idaho Code, of this chapter or from the applicable closure requirements of a permit issued under section 39-118A, Idaho Code. Notice of such unforeseen events or unexpected conditions shall be given to the board within ten (10) days after discovery thereof, and a proposed supplemental plan shall be submitted within thirty (30) days after discovery thereof.

(e) At least once every five (5) years, the board shall review reclamation plans and revise if necessary to meet the requirements of sections 47-1506, 47-1509, 47-1510, and 47-1511, Idaho Code, when there is a material change in the reclamation plan. As part of this review, the board shall revise the amount, terms, and conditions of any financial assurance when there is a material change in the reclamation plan or a material change in the estimated reasonable costs of reclamation determined pursuant to section 47-1512, Idaho Code. Any such revision shall apply only to the affected lands covered by the material change.

(f) For a permanent closure plan approved by the board after July 1, 2005, the board shall periodically review, and revise if necessary to meet the requirements of this chapter, the amount, terms, and conditions of any financial assurance when there is a material change in the permanent closure plan or a material change in the estimated reasonable costs of permanent closure determined pursuant to section 47-1512, Idaho Code. The board may require a fee sufficient to employ a qualified independent party, acceptable to the operator and the board, to verify any revised estimate of the reasonable costs of permanent closure.

(g) Amendments and revisions are subject to the fee requirements in section 47-1506(g), Idaho Code.

(h) Any determination by the board under this section shall be considered a final order pursuant to section 47-1514, Idaho Code.

SECTION 9. That Section 47-1509, Idaho Code, be, and the same is hereby amended to read as follows:

47-1509. PROCEDURES IN RECLAMATION. (a) Except as otherwise provided in this act, every operator who conducts exploration or surface mining operations which that disturb two (2) or more acres within the state of Idaho shall perform the following reclamation activities:

- (1) Ridges of overburden shall be leveled in such manner as to have a minimum width of ten (10) feet at the top.
- (2) Peaks of overburden shall be leveled in such a manner as to have a minimum width of fifteen (15) feet at the top.
- (3) Overburden piles shall be reasonably prepared to control erosion.

(4) ~~Where water run-off from affected lands results in stream or lake siltation in excess of that which normally results from run-off, the operator shall prepare affected lands and adjacent premises under the control of the operator~~ Manage water as necessary to meet the requirements authorized under chapter 1, title 39, Idaho Code.

(5) Roads ~~which~~ that are abandoned shall be cross-ditched insofar as necessary to avoid erosion gullies.

(6) Exploration drill holes shall be plugged or otherwise left so as to eliminate hazards to humans or animals.

(7) Abandoned affected lands shall be topped to the extent that such overburden is reasonably available from the pit, with that type of overburden ~~which is~~ conducive to the control of erosion or the growth of the vegetation ~~which~~ that the operator elects to plant thereon.

(8) The operator shall conduct revegetation activities on the mined areas, overburden piles, and abandoned roads in accordance with the provisions of this act.

(9) Tailings ponds shall be reasonably prepared in such a condition that they will not constitute a hazard to human or animal life.

(10) Complete all other reclamation required in the approved reclamation plan.

(b) The board may request, in writing, that a given road or portion thereof not be cross-ditched or revegetated, and, upon such request, the operator shall be excused from performing such activities as to such road or portion thereof.

(c) Every operator who conducts exploration or ~~surface~~ mining operations ~~which~~ that disturb less than two (2) acres within the state of Idaho shall, wherever possible, contour the lands so disturbed to approximate the previous contour of the lands.

(d) The operator and board may agree, in writing, to do any act with respect to reclamation above and beyond the requirements herein set forth.

SECTION 10. That Section 47-1510, Idaho Code, be, and the same is hereby amended to read as follows:

47-1510. VEGETATION PLANTING. (a) Except as otherwise provided in this act, an operator shall plant, on affected lands, vegetation species ~~which~~ that can be expected to result in vegetation comparable to the vegetation ~~which~~ that was growing on the area occupied by the affected lands prior to the exploration and ~~surface~~ mining operations.

(b) No planting shall be required on any affected lands, or portions thereof, where planting would not be practicable or reasonable because the soil is composed of sand, gravel, shale, stone or other material to such an extent as to prohibit plant growth.

(c) No planting shall be required to be made with respect to any of the following:

(1) On any mined area or overburden pile proposed to be used in the mining operations for haulage roads, ~~so~~ as long as such roads are not abandoned.

(2) On any mined area or overburden pile where lakes are formed by rainfall or drainage ~~run-off~~ runoff from the adjoining lands.

(3) On any mineral stockpile.

(4) On any exploration trench ~~which~~ that will become a part of any pit or overburden disposal area.

(5) On any road ~~which~~ that the operator intends to use in his mining operations, ~~so~~ as long as said road has not been abandoned.

SECTION 11. That Section 47-1511, Idaho Code, be, and the same is hereby amended to read as follows:

47-1511. RECLAMATION ACTIVITIES -- TIME LIMITATIONS. (a) All reclamation activities required to be conducted under this act shall be performed in a good and workmanlike manner, with all reasonable diligence, and as to a given exploration drill hole, road or trench, within one (1) year after abandonment thereof.

(b) The reclamation activity as to a given mine panel shall be commenced within one (1) year after surface mining operations have permanently ceased as to such mine panel, provided, however, that in the event that during the course of surface mining operations on a given mine panel, the operator permanently ceases disposing of overburden on a given overburden pile, or permanently ceases removing minerals from a given pit, or permanently ceases using a given road or other affected land, then the reclamation activities to be conducted hereunder as to such pit, road, overburden pile, or other affected land, shall be commenced within one (1) year after such termination, despite the fact that all operations as to the mine panel, which includes such pit, road, overburden pile, or other affected land, have not permanently ceased. It shall be presumed that the operator has permanently ceased surface mining operations as to a given affected land if no substantial amount of overburden has been placed on the overburden pile in question or if no minerals have been removed from the pit in question, as the case may be, for a period of three (3) years.

This presumption may be rebutted by evidencing, in writing, to the board what surface mining operations the operator has planned on the pit, road, overburden pile, or other affected land not used within a three (3) year period. Should the board determine that the operator, in good faith, intends to continue the surface mining operation within a reasonable period of time, it shall, in writing, so notify the operator. Should the board determine that the operation will not be continued within a reasonable period of time, the board shall proceed as though the surface mining operation has been abandoned.

SECTION 12. That Section 47-1512, Idaho Code, be, and the same is hereby amended to read as follows:

47-1512. ~~PERFORMANCE BOND~~ FINANCIAL ASSURANCE -- REQUISITES. (a) Prior to conducting any surface mining operations on a mine panel covered by an approved reclamation plan or operating a cyanidation facility covered by an approved permanent closure plan, an operator shall submit to the board a ~~bond~~ financial assurance meeting the requirements of this section.

(1) ~~The penalty of the initial reclamation bond~~ financial assurance filed prior to conducting any surface mining operations on a mine panel shall be in an amount determined by the board to be the estimated reasonable costs of reclamation required in this chapter, in the event of failure to reclaim by an operator, of affected lands proposed to be mined during the next calendar year ~~plus ten percent (10%) of such costs as to the acreage of affected land~~ designated by the operator pursuant to section 47-1506(a) (1) (vi), Idaho Code, and subsection (b) of this section.

(2) ~~The penalty of the initial permanent closure bond~~ financial assurance filed prior to operating a cyanidation facility shall be in an amount determined by the board to be the estimated reasonable costs to complete the activities specified in the permanent closure plan required in this chapter, in the event of the failure of an operator to complete those activities, ~~plus ten percent (10%) of such costs~~. In setting the ~~bond~~ such amount, the board shall avoid duplication with

~~bonds and sureties~~ financial assurance deposited with other governmental agencies.

(3) The determination of the ~~bond~~ financial assurance amount shall constitute a final ~~decision~~ order subject to judicial review as set forth in subsection (a) of section 47-1514, Idaho Code. In lieu of any ~~bond~~ financial assurance required hereunder, the operator may deposit cash and governmental securities with the board, in an amount equal to that of the required ~~bond~~ financial assurance, on the conditions as prescribed in this section.

(b) Prior to the time that lands designated to become affected lands on a mine panel, in addition to those designated pursuant to section 47-1506(a) (1) (vi), Idaho Code, become affected land, the operator shall submit to the board a ~~bond~~ financial assurance meeting the requirements of section 47-1512(c), Idaho Code, ~~and the penalty of such bond which shall be in the amount necessary to insure~~ ensure the performance of the duties of the operator under this chapter as to such affected lands actually proposed to be mined within the next calendar year. If additional acreage is subsequently proposed to be mined by an operator, ~~the penalty of such bond~~ financial assurance shall be in an amount determined by the board to be the estimated reasonable costs of reclamation required by this chapter, in the event of failure to reclaim by an operator, of affected lands proposed to be mined during the next calendar year ~~plus ten percent (10%) of such costs~~.

(c) ~~Except as provided in this subsection, no bond~~ For mining operations with affected land greater than five (5) acres, the financial assurance amount shall be based on the estimated reasonable costs of completing reclamation required in this chapter using standard estimating techniques, including indirect costs, developed by the board. For all other mining operations, the financial assurance for reclamation submitted pursuant to this chapter shall not exceed fifteen thousand dollars (\$15,000) for any given acre of such affected land. The board may require a ~~bond~~ financial assurance in excess of fifteen thousand dollars (\$15,000) for any given acre of affected land only when the following conditions have been met:

(1) The board has determined that such ~~bond~~ financial assurance is necessary to meet the requirements of sections 47-1506, 47-1509, 47-1510 and 47-1511, Idaho Code.

(2) The board has delivered to the operator, in writing, a notice setting forth the reasons it believes such ~~bond~~ financial assurance is necessary.

(3) The board has conducted a hearing where the operator is allowed to give testimony to the board concerning the amount of the proposed ~~bond~~ financial assurance. The hearing shall be held under such rules as promulgated by the board. This requirement for a hearing may be waived, in writing, by the operator. Any hearing held shall, at the discretion of the director, extend the time, up to thirty (30) days, in which the board must act on a plan submitted.

(d) ~~Except as provided in this subsection, no bond~~ For a cyanidation facility with affected land greater than five (5) acres, the financial assurance amount shall be based on the estimated reasonable costs to complete reclamation required under this chapter using standard estimating techniques, including indirect costs, developed by the board. For all other cyanidation facilities, the financial assurance submitted for permanent closure of a cyanidation facility pursuant to this chapter shall not exceed five million dollars (\$5,000,000). The board may require a ~~bond~~ financial assurance in excess of five million dollars (\$5,000,000) for a cyanidation facility only when the following conditions have been met:

(1) The board has determined that such ~~bond~~ financial assurance is necessary to meet the requirements of this chapter.

(2) The board has delivered to the operator, in writing, a notice setting forth the reasons it believes such bond financial assurance is necessary.

(3) The board has conducted a hearing where the operator is allowed to give testimony to the board concerning the amount of the proposed bond financial assurance. The hearing shall be held under such rules as promulgated by the board. This requirement for a hearing may be waived, in writing, by the operator. Any hearing held shall, at the discretion of the director, extend the time, up to sixty (60) days, in which the board must act on the permanent closure plan submitted.

(e) Any bond financial assurance required under this chapter to be filed and maintained with the board shall be in such form as the board prescribes, payable to the state of Idaho, conditioned that the operator shall faithfully perform all requirements of this chapter and comply with all rules of the board in effect as of the date of approval of the plan in accordance with the provisions of this chapter. ~~An operator may at any time file a single bond in lieu of separate bonds filed or to be filed pursuant to this chapter, provided that the penalty of such single bond shall be equal to the total of the penalties of the separate bonds being combined into a single bond.~~ Further, any bond financial assurance provided to another governmental agency that also meets the requirements in this section shall be deemed to be sufficient surety for the purposes of this chapter.

(f) ~~A bond financial assurance filed as above prescribed in this section shall not be cancelled by the surety canceled,~~ except after not less than ninety (90) days' notice to the board. Upon failure of the operator to make substitution of surety financial assurance prior to the effective date of cancellation of the bond financial assurance or within thirty (30) days following notice of cancellation by the board, whichever is later, the board shall have the right to issue a cease and desist order and seek injunctive relief to stop the operator from conducting operations covered by such bond financial assurance until such substitution has been made.

(g) If the license to do business in this state of any surety, upon a bond filed with the board pursuant to this chapter, shall be suspended or revoked, the operator, within thirty (30) days after receiving notice thereof from the board, shall substitute for such surety ~~a good and sufficient corporate surety licensed to do business in this state or other surety acceptable to the board~~ alternative financial assurance in accordance with this section. Upon failure of the operator to make substitution of surety financial assurance, the board shall have the right to issue a cease and desist order and seek injunctive relief to stop the operator from conducting operations covered by such bond financial assurance until such substitution has been made.

(h) When an operator shall have completed all or a portion of reclamation requirements, or all or a portion of any post-closure activity, under the provisions of this chapter as to any portion of affected land or any post-closure activity, he shall may notify the board. Within thirty (30) days after the receipt of such notice, the board shall notify the operator as to whether or not the reclamation or post-closure activity performed meets the requirements of the reclamation plan pertaining to the land in question.

(1) Upon the determination by the board that the requirements of the reclamation plan in question have been substantially met as to said lands or such activity, the amount of bond financial assurance in effect as to such lands or such activity shall be reduced by an amount designated by the board to reflect the reclamation done.

(2) Upon a determination by the board that the requirements of the reclamation plan in question have not been substantially met as to said lands or such activity, it shall deliver to the operator, in writing, a notice of rejection of the request for bond financial assurance release and shall set forth in said notice the reasons for such rejection, the

factual findings upon which such rejection is based, the manner in which the reclamation fails to fulfill the requirements of the reclamation plan, and the changes necessary to comply with the requirements of the reclamation plan.

(i) When an operator shall have completed an activity specified in an approved permanent closure plan, he may notify the board. Within thirty (30) days after the receipt of such notice, the board shall notify the operator as to whether or not the activity performed meets the requirements of the permanent closure plan. In determining whether or not an activity under the statutory responsibility of the department of environmental quality meets the requirements of the permanent closure plan, the board shall consult with that department.

(1) Upon the determination by the board that the activity meets the requirements of the permanent closure plan, the bond financial assurance for permanent closure shall be reduced by an amount designated by the board to reflect the activity completed.

(2) Upon a determination by the board that the requirements of the permanent closure plan in question have not been met as to said lands, it shall deliver to the operator, in writing, a notice of rejection of the request for bond financial assurance release and shall set forth in said notice the reasons for such rejection, the factual findings upon which such rejection is based, the manner in which the activity fails to fulfill the requirements of the permanent closure plan, and the changes necessary to comply with the requirements of the permanent closure plan.

(j) An operator may withdraw any land previously designated as affected land within a mine panel, provided that it is not already affected land, and in such event, he shall notify the board, and the amount of the bond in effect as to the lands in that mine panel shall be reduced by an amount designated by the board as the amount which would have been necessary to reclaim such lands.

(k) Proof of financial assurance may be demonstrated by surety bond, corporate guarantee, letter of credit, certificate of deposit, trust fund, and any combination thereof or any other proof of financial assurance approved by the board.

(1) An operator may provide proof of financial assurance by use of a trust fund, provided the following conditions are met:

(1) The trust fund is managed by a third-party trustee;

(2) The trust fund names the state of Idaho as beneficiary; and

(3) The trust is initially funded in an amount at least equal to:

(i) The financial assurance amount as estimated by this section;

(ii) A specified schedule of payments into the fund; or

(iii) A pro-rata amount if used with another financial assurance mechanism.

(4) The trustee shall invest the principal and income of the fund in accordance with general investment practices. Investments can include equities, bonds, and government securities.

(5) The operator enters into a memorandum of agreement with the board that identifies the trustee, a range of investments, initial funding, schedule of payments, and expected rate of return.

(6) The trust fund balance shall be reviewed by the board at a period not to exceed once every five (5) years and adjustments to the trust fund made to meet the conditions of the agreement and this chapter.

(m) Following the permanent cessation of a mining operation, the board may determine that a post-closure period of greater than thirty (30) years is necessary only when the following conditions have been met:

(1) The board has determined that such longer post-closure period is necessary to meet the requirements of sections 47-1506, 47-1509, 47-1510, and 47-1511, Idaho Code;

(2) The board has delivered to the operator, in writing, a notice setting forth the reasons it believes a longer post-closure period is necessary;

(3) The board has conducted a hearing where the operator is allowed to give testimony concerning the length of the post-closure period. The hearing shall be held under such rules as promulgated by the board. The requirement for a hearing may be waived by the operator; and

(4) Any decision by the board under this subsection shall be considered a final order pursuant to section 47-1514, Idaho Code.

(n) Any mining operation that is addressing water management, and any releases to the environment through a comprehensive environmental response, compensation and liability act (CERCLA) order, including any required financial assurance, shall not be required to submit financial assurance to the board for any activities covered by a CERCLA order.

SECTION 13. That Section 47-1513, Idaho Code, be, and the same is hereby amended to read as follows:

47-1513. OPERATOR'S FAILURE TO COMPLY -- FORFEITURE OF BOND FINANCIAL ASSURANCE -- PENALTIES -- RECLAMATION FUND -- CYANIDATION CLOSURE FUND. (a) Whenever the board determines that an operator has not complied with the provisions of this chapter, the board may notify the operator of such noncompliance, and may, by private conference, conciliation, and persuasion, endeavor to remedy such violation. In the event of a violation referred to in subsections (d) and (e) of this section, the board may proceed without an administrative action, hearing or decision to exercise the remedies set forth in said subsections. Additionally, no administrative action, hearing or decision shall be required from the Idaho board of environmental quality prior to the board proceeding under subsections (d) and (e) of this section. In the event of the failure of any conference, conciliation and persuasion to remedy any alleged violation, the board may cause to have issued and served upon the operator alleged to be committing such violation, a formal complaint ~~which~~ that shall specify the provisions of this chapter ~~which~~ that the operator allegedly is violating, and a statement of the manner in and the extent to which said operator is alleged to be violating the provisions of this chapter. Such complaint may be served by certified mail, and a return receipt signed by the operator, an officer of a corporate operator, or the designated agent of the operator shall constitute service. The operator shall answer the complaint and request a hearing before a designated hearing officer within thirty (30) days from receipt of the complaint if matters asserted in the complaint are disputed. If the operator fails to answer the complaint and request a hearing, the matters asserted in the complaint shall be deemed admitted by the operator, and the board may proceed to cancel the reclamation or permanent closure plan and forfeit the ~~bond~~ financial assurance in the amount necessary to reclaim affected lands or complete the permanent closure activities. Upon request for a hearing by an operator, the board shall schedule a hearing before a hearing officer appointed by the board at a time not less than thirty (30) days after the date the operator requests a hearing. The board shall issue subpoenas at the request of the director of the department of lands and at the request of the charged operator, and the matter shall be otherwise handled and conducted in accordance with chapter 52, title 67, Idaho Code. The hearing officer shall, pursuant to said hearing, enter an order in accordance with chapter 52, title 67, Idaho Code, which, if adverse to the operator, shall designate a time period within which corrective action should be taken. The time period designated shall be long enough to allow the operator, in the exercise of reasonable diligence, to rectify any failure to comply designated in said order. In the event that the operator takes such action as is necessary to comply

with the order within the time period designated in said order, no further action shall be taken by the board to compel performance under the chapter.

(b) Upon request of the board, the attorney general shall institute proceedings to have the ~~bond~~ financial assurance of an operator forfeited for the violation by the operator of an order entered pursuant to this section.

(c) The forfeiture of such ~~bond~~ financial assurance shall fully satisfy all obligations of the operator to reclaim the affected land or complete permanent closure activities under the provisions of this chapter. If the violation involves an operator that has not furnished a ~~bond~~ financial assurance required by this chapter, or an operator that is not required to furnish a ~~bond~~ financial assurance pursuant to this chapter, or an operator who violates this chapter by performing an act not included in the original approved reclamation plan or the original approved permanent closure plan, and such departure from the plan is not subsequently approved, such operator shall be subject to a civil penalty for his failure to comply with such order in the amount determined by the board to be the anticipated cost of reasonable reclamation of affected lands or permanent closure of the cyanidation facility. Nothing in this subsection shall relieve the operator of any obligation, including the obligation to complete closure requirements, pursuant to a permit issued by the department of environmental quality under section 39-118A, Idaho Code, or limit that department's authority to require compliance with such permit requirements.

(d) Notwithstanding any other provisions of this chapter, the board may commence an action without ~~bond~~ financial assurance or undertaking, in the name of the state of Idaho, to enjoin any operator who is conducting operations without an approved plan required by section 47-1506, Idaho Code, or without the ~~bond~~ financial assurance required by this chapter. The court, or a judge thereof at chambers, if satisfied from the complaint or by affidavits that such acts have been or are being committed, shall issue a temporary restraining order without notice or bond, enjoining the defendant, his agents, and employees from conducting such operations without said plan or bond. Upon a showing of good cause therefor, the temporary restraining order may require the defendant to perform reclamation of the mined area in conformity with sections 47-1509 and 47-1510, Idaho Code, or to complete permanent closure activities, pending final disposition of the action. The action shall then proceed as in other cases for injunctions. If it is established at trial that the defendant has operated without an approved plan or ~~bond~~ financial assurance, the court shall enter, in addition to any other order, a decree enjoining the defendant, his agents and employees from thereafter conducting such activities or similar actions in violation of this chapter. The board may, in conjunction with its injunctive procedures, proceed in the same or in a separate action to recover from an operator who is conducting ~~surface~~ mining or exploration operations or operating a cyanidation facility without the required plan or ~~bond~~ financial assurance, the cost of performing the reclamation activities required by sections 47-1509 and 47-1510, Idaho Code, or the cost of permanent closure activities from any such operator who has not ~~filed a bond~~ provided financial assurance to cover the cost of the required activities.

(e) Notwithstanding any other provision of this chapter, the board may, without bond or undertaking and without any administrative action, hearing or decision, commence an action in the name of the state of Idaho (1) to enjoin a permitted ~~surface~~ mining operation or cyanidation facility when, under an existing approved plan, an operator violates the terms of the plan and where immediate and irreparable injury, loss or damage may result to the state, and (2) to recover the penalties and to collect civil damages provided for by law.

(f) In addition to the procedures set forth in subsections (a), (d) and (e) of this section, and in addition to the civil penalty provided in subsection (c) of this section, any operator who violates any of the provisions of this chapter or rules adopted pursuant thereto, or who fails to perform the duties imposed by these provisions, or who violates any determination or order promulgated pursuant to the provisions of this chapter, shall be liable to a civil penalty of not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) for each day during which such violation continues, and in addition may be enjoined from continuing such violation. Such penalties shall be recoverable in an action brought in the name of the state of Idaho by the attorney general in the district court for the county where the violation, or some part thereof, occurs, or in the district court for the county wherein the defendant resides.

(1) All sums recovered related to the reclamation provisions of this chapter shall be placed in the state treasury and credited to the surface mining reclamation fund, which is hereby created, to be used to reclaim affected lands and to administer the reclamation provisions of this chapter.

(2) All sums recovered related to the cyanidation facility closure provisions of this chapter shall be placed in the state treasury and credited to the cyanidation facility closure fund, which is hereby created. Moneys in the fund may be expended pursuant to appropriation and used to complete permanent closure activities and to administer the permanent closure provisions of this chapter.

(g) Any person who willfully and knowingly falsifies any records, information, plans, specifications, or other data required by the board or willfully fails, neglects, or refuses to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000) or imprisonment not to exceed one (1) year, or both.

(h) ~~Reclamation plans approved by the board as of January 1, 1997~~ July 1, 2019, shall be deemed to be in full compliance with the requirements of this chapter. ~~However, the board may periodically review, and revise if necessary to meet the requirements of sections 47-1506, 47-1509, 47-1510 and 47-1511, Idaho Code, the amount, terms and conditions of any bond when there is a material change in the reclamation plan or a material change in the estimated reasonable costs of reclamation determined pursuant to section 47-1512, Idaho Code. Any revision to the amount, terms and conditions of a bond due to a material change in the reclamation plan shall apply only to the affected lands covered by the material change in the reclamation plan.~~

~~(i) A cyanidation facility with an existing permit approved by the department of environmental quality under section 39-118A, Idaho Code, as of July 1, 2005, shall be deemed to be in full compliance with the requirements of this chapter. If there is a material modification or a material expansion of a cyanidation facility after July 1, 2005, the 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 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.~~

~~(j) For a permanent closure plan approved by the board after July 1, 2005, the board shall periodically review, and revise if necessary to meet the requirements of this chapter, the amount, terms and conditions of any bond when there is a material change in the permanent closure plan or a material change in the estimated reasonable costs of permanent closure determined pursuant to section 47-1512, Idaho Code. The board may require a fee sufficient to employ a qualified independent party, acceptable to the oper-~~

~~ator and the board, to verify any revised estimate of the reasonable costs of permanent closure.~~

SECTION 14. That Section 47-1516, Idaho Code, be, and the same is hereby amended to read as follows:

47-1516. DEPOSIT OF FORFEITURES AND DAMAGES. All forfeitures and civil damages collected under the provisions of this act shall be deposited with the state treasurer in a special fund to be used by the board for surface mined land reclamation purposes.

SECTION 15. That Section 47-1517, Idaho Code, be, and the same is hereby amended to read as follows:

47-1517. CONDUCT OF ACTIVITIES. (a) An operator shall conduct all exploration and mining operations in accordance with all applicable statutes and regulations pertaining to water use and mining safety applicable to exploration and surface mining operations.

(b) An operator desiring to operate a cyanidation facility within the state of Idaho shall conduct all related activities in accordance with all applicable statutes and rules related to cyanidation including, but not limited to, section 39-118A, Idaho Code.

SECTION 16. That Section 47-1518, Idaho Code, be, and the same is hereby amended to read as follows:

47-1518. EFFECTIVE DATE -- APPLICATION OF CHAPTER. (a) The reclamation provisions of this chapter shall be in full force and effect on and after May 31, 1971. An surface mine operator shall not be required to perform the reclamation activities referred to in this chapter as to any surface mining operations performed prior to May 31, 1972, and, further, shall not be required to perform such reclamation activities as to any pit or overburden pile as it exists prior to May 31, 1972.

(b) The cyanidation provisions of this chapter shall be in full force and effect on and after July 1, 2005. ~~The board shall promulgate temporary rules by August 1, 2005, to implement the provisions of this act. A cyanidation facility with an existing permit approved by the department of environmental quality under section 39-118A, Idaho Code, as of July 1, 2005, shall be deemed to be in full compliance with the requirements of this chapter. If there is a material modification or a material expansion of a cyanidation facility after July 1, 2005, the 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 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.~~

(c) An underground mine operator shall not be subject to this chapter for affected land disturbed by underground mine operations prior to July 1, 2019. If there is a significant change to affected land at an underground mining operation after July 1, 2019, the provisions of this chapter shall apply to the significant change.

(d) The financial assurance and post-closure provisions of this chapter amended in 2019 shall be in force and effect on or after July 1, 2019. Provided that the financial assurance and post-closure provisions of this chapter amended in 2019 shall not apply to:

(1) Mining operations currently permitted or authorized to commence operations prior to July 1, 2019; or

(2) Any mining operation that has permanently ceased operations prior to July 1, 2019.

(e) For mining operations that have submitted maps and plans to state or federal agencies as required by section 47-1506, Idaho Code, but such operations have not been approved prior to July 1, 2019, such operations shall have one (1) year after operation approval to submit plans and financial assurance required by the financial assurance and post-closure provisions of this chapter as amended in 2019.

(f) The board shall promulgate temporary rules by August 1, 2019, to implement the 2019 amendments to this chapter.

Approved March 26, 2019

CHAPTER 227
(H.B. No. 210)

AN ACT

RELATING TO THE ELECTION OF STATE REPRESENTATIVES AND SENATORS; AMENDING SECTION 34-614, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE REQUIREMENTS FOR ELECTION TO THE OFFICE OF STATE REPRESENTATIVE OR SENATOR.

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

SECTION 1. That Section 34-614, Idaho Code, be, and the same is hereby amended to read as follows:

34-614. ELECTION OF STATE REPRESENTATIVES AND SENATORS -- QUALIFICATIONS. (1) At the general election, 1972, and every alternate year thereafter, there shall be elected in each legislative district such representatives and senators as they may be severally entitled.

(2) No person shall be elected to the office of representative or senator unless he shall have attained the age of twenty-one (21) years at the time of the general election, is a citizen of the United States and shall have ~~resided~~ been a registered elector within the legislative district one (1) year next preceding the general election at which he offers his candidacy.

(3) Each candidate shall file his declaration of candidacy with the secretary of state.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of thirty dollars (\$30.00) which shall be deposited in the general fund.

Approved March 26, 2019

CHAPTER 228
(H.B. No. 255)

AN ACT

RELATING TO THE APPROPRIATION TO THE LEGISLATIVE BRANCH FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE LEGISLATIVE BRANCH FOR THE LEGISLATIVE SERVICES OFFICE AND THE OFFICE OF PERFORMANCE EVALUATIONS FOR FISCAL YEAR 2020; PROVIDING REAPPROPRIATION AUTHORITY FOR THE PROFESSIONAL SERVICES FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE TECHNOLOGY INFRASTRUCTURE STABILIZATION FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR THE REDISTRICTING COMMISSION; EXEMPTING THE APPROPRIATION TO THE LEGISLATIVE SERVICES OFFICE FROM OBJECT TRANSFER LIMITATIONS; AND EXEMPTING THE APPROPRIATION TO THE OFFICE OF PERFORMANCE EVALUATIONS 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, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. LEGISLATIVE SERVICES OFFICE:				
FROM:				
General				
Fund	\$5,237,600	\$226,000	\$11,600	\$5,475,200
Miscellaneous Revenue				
Fund	142,500	524,000		666,500
Legislative Capitol Facilities				
Fund		440,000		440,000
Professional Services				
Fund	<u>1,430,500</u>	<u>104,600</u>	<u>6,800</u>	<u>1,541,900</u>
TOTAL	\$6,810,600	\$1,294,600	\$18,400	\$8,123,600
II. OFFICE OF PERFORMANCE EVALUATIONS:				
FROM:				
General				
Fund	\$881,600	\$67,700	\$2,800	\$952,100
GRAND TOTAL	\$7,692,200	\$1,362,300	\$21,200	\$9,075,700

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 2019, 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, 2019, through June 30, 2020.

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 to the Legislative Services Office from the Technology Infrastructure Stabilization Fund for fiscal year 2019 to be used for nonrecurring expenditures for the period July 1, 2019, through June 30, 2020.

SECTION 4. REAPPROPRIATION AUTHORITY FOR THE REDISTRICTING COMMISSION. There is hereby reappropriated to the Redistricting Commission any unexpended and unencumbered balances appropriated to the Redistricting Commission from the General Fund for fiscal year 2019 to be used for nonrecurring expenditures for the period July 1, 2019, through June 30, 2020. The reappropriation authority from the General Fund granted in this section shall be subject to the following provisions: (1) If the unexpended and unencumbered balance in the General Fund on June 30, 2019, is zero, the reappropriation from the General Fund in this section is hereby declared to be null and void; and (2) If the unexpended and unencumbered balance in the General Fund on June 30, 2019, is greater than zero but less than the total General Fund reappropriation authority granted to all state agencies, the amount reappropriated in this section shall be in proportion to the reappropriation that this agency bears in relation to the total General Fund reappropriation authority granted to all state agencies.

SECTION 5. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS FOR THE LEGISLATIVE SERVICES OFFICE. For fiscal year 2020, the Legislative Services Office is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated to it for the period July 1, 2019, through June 30, 2020. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 6. EXEMPTIONS FROM OBJECT TRANSFER LIMITATIONS FOR THE OFFICE OF PERFORMANCE EVALUATIONS. For fiscal year 2020, the Office of Performance Evaluations is hereby exempted from the provisions of Section 67-3511(1) and (3), Idaho Code, allowing unlimited transfers between object codes for all moneys appropriated to it for the period July 1, 2019, through June 30, 2020. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 26, 2019

CHAPTER 229
(H.B. No. 256)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE REVOLVING DEVELOPMENT FUND TO THE AQUIFER PLANNING AND MANAGEMENT FUND; AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE SECONDARY AQUIFER PLANNING, MANAGEMENT AND IMPLEMENTATION FUND.

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

SECTION 1. There is hereby appropriated to the Department of Water Resources the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:						
FROM:						
General						
Fund	\$1,012,000	\$779,000	\$165,000			\$1,956,000
Indirect Cost Recovery						
Fund	514,100	162,300	14,200			690,600
Technology Infrastructure Stabilization						
Fund		177,800	145,000			322,800
Water Administration						
Fund	53,100	22,100				75,200
Miscellaneous Revenue						
Fund	<u>0</u>	<u>169,100</u>	<u>0</u>			<u>169,100</u>
TOTAL	\$1,579,200	\$1,310,300	\$324,200			\$3,213,700
II. PLANNING AND TECHNICAL SERVICES:						
FROM:						
General						
Fund	\$2,882,500	\$735,400		\$908,500	\$5,000,000	\$9,526,400
Indirect Cost Recovery						
Fund		16,600				16,600
Aquifer Planning and Management						
Fund	986,200	454,600				1,440,800
Miscellaneous Revenue						
Fund		164,600				164,600
Federal Grant						
Fund	<u>313,900</u>	<u>833,300</u>		<u>0</u>	<u>0</u>	<u>1,147,200</u>
TOTAL	\$4,182,600	\$2,204,500		\$908,500	\$5,000,000	\$12,295,600

	FOR	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	BENEFIT	LUMP
	COSTS	EXPENDITURES	OUTLAY	PAYMENTS		SUM
						TOTAL
III. WATER MANAGEMENT:						
FROM:						
General						
Fund	\$5,464,300	\$2,158,600	\$12,700			\$7,635,600
Indirect Cost Recovery						
Fund		7,400				7,400
Water Administration						
Fund	1,286,800	233,900	10,000			1,530,700
Miscellaneous Revenue						
Fund	889,900	307,800				1,197,700
Federal Grant						
Fund	<u>230,400</u>	<u>342,200</u>	<u>0</u>			<u>572,600</u>
TOTAL	\$7,871,400	\$3,049,900	\$22,700			\$10,944,000
IV. NORTHERN IDAHO ADJUDICATION:						
FROM:						
General						
Fund	\$355,000	\$185,700				\$540,700
Northern Idaho Adjudication						
Fund	<u>0</u>	<u>38,000</u>				<u>38,000</u>
TOTAL	\$355,000	\$223,700				\$578,700
GRAND TOTAL	\$13,988,200	\$6,788,400	\$346,900	\$908,500	\$5,000,000	\$27,032,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred sixty-three (163.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CASH TRANSFER FOR AQUIFER MONITORING, MEASUREMENT, AND MODELING. There is hereby appropriated to the Department of Water Resources and the State Controller shall transfer \$716,000 from the Revolving Development Fund to the Aquifer Planning and Management Fund on July 1, 2019, or as soon thereafter as practicable, for the period July 1, 2019, through June 30, 2020, to be used for aquifer monitoring, measurement, and modeling.

SECTION 4. CASH TRANSFER FOR AQUIFER MANAGEMENT. Of the amount appropriated to the Department of Water Resources in Section 1 of this act for the Planning and Technical Services Program from the General Fund for lump sum, the State Controller shall transfer \$5,000,000 to the Secondary Aquifer Planning, Management and Implementation Fund on July 1, 2019, or as soon thereafter as practicable, for the period July 1, 2019, through June 30, 2020, to be used for aquifer recharge and management.

Approved March 26, 2019

CHAPTER 230
(H.B. No. 257)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DIVISION OF CAREER TECHNICAL EDUCATION FOR FISCAL YEAR 2020; EXEMPTING THE APPROPRIATION FROM OBJECT TRANSFER LIMITATIONS FOR THE POSTSECONDARY PROGRAM; PROVIDING REAPPROPRIATION AUTHORITY; AND PROVIDING REPORTING REQUIREMENTS.

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, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. STATE LEADERSHIP & TECHNICAL ASSISTANCE:					
FROM:					
General					
Fund	\$2,702,400	\$370,100	\$34,900		\$3,107,400
Federal Grant					
Fund	<u>249,000</u>	<u>55,000</u>	<u>0</u>		<u>304,000</u>
TOTAL	\$2,951,400	\$425,100	\$34,900		\$3,411,400
II. GENERAL PROGRAMS:					
FROM:					
General					
Fund		\$295,000		\$14,457,300	\$14,752,300
Hazardous Materials/Waste					
Enforcement Fund				67,800	67,800
Miscellaneous Revenue					
Fund				15,000	15,000
Federal Grant					
Fund	<u>\$449,200</u>	<u>294,800</u>		<u>6,358,900</u>	<u>7,102,900</u>
TOTAL	\$449,200	\$589,800		\$20,899,000	\$21,938,000
III. POSTSECONDARY PROGRAMS:					
FROM:					
General					
Fund	\$43,037,500	\$3,779,300	\$784,600	\$240,500	\$47,841,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. DEDICATED PROGRAMS:					
FROM:					
General					
Fund				\$1,558,100	\$1,558,100
Displaced Homemaker					
Fund				<u>170,000</u>	<u>170,000</u>
TOTAL				\$1,728,100	\$1,728,100
V. RELATED SERVICES:					
FROM:					
General					
Fund	\$99,200	\$5,700		\$1,090,900	\$1,195,800
Miscellaneous Revenue					
Fund		300,000			300,000
Federal Grant					
Fund	<u>53,200</u>	<u>117,800</u>		<u>2,174,000</u>	<u>2,345,000</u>
TOTAL	\$152,400	\$423,500		\$3,264,900	\$3,840,800
GRAND TOTAL	\$46,590,500	\$5,217,700	\$819,500	\$26,132,500	\$78,760,200

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, 2019, through June 30, 2020. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Division of Career Technical Education any unexpended and unencumbered balances appropriated to the Division of Career Technical Education from dedicated and federal funds for fiscal year 2019 to be used for nonrecurring expenditures for the period July 1, 2019, through June 30, 2020.

SECTION 4. REPORTING REQUIREMENTS. The Division of Career Technical Education shall work with the Legislative Services Office and the Division of Financial Management and provide a written report to the Joint Finance-Appropriations Committee, the Senate Education Committee, and the House Education Committee on a sustainable plan to support added costs funding for secondary career technical education programs no later than February 1, 2020.

Approved March 26, 2019

CHAPTER 231
(H.B. No. 260)

AN ACT

RELATING TO THE APPROPRIATION TO THE WOLF DEPREDATION CONTROL BOARD FOR FISCAL YEAR 2020; APPROPRIATING AND TRANSFERRING MONEYS TO THE WOLF CONTROL FUND FOR FISCAL YEAR 2020.

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

SECTION 1. There is hereby appropriated to the Wolf Depredation Control Board and the State Controller shall transfer \$200,000 from the General Fund to the Wolf Control Fund Other Money Subaccount on July 1, 2019, or as soon thereafter as practicable, for the period July 1, 2019, through June 30, 2020.

Approved March 26, 2019

CHAPTER 232
(H.B. No. 261)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2020; PROVIDING FOR A CASH TRANSFER; 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 Administration 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, 2019, through June 30, 2020:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:			
Capitol Commission Operating			
Fund	\$142,000		\$142,000
Capitol Maintenance Reserve			
Fund	0	\$2,200,000	2,200,000
TOTAL	\$142,000	\$2,200,000	\$2,342,000

SECTION 2. CASH TRANSFER. There is hereby appropriated to the Department 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, 2019, or as soon thereafter as practicable, for the period July 1, 2019, through June 30, 2020.

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 Commission Operating Fund for fiscal year 2019 to be used for nonrecurring expenditures for the period July 1, 2019, through June 30, 2020.

Approved March 26, 2019

CHAPTER 233
(H.B. No. 262)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2020; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Idaho State Historical Society the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General					
Fund	\$2,288,600	\$1,698,900	\$65,300	\$31,600	\$4,084,400
Miscellaneous Revenue					
Fund	758,600	725,200	8,200		1,492,000
Records Management Service					
Fund	159,800	150,600			310,400
Capitol Commission Operating					
Fund	70,800	53,500			124,300
Federal Grant					
Fund	<u>999,000</u>	<u>477,100</u>	<u>0</u>	<u>130,000</u>	<u>1,606,100</u>
TOTAL	\$4,276,800	\$3,105,300	\$73,500	\$161,600	\$7,617,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Historical Society is authorized no more than fifty-seven (57.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 26, 2019

CHAPTER 234

(H.B. No. 106, As Amended in the Senate)

AN ACT

RELATING TO RULES OF THE ROAD; AMENDING SECTION 49-624, IDAHO CODE, TO REVISE PROVISIONS REGARDING DRIVER DUTY UPON APPROACHING CERTAIN STATIONARY VEHICLES.

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

SECTION 1. That Section 49-624, Idaho Code, be, and the same is hereby amended to read as follows:

49-624. DRIVER DUTY UPON APPROACHING A STATIONARY POLICE VEHICLE OR AN AUTHORIZED EMERGENCY VEHICLE DISPLAYING FLASHING LIGHTS. The driver of a motor vehicle, upon approaching a stationary police vehicle displaying flashing lights ~~or~~, an authorized emergency vehicle displaying flashing lights, a stationary tow truck displaying flashing lights, or a stationary highway incident response vehicle displaying flashing lights, shall:

(1) If the driver is traveling on a highway with two (2) or more lanes carrying traffic in the same direction, immediately reduce the speed of his vehicle below the posted speed limit, proceed with due caution and, if traveling in a lane adjacent to ~~the~~ a stationary police vehicle displaying flashing lights ~~or the~~, an authorized emergency vehicle displaying flashing lights, a stationary tow truck displaying flashing lights, or a highway incident response vehicle displaying flashing lights, change lanes into a lane that is not adjacent to such vehicle as soon as it is possible to do so in a manner that is reasonable and prudent under the conditions then existing, with regard to actual and potential hazards.

(2) If the driver is traveling on a highway with one (1) lane for each direction of travel, immediately reduce the speed of his vehicle below the posted speed limit, and maintain a safe speed for the road, weather, and traffic conditions until completely past the stationary police vehicle, ~~or~~ authorized emergency vehicle, stationary tow truck, or highway incident response vehicle.

Approved March 27, 2019

CHAPTER 235

(S.B. No. 1023)

AN ACT

RELATING TO ASSAULT AND BATTERY; AMENDING SECTION 18-915, IDAHO CODE, TO PROVIDE FOR CERTAIN EMPLOYEES OF THE DEPARTMENT OF PARKS AND RECREATION.

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

SECTION 1. That Section 18-915, Idaho Code, be, and the same is hereby amended to read as follows:

18-915. ASSAULT OR BATTERY UPON CERTAIN PERSONNEL -- PUNISHMENT. (1) Any person who commits a crime provided for in this chapter against or upon a justice, judge, magistrate, prosecuting attorney, public defender, peace officer, bailiff, marshal, sheriff, police officer, peace officer standards and training employee involved in peace officer decertification activities, emergency services dispatcher, correctional officer, employee of the

department of correction, employee of a private prison contractor while employed at a private correctional facility in the state of Idaho, employees of the department of water resources authorized to enforce the provisions of chapter 38, title 42, Idaho Code, employees of the department of parks and recreation authorized to enforce the provisions of chapter 42, title 67, Idaho Code, jailer, parole officer, misdemeanor probation officer, officer of the Idaho state police, fireman, social caseworkers or social work specialists of the department of health and welfare, employee of a state secure confinement facility for juveniles, employee of a juvenile detention facility, a teacher at a detention facility or a juvenile probation officer, emergency medical services personnel licensed under the provisions of chapter 10, title 56, Idaho Code, a member, employee or agent of the state tax commission, United States marshal, or federally commissioned law enforcement officer or their deputies or agents and the perpetrator knows or has reason to know of the victim's status, the punishment shall be as follows:

(a) For committing battery with intent to commit a serious felony the punishment shall be imprisonment in the state prison not to exceed twenty-five (25) years.

(b) For committing any other crime in this chapter the punishment shall be doubled that provided in the respective section, except as provided in subsections (2) and (3) of this section.

(2) For committing a violation of the provisions of section 18-901 or 18-903, Idaho Code, against the person of a former or present justice, judge or magistrate, jailer or correctional officer or other staff of the department of correction, or of a county jail, or of a private correctional facility, or of an employee of a state secure confinement facility for juveniles, an employee of a juvenile detention facility, a teacher at a detention facility, misdemeanor probation officer or a juvenile probation officer:

(a) Because of the exercise of official duties or because of the victim's former or present official status; or

(b) While the victim is engaged in the performance of his duties and the person committing the offense knows or reasonably should know that such victim is a justice, judge or magistrate, jailer or correctional officer or other staff of the department of correction, or of a private correctional facility, an employee of a state secure confinement facility for juveniles, an employee of a juvenile detention facility, a teacher at a detention facility, misdemeanor probation officer or a juvenile probation officer;

the offense shall be a felony punishable by imprisonment in a correctional facility for a period of not more than five (5) years, and said sentence shall be served consecutively to any sentence being currently served.

(3) For committing a violation of the provisions of section 18-903, Idaho Code, except unlawful touching as described in section 18-903(b), Idaho Code, against the person of a former or present peace officer, sheriff or police officer:

(a) Because of the exercise of official duty or because of the victim's former or present official status; or

(b) While the victim is engaged in the performance of his duties and the person committing the offense knows or reasonably should know that such victim is a peace officer, sheriff or police officer;

the offense shall be a felony punishable by imprisonment in a correctional facility for a period of not more than five (5) years, and said sentence shall be served consecutively to any sentence being currently served.

CHAPTER 236
(S.B. No. 1131, As Amended)

AN ACT

RELATING TO TRAFFIC ENFORCEMENT; AMENDING SECTION 49-1422, IDAHO CODE, TO PROVIDE CERTAIN PENALTIES FOR OVERTAKING A SCHOOL BUS, TO ESTABLISH A CERTAIN FUND, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 49-1422, Idaho Code, be, and the same is hereby amended to read as follows:

49-1422. OVERTAKING AND PASSING SCHOOL BUS. (1) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching the school bus when there is in operation on a school bus the visual signals specified in section 49-915, Idaho Code, and the driver of a vehicle shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. Oncoming traffic on a highway of more than three (3) lanes is not required to stop upon meeting a school bus when visual signals are actuated. Any person found guilty of violating the provisions of this subsection shall be fined an amount of ~~not less than one two hundred dollars (\$1200) nor more than five hundred dollars (\$500)~~ for a first offense under this subsection; no less than four hundred dollars (\$400) for a second offense under this subsection within five (5) years of a prior offense under this subsection; and no less than six hundred dollars (\$600) for a third offense under this subsection within five (5) years of two (2) prior offenses under this subsection. Notwithstanding the provisions of section 19-4705, Idaho Code, the fines imposed under this subsection in excess of one hundred dollars (\$100) shall be paid into the school bus camera fund, which is hereby created in the state treasury. Moneys in the fund may be appropriated only for the purpose of installing cameras on school buses to enforce the traffic law established in this section. If no program is established for the administration of the school bus camera fund by July 1, 2024, then such funds shall be distributed pursuant to section 19-4705, Idaho Code.

(2) Every school bus shall be equipped with visual signals meeting the requirements of section 49-915, Idaho Code, which shall be actuated by the driver of the school bus whenever, but only whenever, the vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate the special visual signals:

- (a) In business districts designated by the department or local authorities;
- (b) At intersections or other places where traffic is controlled by traffic control signals or peace officers; or
- (c) In designated school bus loading areas where the bus is entirely off the roadway.

(3) Every school bus shall bear upon the front and rear plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating "school bus" shall be covered or concealed.

(4) When any school bus is sold and is no longer to be used for the transportation of pupils, before it may again be used on the highways of this state, it shall be painted a color other than national school bus glossy yellow, federal standard 595a, color number 13432, and all school bus markings shall be obliterated.

Approved March 27, 2019

CHAPTER 237
(S.B. No. 1185)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF CHILD WELFARE, SERVICES FOR THE DEVELOPMENTALLY DISABLED, AND SERVICE INTEGRATION FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; CLARIFYING THE RESPONSIBILITY FOR THE EDUCATION OF CERTAIN CHILDREN IN STATE CARE; DIRECTING THE USE OF CHILD ABUSE PROTECTION TREATMENT ACT FUNDS; AND DIRECTING EXPENDITURES FOR HEAD START APPROPRIATIONS FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CHILD WELFARE:					
A. CHILD WELFARE:					
FROM:					
Cooperative Welfare (General)					
Fund	\$10,403,900	\$2,108,900			\$12,512,800
Technology Infrastructure Stabilization					
Fund		4,314,000			4,314,000
Cooperative Welfare (Dedicated)					
Fund	71,500	20,000			91,500
Cooperative Welfare (Federal)					
Fund	<u>21,658,800</u>	<u>10,154,400</u>			<u>31,813,200</u>
TOTAL	\$32,134,200	\$16,597,300			\$48,731,500
B. FOSTER AND ASSISTANCE PAYMENTS:					
FROM:					
Cooperative Welfare (General)					
Fund				\$11,441,700	\$11,441,700

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
Cooperative Welfare (Dedicated)					
Fund				705,600	705,600
Cooperative Welfare (Federal)					
Fund				<u>18,944,200</u>	<u>18,944,200</u>
TOTAL				\$31,091,500	\$31,091,500
DIVISION TOTAL	\$32,134,200	\$16,597,300		\$31,091,500	\$79,823,000
II. SERVICES FOR THE DEVELOPMENTALLY DISABLED:					
A. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$7,749,700	\$1,125,500		\$2,415,100	\$11,290,300
Cooperative Welfare (Dedicated)					
Fund	107,300	46,300		783,100	936,700
Cooperative Welfare (Federal)					
Fund	<u>6,172,300</u>	<u>1,059,400</u>		<u>2,933,800</u>	<u>10,165,500</u>
TOTAL	\$14,029,300	\$2,231,200		\$6,132,000	\$22,392,500
B. SOUTHWEST IDAHO TREATMENT CENTER:					
FROM:					
Cooperative Welfare (General)					
Fund	\$2,030,800	\$597,400	\$55,300	\$78,400	\$2,761,900
Cooperative Welfare (Dedicated)					
Fund	295,600	137,800		10,600	444,000
Cooperative Welfare (Federal)					
Fund	<u>5,391,200</u>	<u>1,703,600</u>	<u>0</u>	<u>142,100</u>	<u>7,236,900</u>
TOTAL	\$7,717,600	\$2,438,800	\$55,300	\$231,100	\$10,442,800
DIVISION TOTAL	\$21,746,900	\$4,670,000	\$55,300	\$6,363,100	\$32,835,300
III. SERVICE INTEGRATION:					
FROM:					
Cooperative Welfare (General)					
Fund	\$238,000	\$56,200		\$450,000	\$744,200
Cooperative Welfare (Dedicated)					
Fund		19,500		50,000	69,500
Cooperative Welfare (Federal)					
Fund	<u>2,151,900</u>	<u>269,600</u>		<u>2,900,000</u>	<u>5,321,500</u>
TOTAL	\$2,389,900	\$345,300		\$3,400,000	\$6,135,200
GRAND TOTAL	\$56,271,000	\$21,612,600	\$55,300	\$40,854,600	\$118,793,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the following number of full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Child Welfare	403.80
Community Developmental Disability Services	181.96
Southwest Idaho Treatment Center	123.75
Service Integration	35.00

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall periodically make transfers from the General Fund to the Cooperative Welfare Fund as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2020.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. EDUCATIONAL NEEDS. The Department of Health and Welfare shall be responsible for the educational needs of school-age children placed in its custody by the courts for either child protective issues or mental health issues. If the department places a child in a licensed residential treatment facility that includes a nonpublic accredited school and it is determined by the department that it is in the best interests of the child to be educated at the residential treatment facility, then it is the responsibility of the department to pay for such education per student, per educational day. Other Idaho state agencies shall not be precluded from exercising their responsibility to ensure a free and appropriate education for these students within the requirements of federal disability law. The fiscal impact of this section is included within existing department base appropriations.

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

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

Approved March 27, 2019

CHAPTER 238
(S.B. No. 1190)

AN ACT

RELATING TO THE APPROPRIATION TO THE SECRETARY OF STATE FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2020; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Secretary of State the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SECRETARY OF STATE:				
FROM:				
General				
Fund	\$2,349,500	\$1,278,200	\$2,000,000	\$5,627,700
II. COMMISSION ON UNIFORM STATE LAWS:				
FROM:				
General				
Fund		\$53,700		\$53,700
GRAND TOTAL	\$2,349,500	\$1,331,900	\$2,000,000	\$5,681,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Secretary of State is authorized no more than thirty (30.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 27, 2019

CHAPTER 239
(S.B. No. 1191)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE CONTROLLER FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2020; 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, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. ADMINISTRATION:				
FROM:				
General				
Fund	\$625,000	\$122,500	\$5,600	\$753,100
II. STATEWIDE ACCOUNTING:				
FROM:				
General				
Fund	\$1,803,100	\$3,511,200	\$18,500	\$5,332,800
Miscellaneous Revenue				
Fund	<u>0</u>	<u>5,000</u>	<u>0</u>	<u>5,000</u>
TOTAL	\$1,803,100	\$3,516,200	\$18,500	\$5,337,800
III. STATEWIDE PAYROLL:				
FROM:				
General				
Fund	\$1,562,300	\$3,382,100	\$1,900	\$4,946,300
Miscellaneous Revenue				
Fund	<u>0</u>	<u>5,000</u>	<u>0</u>	<u>5,000</u>
TOTAL	\$1,562,300	\$3,387,100	\$1,900	\$4,951,300
IV. COMPUTER CENTER:				
FROM:				
Data Processing Services				
Fund	\$5,122,200	\$2,855,200	\$18,500	\$7,995,900
GRAND TOTAL	\$9,112,600	\$9,881,000	\$44,500	\$19,038,100

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, 2019, through June 30, 2020, 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 2019, 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, 2019, through June 30, 2020.

Approved March 27, 2019

CHAPTER 240
(S.B. No. 1192)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE BOND PAYMENTS PROGRAM FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE BOND PAYMENTS PROGRAM FOR FISCAL YEAR 2020.

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, 2019, through June 30, 2020:

	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 27, 2019

CHAPTER 241
(S.B. No. 1197)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING REQUIREMENTS REGARDING THE WATERCRAFT INSPECTION PROGRAM.

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

SECTION 1. There is hereby appropriated to the Department of Agriculture the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General					
Fund	\$844,500	\$464,500			\$1,309,000
Administration and Accounting Services					
Fund	1,171,600	125,800	\$58,800		1,356,200
Facilities Maintenance					
Fund	<u>160,700</u>	<u>173,100</u>	<u>0</u>		<u>333,800</u>
TOTAL	\$2,176,800	\$763,400	\$58,800		\$2,999,000
II. ANIMAL INDUSTRIES:					
FROM:					
General					
Fund	\$1,789,600	\$242,400			\$2,032,000
Agricultural Inspection					
Fund	38,000	9,700			47,700
Agricultural Fees - Livestock Disease Control					
Fund	758,000	376,100	\$102,500		1,236,600
Agricultural Fees - Dairy Inspection					
Fund	1,648,500	436,400	118,200		2,203,100
Agricultural Fees - Egg Inspection					
Fund	167,800	20,600			188,400
Agricultural Fees - Commercial Fisheries					
Fund	5,700	4,200			9,900
Agricultural Fees - Poultry Inspection					
Fund	36,000	17,500			53,500
Seminars and Publications					
Fund		58,300			58,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant					
Fund	<u>350,800</u>	<u>117,300</u>	<u>4,400</u>	<u>\$38,200</u>	<u>510,700</u>
TOTAL	\$4,794,400	\$1,282,500	\$225,100	\$38,200	\$6,340,200
III. AGRICULTURAL RESOURCES:					
FROM:					
General					
Fund	\$215,000	\$130,700			\$345,700
Agricultural Fees - Pesticides					
Fund	2,117,900	810,100	\$62,100		2,990,100
Federal Grant					
Fund	<u>379,200</u>	<u>118,400</u>	<u>0</u>		<u>497,600</u>
TOTAL	\$2,712,100	\$1,059,200	\$62,100		\$3,833,400
IV. PLANT INDUSTRIES:					
FROM:					
General					
Fund	\$1,555,800	\$968,500		\$3,855,200	\$6,379,500
Agricultural Inspection					
Fund	1,284,000	298,000	\$63,700	111,100	1,756,800
Invasive Species					
Fund	550,900	360,400	7,200	550,000	1,468,500
Agricultural Fees - Commercial Feed and Fertilizer					
Fund	1,223,100	319,800	43,500		1,586,400
Agricultural Fees - Honey Advertising					
Fund	400	16,300			16,700
Quality Assurance Laboratory Services					
Fund	358,400	135,200	4,000		497,600
Federal Grant					
Fund	<u>1,284,100</u>	<u>1,096,600</u>	<u>4,200</u>	<u>956,700</u>	<u>3,341,600</u>
TOTAL	\$6,256,700	\$3,194,800	\$122,600	\$5,473,000	\$15,047,100
V. AGRICULTURAL INSPECTIONS:					
FROM:					
General					
Fund	\$775,000	\$152,800			\$927,800
Weights and Measures Inspection					
Fund	410,600	178,200	\$353,800		942,600
Agricultural Fees - Organic Food Products					
Fund	541,100	108,400	32,400		681,900
Agricultural Fees - Fresh Fruit and Vegetable Inspection					
Fund	<u>7,501,300</u>	<u>2,798,200</u>	<u>37,900</u>		<u>10,337,400</u>
TOTAL	\$9,228,000	\$3,237,600	\$424,100		\$12,889,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VI. MARKET DEVELOPMENT:					
FROM:					
General					
Fund	\$442,900	\$364,600			\$807,500
Agricultural Inspection					
Fund	78,100	70,300	\$4,200		152,600
Seminars and Publications					
Fund		245,600			245,600
Rural Economic Development Integrated Freight Transportation					
Fund	9,600	20,000		\$140,000	169,600
Revolving Loans					
Fund	12,300	15,300			27,600
Federal Grant					
Fund	<u>147,400</u>	<u>628,100</u>	<u>0</u>	<u>1,267,500</u>	<u>2,043,000</u>
TOTAL	\$690,300	\$1,343,900	\$4,200	\$1,407,500	\$3,445,900
VII. ANIMAL DAMAGE CONTROL:					
FROM:					
General					
Fund		\$4,000		\$160,000	\$164,000
Animal Damage Control					
Fund				100,000	100,000
Agricultural Fees - Sheep and Goat Health					
Fund		<u>7,200</u>		<u>160,200</u>	<u>167,400</u>
TOTAL		\$11,200		\$420,200	\$431,400
VIII. SHEEP AND GOAT HEALTH BOARD:					
FROM:					
General					
Fund	\$71,900				\$71,900
Agricultural Fees - Sheep and Goat Health					
Fund	<u>72,500</u>	<u>\$37,900</u>			<u>110,400</u>
TOTAL	\$144,400	\$37,900			\$182,300
GRAND TOTAL	\$26,002,700	\$10,930,500	\$896,900	\$7,338,900	\$45,169,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Agriculture is authorized no more than two hundred twenty (220.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. WATERCRAFT INSPECTION PROGRAM. The Department of Agriculture shall maximize the use of the appropriation provided for the Watercraft Inspection Program to minimize the chances of spreading zebra mussels, quagga mussels, and other aquatic invasive species into Idaho waters. The department is encouraged to use roving inspection stations when appropriate and for expanded hours of coverage during holidays when boat transport traffic is likely to increase. It is also encouraged to use extra staffing on busy holiday weekends. The department shall gather data regarding the number of watercraft that are bypassing the stations and nighttime transport of watercraft across Idaho's borders. The department shall also seek to secure federal funding to further enhance invasive species detection and prevention efforts. The department shall report back to the Joint Finance-Appropriations Committee, the Senate Agricultural Affairs Committee, and the House Agricultural Affairs Committee during the 2020 legislative session regarding the results of the data gathering, attainment of federal funds, and an operational review of the boat stations.

Approved March 27, 2019

CHAPTER 242
(S.B. No. 1198)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2020; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS FOR FISCAL YEAR 2020; PROVIDING FOR A GENERAL FUND CASH TRANSFER; PROVIDING REQUIREMENTS FOR UTILIZATION OF MATCHING FUNDS; AND PROVIDING REQUIREMENTS REGARDING REALLOCATION OF PROJECT SAVINGS.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Division of Public Works \$68,447,100 to be expended for capital outlay and \$1,904,800 to be expended for operating expenditures, for a total of \$70,351,900 from the Permanent Building Fund, for the period July 1, 2019, through June 30, 2020.

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	\$35,957,100
Asbestos Abatement	500,000
Statewide Americans with Disabilities Act Compliance	1,300,000
Capitol Mall Maintenance	260,000
Chinden Facilities Maintenance	<u>1,000,000</u>
TOTAL	\$39,017,100

CAPITAL PROJECTS:

Department of Agriculture Pathology Lab	\$8,000,000
Division of Military Twin Falls Readiness Center Site Utilities	1,200,000
Division of Public Safety Mica Peak Communications Site	630,000
Department of Correction Wastewater Lagoon Repair	1,904,800
Department of Correction North Idaho Reentry Center	12,200,000
Department of Correction St. Anthony Facility Expansion	<u>7,400,000</u>
TOTAL	\$31,334,800

GRAND TOTAL \$70,351,900

SECTION 3. GENERAL FUND CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer \$21,504,800 from the General Fund to the Permanent Building Fund on July 1, 2019, or as soon thereafter as practicable.

SECTION 4. 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 5. 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.

Approved March 27, 2019

CHAPTER 243
(H.B. No. 192)

AN ACT

RELATING TO OUTFITTERS AND GUIDES; AMENDING SECTION 36-408, IDAHO CODE, TO REVISE PROVISIONS REGARDING OUTFITTED HUNTER TAGS SET-ASIDE AND DEER AND ELK TAGS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 36-2107, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWERS AND DUTIES OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD AND TO MAKE TECHNICAL CORRECTIONS; 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) Outfitters 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 annually, 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 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, unit, or game management area. The set-aside tags shall be sold pursuant to commission rule, only to persons that have entered into an 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 who are nonresidents pursuant to commission rule. If any nonresident deer tags or nonresident elk tags set aside as 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 or and elk tags from the outfitted hunter set-aside pool of tags for use by hunters that have entered

into an 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 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. 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, not to exceed fifty percent (50%) of the nonresident quota for each capped zone. In capped zones, when tag numbers change, 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 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 outfitted hunts must be recorded by outfitters with the department prior to December 20 each year. An administrative fee of five dollars (\$5.00) shall be assessed for each outfitted big game tag sold 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(j), 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 lottery bighorn sheep tag shall be utilized by the department in solving problems between bighorn sheep and domestic sheep, solving problems between wildlife and domestic animals or improving relationships between sportsmen and private landowners.

(6) Issuance of Free Permit or Tag to Minor Children with Life-Threatening Medical Conditions. Notwithstanding any other provision of law, the commission may issue free big game permits or tags to minor children who have life-threatening medical conditions that have been certified eligible by a qualified organization. The commission may prescribe by rule the manner and conditions of issuing and using the permits or tags authorized under this subsection. 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. Notwithstanding any other provision of law, the commission may issue free big game permits or tags to disabled military veterans who have been certified eligible by a qualified organization. The commission may prescribe by rule the manner and conditions of issuing and using the permits or tags authorized under this subsection. For purposes of this subsection, a "qualified organization" means a governmental agency that assists veterans or a nonprofit organization that is qualified under section 501(c)(3), 501(c)(4) or section 501(c)(19) of the Internal Revenue Code and that affords opportunities, experiences and assistance to disabled veterans.

(8) Special Wolf Tags. The commission is hereby authorized to issue up to ten (10) special auction or lottery tags for hunting wolves. Special wolf tags will be auctioned off or made available through lottery by incorporated nonprofit organizations dedicated to wildlife conservation and selected by the director. No more than five percent (5%) of all proceeds for each tag may be retained by the nonprofit organization for administrative costs involved. Each wolf tag shall be issued by the department of fish and game and awarded to the highest eligible bidder or winner of a lottery. Each tag will be good for the harvest of one (1) wolf pursuant to commission rule. The 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 nonprofit organizations dedicated to wildlife conservation and selected by the director. No more than five percent (5%) of all proceeds from each tag sale may be retained by the nonprofit organization for administrative costs involved, including in the event a tag is redonated and reauctioned. Each tag shall be issued by the department of fish and game and awarded to the highest eligible bidder. Each tag shall be good for the harvest of one (1) big game animal pursuant to commission rule consistent with the provisions of this subsection. The proceeds from each tag shall be sent to the director to be allocated up to thirty percent (30%) for sportsmen access programs, such as access yes, and the balance for wildlife habitat projects, wildlife management projects to increase the quantity and quality of big game herds, and other research and management activities approved by the commission. Provided however, that none of the proceeds generated from the auctions pursuant to the provisions of this subsection shall be used to purchase or acquire private property or federally managed grazing permits, nor shall any proceeds generated be used for matching funds for the purchase of private property or the retirement or the acquisition of federally managed grazing permits. Moneys raised pursuant to this subsection may not be used to transplant additional bighorn sheep into that portion of southwest Idaho south of the Snake river and west of U.S. highway no. 93, nor for litigation or environmental impact statements involving bighorn sheep.

SECTION 2. 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 ~~by rule~~ designate the number of deer or elk tags allocated pursuant to section 36-408(4), Idaho Code, among the authorized ~~operating areas within the outfitting operations within each capped or controlled zone, unit, or game management area, unit or zone~~ 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.

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 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 28, 2019

CHAPTER 244
(S.B. No. 1091, As Amended)

AN ACT

RELATING TO HOSPITALIZATION OF THE MENTALLY ILL; AMENDING SECTION 66-329, IDAHO CODE, TO REVISE A PROVISION REGARDING A CONTINUANCE FOR A CERTAIN HEARING AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 66-329, Idaho Code, be, and the same is hereby amended to read as follows:

66-329. COMMITMENT TO DEPARTMENT DIRECTOR UPON COURT ORDER -- JUDICIAL PROCEDURE. (1) Proceedings for the involuntary care and treatment of mentally ill persons by the department of health and welfare may be commenced by the filing of a written application with a court of competent jurisdiction by a friend, relative, spouse or guardian of the proposed patient, by a licensed physician, by a physician's assistant or advanced practice registered nurse practicing in a hospital, by a prosecuting attorney or other public official of a municipality, county or of the state of Idaho, or by the director of any facility in which such patient may be.

(2) The application shall state the name and last known address of the proposed patient; the name and address of either the spouse, guardian, next of kin, or friend of the proposed patient; whether the proposed patient can be cared for privately in the event commitment is not ordered; if whether the proposed patient is, at the time of the application, a voluntary patient; whether the proposed patient has applied for release pursuant to section 66-320, Idaho Code; and a simple and precise statement of the facts showing that the proposed patient is mentally ill and either likely to injure himself or others or is gravely disabled due to mental illness.

(3) Any such application shall be accompanied by a certificate of a designated examiner stating that he has personally examined the proposed patient within the last fourteen (14) days and is of the opinion that the proposed patient is: (i) mentally ill; (ii) likely to injure himself or others or is gravely disabled due to mental illness; and (iii) lacks capacity to make informed decisions about treatment; or a written statement by the applicant that the proposed patient has refused to submit to examination by a designated examiner.

(4) Upon receipt of an application for commitment, the court shall, within forty-eight (48) hours, appoint another designated examiner to make a personal examination of the proposed patient, or if the proposed patient has not been examined, the court shall appoint two (2) designated

examiners to make individual personal examinations of the proposed patient and may order the proposed patient to submit to an immediate examination. If neither designated examiner is a physician, the court shall order a physical examination of the proposed patient. At least one (1) designated examiner shall be a psychiatrist, licensed physician or licensed psychologist. The designated examiners shall report to the court their findings within the following seventy-two (72) hours as to the mental condition of the proposed patient and his need for custody, care, or treatment by a facility. The reports shall be in the form of written certificates which that shall be filed with the court. The court may terminate the proceedings and dismiss the application without taking any further action in the event the reports of the designated examiners are to the effect that the proposed patient is not mentally ill or, although mentally ill, is not likely to injure himself or others or is not gravely disabled due to mental illness. If the proceedings are terminated, the proposed patient shall be released immediately.

(5) If the designated examiner's certificate states a belief that the proposed patient is mentally ill and either likely to injure himself or others or is gravely disabled due to mental illness, the judge of such court shall issue an order authorizing any health officer, peace officer, or director of a facility to take the proposed patient to a facility in the community in which the proposed patient is residing or to the nearest facility to await the hearing, and for good cause may authorize treatment during such period subject to the provisions of section 66-346(a)(4), Idaho Code. Under no circumstances shall the proposed patient be detained in a nonmedical unit used for the detention of individuals charged with or convicted of penal offenses.

(6) Upon receipt of such application and designated examiners' reports, the court shall appoint a time and place for a hearing not more than seven (7) days from the receipt of such designated examiners' reports and thereupon give written notice of such time and place of such hearing, together with a copy of the application, designated examiner's certificates, and notice of the proposed patient's right to be represented by an attorney, or, if indigent, to be represented by a court-appointed attorney, to the applicant, to the proposed patient, to the proposed patient's spouse, guardian, next of kin, or friend. With the consent of the proposed patient and his attorney, the hearing may be held immediately. Upon motion of the petitioner, or upon motion of the proposed patient and attorney, and for good cause shown, the court may continue the hearing up to an additional fourteen five (145) days during which time, for good cause shown, the court may authorize treatment.

(7) An opportunity to be represented by counsel shall be afforded to every proposed patient, and, if neither the proposed patient nor others provide counsel, the court shall appoint counsel in accordance with chapter 8, title 19, Idaho Code, no later than the time the application is received by the court.

(8) If the involuntary detention was commenced under this section, the hearing shall be held at a facility, at the home of the proposed patient, or at any other suitable place not likely to have a harmful effect on the proposed patient's physical or mental health. Venue for the hearing shall be in the county of residence of the proposed patient or in the county where the proposed patient was found immediately prior to commencement of such proceedings.

(9) In all proceedings under this section, any existing provision of the law prohibiting the disclosure of confidential communications between the designated examiner and proposed patient shall not apply and any designated examiner who shall have examined the proposed patient shall be a competent witness to testify as to the proposed patient's condition.

(10) The proposed patient, the applicant, and any other persons to whom notice is required to be given shall be afforded an opportunity to appear at the hearing, to testify, and to present and cross-examine witnesses. The proposed patient shall be required to be present at the hearing unless the court determines that the mental or physical state of the proposed patient is such that his presence at the hearing would be detrimental to the proposed patient's health or would unduly disrupt the proceedings. A record of the proceedings shall be made as for other civil hearings. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure. The court shall receive all relevant and material evidence consistent with the rules of evidence.

(11) If, upon completion of the hearing and consideration of the record, and after consideration of reasonable alternatives including, but not limited to, holding the proceedings in abeyance for a period of up to thirty (30) days, the court finds by clear and convincing evidence that the proposed patient:

(a) Is mentally ill; and

(b) Is, because of such condition, likely to injure himself or others, or is gravely disabled due to mental illness;

the court shall order the proposed patient committed to the custody of the department director for observation, care, and treatment for an indeterminate period of time not to exceed one (1) year. The department director, through his dispositioner, shall determine within twenty-four (24) hours the least restrictive available facility or outpatient treatment, consistent with the needs of each patient committed under this section for observation, care, and treatment.

(12) The commitment order constitutes a continuing authorization for the department of health and welfare, law enforcement, or director of a facility, upon request of the director of the outpatient facility, the physician, or the department director through his dispositioner, to transport a committed patient to designated outpatient treatment for the purpose of making reasonable efforts to obtain the committed patient's compliance with the terms and conditions of outpatient treatment. If the director of the outpatient facility, the treating physician, or the department director through his dispositioner determines any of the following:

(a) The patient is failing to adhere to the terms and conditions of outpatient treatment or the patient refuses outpatient treatment after reasonable efforts at compliance have been made; or

(b) Outpatient treatment is not effective after reasonable efforts have been made;

the department director through his dispositioner shall cause the committed patient to be transported by the department of health and welfare, law enforcement, or director of a facility to the least restrictive available facility for observation, care, and treatment on an inpatient basis. Within forty-eight (48) hours of a committed patient's transfer from outpatient treatment to a facility for inpatient treatment, the department director through his dispositioner shall notify the court that originally ordered the commitment, the committed patient's attorney, and either the committed patient's spouse, guardian, adult next of kin, or friend of the change in disposition and provide a detailed affidavit reciting the facts and circumstances supporting the transfer from outpatient treatment to inpatient treatment at a facility. The court shall conduct an ex parte review of the notice and affidavit within forty-eight (48) hours of filing and determine whether the change in disposition from outpatient treatment to inpatient treatment at a facility is supported by probable cause. In no event shall the calculation of forty-eight (48) hours provided for in this subsection include holidays formally recognized and observed by the state of Idaho, nor shall the calculation include weekends. If the court determines that probable cause exists, the department director through his dispositioner

shall continue with care and treatment on an inpatient basis at the least restrictive available facility. Within twenty-four (24) hours of a finding of probable cause, the court shall issue an order to show cause why the patient does not meet the conditions in ~~subsection (12) paragraph~~ (a) or ~~(12)(b)~~ of this subsection. The order shall be served on the committed patient, the committed patient's attorney and either the committed patient's spouse, guardian, adult next of kin, or friend. The patient shall have fifteen (15) days to present evidence that the conditions in ~~subsection (12) paragraph~~ (a) or ~~(12)(b)~~ of this subsection have not been met. In no event shall the calculation of twenty-four (24) hours provided for in this subsection include holidays formally recognized and observed by the state of Idaho, nor shall the calculation include weekends. If the court determines that a change in disposition from outpatient treatment to inpatient treatment does not meet the conditions in ~~subsection (12) paragraph~~ (a) or ~~(12)(b)~~ of this subsection, the department director through his dispositioner will continue with outpatient treatment on the same or modified terms and conditions. Nothing provided in this section shall limit the authority of any law enforcement officer to detain a patient pursuant to the emergency authority conferred by section 66-326, Idaho Code.

(13) Nothing in this chapter or in any rule adopted pursuant thereto shall be construed to authorize the detention or involuntary admission to a hospital or other facility of an individual who:

(a) Has epilepsy, a developmental disability, a physical disability, an intellectual disability, is impaired by chronic alcoholism or drug abuse, or aged, unless in addition to such condition, such person is mentally ill;

(b) Is a patient under treatment by spiritual means alone, through prayer, in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof and who asserts to any authority attempting to detain him that he is under such treatment and who gives the name of a practitioner so treating him to such authority; or

(c) Can be properly cared for privately with the help of willing and able family or friends, and provided, that such person may be detained or involuntarily admitted if such person is mentally ill and presents a substantial risk of injury to himself or others if allowed to remain at liberty.

(14) The order of commitment shall state whether the proposed patient lacks capacity to make informed decisions about treatment, the name and address of the patient's attorney and either the patient's spouse, guardian, adult next of kin, or friend.

(15) If the patient has no spouse or guardian and if the patient has property which that may not be cared for pursuant to chapter 5, title 66, Idaho Code, or by the patient while confined at a facility, the court shall appoint a guardian ad litem for the purpose of preserving the patient's estate, pending further guardianship or conservatorship proceedings.

(16) The commitment shall continue until ~~the commitment is~~ terminated and shall be unaffected by the patient's conditional release or change in disposition.

Approved March 28, 2019

CHAPTER 245
(S.B. No. 1163)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAM FOR FISCAL YEAR 2019; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE FOSTER AND ASSISTANCE PAYMENTS PROGRAM FOR FISCAL YEAR 2019; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE BENEFIT PAYMENTS PROGRAM FOR FISCAL YEAR 2019; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE INDIRECT SUPPORT SERVICES PROGRAM FOR FISCAL YEAR 2019; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE ADULT MENTAL HEALTH PROGRAM FOR FISCAL YEAR 2019; ALLOCATING FUNDING FOR THE HOME VISITATION PROGRAM; 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 300, Laws of 2018, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Substance Abuse Treatment and Prevention Program \$520,000 from the Cooperative Welfare (General) Fund to be expended for operating expenditures for the period July 1, 2018, through June 30, 2019.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 342, Laws of 2018, and any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Foster and Assistance Payments Program \$1,600,000 from the Cooperative Welfare (General) Fund to be expended for trustee and benefit payments for the period July 1, 2018, through June 30, 2019.

SECTION 3. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Benefit Payments Program in Section 1, Chapter 294, Laws of 2018, from the Cooperative Welfare (General) Fund is hereby reduced by \$606,000 for trustee and benefit payments for the period July 1, 2018, through June 30, 2019.

SECTION 4. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Indirect Support Services Program in Section 1, Chapter 353, Laws of 2018, from the Cooperative Welfare (General) Fund is hereby reduced by \$214,000 for personnel costs for the period July 1, 2018, through June 30, 2019.

SECTION 5. Notwithstanding any other provision of law to the contrary, the appropriation made to the Department of Health and Welfare for the Adult Mental Health Program in Section 1, Chapter 300, Laws of 2018, from the Cooperative Welfare (General) Fund is hereby reduced by the following amounts according to the designated expense classes for the period July 1, 2018, through June 30, 2019:

FOR:

Operating Expenditures	\$1,256,400
Trustee and Benefit Payments	<u>2,043,600</u>
TOTAL	\$3,300,000

SECTION 6. HOME VISITATION PROGRAM. The amount appropriated in Section 2 of this act shall be distributed to the Public Health Districts for the purpose of the home visitation program. These moneys shall not be considered general state aid pursuant to Section 39-425, Idaho Code, nor shall the moneys be allocated through a board of trustees formula pursuant to Section 39-411, Idaho Code. The allocation of these funds is based on how much each district is currently providing for comparable services from other fund sources in comparison to the other health districts. Further, the Public Health Districts may reallocate these moneys between districts, but only upon unanimous concurrence of the Board of Directors for the Public Health Districts. Further, each health district shall submit a report on the caseload, expenditures, and wait lists for the home visitation program to the Legislative Services Office no later than December 31, 2019. The format of the report, and any additional information contained therein, shall be determined by the Legislative Services Office. The moneys appropriated in Section 2 of this act shall be fully distributed to each Public Health District upon enactment of this legislation, as follows:

Public Health District 1	\$313,300
Public Health District 2	\$254,500
Public Health District 3	\$328,000
Public Health District 4	\$170,400
Public Health District 5	\$211,400
Public Health District 6	\$168,600
Public Health District 7	\$153,800

SECTION 7. 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 28, 2019

CHAPTER 246
(S.B. No. 1152)

AN ACT

RELATING TO UNCLAIMED PROPERTY; AMENDING SECTION 14-542, IDAHO CODE, TO PROVIDE FOR BROADBAND SERVICE, TO PROVIDE A CERTAIN EXEMPTION FOR A NON-PROFIT CORPORATION, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 14-542, Idaho Code, be, and the same is hereby amended to read as follows:

14-542. EXEMPTION. (1) The following shall be eligible for a certificate of exemption from the administrator. Entities holding a certificate of exemption shall not be subject to the provisions of this chapter, except as set forth in this section:

(a) Idaho counties; and

(b) Solely for the purpose of unclaimed capital credits, nonprofit corporations engaged in providing telecommunications or broadband service or delivery of electric power. For the purposes of this section, a capital credit is an amount paid by a member for telecommunication, broadband, or electric service in excess of the costs and expenses incurred by a nonprofit corporation in furnishing the service that is credited

to the member's capital account by the nonprofit corporation and distributed to the member.

(2) A certificate of exemption shall be provided to an eligible entity on the following basis:

(a) The county commissioners or board of directors, as applicable, file an election in writing with the administrator;

(b) The entity establishes a revolving fund to pay claimants, and retains in said fund, an amount equal to twenty-five percent (25%) of the accumulated unclaimed property or twenty thousand dollars (\$20,000), whichever is less. Excess money in the revolving fund may be transferred to any fund of the entity; provided however, that a transfer of funds shall not alter or extinguish an owner's right to claim the property; and

(c) The entity provides the administrator with the information required in the reports of abandoned property, to enable the administrator to maintain a complete central registry of all unclaimed property in the state.

(3) In the event of revocation of the election, or the administrator determines that the entity has not complied with the requirements or exemption, the exemption shall terminate, the entity shall transfer all unclaimed property and unclaimed property records to the administrator and the entity shall be subject to the provisions of this chapter.

(4) In the alternative to subsections (1) through (3) of this section, a nonprofit corporation identified in subsection (1) (b) of this section may elect to be exempt from the provisions of this chapter that otherwise require it to report capital credits unclaimed by members. The nonprofit corporation may do so by filing with the administrator a certification of the secretary of the nonprofit corporation stating that the bylaws or policies adopted by the members or the board of the nonprofit corporation specify the procedures the nonprofit corporation uses to determine when capital credits shall be determined to be unclaimed and the procedures that will be used to attempt to locate and return such unclaimed credits to members. At the nonprofit corporation's election, such procedures may include publication by the administrator pursuant to section 14-518, Idaho Code. If the owner of the unclaimed capital credit has not been located and the funds have not been returned within four (4) years after they have been determined to be unclaimed, notwithstanding any other provision of law to the contrary, the nonprofit corporation may use the funds for the benefit of the general membership of the nonprofit corporation or for the communities it serves, as determined by its board of directors.

Approved March 28, 2019

CHAPTER 247
(S.B. No. 1200)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2019; 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 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, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
Fish and Game (Licenses)					
Fund	\$4,926,400	\$2,775,200	\$4,592,000		\$12,293,600
Fish and Game (Other)					
Fund	657,800	120,900			778,700
Fish and Game Set-Aside (Licenses)					
Fund	200	34,100			34,300
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		7,600			7,600
Fish and Game Nonexpendable Trust					
Fund		3,600			3,600
Fish and Game (Federal)					
Fund	<u>4,423,500</u>	<u>3,414,200</u>	<u>69,600</u>		<u>7,907,300</u>
TOTAL	\$10,025,900	\$6,379,700	\$4,661,600		\$21,067,200
II. ENFORCEMENT:					
FROM:					
Fish and Game (Licenses)					
Fund	\$9,883,400	\$2,404,000	\$164,600		\$12,452,000
Fish and Game (Other)					
Fund	192,400	77,000			269,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Fish and Game Set-Aside (Other)					
Fund		20,600			20,600
Fish and Game Expendable Trust					
Fund		26,400			26,400
Fish and Game (Federal)					
Fund	<u>32,100</u>	<u>6,700</u>	<u>0</u>		<u>38,800</u>
TOTAL	\$10,107,900	\$2,534,700	\$164,600		\$12,807,200

III. FISHERIES:

FROM:

Fish and Game (Licenses)					
Fund	\$4,030,000	\$3,636,900	\$1,199,300		\$8,866,200
Fish and Game (Other)					
Fund	2,948,200	6,803,400			9,751,600
Fish and Game Set-Aside (Licenses)					
Fund	361,200	414,600			775,800
Fish and Game Set-Aside (Other)					
Fund	38,400	3,500			41,900
Fish and Game Expendable Trust					
Fund	48,000	654,200			702,200
Fish and Game Nonexpendable Trust					
Fund		33,200			33,200
Fish and Game (Federal)					
Fund	<u>12,957,700</u>	<u>13,427,200</u>	<u>0</u>		<u>26,384,900</u>
TOTAL	\$20,383,500	\$24,973,000	\$1,199,300		\$46,555,800

IV. WILDLIFE:

FROM:

Fish and Game (Licenses)					
Fund	\$4,640,900	\$4,143,300	\$288,700	\$174,800	\$9,247,700
Fish and Game (Other)					
Fund	356,600	431,100			787,700
Fish and Game Set-Aside (Other)					
Fund	934,500	395,200			1,329,700
Fish and Game Expendable Trust					
Fund	344,000	688,200			1,032,200
Fish and Game Nonexpendable Trust					
Fund	11,400	2,300			13,700
Fish and Game (Federal)					
Fund	<u>6,775,300</u>	<u>8,906,700</u>	<u>822,500</u>	<u>0</u>	<u>16,504,500</u>
TOTAL	\$13,062,700	\$14,566,800	\$1,111,200	\$174,800	\$28,915,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. COMMUNICATIONS:					
FROM:					
Fish and Game (Licenses)					
Fund	\$1,853,700	\$821,900	\$79,900		\$2,755,500
Fish and Game (Other)					
Fund	12,000	128,300			140,300
Fish and Game Set-Aside (Other)					
Fund	78,600	18,100			96,700
Fish and Game Expendable Trust					
Fund	46,800	78,300			125,100
Fish and Game (Federal)					
Fund	<u>1,368,900</u>	<u>896,500</u>	<u>0</u>		<u>2,265,400</u>
TOTAL	\$3,360,000	\$1,943,100	\$79,900		\$5,383,000
VI. WILDLIFE MITIGATION AND HABITAT CONSERVATION:					
FROM:					
Fish and Game (Licenses)					
Fund	\$1,145,900	\$299,700	\$12,800		\$1,458,400
Fish and Game (Other)					
Fund	53,500	7,800			61,300
Fish and Game Set-Aside (Licenses)					
Fund	113,900	3,228,900			3,342,800
Fish and Game Set-Aside (Other)					
Fund	35,600	5,100			40,700
Expendable Big Game Depredation					
Fund				\$1,100,000	1,100,000
Fish and Game (Federal)					
Fund	<u>431,800</u>	<u>6,039,400</u>	<u>250,000</u>	<u>0</u>	<u>6,721,200</u>
TOTAL	\$1,780,700	\$9,580,900	\$262,800	\$1,100,000	\$12,724,400
GRAND TOTAL	\$58,720,700	\$59,978,200	\$7,479,400	\$1,274,800	\$127,453,100

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Fish and Game is authorized no more than five hundred sixty-nine (569.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Department of Fish and Game any unexpended and unencumbered balances appropriated to the Department of Fish and Game from the Fish and Game (Licenses) Fund and the Fish and Game (Federal) Fund for the Headquarters Feasibility Study for fiscal year 2019, in an amount not to exceed \$300,000 from the Fish and Game (Licenses) Fund and \$200,000 from the Fish and Game (Federal) Fund, to be used for nonrecurring expenditures related to the Headquarters Feasibility Study for the period July 1, 2019, through June 30, 2020.

SECTION 4. In addition to the appropriation made in Section 1, Chapter 274, Laws of 2018, and any other appropriation provided by law, there is hereby appropriated to the Department of Fish and Game for the Wildlife Mitigation and Habitat Conservation Program \$1,500,000 from the Expendable Big Game Depredation Fund to be expended for trustee and benefit payments for the period July 1, 2018, through June 30, 2019, for the purpose of depredation claims pursuant to Sections 36-1108, 36-1109, and 36-1110, Idaho Code.

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 28, 2019

CHAPTER 248
(S.B. No. 1199)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF INDEPENDENT COUNCILS, INDIRECT SUPPORT SERVICES, HEALTH CARE POLICY INITIATIVES, AND LICENSING AND CERTIFICATION FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE CO-OPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; DIRECTING MEDICAID TRACKING REPORTS; REQUIRING REPORTS FOR THE MEDICAID PROGRAM INTEGRITY UNIT COLLECTIONS; DIRECTING PROGRAM TRANSFER REPORTS; REQUIRING A REPORT ON DEPARTMENT VACANCIES; REQUIRING REPORTS ON HEALTH CARE PAYMENT REFORM; AND REQUIRING REPORTS ON FACILITY LICENSING AND CERTIFICATION.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. INDEPENDENT COUNCILS:					
A. DEVELOPMENTAL DISABILITIES COUNCIL:					
FROM:					
Cooperative Welfare (General)					
Fund	\$168,700	\$17,400			\$186,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Dedicated)					
Fund		15,000			15,000
Cooperative Welfare (Federal)					
Fund	<u>351,300</u>	<u>201,400</u>		<u>\$31,600</u>	<u>584,300</u>
TOTAL	\$520,000	\$233,800		\$31,600	\$785,400
B. DOMESTIC VIOLENCE COUNCIL:					
FROM:					
Cooperative Welfare (General)					
Fund	\$14,000	\$2,100			\$16,100
Domestic Violence Project					
Fund	191,400	165,600		\$171,800	528,800
Cooperative Welfare (Dedicated)					
Fund		20,000			20,000
Cooperative Welfare (Federal)					
Fund	<u>182,800</u>	<u>170,200</u>		<u>11,415,400</u>	<u>11,768,400</u>
TOTAL	\$388,200	\$357,900		\$11,587,200	\$12,333,300
DIVISION TOTAL	\$908,200	\$591,700		\$11,618,800	\$13,118,700
II. INDIRECT SUPPORT SERVICES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$11,201,600	\$8,316,400	\$649,100		\$20,167,100
Cooperative Welfare (Dedicated)					
Fund	1,888,300	1,577,100			3,465,400
Cooperative Welfare (Federal)					
Fund	<u>14,739,300</u>	<u>9,506,200</u>	<u>706,400</u>		<u>24,951,900</u>
TOTAL	\$27,829,200	\$19,399,700	\$1,355,500		\$48,584,400
III. HEALTH CARE POLICY INITIATIVES:					
FROM:					
Cooperative Welfare (General)					
Fund	\$106,300	\$33,000		\$143,700	\$283,000
Cooperative Welfare (Dedicated)					
Fund	238,600	108,600			347,200
Cooperative Welfare (Federal)					
Fund	<u>106,300</u>	<u>33,000</u>		<u>356,300</u>	<u>495,600</u>
TOTAL	\$451,200	\$174,600		\$500,000	\$1,125,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. LICENSING AND CERTIFICATION:					
FROM:					
Cooperative Welfare (General)					
Fund	\$1,766,200	\$281,700			\$2,047,900
Cooperative Welfare (Dedicated)					
Fund	827,600	12,200			839,800
Cooperative Welfare (Federal)					
Fund	<u>4,041,300</u>	<u>639,700</u>			<u>4,681,000</u>
TOTAL	\$6,635,100	\$933,600			\$7,568,700
GRAND TOTAL	\$35,823,700	\$21,099,600	\$1,355,500	\$12,118,800	\$70,397,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the following number of full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Developmental Disabilities Council	6.00
Domestic Violence Council	4.00
Indirect Support Services	300.60
Health Care Policy Initiatives	2.00
Licensing and Certification	71.90

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall periodically make transfers from the General Fund to the Cooperative Welfare Fund as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2020.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. MEDICAID TRACKING REPORT. The Department of Health and Welfare's Divisions of Medicaid and Indirect Support Services shall deliver a report that compares the Medicaid appropriation, distributed by month for the year, to the actual expenditures and remaining forecasted expenditures for the year on a monthly basis to the Legislative Services Office and the Division of Financial Management. The report shall also include a forecast, updated monthly, of the next fiscal year's anticipated trustee and benefit expenditures. The format of the report and the information included therein shall be determined by the Legislative Services Office and the Division of Financial Management.

SECTION 7. MEDICAID PROGRAM INTEGRITY COLLECTIONS. The Indirect Support Services Division shall provide reports biannually to the Legislative Services Office and the Division of Financial Management comparing the total costs from all funding sources used for the Medicaid Program Integrity Unit and the collections related to those efforts. The format of the report and the type of information included therein shall be determined by the Legislative Services Office and the Division of Financial Management. The first report is to contain information from July 1, 2019, through December 31, 2019, and shall be submitted no later than January 15, 2020, and the second report shall include information from January 1, 2020, through June 30, 2020, as well as information for the entire year, and shall be submitted by June 30, 2020, or as soon thereafter as practicable.

SECTION 8. PROGRAM TRANSFER REPORT. The Indirect Support Services Division shall provide to the Legislative Services Office and the Division of Financial Management three (3) reports, with each report providing information that compares the department's appropriation to the estimated expenditures of the department for each budget unit to include: transfers of FTP authority between and among budget units; transfers of appropriation, by fund, between and among budget units; and transfers of funds by expense class between and among budget units. The first report shall be submitted no later than December 1, 2019, the second report shall be submitted no later than March 1, 2020, and the third report shall be submitted no later than June 1, 2020.

SECTION 9. VACANCY REPORT. The Indirect Support Services Division shall provide to the Legislative Services Office and the Division of Financial Management a staff vacancy report on a monthly basis that compares filled positions to authorized positions for each budgeted program. The format of the report and the type of information contained therein shall be determined by the Legislative Services Office and the Division of Financial Management.

SECTION 10. HEALTH CARE PAYMENT REFORM. The Health Care Policy Initiatives Program shall provide a report to the Legislative Services Office on the development and implementation of a plan with defined goals, outcomes, and measurable results to reform health care payments, support the Health-care Transformation Council of Idaho, and identify how the program will receive financial support from non-state sources. The format of the report and information contained therein shall be determined by the Legislative Services Office. The report shall be submitted no later than October 1, 2019.

SECTION 11. REPORTS ON FACILITY LICENSING AND CERTIFICATION. The Licensing and Certification Program shall provide biannual reports to the Legislative Services Office and the Division of Financial Management on the status of facility licensing and certifications as well as staff workload and caseload issues. For the past several years, the program has noted staffing issues related to retention, which in turn has created a large backlog of facility inspections and licensures. The format of the report and the type of information included therein shall be determined by the Legislative Services Office and the Division of Financial Management. The first report shall be submitted no later than December 31, 2019, and the second report shall be submitted no later than June 30, 2020.

Approved March 28, 2019

CHAPTER 249
(S.B. No. 1189)

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2020; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Commission on the Arts the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$361,000	\$199,000	\$324,700	\$884,700
Miscellaneous Revenue				
Fund		90,700	16,500	107,200
Federal Grant				
Fund	<u>414,900</u>	<u>220,500</u>	<u>450,200</u>	<u>1,085,600</u>
TOTAL	\$775,900	\$510,200	\$791,400	\$2,077,500

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Commission on the Arts is authorized no more than ten (10.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved March 28, 2019

CHAPTER 250
(S.B. No. 1188)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR FISCAL YEAR 2020; 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, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COLLEGE OF SOUTHERN IDAHO:					
FROM:					
General					
Fund	\$11,962,100	\$1,857,200	\$607,400		\$14,426,700
Community College					
Fund	<u>155,100</u>	<u>26,900</u>	<u>18,000</u>		<u>200,000</u>
TOTAL	\$12,117,200	\$1,884,100	\$625,400		\$14,626,700
II. COLLEGE OF WESTERN IDAHO:					
FROM:					
General					
Fund	\$11,371,600	\$3,945,400			\$15,317,000
Community College					
Fund	<u>0</u>	<u>200,000</u>			<u>200,000</u>
TOTAL	\$11,371,600	\$4,145,400			\$15,517,000
III. NORTH IDAHO COLLEGE:					
FROM:					
General					
Fund	\$10,791,300	\$1,904,100			\$12,695,400
Community College					
Fund	<u>122,200</u>	<u>52,800</u>	<u>\$25,000</u>		<u>200,000</u>
TOTAL	\$10,913,500	\$1,956,900	\$25,000		\$12,895,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. COLLEGE OF EASTERN IDAHO:					
FROM:					
General					
Fund	\$5,272,700				\$5,272,700
HESF Community College Startup					
Fund				\$55,000	55,000
Community College					
Fund	<u>200,000</u>			<u>0</u>	<u>200,000</u>
TOTAL	\$5,472,700			\$55,000	\$5,527,700
V. CC SYSTEMWIDE:					
FROM:					
General					
Fund		\$40,000			\$40,000
GRAND TOTAL	\$39,875,000	\$8,026,400	\$650,400	\$55,000	\$48,606,800

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, 2019, through June 30, 2020. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 28, 2019

CHAPTER 251
(S.B. No. 1156)

AN ACT

RELATING TO THE APPROPRIATION TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2020;
APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2020;
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND
EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITA-
TIONS.

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

SECTION 1. There is hereby appropriated to the Attorney General the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. STATE LEGAL SERVICES:					
FROM:					
General					
Fund	\$20,386,200	\$898,000	\$92,300		\$21,376,500
Technology Infrastructure Stabilization					
Fund		5,400	59,600		65,000
Miscellaneous Revenue					
Fund	285,100	28,300	3,200		316,600
Consumer Protection					
Fund	257,300	153,000			410,300
Idaho Millennium Income					
Fund	101,800	1,100			102,900
Federal Grant					
Fund	<u>714,700</u>	<u>197,200</u>	<u>2,300</u>		<u>914,200</u>
TOTAL	\$21,745,100	\$1,283,000	\$157,400		\$23,185,500
 II. INTERNET CRIMES AGAINST CHILDREN:					
FROM:					
General					
Fund	\$906,400	\$243,900	\$107,300	\$896,200	\$2,153,800
Federal Grant					
Fund	<u>122,000</u>	<u>153,000</u>	<u>0</u>	<u>0</u>	<u>275,000</u>
TOTAL	\$1,028,400	\$396,900	\$107,300	\$896,200	\$2,428,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. SPECIAL LITIGATION:					
FROM:					
General					
Fund		\$890,700			\$890,700
GRAND TOTAL	\$22,773,500	\$2,570,600	\$264,700	\$896,200	\$26,505,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Attorney General is authorized no more than two hundred fourteen and one-tenth (214.10) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. The Attorney General is hereby exempted from the provisions of Section 67-3511(1), (2), and (3), Idaho Code, allowing unlimited transfers between object codes and between programs for all moneys appropriated to it for the period July 1, 2019, through June 30, 2020. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved March 28, 2019

CHAPTER 252
(S.B. No. 1151)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-115, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PAYMENT OF CERTAIN DAMAGES CAUSED BY DEPREDATION.

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

SECTION 1. That Section 36-115, Idaho Code, be, and the same is hereby amended to read as follows:

36-115. NONEXPENDABLE BIG GAME DEPREDATION FUND -- EXPENDABLE BIG GAME DEPREDATION FUND. (a) The nonexpendable big game depredation fund is hereby established in the state treasury. On July 1, 2005, the state controller shall transfer two million two hundred fifty thousand dollars (\$2,250,000) from the big game secondary depredation account, created pursuant to section 3, chapter 370, laws of 1990, to the nonexpendable big game depredation fund. Moneys in the fund shall be invested as provided in section 67-1210, Idaho Code, and interest earned on investment of idle moneys in the fund shall be paid to the expendable big game depredation fund. The principal amount in the fund shall not be appropriated, but only the interest earned on investment of the moneys in the fund shall be available for appropriation to the expendable big game depredation fund.

(b) The big game secondary depredation account was created in the state treasury pursuant to section 3, chapter 370, laws of 1990, and shall, from the date of enactment of this act, be known and referred to as the expendable big game depredation fund. In addition to payments to the fund from the nonexpendable big game depredation fund as provided for in subsection (a) of this section and from the set-aside account as provided for in section 36-111(f), Idaho Code, the state controller shall annually, as soon after July 1 of each year as practical, transfer into the fund two hundred thousand dollars (\$200,000) from the fish and game account. Moneys in the fund are subject to appropriation for the purposes recited in section 36-122, Idaho Code, section 36-1108(a)3., Idaho Code, section 36-1108(b), Idaho Code, section 36-1109 and section 36-1110, Idaho Code. Moneys in the fund shall be invested as provided in section 67-1210, Idaho Code, and interest earned on investment of idle moneys in the fund shall be paid to the fund. The expendable big game depredation fund shall be under the administrative direction of the state controller.

(c) The state controller shall annually report to the legislature, the division of financial management, the director of the department of agriculture and the director of the department of fish and game the amount of interest earnings and the availability of moneys in the expendable big game depredation fund for appropriation. At the close of each fiscal year, any unexpended and unencumbered balance that exceeds two million five hundred thousand dollars (\$2,500,000), shall be transferred to the fish and game set-aside account to be earmarked for control of depredation of private property by pronghorn antelope, elk and deer and control of predators affecting pronghorn antelope, elk and deer established pursuant to section 36-111, Idaho Code. Transferred funds to the set-aside account shall be spent pursuant to the respective appropriation for the set-aside account.

(d) Any payment for damages pursuant to section 36-1108(b), Idaho Code, is limited by the following conditions and requirements:

1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements:

(A) The director of the department of fish and game may order not more than one-half (1/2) of the amount of the approved claim that is to be paid from the expendable big game depredation fund to be paid immediately, if, in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund.

(B) The total payment amount to any person for approved claims in the aggregate in a fiscal year, including any payment to any pass-through entity as defined in chapter 30, title 63, Idaho Code, from which the person receives income, and to any household member, shall not exceed ten percent (10%) of the original expendable big game depredation fund appropriation for the fiscal year.

(C) The balance of all unpaid approved claim amounts, including claims submitted under the provisions of sections 36-1109 and 36-1110, Idaho Code, shall be accumulated to a total as of June 30. If the balance in the expendable big game depredation fund appropriation is sufficient to pay the balance of all approved claims, the director shall pay them. If the balance is not sufficient to pay all approved claims, the director shall authorize a proportionate amount to be paid to each claimant.

(GD) The director shall encumber the balance of moneys appropriated from the expendable big game depredation fund, or moneys sufficient to pay the approved claims, whichever is the lesser.

2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following conditions and requirements apply:

(A) The amount of seven hundred fifty dollars (\$750) must be deducted from each such statement. This deductible is a net loss to the owner or lessee, and will not be compensated for from the expendable big game depredation fund, but the owner or lessee is required to absorb only a single seven hundred fifty dollar (\$750) deductible per claim.

(B) Provided however, that for claims in subsequent years for damage to standing or stored crops in the same location as the first occurrence, the seven hundred fifty dollar (\$750) deductible will be waived if the department failed to prevent property loss following the first occurrence.

3. Each approved claim must contain a certification by the director of the department of fish and game, or his designee, that:

(A) All statutory requirements leading up to approval for payment have been met.

(B) The claimant has certified that he will accept the amount approved as payment in full for the claim submitted, subject to the conditions and requirements of this subsection.

(e) Any claim for damages pursuant to section 36-1109, Idaho Code, is limited by the following conditions and requirements:

1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements:

(A) The director of the department of fish and game may order that not more than one-half (1/2) of the amount of the approved claim to be paid immediately, if, in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund.

(B) The total payment amount to any person for approved claims in the aggregate in a fiscal year, including any payment to any pass-through entity as defined in chapter 30, title 63, Idaho Code, from which the person receives income, and to any household member, shall not exceed ten percent (10%) of the original expendable big game depredation fund appropriation for the fiscal year.

(C) The balance of all unpaid approved claim amounts shall be accumulated to a total as of June 30. If the balance in the expendable big game depredation fund appropriation is sufficient to pay all approved claims, the director shall promptly pay them. If the balance is not sufficient to pay the balance of all approved claims, the director shall pay a proportionate share to each claimant.

(CD) The director shall encumber the balance of the appropriation, or moneys sufficient to pay the approved claims, whichever is the lesser.

2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following condition applies: the amount of seven hundred fifty dollars (\$750) must be deducted from each such statement. Provided however, if an owner or caretaker suffers damage to or destruction of livestock in more than one (1) occurrence during the fiscal year, then only one (1) deductible must be subtracted from the claims and the deductible on subsequent claims will be waived. This deductible is a net loss to the owner or caretaker, and will not be compensated for from the expendable big game depredation fund.

3. Each approved claim must contain a certification by the director of the department of fish and game, or his designee, that:

(A) All statutory requirements leading up to approval for payment have been met.

(B) The claimant has certified that he will accept the amount approved as payment in full for the claim submitted, subject to the conditions and requirements of this subsection.

(f) Any claim for damages to forage pursuant to section 36-1110, Idaho Code, is limited by the following conditions and requirements:

1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements:

(A) The director of the department of fish and game may order not more than one-half (1/2) of the amount of the approved claim to be paid immediately, if, in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund.

(B) The balance of all unpaid approved claim amounts shall be accumulated to a total as of June 30. If the balance in the expendable big game depredation fund appropriation is sufficient to pay all approved claims, the director shall pay them. If the balance is not sufficient to pay all approved claims, the director shall authorize a proportionate amount to be paid to each claimant.

(C) The director shall encumber the balance of the appropriation, or moneys sufficient to pay the approved claims, whichever is the lesser.

2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following conditions and requirements apply:

(A) The amount of seven hundred fifty dollars (\$750) must be deducted from each such statement. This deductible is a net loss to the owner or lessee, and will not be compensated for from the expendable big game depredation fund.

(B) The total amount of all claims for damages to forage that may be paid from the expendable big game depredation fund shall not exceed fifty percent (50%) of the amount of interest earned from investments of moneys in that fund in any one (1) fiscal year.

3. Each approved claim must contain a certification by the director of the department of fish and game, or his designee, that:

(A) All statutory requirements leading up to approval for payment have been met.

(B) The claimant has certified that he will accept the amount approved as payment in full for the claim submitted, subject to the conditions and requirements of this subsection.

Approved March 28, 2019

CHAPTER 253
(S.B. No. 1146)

AN ACT

RELATING TO JUDGES; AMENDING SECTION 59-502, IDAHO CODE, TO REVISE A PROVISION REGARDING 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, 2018~~9~~, the salary of the justices of the supreme court shall be one hundred fifty-~~one~~five thousand ~~four~~ two hundred dollars (~~\$151,400~~155,200) 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 28, 2019

CHAPTER 254
(S.B. No. 1133)

AN ACT

RELATING TO THE SPECIAL COMMITTEE ON CRIMINAL JUSTICE REINVESTMENT OVERSIGHT; AMENDING SECTION 67-456, IDAHO CODE, TO REVISE THE DATE WHEN THE COMMITTEE SHALL CEASE TO EXIST.

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

SECTION 1. That Section 67-456, Idaho Code, be, and the same is hereby amended to read as follows:

67-456. SPECIAL COMMITTEE ON CRIMINAL JUSTICE REINVESTMENT OVERSIGHT. (1) In order to maintain continuous oversight of the Idaho criminal justice reinvestment initiative and related issues, there is hereby established a special legislative committee on justice reinvestment oversight.

(2) The committee shall consist of five (5) members of the senate, one (1) of whom shall be the chairperson of the senate judiciary and rules committee, two (2) from the majority party appointed by the president pro tempore of the senate and two (2) from the minority party appointed by the mi-

nority leader, and five (5) members of the house of representatives, one (1) of whom shall be the chairperson of the house judiciary, rules and administration committee, two (2) from the majority party appointed by the speaker of the house and two (2) from the minority party appointed by the minority leader. The cochair of the special committee shall be the chairperson of the senate judiciary and rules committee and the chairperson of the house judiciary, rules and administration committee. Appointments to the committee shall be for the term of office of the member appointed. Any vacancy shall be filled in a manner consistent with the appointment procedure set forth in this subsection, except the appointment shall be for the remainder of the unexpired term. A committee member may be reappointed to the committee.

(3) The cochair may appoint advisors with expertise in Idaho's criminal justice system and are expected to receive input and technical assistance from the council of state governments justice center. Any advisors to the committee who are not legislative members shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges.

(4) The committee shall have as a primary duty and responsibility the task of monitoring, studying and guiding analysis and policy development in all aspects of the criminal justice system in Idaho including, but not limited to, monitoring performance and outcome measures as set forth in the justice reinvestment act and studying the data-driven justice reinvestment and resource allocation approach and policies to improve public safety, reduce recidivism and reduce spending on corrections in Idaho.

(5) By no later than February 1 of each year, the committee shall report to the legislature on its activities and findings and may report and make recommendations on any aspect of the Idaho criminal justice system in this state at any time.

(6) Members of the committee shall be compensated from the legislative account on order of the president pro tempore of the senate or the speaker of the house of representatives at the rates applicable for committee members of the legislative council.

(7) The special committee shall cease to exist following its report to the first regular session of the sixty-~~five~~seventh Idaho legislature in 201923.

Approved March 28, 2019

CHAPTER 255
(S.B. No. 1074, As Amended)

AN ACT

RELATING TO COUNTY JAILS; AMENDING SECTION 20-612, IDAHO CODE, TO REVISE PROVISIONS REGARDING RECEPTION AND BOARD OF PRISONERS.

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

SECTION 1. That Section 20-612, Idaho Code, be, and the same is hereby amended to read as follows:

20-612. RECEPTION AND BOARD OF PRISONERS. The sheriff must receive all persons committed to jail by competent authority except mentally ill persons not charged with a crime and juveniles. It shall be the duty of the board of county commissioners to furnish all persons committed to the county jail with necessary food, clothing, and bedding, and medical care ~~as provided in section 20-605, Idaho Code,~~ and the board of county commissioners is authorized to pay therefor out of the county treasury under such rules and regulations as they may prescribe. The county's obligation herein shall not apply when the person is no longer committed to the county jail if the person has been released pursuant to a dismissal, bail, or any other court order of release, unless the release is a temporary release from the jail solely for the purpose of receiving medical care for an injury that occurred while committed in the county jail. Nothing in this chapter precludes a released person from access to coverage under chapter 35, title 31, Idaho Code.

Approved March 28, 2019

CHAPTER 256
(S.B. No. 1073)

AN ACT

RELATING TO UNDERGROUND FACILITIES DAMAGE PREVENTION; AMENDING SECTION 55-2202, IDAHO CODE, TO DEFINE TERMS AND TO REVISE DEFINITIONS; AMENDING SECTION 55-2205, IDAHO CODE, TO PROVIDE FOR WHO SHALL AND SHALL NOT LOCATE AND MARK SERVICE LATERALS, TO PROVIDE THAT PUBLIC AGENCIES SHALL NOT INCUR CERTAIN OBLIGATIONS OR LIABILITY, TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 55-2206, IDAHO CODE, TO REVISE TERMINOLOGY.

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

SECTION 1. 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.

(78) "Excavator" means any person who engages directly in excavation.

(89) "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) "Identified but unlocatable underground facility" means an underground facility which that has been identified but cannot be located with reasonable accuracy.

(101) "Identified facility" means any underground facility which that is indicated in the project plans as being located within the area of proposed excavation.

(112) "Locatable underground facility" means an underground facility which that can be field-marked with reasonable accuracy.

(123) "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.

(134) "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.

(145) "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.

(16) "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.

(157) "Reasonable accuracy" or "reasonably accurate" means location within twenty-four (24) inches horizontally of the outside dimensions of each side of an underground facility.

(168) "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.

(19) "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.

(1720) "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.

(1821) "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.

(22) "Underground facility easement" means a nonpossessory right to operate, control, bury, install, maintain, or access an underground facility.

(1923) "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 2. That Section 55-2205, Idaho Code, be, and the same is hereby amended to read as follows:

55-2205. PERMIT COMPLIANCE -- NOTICE OF EXCAVATION -- RESPONSE TO NOTICE -- COMPENSATION FOR FAILURE TO COMPLY -- EXEMPTIONS. (1) Before commencing excavation, the excavator shall:

(a) Comply with other applicable law or permit requirements of any public agency issuing permits;

(b) Pre-mark on-site the path of excavation with white paint or, as the circumstances require, other reasonable means that will set out clearly the path of excavation. An excavator need not pre-mark as required in this subsection if:

(i) The underground facility owner or its agent can determine the location of the proposed excavation by street address or lot and block by referring to a locate ticket; or

(ii) The excavator and underground facility owner have had a meeting prior to the beginning of the proposed excavation at the excavation site for the exchange of information required under this subsection.

(c) Provide notice of the scheduled commencement of excavation to all underground facility owners through a one-number notification service. If no one-number notification service is available, notice shall be provided individually to those owners of underground facilities known to have or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated by the excavator to the one-number notification service or, if no one-number notification service is available, to the owners of underground facilities not less than two (2) business days nor more than ten (10) business days before the scheduled date for commencement of excavation, unless otherwise agreed in writing by the parties.

(2) Upon receipt of the notice provided for in this section, the underground facility owner or the owner's agent shall locate and mark its locatable underground facilities by surface-marking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities or the owner's agent shall locate and mark the underground facilities in accordance with the best information available to the owner of the underground facilities and with reasonable accuracy as defined in section 55-2202(157), Idaho Code. The owner of the underground facility or the owner's agent providing the information shall respond no later than two (2) business days after the receipt of the notice or before the excavation time set forth in the excavator's notice, at the option of the underground facility owner, unless otherwise agreed in writing by the parties. Excavators shall not excavate until all known facilities have been marked. Once marked by the owner of the underground facility, or the owner's agent, the excavator is responsible for maintaining the markings. Unless otherwise agreed in writing by the parties, maintained markings shall be valid for purposes of the notified excavation for a period of no longer than three (3) consecutive weeks following the date of notification so as long as it is reasonably apparent that site conditions have not changed so substantially as to invalidate the markings. If excavation has not commenced within three (3)

weeks from the original notice to underground facility owners through the one-number notification service, the excavator shall reinitiate notice in accordance with this section.

(a) Excavators shall have the right to receive compensation from the owner of the underground facility for costs incurred if the owner of the underground facility does not locate its facilities in accordance with this chapter.

(b) The owner of the underground facility shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two (2) business days prior to the excavation except for notices given for discovered facilities after the owner has identified facilities.

(3) An end user shall not be required to locate or mark any service lateral. An underground facility owner who provides any utility service or commodity via a service lateral shall locate and mark the service lateral in accordance with the provisions of subsection (2) of this section. Nothing in this subsection shall be construed to impose an indemnification obligation prohibited by law on any public agency as defined in section 67-2327, Idaho Code, or to alter the liability of any public agency as provided by law, including article VIII of the constitution of the state of Idaho.

(4) Emergency excavations are exempt from the time requirements for notification provided in this section.

(45) If the excavator, while performing the excavation, discovers underground facilities (whether active or abandoned) which are not identified or were not located with reasonable accuracy, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number notification service. The excavator shall have the right to receive compensation from the underground facility owner for standby cost (based on standby rates made publicly available) incurred as a result of waiting for the underground facility owner or the owner's agent to arrive at the work site to identify the unidentified facilities and provided that if the underground facility owner or the owner's agent supplies reasonably accurate locate information within eight (8) hours of the time that the excavator notifies the underground facility owner of facilities not previously located, the excavator's compensation for delay of the excavation project shall be limited to actual costs or two thousand dollars (\$2,000), whichever is less.

SECTION 3. That Section 55-2206, Idaho Code, be, and the same is hereby amended to read as follows:

55-2206. ONE-NUMBER NOTIFICATION SERVICE -- ESTABLISHMENT -- PARTICIPATION REQUIRED -- FUNDING. Two (2) or more persons who own or operate underground facilities in a county may voluntarily establish or contract with a third person to provide a one-number notification service to maintain information concerning underground facilities within a county. Upon the establishment of the first such one-number notification service, all others operating and maintaining underground facilities within said county shall participate and cooperate with the service, and no duplicative service shall be established pursuant to this chapter. The activities of the one-number locator service shall be funded by all of the underground facility owner/s or operators required by the provisions of this section to participate in and cooperate with the service. All underground facility owner/s or operators who are required to participate in a one-number notification service are subject to the jurisdiction of the damage prevention board established in section 55-2203, Idaho Code.

CHAPTER 257
(S.B. No. 1003, As Amended)

AN ACT

RELATING TO HUMAN TRAFFICKING; AMENDING CHAPTER 86, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8606, IDAHO CODE, TO PROVIDE FOR DIVERSION FOR A MINOR VICTIM OF HUMAN TRAFFICKING, TO PROVIDE CERTAIN CONDITIONS FOR DIVERSION, AND TO PROVIDE AN AFFIRMATIVE DEFENSE.

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

SECTION 1. That Chapter 86, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-8606, Idaho Code, and to read as follows:

18-8606. SAFE HARBOR PROVISIONS. (1) Diversion of minor victim.

(a) When a minor is alleged to have committed any offense not listed in section 18-310(2), Idaho Code, a prosecutor shall divert the offense if the minor committed the offense as a direct and immediate result of being a victim of human trafficking.

(b) If a minor has an offense diverted pursuant to paragraph (a) of this subsection, the minor shall be placed in a state-licensed residential facility, as defined in section 39-1202, Idaho Code, that provides a comprehensive rehabilitative program with access to:

- (i) Comprehensive case management;
- (ii) Integrated mental health and chemical dependency services, including specialized trauma recovery services;
- (iii) Education and employment training services; and
- (iv) Off-site specialized services, as appropriate.

(c) A diversion agreement under this subsection may extend for up to twelve (12) months.

(d) Diversion shall only be available pursuant to this section if the minor expresses a willingness to cooperate and receive specialized services. If the minor is unwilling to cooperate with specialized services, continuation of the diversion shall be at the discretion of the court.

(2) A person charged with any offense not identified in section 18-310(2), Idaho Code, committed as a direct and immediate result of being a victim of human trafficking may assert an affirmative defense that the person is a victim of human trafficking.

Approved March 28, 2019

CHAPTER 258

(H.B. No. 118, As Amended, As Amended in the Senate)

AN ACT

RELATING TO CRIMINAL PROCEDURE; AMENDING CHAPTER 19, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-1910, IDAHO CODE, TO PROVIDE CERTAIN REQUIREMENTS FOR PRETRIAL RISK ASSESSMENT TOOLS AND TO DEFINE A TERM.

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

SECTION 1. That Chapter 19, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-1910, Idaho Code, and to read as follows:

19-1910. PRETRIAL RISK ASSESSMENT TOOLS. (1) All pretrial risk assessment tools shall be transparent, and:

(a) All documents, data, records, and information used by the builder to build or validate the pretrial risk assessment tool and ongoing documents, data, records, and written policies outlining the usage and validation of the pretrial risk assessment tool shall be open to public inspection, auditing, and testing;

(b) A party to a criminal case wherein a court has considered, or an expert witness has relied upon, a pretrial risk assessment tool shall be entitled to review all calculations and data used to calculate the defendant's own risk score; and

(c) No builder or user of a pretrial risk assessment tool may assert trade secret or other intellectual property protections in order to quash discovery of the materials described in paragraph (a) of this subsection in a criminal or civil case.

(2) For purposes of this section, "pretrial risk assessment tool" means a pretrial process that creates or scores particular factors in order to estimate a person's level of risk to fail to appear in court, risk to commit a new crime, or risk posed to the community in order to make recommendations as to bail or conditions of release based on such risk, whether made on an individualized basis or based on a grid or schedule.

Approved March 28, 2019

CHAPTER 259

(H.B. No. 93, As Amended in the Senate)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1207A, IDAHO CODE, TO PROVIDE THAT APPROVED NONTRADITIONAL EDUCATOR PREPARATION PROGRAMS MAY RECEIVE FUNDING UNDER CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-1207A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1207A. TEACHER PREPARATION. (1) Higher Education Institutions. The state board shall review teacher preparation programs at the institutions of higher education under its supervision and shall assure that the course offerings and graduation requirements are consistent with the state board-approved, research-based "Idaho Comprehensive Literacy Plan." To ensure compliance with this requirement, the board may allocate funds,

subject to appropriation, to the higher education institutions that have teacher preparation programs.

The higher education institutions shall be responsible for the pre-service assessment measures for all kindergarten through grade 12 teacher preparation programs. The assessment must include a demonstration of teaching skills and knowledge congruent with current research on best reading practices. The assessment may consist of multiple measures, in alignment with best practices, for the demonstration of these skills. Each institution shall report annually to the state board of education the number of preservice teachers who have passed the assessment. The state board of education shall then compile the statewide results and report to the legislature and the governor.

(2) For all Idaho teachers working on interim certificates, alternate routes or coming from out of state, completion of a state-approved reading instruction course shall be a ~~one-time~~ onetime requirement for full certification.

(3) The board of trustees of every school district shall include, in its plan for in-service training, coursework covering reading skills development, including diagnostic tools to review and adjust instruction continuously, and the ability to identify students who need special help in reading. The district plan for in-service training in reading skills shall be submitted to the state department of education for review and approval, in a format specified by the department.

(4) A board-approved nontraditional educator preparation program that has a contract with a local education agency or consortium thereof to recruit, select, train, and retain teachers to teach in public schools that struggle to recruit and retain teachers may obtain funding from the state department of education, subject to appropriation or other available funds, provided that the program shall match no less than one hundred percent (100%) of any cost to the state for implementation. The board-approved program must have a documented history of recruiting, training, and retaining high-quality teachers who achieve above-average academic growth from students in Idaho and other states. The nontraditional educator preparation program may apply to the state department of education for available funding at the time one (1) or more teachers recruited by the program enters into an employment contract with a local education agency (LEA). The amount of funding per teacher provided by the department to the program shall not exceed twenty-five percent (25%) of each teacher's annual salary for each year the program is providing services in support of the teacher. Such funding is limited to two (2) academic years per teacher. In order for the program to obtain funding from the department:

(a) The program and the LEA shall provide to the department verification of each teacher's fulfillment of the annual employment contract; and

(b) The program and the LEA shall provide verification that the LEA is providing funding to the program for recruiting and training each teacher in an amount equal to at least ten percent (10%) of the amount the department is providing to the program.

Approved March 29, 2019

CHAPTER 260
(S.B. No. 1006)

AN ACT

RELATING TO THE UNIFORM SECURITIES ACT; AMENDING SECTION 30-14-302, IDAHO CODE, TO REVISE THE REQUIREMENTS FOR NOTICE FILINGS FOR CERTAIN FEDERAL COVERED SECURITIES AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 30-14-302, Idaho Code, be, and the same is hereby amended to read as follows:

30-14-302. NOTICE FILING. (a) Required filing of records. With respect to a federal covered security, as defined in section 18(b)(2) of the securities act of 1933 (15 U.S.C. 77r(b)(2)), that is not otherwise exempt under sections 30-14-201 through 30-14-203, Idaho Code, a rule adopted or an order issued under this chapter may require the filing of any or all of the following records:

(1) Before the initial offer of a federal covered security in this state, all records that are part of a federal registration statement filed with the securities and exchange commission under the securities act of 1933 and a consent to service of process complying with section 30-14-611, Idaho Code, signed by the issuer and the payment of a fee of three hundred dollars (\$300) for mutual funds and one hundred dollars (\$100) for unit investment trusts;

(2) After the initial offer of the federal covered security in this state, all records that are part of an amendment to a federal registration statement filed with the securities and exchange commission under the securities act of 1933; and

(3) To the extent necessary or appropriate to compute fees, a report of the value of the federal covered securities sold or offered to persons present in this state, if the sales data are not included in records filed with the securities and exchange commission; and

(4) Each series or portfolio of an investment company offering shall be required to make a separate notice filing. Separate notice filings for classes of an investment company are not required ~~se~~ as long as classes are used solely as a method of distinguishing payment plans within a series or portfolio.

(b) Notice filing effectiveness and renewal. A notice filing under subsection (a) of this section is effective for one (1) year commencing on the later of the notice filing or the effectiveness of the offering filed with the securities and exchange commission. On or before expiration, the issuer may renew a notice filing by filing a copy of those records filed by the issuer with the securities and exchange commission that are required by rule or order under this chapter to be filed and by paying a renewal fee of three hundred dollars (\$300) for mutual funds and one hundred dollars (\$100) for unit investment trusts. A previously filed consent to service of process complying with section 30-14-611, Idaho Code, may be incorporated by reference in a renewal. A renewed notice filing becomes effective upon the expiration of the filing being renewed.

(c) Notice filings for federal covered securities under section 18(b)(4)(D) and (F). With respect to a security that is a federal covered security under section 18(b)(4)(D) and (F) of the securities act of 1933 (15 U.S.C. 77r(b)(4)(D) and (F)), a rule or order under this chapter may require a notice filing by or on behalf of an issuer ~~to~~ and may include a copy of form D, or other filing requirements as determined by the director of the department of finance, and the payment of a fee of fifty dollars (\$50.00).

(d) Stop orders. Except with respect to a federal security under section 18(b)(1) of the securities act of 1933 (15 U.S.C. 77r(b)(1)), if the administrator finds that there is a failure to comply with a notice or fee requirement of this section, the administrator may issue a stop order suspending the offer and sale of a federal covered security in this state. If the deficiency is corrected, the stop order is void as of the time of its issuance and no penalty may be imposed by the administrator.

Approved March 29, 2019

CHAPTER 261
(S.B. No. 1056, As Amended)

AN ACT

RELATING TO GROUND WATER DISTRICTS; REPEALING SECTION 42-5244, IDAHO CODE, RELATING TO DELINQUENT ASSESSMENTS AND NONPAYMENT OF MITIGATION COSTS; AMENDING CHAPTER 52, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-5244A, IDAHO CODE, TO PROVIDE FOR THE APPORTIONMENT OF MITIGATION PLAN OBLIGATIONS AND TO PROVIDE FOR SEPARATE MITIGATION PLANS BY NONIRRIGATORS; AND AMENDING CHAPTER 52, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-5244B, IDAHO CODE, TO PROVIDE FOR DELINQUENT ASSESSMENTS AND NONCOMPLIANCE WITH APPORTIONMENT OF MITIGATION PLAN OBLIGATIONS, TO PROVIDE FOR ACTION BY THE DIRECTOR, AND TO PROVIDE FOR HEARINGS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 42-5244, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 52, 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 42-5244A, Idaho Code, and to read as follows:

42-5244A. APPORTIONMENT OF MITIGATION PLAN OBLIGATIONS. (1) The board of directors may apportion among district members mitigation plan obligations requiring district members to limit the amount of water diverted under their respective ground water rights or perform other actions to mitigate material injury to senior priority water rights caused by ground water use within the district.

(2) Each member shall bear a proportionate share of the district's total mitigation obligation. The proportionate share shall be based on:

(a) The ratio which the quantity of water the member is authorized to divert under the member's ground water right(s) bears to the total quantity of water authorized for diversion under the ground water rights of all members of the district; or

(b) The ratio which the number of acres the member is authorized to irrigate under the member's ground water right bears to the total number of acres authorized for irrigation under the ground water rights of all members of the district.

(3) The board shall adjust each member's proportionate share of the district's obligation based on priority date, unless the mitigation plan benefits all members equally. The board may additionally adjust a member's proportionate share of the district's obligation based on consumptive use under the member's ground water rights or other attributes of the member's ground water rights.

(4) Any nonirrigator who is a member of a ground water district, or whose ground water rights are appurtenant to property located within a ground water district, may propose a separate mitigation plan to the director. If the director approves the nonirrigator's mitigation plan, and the nonirrigator implements the mitigation plan, the nonirrigator shall be entitled to a credit for the contribution made by that nonirrigator's mitigation plan toward the district's mitigation obligation as determined by the director.

SECTION 3. That Chapter 52, 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 42-5244B, Idaho Code, and to read as follows:

42-5244B. DELINQUENT ASSESSMENTS -- NONCOMPLIANCE WITH MITIGATION PLAN. A water user who is delinquent in the payment of any assessment under this chapter, or who has failed to comply with any apportionment of mitigation obligations imposed by the board under this chapter, shall not be entitled to divert ground water until such delinquent assessment is paid in full and noncompliance is remedied in full. To commence enforcement, the district shall submit to the director a report documenting the delinquent assessment or noncompliance with the apportionment of mitigation plan obligations. For delinquent assessments, the report shall contain an accounting of the basis for the assessment, the apportionment of those assessments among district members, and the ground water user's delinquency in the payment of those assessments. For noncompliance with the apportionment of mitigation plan obligations, the report shall identify the mitigation plan under which the mitigation plan obligations were apportioned, explain the basis for the apportionment of those obligations among district members, and document the water user's noncompliance with the apportioned mitigation obligations. If, after the director analyzes information in the report, the director concludes that the district has reasonably apportioned those assessments based on the factors set forth in section 42-5232(7), Idaho Code, or has reasonably apportioned those mitigation plan obligations based on the factors set forth in section 42-5244A, Idaho Code, the director shall instruct the water master to curtail all ground water diversions by the water user for which assessments are delinquent or for which the user has not complied with the mitigation obligations apportioned to the user. Any person aggrieved by the action of the director and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action pursuant to section 42-1701A(3), Idaho Code. No district shall commence enforcement under the provisions of this section prior to January 1, 2020. The director shall not curtail ground water diversions based on delinquent assessments levied prior to April 1, 2019, or based on mitigation plan noncompliance that occurred prior to April 1, 2019.

SECTION 4. An emergency existing therefore, which emergency is hereby declared to exist, this act shall be in full force and effect on and after April 1, 2019.

Approved March 29, 2019

CHAPTER 262
(S.B. No. 1104, As Amended)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1204, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD OF EDUCATION MAY REQUIRE PROFESSIONAL DEVELOPMENT AS A CONDITION OF CERTIFICATE RENEWAL, TO PROVIDE AN OPTION FOR COMPLETING PROFESSIONAL DEVELOPMENT CREDITS, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-1204, Idaho Code, be, and the same is hereby amended to read as follows:

33-1204. VALIDITY, DURATION, RENEWAL, AND LAPSE OF CERTIFICATES. (1) The state board of education shall by rule provide for the validity, duration, renewal, and lapse of certificates. In addition, rules promulgated by the state board of education shall set forth criteria for renewal of administrator certificates, which shall include a requirement that administrator certificate holders must complete a course consisting of a minimum of three (3) semester credits in the statewide framework for teachers' evaluations, such course shall include a laboratory component.

(2) If the holder of a certificate who has undergone a criminal history check pursuant to district policy as provided in ~~subsection (15) of section 33-512(15)~~, Idaho Code, is found to have been convicted of any felony crime enumerated in section 33-1208, Idaho Code, the certificate shall be revoked or suspended as provided in this chapter.

(3) The state board of education may by rule require professional development credits as a condition of certificate renewal, provided that such rule must recognize providing instruction in a professional development course or in a course at an institution of higher education as an option to complete required credits.

Approved March 29, 2019

CHAPTER 263
(S.B. No. 1105)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-4602, IDAHO CODE, TO PROVIDE ADVANCED OPPORTUNITIES FUNDING FOR CAREER TECHNICAL EDUCATION WORKFORCE TRAINING AND TO REVISE PROVISIONS REGARDING ADVANCED OPPORTUNITIES.

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

SECTION 1. That Section 33-4602, Idaho Code, be, and the same is hereby amended to read as follows:

33-4602. ADVANCED OPPORTUNITIES -- RULEMAKING. (1) Students attending public schools in Idaho will be eligible for four thousand one hundred twenty-five dollars (\$4,125) to use toward overload courses, dual credits, postsecondary credit-bearing examinations, and career technical certificate examinations, and career technical education workforce training courses. Students may access these funds in grades 7 through 12 for:

(a) Overload courses, the distribution of which may not exceed two hundred twenty-five dollars (\$225) per overload course. A student must take and successfully be completing a full credit load within a

given school year to be eligible for funding of an overload course. An overload course must be taken for high school credit to be eligible for funding. To qualify as an eligible overload course for the program, the course must:

- (i) Be offered by a provider accredited by the organization that accredits Idaho public schools; and
- (ii) Be taught by an individual certified to teach the grade and subject area of the course in Idaho.

(b) Eligible dual credits, the distribution of which may not exceed seventy-five dollars (\$75.00) per one (1) dual credit hour. Dual credit courses must be offered by a regionally accredited postsecondary institution. To qualify as an eligible dual credit course, the course must be a credit-bearing 100 level course or higher.

(c) Eligible postsecondary credit-bearing or career technical certificate examinations. The state department of education shall maintain a list of eligible exams and costs. Eligible examinations include:

- (i) Advanced placement (AP);
- (ii) International baccalaureate (IB);
- (iii) College-level examination program (CLEP); and
- (iv) Career technical education examinations that lead to an industry-recognized certificate, license, or degree.

~~(d) Career technical education (CTE) including assessments that lead to a badge recognized by the division of career technical education. The division of career technical education shall maintain a list of eligible CTE examinations and costs. CTE workforce training courses, such as federally registered apprenticeships, the distribution of which may not exceed five hundred dollars (\$500) per course and one thousand dollars (\$1,000) per year. The state department of education shall collaborate with the division of career technical education to maintain a list of eligible training courses and costs. Eligible training courses must:~~

- (i) Be provided by an Idaho public technical college;
- (ii) Lead to an industry-recognized certificate, license, or degree;
- (iii) Be required training for occupations deemed regionally in demand;
- (iv) Be courses that are not otherwise available at the student's high school; and
- (v) Allow high school-aged students to participate.

(2) A student who has earned fifteen (15) postsecondary credits using the advanced opportunities program and who wishes to earn additional credits must first identify his postsecondary goals. Advisors shall counsel any student who wishes to take dual credit courses that the student should ascertain for himself whether the particular postsecondary institution that he desires to attend will accept the transfer of coursework credits under this section.

(3) These moneys may be used to pay an amount not to exceed the price to the student of such courses and examinations pursuant to the limitations stated in this section. These moneys shall not supplant existing program funds. Payments made under this section shall be made from the moneys appropriated for the educational support program. No later than January 15, the state department of education shall annually report to the education committees of the senate and the house of representatives details regarding the number of students benefiting from assistance with the cost of overload courses, dual credit courses and examinations, the number of credits awarded and amounts paid pursuant to this section during the previous school year.

(4) The board of each public school may set forth criteria by which a student may challenge a course. If a student successfully meets the criteria set forth by the board of the public school, then the student shall be counted as having completed all required coursework for that course. The public school, with the exception of Idaho tribal schools, shall be funded for such students based upon either actual hours of attendance or the course that the student has successfully passed, whichever is more advantageous to the public school, up to the maximum of one (1) full-time student.

(5) Any student who successfully completes public school grades 1 through 12 curriculum at least one (1) year early shall be eligible for an advanced opportunities scholarship. The scholarship may be used for tuition and fees at any Idaho public postsecondary educational institution. The amount of the scholarship shall equal thirty-five percent (35%) of the statewide average daily attendance-driven funding per enrolled pupil for each year of grades 1 through 12 curriculum avoided by the student's early graduation. Each public school shall receive an amount equal to each such awarded scholarship for each student that graduates early from that public school. Students must apply for the scholarship within two (2) years of graduating from a public school.

(6) The state department of education shall reimburse public schools or public postsecondary educational institutions, as applicable, for such costs, up to the stated limits, within one hundred twenty-five (125) days of receiving the necessary data upon which reimbursements may be paid. The submission method and timelines of reimbursement data shall be determined by the state department of education. Payments will be made only for activity occurring and reported within each fiscal year.

(7) For public funding purposes, average daily attendance shall be counted as normal for students participating in dual credit courses pursuant to this section.

(8) If a student fails to earn credit ~~for any course or successfully complete a course~~ for which the department has paid a reimbursement, the student must pay for and successfully earn credit ~~for or complete~~ one (1) like course before the state department of education may pay any further reimbursements for the student. If a student performs inadequately on an examination for which the state department of education has paid a reimbursement, the public school shall determine whether the student must pay for and successfully pass such examination to continue receiving state funding. Repeated and remedial courses or examinations are not eligible for funding through these programs.

(9) The state department of education shall reimburse community colleges or counties, as applicable, for any out-of-district county tuition pursuant to section 33-2110A, Idaho Code. Such reimbursements shall be in an amount not to exceed fifty dollars (\$50.00) per credit hour and only for dual credit courses taken pursuant to this section.

(10) Public schools shall establish timelines and requirements for participation in the program, including implementing procedures for the appropriate transcription of credits, reporting of program participation and financial transaction requirements. Public schools shall make reasonable efforts to ensure that any student who considers participating in the program also considers the challenges and time necessary to succeed in the program, and schools shall make reasonable efforts to include guidance on how the student's participation in the program contributes to prospective college and career pathways. Such efforts by the district shall be performed prior to a student participating in the program and throughout the student's involvement in the program.

(11) Policies and procedures for participating in the program established by the public school must be such that students have an opportunity to participate in the program and meet district-established timelines and requirements for financial transactions, transcribing credits and state department of education reporting. Participation in this program requires parent and student agreement to program requirements and completion of the state department of education's participation form documenting the program requirements.

(12) Parents of participating students may enroll their child in any eligible course, with or without the permission of the public school in which the student is enrolled. Tribal school students must follow their schools' enrollment policies and procedures. Public school personnel shall assist parents in the process of enrolling students in such courses. Each participating student's high school transcript at the public school at which the student is enrolled shall include the credits earned and grades received by the student for any overload or dual credit courses taken pursuant to this section. For an eligible course to be transcribed as meeting the requirements of a core subject as identified in administrative rule, the course must meet the approved content standards for the applicable subject and grade level.

(13) Participating public schools shall collaborate with Idaho public postsecondary educational institutions to assist students who seek to participate in dual credit courses or graduate from high school early by enrolling in postsecondary courses. Participating school districts, charter schools and Idaho public postsecondary educational institutions shall report to the state board of education and the education committees of the senate and the house of representatives any difficulties or obstacles they experience in providing assistance to participating students.

(14) The state board of education may promulgate rules to implement the provisions of this chapter.

Approved March 29, 2019

CHAPTER 264
(S.B. No. 1166)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2019;
APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FISCAL
YEAR 2019; 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 275, Laws of 2018, and any other appropriation provided by law, there is hereby appropriated to the Idaho State Police for the Forensic Services Program \$240,000 from the General Fund to be expended for capital outlay for the period July 1, 2018, through June 30, 2019, for the purpose of purchasing equipment to test hemp.

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 29, 2019

CHAPTER 265
(S.B. No. 1057, As Amended in the House)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-320, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTINUOUS IMPROVEMENT PLANS FOR SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS.

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

SECTION 1. That Section 33-320, Idaho Code, be, and the same is hereby amended to read as follows:

33-320. CONTINUOUS IMPROVEMENT PLANS AND TRAINING. (1) Each school district and public charter school in Idaho shall develop an annual plan that is part of a continuous focus on improving the student performance of the district or public charter school.

(2) (a) The board of trustees and the superintendent shall collaborate on the plan and engage students, parents, educators and the community as appropriate. The board of directors and the administrator of a public charter school shall collaborate on the plan and engage students, parents, educators and the community as appropriate.

(b) The annual continuous improvement plan shall:

(i) Be data driven, specifically in student outcomes, and shall include, but not be limited to, analyses of demographic data, student achievement and growth data, graduation rates, and college and career readiness;

(ii) Set clear and measurable targets based on student outcomes;

(iii) Include a clearly developed and articulated vision and mission;

(iv) Include key indicators for monitoring performance;

(v) Include, at a minimum, the ~~statewide student readiness and student improvement achievement and growth metrics~~, and reported on each school and district's report card as required by the state board of education and published by the state department of education; and

(vi) Include a report of progress toward the previous year's improvement goals.

(c) The annual continuous improvement plan must be reviewed and updated annually no later than October 1 each year.

(d) The board of trustees or the board of directors shall continuously monitor progress toward the goals by utilizing relevant data to measure growth. The progress shall be included in evaluations of the district superintendent or administrator of a public charter school.

(3) The plan must be made available to the public and shall be posted on the school district or charter school website.

(4) Of the moneys appropriated in the public schools educational support program, up to six thousand six hundred dollars (\$6,600) shall be distributed to each school district and public charter school to be expended for training purposes for district superintendents and boards of trustees, public charter school administrators and boards of directors. Funds shall be distributed on a reimbursement basis based on a process prescribed by the superintendent of public instruction. Qualified training shall include training for continuous improvement processes and planning, strategic planning, finance, superintendent evaluations, public charter administrator evaluations, ethics and governance.

(5) ~~(a) As used in this section, "statewide student readiness and improvement metrics" means metrics established by the state board of ed-~~

~~ucation applicable to three (3) grade bands that include high school, middle grades and elementary grades and early reading readiness, which metrics will be referred to as the:~~

- ~~(i) Career and college readiness metric;~~
- ~~(ii) Career and college readiness improvement metric;~~
- ~~(iii) High school readiness metric;~~
- ~~(iv) High school readiness improvement metric;~~
- ~~(v) Grade 7 readiness metric;~~
- ~~(vi) Grade 7 readiness improvement metric;~~
- ~~(vii) Grade 4 reading readiness metric;~~
- ~~(viii) Grade 4 reading readiness improvement metric;~~
- ~~(ix) Grade 3 reading readiness metric;~~
- ~~(x) Grade 3 reading readiness improvement metric;~~
- ~~(xi) Grade 2 reading readiness metric;~~
- ~~(xii) Grade 2 reading readiness improvement metric;~~
- ~~(xiii) Grade 1 reading readiness metric; and~~
- ~~(xiv) Grade 1 reading readiness improvement metric.~~

~~(b) The readiness score shall be the percent of exiting students that are prepared to continue to the next educational level.~~

~~(c) The readiness improvement score shall be the year-over-year improvement in the readiness score of the school.~~

~~(d) Statewide student readiness and improvement metrics shall be calculated at the school level and reported annually on the progress report.~~

~~(6) The state board of education shall be granted rulemaking authority to establish appropriate procedures, qualifications and guidelines for qualified training providers and shall prepare a list of qualified training providers within the state of Idaho.~~

Approved April 2, 2019

CHAPTER 266
(S.B. No. 1110, As Amended)

AN ACT

RELATING TO BAIL ENFORCEMENT AGENTS; AMENDING SECTION 19-2914, IDAHO CODE, TO PROVIDE THAT BAIL ENFORCEMENT AGENTS MAY ARREST A DEFENDANT IN CERTAIN INSTANCES; AMENDING CHAPTER 29, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-2914A, IDAHO CODE, TO DEFINE A TERM, TO PROVIDE REQUIREMENTS FOR BAIL ENFORCEMENT AGENTS, TO PROVIDE FOR IDENTIFICATION REQUIREMENTS, TO PROVIDE FOR NOTIFICATION TO THE SHERIFF, TO PROHIBIT CERTAIN ACTS, TO PROVIDE PENALTIES, TO PROVIDE REQUIREMENTS FOR PROSECUTION, AND TO PROVIDE THAT A BAIL AGENT SHALL KEEP CERTAIN RECORDS; AND AMENDING SECTION 41-1039, IDAHO CODE, TO REVISE A PROVISION REGARDING SUSPENSION OF A LICENSE.

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 ~~any person of suitable age and discretion 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 Chapter 29, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-2914A, Idaho Code, and 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.

SECTION 3. That Section 41-1039, Idaho Code, be, and the same is hereby amended to read as follows:

41-1039. LICENSE REQUIRED. (1) No person shall hold himself out to be a bail agent or sell, solicit, negotiate, advise or consult regarding the terms of bail bond contracts in this state unless that person is licensed as a producer in the line of surety insurance. The director is vested with the exclusive authority to license bail agents and the authority to regulate the solicitation, negotiation and transaction of bail with retail consumers of bail bonds, provided however, that a court retains the authority to refuse to accept bail bonds from a surety or a bail agent pursuant to its inherent authority, pursuant to Idaho Code, or as provided by supreme court rules, guidelines or appellate decisions.

(2) A bail agent is authorized to execute and countersign undertakings of bail, including bail bonds, in connection with any judicial proceedings in each of the judicial districts of the state. Any sheriff or clerk of the district court shall accept bail bonds only from a bail agent, unless otherwise ordered by the court pursuant to subsection (1) of this section.

(3) In addition to the authority to revoke, suspend or refuse to issue a bail agent's license pursuant to section 41-1016, Idaho Code, the director shall suspend a license for a period not to exceed six (6) months, after mailing notice to the last known address of the bail agent but prior to a hearing, if such bail agent:

(a) Has been convicted or has entered a guilty plea to any felony or to a misdemeanor ~~which evidences bad moral character~~ evidencing theft, dishonesty, a lack of integrity and financial responsibility, or an unfitness and inability to provide acceptable service to the consuming public intimidation, threats, or violence; or

(b) Intentionally and fraudulently makes a false statement to a court in connection with a bail transaction.

(4) In addition to the provisions of subsection (3) of this section, the director may also suspend a license for a period not to exceed six (6) months, after mailing notice to the last known address of the bail agent but prior to a hearing, for reasons set forth in the rules of the department.

Approved April 2, 2019

CHAPTER 267
(S.B. No. 1182)

AN ACT

RELATING TO THE RESIDENTIAL SOLAR ENERGY SYSTEM DISCLOSURE ACT; AMENDING TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 48, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE APPLICABILITY, TO REQUIRE A DISCLOSURE STATEMENT IN CERTAIN INSTANCES, TO PROVIDE FOR THE CONTENTS OF A DISCLOSURE STATEMENT, TO PROVIDE THAT DISCLOSURE STATEMENTS FOR ANY SOLAR AGREEMENTS SHALL CONTAIN CERTAIN INFORMATION, TO PROVIDE THAT DISCLOSURE STATEMENTS FOR SYSTEM PURCHASE AGREEMENTS SHALL CONTAIN CERTAIN INFORMATION, TO PROVIDE THAT DISCLOSURE STATEMENTS FOR SYSTEM LEASE AGREEMENTS SHALL CONTAIN CERTAIN INFORMATION, TO PROVIDE FOR A GOOD FAITH ESTIMATE IN CERTAIN INSTANCES, AND TO PROVIDE THAT THE ATTORNEY GENERAL AND DISTRICT COURT SHALL HAVE CERTAIN AUTHORITY.

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 18, Title 48, Idaho Code, and to read as follows:

CHAPTER 18
RESIDENTIAL SOLAR ENERGY SYSTEM DISCLOSURE ACT

48-1801. SHORT TITLE. This chapter shall be known and may be cited as the "Residential Solar Energy System Disclosure Act."

48-1802. DEFINITIONS. As used in this chapter:

(1) "Consumer" means a person who, for primarily personal, family, or household purposes:

(a) Purchases a residential solar energy system under a solar agreement; or

(b) Leases a residential solar energy system under a system lease agreement.

(2) "Residential solar energy system" means a solar energy system that:

(a) Is installed on or in real property in the state of Idaho;

(b) Generates electricity primarily for on-site consumption for primarily personal, family, or household purposes; and

(c) Has an electricity delivery capacity that exceeds one (1) kilowatt.

(3) "Solar agreement" means a system purchase agreement or a system lease agreement.

(4) "Solar energy system" means a system or configuration of energy devices that collects and uses solar energy to generate electricity to be used by a consumer.

(5) "Solar retailer" means a person who:

(a) Sells or proposes to sell a residential solar energy system to a consumer under a system purchase agreement; or

(b) Owns the residential solar energy system that is the subject of a system lease agreement or proposed system lease agreement.

(6) "System lease agreement" means an agreement:

(a) Under which a consumer leases a residential solar energy system from a solar retailer; and

(b) That provides for the consumer to make payments over a term for the lease of the residential solar energy system.

(7) "System purchase agreement" means an agreement under which a consumer purchases a residential solar energy system, or the energy created from a residential solar energy system, from a solar retailer either outright or through installment payments.

48-1803. APPLICABILITY. (1) The provisions of this chapter shall apply to any solar agreement entered into on or after October 1, 2019, between a solar retailer and a consumer including, but not limited to, a solar agreement that accompanies the transfer of ownership or lease of real property.

(2) The provisions of this chapter shall not apply to:

(a) The transfer or rental of real property on which a residential solar energy system is, or is expected to be, located if the presence of the residential solar energy system is incidental to the transfer or rental;

(b) A lender, governmental entity, or other third party that enters into an agreement with a consumer to finance a residential solar energy system but is not a party to a system purchase agreement or lease agreement; or

(c) A sale or lease of, or the purchase of electricity from, a solar energy system that is not a residential solar energy system.

48-1804. DISCLOSURE STATEMENT REQUIRED. (1) Before entering a solar agreement, a solar retailer shall provide to a potential consumer a separate, written disclosure statement as provided in this section and, as applicable, the information required in sections 48-1805, 48-1806, and 48-1807, Idaho Code.

(a) The requirements of this subsection may be satisfied by the electronic delivery of a disclosure statement to the potential consumer.

(b) An electronic document delivered pursuant to paragraph (a) of this subsection shall satisfy the font size standard under subsection (2) (a) of this section if the required disclosures are displayed in a clear and conspicuous manner.

(2) A disclosure statement under subsection (1) of this section shall:

(a) Be in at least twelve (12) point font;

(b) Contain:

(i) The name, address, and telephone number or e-mail address of the potential consumer;

(ii) The name, address, telephone number, and e-mail address of the solar retailer;

(iii) The name, address, telephone number, e-mail address, and state contractor registration number of the person who is expected to install the system that is the subject of the solar agreement; and

(iv) If the solar retailer is the person who is expected to provide operations or maintenance support to the potential consumer or who introduced that person to the potential consumer, the name, address, telephone number, e-mail address, and any applicable state contractor registration number of the operations or maintenance support person; and

(c) Any applicable information and disclosures as required in sections 48-1805, 48-1806, and 48-1807, Idaho Code.

48-1805. CONTENTS OF DISCLOSURE STATEMENT FOR ANY SOLAR AGREEMENT. If a solar retailer is proposing to enter any solar agreement with a potential consumer, the disclosure statement required in section 48-1804, Idaho Code, shall also include:

(1) If operations or maintenance services are not included as part of the solar agreement, a statement indicating those services are not included in the agreement;

(2) Any written estimate of the savings the potential consumer is projected to realize from the system, including:

(a) At the discretion of the solar retailer, the estimated projected savings over the life of the solar agreement and the estimated projected savings over any longer period not to exceed the anticipated useful life of the system;

(b) Any material assumptions used to calculate estimated projected savings and the source of those assumptions including, but not limited to:

(i) If an annual electricity rate increase is assumed, the rate of the increase and the solar retailer's basis for the assumption of the rate increase;

(ii) The potential consumer's eligibility for or receipt of tax credits or other governmental or utility incentives;

(iii) System production data, including production degradation;

(iv) Reference to any utility tariff and the possibility of additional costs for interconnection under any net metering or similar program;

(v) Electrical usage and the system's designed offset of the electrical usage;

(vi) Historical utility costs paid by the potential consumer; and

(vii) The costs associated with replacing equipment making up any part of the system or, if those costs are not assumed, a statement indicating that those costs are not assumed; and

(c) Two (2) separate statements in capital letters in close proximity to any written estimate of projected savings, with substantially the following form and content:

(i) "THIS IS AN ESTIMATE. UTILITY RATES MAY GO UP OR DOWN AND ACTUAL SAVINGS, IF ANY, MAY VARY. HISTORICAL DATA IS NOT NECESSARILY REPRESENTATIVE OF FUTURE RESULTS. FOR FURTHER INFORMATION REGARDING RATES, CONTACT YOUR LOCAL UTILITY OR THE IDAHO PUBLIC UTILITIES COMMISSION."; and

(ii) "TAX AND OTHER FEDERAL, STATE, AND LOCAL INCENTIVES VARY AS TO REFUNDABILITY AND ARE SUBJECT TO CHANGE OR TERMINATION BY LEGISLATIVE OR REGULATORY ACTION, WHICH MAY IMPACT SAVINGS ESTIMATES. CONSULT A TAX PROFESSIONAL FOR MORE INFORMATION.";

(3) A notice in capital letters with substantially the following form and content: "LEGISLATIVE OR REGULATORY ACTION MAY AFFECT OR ELIMINATE YOUR ABILITY TO SELL OR GET CREDIT FOR ANY EXCESS POWER GENERATED BY THE SYSTEM AND MAY AFFECT THE PRICE OR VALUE OF THAT POWER.";

(4) A notice describing any right a consumer has under applicable law to cancel or rescind a solar agreement;

(5) A statement describing the system and indicating the system design assumptions, including the make and model of the solar panels and inverters, system size, positioning of the panels on the consumer's property, estimated first-year energy production, and estimated annual energy production degradation, including the overall percentage degradation over the term of the solar agreement or, at the solar retailer's option, over the estimated useful life of the system;

(6) A description of any warranty, representation, or guarantee of energy production of the system;

(7) The approximate start and completion dates for the installation of the system;

(8) A statement indicating whether any warranty or maintenance obligations related to the system may be transferred by the solar retailer to a third party and, if so, a statement with substantially the following form and content: "The maintenance and repair obligations under your contract may be assigned or transferred without your consent to a third party who will be bound to all the terms of the contract. If a transfer occurs, you will be no-

tified of any change to the address, e-mail address, or phone number to use for questions or payments or to request system maintenance or repair.";

(9) If the solar retailer will not obtain approval to connect the system to the consumer's utility, a statement to that effect and a description of what the consumer must do to interconnect the system to the utility;

(10) A description of any roof penetration warranty or other warranty that the solar retailer provides the consumer or a statement, in bold capital letters, that the solar retailer does not provide any warranty;

(11) A statement indicating whether the solar retailer will make a fixture filing or other notice in the state or local records related to the system and any fees or other costs associated with the filing that may be charged to the consumer;

(12) A statement at the outset of the agreement in capital letters with substantially the following form and content: "NO EMPLOYEE OR REPRESENTATIVE OF [name of solar retailer] IS AUTHORIZED TO MAKE ANY PROMISE TO YOU THAT IS NOT CONTAINED IN THIS DISCLOSURE STATEMENT CONCERNING COST SAVINGS, TAX BENEFITS, OR GOVERNMENT OR UTILITY INCENTIVES. YOU SHOULD NOT RELY UPON ANY PROMISE OR ESTIMATE THAT IS NOT INCLUDED IN THIS DISCLOSURE STATEMENT.";

(13) A statement in capital letters at the outset of the agreement with substantially the following form and content: "[name of solar retailer] IS NOT AFFILIATED WITH ANY UTILITY COMPANY OR GOVERNMENT AGENCY. NO EMPLOYEE OR REPRESENTATIVE OF [name of solar retailer] IS AUTHORIZED TO CLAIM AFFILIATION WITH A UTILITY COMPANY OR GOVERNMENT AGENCY."; and

(14) Any additional information, statement, or disclosure the solar retailer considers appropriate, as long as the additional information, statement, or disclosure does not have the purpose or effect of obscuring the disclosures required under this chapter.

48-1806. CONTENTS OF DISCLOSURE STATEMENT FOR SYSTEM PURCHASE AGREEMENT. If a solar retailer is proposing to enter a system purchase agreement with a potential consumer, the disclosure statement required in section 48-1804, Idaho Code, shall also include:

(1) A statement with substantially the following form and content: "You are entering an agreement to purchase an energy generation system. You will own the system installed on your property. You may be entitled to federal tax credits because of the purchase. You should consult your tax advisor.";

(2) The price quoted to the potential consumer for a non-financed purchase of the system;

(3) If the system purchase agreement is not an outright purchase and requires installment payments:

(a) The interest rate charged and a schedule of required and anticipated payments from the consumer to the solar retailer and any third parties over the term of the system purchase agreement, including application fees, up-front charges, down payment, scheduled payments under the system purchase agreement, payments at the end of the term of the system purchase agreement, payments for any operations or maintenance contract offered by or through the solar retailer in connection with the system purchase agreement, payments for replacement of system components likely to require replacement before the end of the term of the system purchase agreement, and any prepayment penalties; and

(b) A figure that reflects the total amount to be paid by the consumer pursuant to the charges set forth in paragraph (a) of this subsection;

(4) A statement indicating the charges associated with insuring the system against loss or a statement that loss insurance is not included within the schedule of payments under the system purchase agreement;

(5) A statement, if applicable, with substantially the following form and content: "You are responsible for obtaining insurance coverage for any loss or damage to the system. You should consult an insurance professional to understand how to protect against the risk of loss or damage to the system. You should also consult your home insurer about the potential impact of installing a system."; and

(6) Information disclosing whether the system purchase agreement is transferrable to a purchaser of the home or real property where the system is located and, if so, any conditions for a transfer.

48-1807. CONTENTS OF DISCLOSURE STATEMENT FOR SYSTEM LEASE AGREEMENT. If a solar retailer is proposing to enter a system lease agreement with a potential consumer, the disclosure statement required in section 48-1804, Idaho Code, shall also include:

(1) A statement with substantially the following form and content: "You are entering an agreement to lease an energy generation system. You will lease (not own) the system installed on your property. You will not be entitled to any federal tax credit associated with the lease.";

(2) Information about whether the system lease agreement may be transferred to a purchaser of the home or real property where the system is located and, if so, any conditions for a transfer;

(3) If the solar retailer will not obtain insurance against damage or loss to the system, a statement to that effect and a description of the consequences to the consumer if there is damage or loss to the system; and

(4) Information about what will happen to the system at the end of the term of the system lease agreement.

48-1808. GOOD FAITH ESTIMATE ALLOWED. A solar retailer that does not, at the time of providing a disclosure statement required in section 48-1804(1), Idaho Code, have information required under sections 48-1805(2)(a) and (b) and 48-1806(2), (3), and (4), Idaho Code, may make a good faith estimate of that information in the disclosure statement if the solar retailer clearly indicates that the information is an estimate and provides the basis for the estimate.

48-1809. AUTHORITY OF THE ATTORNEY GENERAL AND DISTRICT COURT. (1) The attorney general and the district court shall have the same authority in enforcing and carrying out the provisions of this chapter as is granted the attorney general and district court under the Idaho consumer protection act, chapter 6, title 48, Idaho Code.

(2) All penalties, costs, and fees received or recovered by the attorney general shall be remitted to the consumer protection fund and expended pursuant to section 48-606(5), Idaho Code.

(3) Nothing in this chapter shall be construed to affect:

(a) A remedy a consumer has independent of this chapter; or

(b) The attorney general's ability or authority to enforce any other law or regulation.

Approved April 2, 2019

CHAPTER 268
(S.B. No. 1187)

AN ACT

RELATING TO APPROPRIATIONS FROM THE IDAHO MILLENNIUM INCOME FUND; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO RECOVERY IDAHO FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2020; PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS SHALL REVERT TO THE IDAHO MILLENNIUM INCOME FUND AT THE END OF FISCAL YEAR 2020; RETAINING MONEYS IN THE IDAHO MILLENNIUM INCOME FUND; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the State Treasurer \$626,500 from the Idaho Millennium Income Fund for the period July 1, 2019, through June 30, 2020, for distribution to Recovery Idaho for the purpose of operating community recovery centers. Recovery Idaho shall complete a signed agreement set forth by the state in order to receive the Idaho Millennium Income Fund grant award.

SECTION 2. There is hereby appropriated to the Office of Drug Policy \$106,000 from the Idaho Millennium Income Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020, for the purpose of establishing a vaping awareness and prevention program.

SECTION 3. Notwithstanding any other provision of law to the contrary, on June 30, 2020, or as soon thereafter as practicable, any remaining unexpended and unencumbered balance of moneys appropriated from the Idaho Millennium Income Fund shall revert to the Idaho Millennium Income Fund.

SECTION 4. Notwithstanding the provisions of Section 2, Chapter 304, Laws of 2018, and any other provision of law to the contrary, any remaining unexpended and unencumbered balance of moneys in the Idaho Millennium Income Fund shall remain in the Idaho Millennium Income Fund at the end of fiscal year 2019.

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 April 2, 2019

CHAPTER 269
(H.B. No. 179, As Amended)

AN ACT

RELATING TO MOTOR VEHICLE INSURANCE; AMENDING SECTION 49-1234, IDAHO CODE, TO SPECIFY CERTAIN REQUIREMENTS OF THE ONLINE INSURANCE VERIFICATION PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-1234, Idaho Code, be, and the same is hereby amended to read as follows:

49-1234. ONLINE INSURANCE VERIFICATION SYSTEM -- PEACE OFFICER DUTIES -- RULEMAKING. (1) The department shall establish and maintain an online insurance verification system for motor vehicle insurance coverage required by the provisions of this chapter, subject to the following:

(a) The department shall consult with representatives of the insurance industry to determine the objectives, details and deadlines relating to the verification system;

(b) The verification system shall be accessible through the internet, world wide web or a similar proprietary or common carrier electronic system by authorized personnel of the department, department of insurance, courts, law enforcement entities and of any other entity authorized by the department;

(c) The verification system shall provide for direct inquiry and response between the department and insurance carriers, or such other method of inquiry and response as agreed to by the department and individual insurance carriers;

(d) The verification system shall be capable of sending inquiries to and receiving responses from insurers for the purpose of verifying current motor vehicle insurance coverage via web services established by insurers through the internet, world wide web or a similar proprietary or common carrier electronic system, in compliance with the specifications and standards of the insurance industry committee on motor vehicle administration (IICMVA), provided that the department shall promulgate rules to provide insurers an alternative method for verifying motor vehicle insurance policy data rather than establishing web services or utilizing IICMVA's insurance data transfer guide;

(e) With the exception of unplanned system outages, the verification system shall be available twenty-four (24) hours a day to verify the insurance status of any motor vehicle registered in this state through the vehicle's identification number, policy number, national association of insurance commissioners' (NAIC) code or registered owner's name; provided that a reasonable amount of downtime may be allotted for planned system outages;

(f) The verification system shall include appropriate provisions, consistent with IICMVA standards, to secure its data against unauthorized access and to maintain a record of all information requests; and

(g) All information exchanged between the department and insurance companies, any database created, all information contained in the verification system and all reports, responses or other information generated for the purposes of the verification system shall be exempt from disclosure as provided in section 74-106, Idaho Code.

(2) As a condition for writing motor vehicle liability insurance policies in this state, insurance carriers shall cooperate with the department in establishing and maintaining the insurance verification system and shall provide access to motor vehicle insurance policy status information as may be provided in rules promulgated by the department.

(3) Insurers that make good faith efforts to comply with the provisions of this section shall be immune from civil or administrative liability related to this section.

(4) The department shall establish a program to match information from the online insurance verification system with motor vehicle registrations to determine whether owners of motor vehicles have established financial responsibility. The department shall suspend the registration of any motor vehicle identified by the department as having failed to comply with the financial responsibility requirements. The program shall include:

(a) Insurers reporting data to the verification system monthly;

(b) The department performing a periodic match at least monthly of the information from the online insurance verification system with motor vehicle registrations to determine whether owners of motor vehicles have established financial responsibility;

(c) An initial notice to an owner of a motor vehicle who is shown to not have established or maintained financial responsibility for two (2) consecutive months. Such notice shall provide thirty (30) days for an owner to comply with the financial responsibility requirements or to notify the department of exemption before suspension of an owner's registration will be effective;

(d) A final notice of immediate suspension of registration shall be mailed to an owner of a motor vehicle who does not establish financial responsibility after being given thirty (30) days to comply with such requirement;

(e) That the department may offer, and that an owner may consent to, the sending of all eligible notices by e-mail in lieu of sending such notices through the mail;

(f) The opportunity for an owner to provide a certificate or proof of liability insurance prior to any action taken against the registration;

(g) That a registration may not be reinstated unless evidence of insurance is provided to the department and a reinstatement fee of seventy-five dollars (\$75.00) is paid to the department. These fees shall be deposited into the state highway account. These fees are in addition to any other applicable fines, penalties, and fees;

(h) That an owner may lawfully suspend vehicle insurance pursuant to section 41-2516, Idaho Code; and

(i) That an owner may notify the department when exempt from the requirement to possess proof of vehicle financial responsibility for reasons allowed by Idaho Code or pursuant to rules promulgated by the department. If an exemption applies, the department shall mark the registration record as exempt and such registration shall not be suspended.

(5) Peace officers shall access information from the online insurance verification system to verify the current validity of motor vehicle liability insurance. If insurance is verified, then the peace officer shall not issue a citation for an infraction violation of the provisions of section 49-1232, Idaho Code.

(56) If an Idaho uniform citation is issued to a person for an infraction violation of the provisions of section 49-1232, Idaho Code, and it is subsequently found that the legally required motor vehicle insurance coverage was in force at the time of the issuance of the citation, then the court shall dismiss the citation without penalty and such citation shall not appear on the person's record.

(67) This section shall not apply to any vehicle insured under commercial motor vehicle coverage and shall not apply to implements of husbandry and golf carts. As used in this section, "commercial motor vehicle coverage" means an insurance policy that covers a business's vehicles and employees.

(78) The department may promulgate rules in accordance with the provisions of chapter 52, title 67, Idaho Code, to carry out the provisions of this section.

SECTION 2. Section 1 of this act shall be in full force and effect on and after January 1, 2020.

Approved April 2, 2019

CHAPTER 270
(H.B. No. 189, As Amended)

AN ACT
RELATING TO FISH AND GAME; REPEALING SECTION 36-1303, IDAHO CODE, RELATING TO THE AUTHORITY OF OFFICERS TO CONDUCT CERTAIN SEARCHES.

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

SECTION 1. That Section 36-1303, Idaho Code, be, and the same is hereby repealed.

Approved April 2, 2019

CHAPTER 271
(H.B. No. 193, As Amended)

AN ACT
RELATING TO THE STATE TAX COMMISSION; AMENDING SECTION 63-215, IDAHO CODE, TO REVISE PROVISIONS REGARDING LEGAL DESCRIPTIONS AND BOUNDARIES.

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

SECTION 1. That Section 63-215, Idaho Code, be, and the same is hereby amended to read as follows:

63-215. LEGAL DESCRIPTION AND MAP OF BOUNDARIES TO BE RECORDED AND FILED. (1) Any taxing district which shall be formed or organized hereafter, or which shall change any existing boundaries hereafter, shall cause one (1) copy of the legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of such district or municipality as formed or organized, or as altered, to be recorded with the county recorder and filed with the county assessor in the counties within which the unit is located and with the state tax commission within thirty (30) days following the effective date of such formation, organization or alteration but no later than the tenth day of January of the year following such formation, organization or alteration. In the case of fire protection districts, the board of county commissioners approving the boundaries shall be responsible for delivering to the assessor and recorder the map and legal description of the amended district boundaries. Formation, organization or alteration documents that are filed pursuant to this section shall include

contact information that is current at the time of filing and that identifies an individual associated with the taxing district.

(2) Urban renewal agencies shall comply with the requirements of subsection (1) of this section when a revenue allocation area within the jurisdiction of the urban renewal agency is formed or when the boundaries of such an area are altered.

(3) The state tax commission shall review filings required by subsections (1) and (2) of this section and if the commission finds that the formation of a district or a change in a district's boundaries fails to provide a proper legal description or fails to correctly identify the boundaries ~~or does not comply with Idaho law relating to boundaries~~, the state tax commission may ~~direct that the formation or~~ shall notify the affected taxing authority within twenty-eight (28) days after receiving the original request. The notification shall list any errors or omissions in the submitted map and legal description along with any possible remedies to correct said errors or omissions. The taxing authority shall be provided an additional twenty-eight (28) days after receiving the requested change not be recognized from the state tax commission to provide a corrected map and legal description. If the corrected map and legal description fail to correctly identify the boundaries or change of boundaries of the taxing district, as was listed in the state tax commission's notification, then the state tax commission may direct that the formation or change not be recognized for property tax purposes. The state tax commission's review shall not include matters relating to notice, open meetings law requirements, or compliance with provisions in Idaho law not relating to boundaries.

(4) The county assessor, county auditor and state tax commission shall retain on file in their respective offices all copies of legal descriptions of taxing district boundaries and maps filed by the various taxing jurisdictions authorized to impose a levy on property.

(5) The state tax commission shall be responsible for providing copies of uniform tax code area numbers and maps to the county assessor, county auditor and county treasurer and various companies having operating property subject to assessment in the state of Idaho and under the jurisdiction of the state tax commission for assessment and taxation purposes.

(6) Unless otherwise specifically authorized to form with noncontiguous boundaries, or to annex or ~~de-annex~~ ~~deannex~~ properties so as to make noncontiguous boundaries, all taxing districts shall form with and maintain contiguous boundaries.

Approved April 2, 2019

CHAPTER 272

(H.B. No. 199, As Amended)

AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO REVISE A DEFINITION AND TO REVISE PROVISIONS REGARDING THE CARRYING OF CONCEALED WEAPONS.

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

SECTION 1. That Section 18-3302, Idaho Code, be, and the same is hereby amended to read as follows:

18-3302. CONCEALED WEAPONS. (1) The legislature hereby finds that the people of Idaho have reserved for themselves the right to keep and bear arms while granting the legislature the authority to regulate the carrying of weapons concealed. The provisions of this chapter regulating the carrying

of weapons must be strictly construed so as to give maximum scope to the rights retained by the people.

(2) As used in this chapter:

(a) "Concealed weapon" means any deadly weapon carried on or about the person in a manner not discernible by ordinary observation;

(b) "Deadly weapon" means:

(i) Any dirk, dirk knife, bowie knife, dagger or firearm;

(ii) Any other weapon, device, instrument, material or substance that is designed and manufactured to be readily capable of causing death or serious bodily injury; or

(iii) Any other weapon, device, instrument, material or substance that is intended by the person to be readily capable of causing death or serious bodily injury.

(c) The term "deadly weapon" does not include:

(i) Any knife, cleaver or other instrument that is intended by the person to be used in the processing, preparation or eating of food;

(ii) Any knife with a blade ~~four~~ six (46) 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 ~~over~~ 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) ~~A firearm that is not loaded and is~~ 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) A Any deadly weapon concealed handgun by a person who is:

(i) Over twenty-one (21) 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 (a) through (n) of subsection (11) of this section.

(5) The requirement to secure a license to carry concealed weapons under this section shall not apply to the following persons:

(a) Officials of a city, county or the state of Idaho;

(b) Any publicly elected Idaho official;

(c) Members of the armed forces of the United States or of the national guard when in performance of official duties;

(d) Criminal investigators of the attorney general's office and criminal investigators of a prosecuting attorney's office, prosecutors and their deputies;

(e) Any peace officer as defined in section 19-5101(d), Idaho Code, in good standing;

(f) Retired peace officers or detention deputies with at least ten (10) years of service with the state or a political subdivision as a peace officer or detention deputy and who have been certified by the peace officer standards and training council;

(g) Any person who has physical possession of his valid license or permit authorizing him to carry concealed weapons from another state; and

(h) Any person who has physical possession of a valid license or permit from a local law enforcement agency or court of the United States authorizing him to carry concealed weapons.

(6) The sheriff of the county of the applicant's residence or, if the applicant has obtained a protection order pursuant to chapter 63, title 39, Idaho Code, the sheriff of a county where the applicant is temporarily residing may issue a temporary emergency license for good cause pending review of an application made under subsection (7) of this section. Temporary emergency licenses must be easily distinguishable from regular licenses. A temporary emergency license shall be valid for not more than ninety (90) days.

(7) The sheriff of a county, on behalf of the state of Idaho, must, within ninety (90) days after the filing of a license application by any person who is not disqualified as provided herein from possessing or receiving a firearm under state or federal law, issue a license to the person to carry concealed weapons on his person within this state. Such license shall be valid for five (5) years from the date of issuance.

(8) The sheriff must make license applications readily available at the office of the sheriff, at other public offices in his or her jurisdiction and on the website of the Idaho state police. The license application shall be in a form to be prescribed by the director of the Idaho state police and must meet the following requirements:

(a) The license application shall require the applicant's name, address, description, signature, date of birth, place of birth, military status, citizenship and the driver's license number or state identification card number if used for identification in applying for the license. Provided however, that if the applicant is not a United States citizen and is legally in the United States, the application must also require any alien or admission number issued to the applicant by United States immigration and customs enforcement or any successor agency;

(b) The license application may ask the applicant to disclose his social security number but must indicate that disclosure of the applicant's social security number is optional; and

(c) The license application must contain a warning that substantially reads as follows:

CAUTION: Federal law and state law on the possession of weapons and firearms differ. If you are prohibited by federal law from possessing a weapon or a firearm, you may be prosecuted in federal court. A state permit is not a defense to a federal prosecution.

(9) The sheriff may require the applicant to demonstrate familiarity with a firearm and must accept any one (1) of the following as evidence of the applicant's familiarity with a firearm:

(a) Completion of any hunter education or hunter safety course approved by the department of fish and game or a similar agency of another state;

(b) Completion of any national rifle association firearms safety or training course or any national rifle association hunter education course or any equivalent course;

(c) Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, community college, college, university or private or public institution or organization or firearms training school, utilizing instructors certified by the national rifle association or the Idaho state police;

(d) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or offered for any division or subdivision of a law enforcement agency or security enforcement agency;

(e) Evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

(f) ~~Is currently licensed~~ 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. section 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 which 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 ~~which~~ 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 ~~which~~ that would have disqualified him from initially receiving a license.

(23) A person twenty-one (21) years of age or older who presents a valid license to carry concealed weapons is exempt from any requirement to undergo a records check at the time of purchase or transfer of a firearm from a federally licensed firearms dealer. Provided however, a temporary emergency license issued pursuant to subsection (6) of this section shall not exempt the holder of the license from any records check requirement.

(24) The attorney general must contact the appropriate officials in other states for the purpose of establishing, to the extent possible, recognition and reciprocity of the license to carry concealed weapons by other states, whether by formal agreement or otherwise. The Idaho state police must keep a copy and maintain a record of all such agreements and reciprocity recognitions, which must be made available to the public.

(25) Nothing in subsection (3) or (4) of this section shall be construed to limit the existing rights of a private property owner, private tenant, private employer or private business entity.

(26) The provisions of this section are hereby declared to be severable and if any provision of this section or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this section.

Approved April 2, 2019

CHAPTER 273
(H.B. No. 206)

AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO REVISE CERTAIN EXCEPTIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 18-3302, Idaho Code, be, and the same is hereby amended to read as follows:

18-3302. CONCEALED WEAPONS. (1) The legislature hereby finds that the people of Idaho have reserved for themselves the right to keep and bear arms while granting the legislature the authority to regulate the carrying of weapons concealed. The provisions of this chapter regulating the carrying of weapons must be strictly construed so as to give maximum scope to the rights retained by the people.

(2) As used in this chapter:

(a) "Concealed weapon" means any deadly weapon carried on or about the person in a manner not discernible by ordinary observation;

(b) "Deadly weapon" means:

(i) Any dirk, dirk knife, bowie knife, dagger or firearm;

(ii) Any other weapon, device, instrument, material or substance that is designed and manufactured to be readily capable of causing death or serious bodily injury; or

(iii) Any other weapon, device, instrument, material or substance that is intended by the person to be readily capable of causing death or serious bodily injury.

(c) The term "deadly weapon" does not include:

(i) Any knife, cleaver or other instrument that is intended by the person to be used in the processing, preparation or eating of food;

(ii) Any knife with a blade four (4) 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 over eighteen (18) years of age 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) A firearm that is not loaded and is 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) A concealed handgun by a person who is:
 - (i) Over ~~twenty-one~~ eighteen (21~~8~~) 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.

(5) The requirement to secure a license to carry concealed weapons under this section shall not apply to the following persons:

- (a) Officials of a city, county or the state of Idaho;
- (b) Any publicly elected Idaho official;
- (c) Members of the armed forces of the United States or of the national guard when in performance of official duties;
- (d) Criminal investigators of the attorney general's office and criminal investigators of a prosecuting attorney's office, prosecutors and their deputies;
- (e) Any peace officer as defined in section 19-5101(d), Idaho Code, in good standing;
- (f) Retired peace officers or detention deputies with at least ten (10) years of service with the state or a political subdivision as a peace officer or detention deputy and who have been certified by the peace officer standards and training council;
- (g) Any person who has physical possession of his valid license or permit authorizing him to carry concealed weapons from another state; and
- (h) Any person who has physical possession of a valid license or permit from a local law enforcement agency or court of the United States authorizing him to carry concealed weapons.

(6) The sheriff of the county of the applicant's residence or, if the applicant has obtained a protection order pursuant to chapter 63, title 39, Idaho Code, the sheriff of a county where the applicant is temporarily residing may issue a temporary emergency license for good cause pending review of an application made under subsection (7) of this section. Temporary emergency licenses must be easily distinguishable from regular licenses. A temporary emergency license shall be valid for not more than ninety (90) days.

(7) The sheriff of a county, on behalf of the state of Idaho, must, within ninety (90) days after the filing of a license application by any person who is not disqualified as provided herein from possessing or receiving a firearm under state or federal law, issue a license to the person to carry concealed weapons on his person within this state. Such license shall be valid for five (5) years from the date of issuance.

(8) The sheriff must make license applications readily available at the office of the sheriff, at other public offices in his or her jurisdiction and on the website of the Idaho state police. The license application shall be in a form to be prescribed by the director of the Idaho state police and must meet the following requirements:

- (a) The license application shall require the applicant's name, address, description, signature, date of birth, place of birth, military status, citizenship and the driver's license number or state identification card number if used for identification in applying for the license. Provided however, that if the applicant is not a United States citizen and is legally in the United States, the application must also

require any alien or admission number issued to the applicant by United States immigration and customs enforcement or any successor agency;

(b) The license application may ask the applicant to disclose his social security number but must indicate that disclosure of the applicant's social security number is optional; and

(c) The license application must contain a warning that substantially reads as follows:

CAUTION: Federal law and state law on the possession of weapons and firearms differ. If you are prohibited by federal law from possessing a weapon or a firearm, you may be prosecuted in federal court. A state permit is not a defense to a federal prosecution.

(9) The sheriff may require the applicant to demonstrate familiarity with a firearm and must accept any one (1) of the following as evidence of the applicant's familiarity with a firearm:

(a) Completion of any hunter education or hunter safety course approved by the department of fish and game or a similar agency of another state;

(b) Completion of any national rifle association firearms safety or training course or any national rifle association hunter education course or any equivalent course;

(c) Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, community college, college, university or private or public institution or organization or firearms training school, utilizing instructors certified by the national rifle association or the Idaho state police;

(d) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or offered for any division or subdivision of a law enforcement agency or security enforcement agency;

(e) Evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

(f) Is currently licensed 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. section 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 which 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 ~~which~~ 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 ~~which~~ that would have disqualified him from initially receiving a license.

(23) A person twenty-one (21) years of age or older who presents a valid license to carry concealed weapons is exempt from any requirement to undergo a records check at the time of purchase or transfer of a firearm from a federally licensed firearms dealer. Provided however, a temporary emergency license issued pursuant to subsection (6) of this section shall not exempt the holder of the license from any records check requirement.

(24) The attorney general must contact the appropriate officials in other states for the purpose of establishing, to the extent possible, recognition and reciprocity of the license to carry concealed weapons by other states, whether by formal agreement or otherwise. The Idaho state police must keep a copy and maintain a record of all such agreements and reciprocity recognitions, which must be made available to the public.

(25) Nothing in subsection (3) or (4) of this section shall be construed to limit the existing rights of a private property owner, private tenant, private employer or private business entity.

(26) The provisions of this section are hereby declared to be severable and if any provision of this section or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this section.

Approved April 2, 2019

CHAPTER 274
(H.B. No. 208)

AN ACT

RELATING TO THE IDAHO TRANSPORTATION DEPARTMENT; AMENDING SECTION 49-202, IDAHO CODE, TO REMOVE PROVISIONS REGARDING RAILROAD CROSSINGS.

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 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 agent collecting such fee, which shall be deposited with the county treasurer and credited to the county current expense fund. 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.

(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 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) Wherever a highway crosses one (1) or more railroads at grade, the department or local authorities within their respective jurisdictions shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when in the determination of public highway agencies the existence of stop signs at a given crossing would constitute a greater hazard than their absence based on a recognized engineering study.~~

~~Nothing in this subsection shall be construed as granting immunity to any railroad company as to liability, if any, for an accident which might occur at a crossing where stop signs are erected and in place, but liability, if any, shall be determined as provided by law. Liability on the part of governmental authorities on account of absence of any stop sign at a crossing shall be determined as provided by law.~~

~~(26) 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.~~

(276) 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.

(287) 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.

(298) 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.

Approved April 2, 2019

CHAPTER 275
(H.B. No. 254)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2020; 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, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES:					
FROM:					
General					
Fund	\$394,300	\$279,500			\$673,800
Indirect Cost Recovery					
Fund	251,600	197,200			448,800
Parks and Recreation					
Fund	1,522,300	1,035,100	\$84,300	\$290,000	2,931,700
Recreational Fuels					
Fund	655,100	88,000		2,221,800	2,964,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Parks and Recreation Registration					
Fund	334,400	145,100		8,650,000	9,129,500
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	\$3,157,700	\$1,763,100	\$84,300	\$13,761,800	\$18,766,900

II. PARK OPERATIONS:

FROM:

General

Fund	\$2,159,400	\$600,700			\$2,760,100
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Indirect Cost Recovery

Fund		2,400			2,400
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Parks and Recreation

Fund	4,931,000	1,584,800	\$551,200		7,067,000
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Recreational Fuels

Fund	227,800	244,600	671,000		1,143,400
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Parks and Recreation Registration

Fund	868,500	801,300	194,500	\$200,000	2,064,300
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Miscellaneous Revenue

Fund	19,400	76,500			95,900
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Public Recreation Enterprise

Fund	806,700	1,289,000	26,000		2,121,700
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Parks and Recreation Expendable Trust

Fund	506,500	405,600			912,100
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Federal Grant

Fund	<u>1,064,100</u>	<u>628,600</u>	<u>310,000</u>	<u>1,227,500</u>	<u>3,230,200</u>
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TOTAL	\$10,583,400	\$5,633,500	\$1,752,700	\$1,427,500	\$19,397,100
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III. CAPITAL DEVELOPMENT:

FROM:

General

Fund			\$300,000		\$300,000
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Parks and Recreation

Fund			1,060,000		1,060,000
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Recreational Fuels

Fund			1,835,000		1,835,000
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Parks and Recreation Registration

Fund			1,325,000		1,325,000
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Public Recreation Enterprise

Fund			200,000		200,000
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	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Parks and Recreation Expendable Trust					
Fund			600,000		600,000
Federal Grant					
Fund			<u>657,000</u>		<u>657,000</u>
TOTAL			\$5,977,000		\$5,977,000
GRAND TOTAL	\$13,741,100	\$7,396,600	\$7,814,000	\$15,189,300	\$44,141,000

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-eight and thirty-nine hundredths (158.39) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, 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, 2019, through June 30, 2020. 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 2019 to be used for nonrecurring expenditures in the Capital Development Program for the period July 1, 2019, through June 30, 2020.

Approved April 2, 2019

CHAPTER 276
(H.B. No. 258)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2020 ;
APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2020 ;
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS ; PRO-
VIDING REAPPROPRIATION AUTHORITY ; AND PROVIDING FOR AN APPROPRIATION
AND TRANSFER OF FUNDS .

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

SECTION 1. There is hereby appropriated to the Idaho State Police the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020 :

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BRAND INSPECTION:					
FROM:					
State Brand Board					
Fund	\$2,622,600	\$419,400	\$178,000		\$3,220,000
II. DIVISION OF IDAHO STATE POLICE:					
A. DIRECTOR'S OFFICE:					
FROM:					
General					
Fund	\$2,126,100	\$238,200			\$2,364,300
Idaho Law Enforcement					
Fund	156,500				156,500
Idaho Law Enforcement (Project Choice)					
Fund	71,500	1,600			73,100
Miscellaneous Revenue					
Fund		56,400			56,400
Federal Grant					
Fund	<u>66,600</u>	<u>18,100</u>			<u>84,700</u>
TOTAL	\$2,420,700	\$314,300			\$2,735,000
B. EXECUTIVE PROTECTION:					
FROM:					
General					
Fund	\$460,800	\$94,500			\$555,300
Idaho Law Enforcement (Project Choice)					
Fund	59,800	700			60,500
Miscellaneous Revenue					
Fund	<u>90,900</u>	<u>6,400</u>			<u>97,300</u>
TOTAL	\$611,500	\$101,600			\$713,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
C. INVESTIGATIONS:					
FROM:					
General					
Fund	\$6,740,900	\$917,100	\$251,300		\$7,909,300
Technology Infrastructure Stabilization					
Fund		108,600			108,600
Idaho Law Enforcement (Project Choice)					
Fund	989,800	10,700			1,000,500
Drug & DWUI Enforcement Donation					
Fund	209,200	583,400			792,600
Federal Grant					
Fund	<u>163,900</u>	<u>512,300</u>	<u>0</u>	<u>\$110,000</u>	<u>786,200</u>
TOTAL	\$8,103,800	\$2,132,100	\$251,300	\$110,000	\$10,597,200
D. PATROL:					
FROM:					
General					
Fund	\$7,348,200	\$2,877,500	\$1,370,100		\$11,595,800
Technology Infrastructure Stabilization					
Fund		425,500			425,500
Idaho Law Enforcement					
Fund	16,266,300	2,765,300	872,600		19,904,200
Idaho Law Enforcement (Project Choice)					
Fund	3,488,200	38,000			3,526,200
Hazardous Materials/Waste Enforcement					
Fund	451,000	79,900	48,100	\$67,800	646,800
Miscellaneous Revenue					
Fund	688,600	79,000			767,600
Federal Grant					
Fund	<u>3,141,900</u>	<u>1,076,400</u>	<u>144,200</u>	<u>2,497,600</u>	<u>6,860,100</u>
TOTAL	\$31,384,200	\$7,341,600	\$2,435,000	\$2,565,400	\$43,726,200
E. LAW ENFORCEMENT PROGRAMS:					
FROM:					
General					
Fund	\$339,500	\$262,200			\$601,700
Alcohol Beverage Control					
Fund	1,160,000	446,200	\$54,900		1,661,100
Idaho Law Enforcement (Project Choice)					
Fund	206,400	2,200			208,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue					
Fund	<u>0</u>	<u>12,700</u>	<u>0</u>		<u>12,700</u>
TOTAL	\$1,705,900	\$723,300	\$54,900		\$2,484,100
F. SUPPORT SERVICES:					
FROM:					
General					
Fund	\$1,922,200	\$1,214,100	\$127,200		\$3,263,500
Idaho Law Enforcement					
Fund	113,500				113,500
Idaho Law Enforcement (Project Choice)					
Fund	61,400	2,100			63,500
Idaho Law Enforcement Telecommunications					
Fund	668,400	1,046,400	502,400		2,217,200
Miscellaneous Revenue					
Fund	1,324,200	1,762,500			3,086,700
Federal Grant					
Fund	<u>0</u>	<u>35,800</u>	<u>0</u>		<u>35,800</u>
TOTAL	\$4,089,700	\$4,060,900	\$629,600		\$8,780,200
G. FORENSIC SERVICES:					
FROM:					
General					
Fund	\$4,195,800	\$770,800	\$161,400		\$5,128,000
Idaho Law Enforcement (Project Choice)					
Fund	447,400	9,100			456,500
Drug & DWUI Enforcement Donation					
Fund		435,000			435,000
Miscellaneous Revenue					
Fund	87,300	130,500			217,800
Federal Grant					
Fund	<u>223,300</u>	<u>839,200</u>	<u>0</u>		<u>1,062,500</u>
TOTAL	\$4,953,800	\$2,184,600	\$161,400		\$7,299,800
DIVISION TOTAL	\$53,269,600	\$16,858,400	\$3,532,200	\$2,675,400	\$76,335,600
III. POST ACADEMY:					
FROM:					
Idaho Law Enforcement (Project Choice)					
Fund	\$62,200	\$2,000			\$64,200
Peace Officers Training					
Fund	2,335,000	2,013,400	\$327,200	\$105,900	4,781,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue					
Fund		29,000			29,000
Federal Grant					
Fund	<u>36,700</u>	<u>221,200</u>	<u>0</u>	<u>0</u>	<u>257,900</u>
TOTAL	\$2,433,900	\$2,265,600	\$327,200	\$105,900	\$5,132,600
IV. RACING COMMISSION:					
FROM:					
Idaho State Racing Commission					
Fund	\$247,000	\$143,600			\$390,600
Pari-Mutuel Distribution					
Fund	<u>0</u>	<u>0</u>		<u>\$30,000</u>	<u>30,000</u>
TOTAL	\$247,000	\$143,600		\$30,000	\$420,600
GRAND TOTAL	\$58,573,100	\$19,687,000	\$4,037,400	\$2,811,300	\$85,108,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho State Police is authorized no more than six hundred six and eighty-five hundredths (606.85) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho State Police any unexpended and unencumbered balances appropriated to the Idaho State Police from the General Fund for the purpose of purchasing the Watertower lots for fiscal year 2019, in an amount not to exceed \$762,600 from the General Fund, to be used for nonrecurring expenditures related to purchasing the Watertower lots for the period July 1, 2019, through June 30, 2020.

SECTION 4. CASH TRANSFER. There is hereby appropriated and the State Controller shall transfer \$1,030,800 from the General Fund to the Peace Officers Training Fund on July 1, 2019, or as soon thereafter as practicable.

Approved April 2, 2019

CHAPTER 277
(H.B. No. 263)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING CONTINUOUS APPROPRIATION AUTHORITY.

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

SECTION 1. There is hereby appropriated to the Public Employee Retirement System of Idaho the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. RETIREMENT ADMINISTRATION:				
FROM:				
PERSI Administrative				
Fund	\$4,538,500	\$2,616,500	\$519,500	\$7,674,500
Judges' Retirement				
Fund	63,100	1,000	0	64,100
TOTAL	\$4,601,600	\$2,617,500	\$519,500	\$7,738,600
II. PORTFOLIO INVESTMENT:				
FROM:				
PERSI Special				
Fund	\$815,500	\$224,800	\$18,000	\$1,058,300
GRAND TOTAL	\$5,417,100	\$2,842,300	\$537,500	\$8,796,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Public Employee Retirement System of Idaho is authorized no more than sixty-nine (69.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUS APPROPRIATION. Notwithstanding the provisions of Section 59-1311(4)(d), Idaho Code, moneys appropriated in Section 1 of this act for the Portfolio Investment Program are for administrative costs of the Portfolio Investment Program as provided in Section 59-1311(3), Idaho Code. Amounts necessary to pay all other investment expenses related to the Portfolio Investment Program are perpetually appropriated to the Public Employee Retirement System Board as provided in Section 59-1311(4)(a), (b) and (c), Idaho Code.

Approved April 2, 2019

CHAPTER 278
(H.B. No. 264)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2020; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the State Liquor Division the following amounts to be expended according to the designated expense classes from the Liquor Control Fund for the period July 1, 2019, through June 30, 2020:

FOR:

Personnel Costs	\$14,397,600
Operating Expenditures	7,071,000
Capital Outlay	<u>908,800</u>
TOTAL	\$22,377,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Liquor Division is authorized no more than two hundred forty (240.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 2, 2019

CHAPTER 279
(H.B. No. 265)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE TREASURER FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING REQUIREMENTS REGARDING PAYMENT OF BANK SERVICE FEES.

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

SECTION 1. There is hereby appropriated to the State Treasurer the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General			
Fund	\$940,700	\$523,200	\$1,463,900
State Treasurer LGIP			
Fund	185,500	135,100	320,600
Treasurer's Office - Professional Services			
Fund	639,700	577,800	1,217,500
Idaho Millennium Income			
Fund		80,000	80,000
Abandoned Property Trust - Unclaimed Property			
Fund	<u>811,700</u>	<u>440,200</u>	<u>1,251,900</u>
TOTAL	\$2,577,600	\$1,756,300	\$4,333,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Treasurer is authorized no more than twenty-six (26.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. PAYMENT OF BANK SERVICE FEES. Of the amount appropriated in Section 1 of this act, no more than \$435,900 from the General Fund and \$192,400 from the Professional Services Fund may be used for the payment of bank service fees for the period July 1, 2019, through June 30, 2020.

Approved April 2, 2019

CHAPTER 280
(H.B. No. 266)

AN ACT

RELATING TO SEXUAL ASSAULT EVIDENCE KITS; AMENDING SECTION 39-1390, IDAHO CODE, TO PROVIDE THAT CERTAIN INFORMATION SHALL BE EXCLUDED IN A REPORT TO LAW ENFORCEMENT IN CERTAIN INSTANCES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 39-1390, Idaho Code, be, and the same is hereby amended to read as follows:

39-1390. REPORTS TO LAW ENFORCEMENT AGENCIES OF CERTAIN TYPES OF INJURIES. (1) As soon as treatment permits, any person operating a hospital or other medical treatment facility, or any physician, resident on a hospital staff, intern, physician assistant, nurse or emergency medical technician, shall notify the local law enforcement agency of that jurisdiction upon the treatment of or request for treatment of a person when the reporting person has reason to believe that the person treated or requesting treatment has received:

- (a) Any injury inflicted by means of a firearm; or
- (b) Any injury indicating that the person may be a victim of a criminal offense.

(2) The report provided to the law enforcement agency pursuant to subsection (1) of this section shall include the name and address of the injured person, the character and extent of the person's injuries, and the medical basis for making the report. Provided however, that when an adult injured person is being seen for the purposes of administration of an anonymous sexual assault evidence kit pursuant to section 67-2919, Idaho Code, the name, address, and any other personally identifying information of the adult injured person shall not be included in the report.

(3) Any person operating a medical facility, or any physician, resident on a hospital staff, intern, physician assistant, nurse or emergency medical technician, shall be held harmless from any civil liability for his reasonable compliance with the provisions of this section.

Approved April 2, 2019

CHAPTER 281
(H.B. No. 267)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR COLLEGE AND UNIVERSITIES AND THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2020; PROVIDING REAPPROPRIATION AUTHORITY; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; PROVIDING REQUIREMENTS FOR SYSTEMWIDE NEEDS; PROVIDING REQUIREMENTS FOR AN OPEN EDUCATION RESOURCES PILOT; DIRECTING AN ADJUSTMENT FOR STUDENT TUITION AND FEES FOR FISCAL YEAR 2020; DIRECTING AN ADJUSTMENT FOR STUDENT TUITION AND FEES FOR FISCAL YEAR 2019; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities and the Office of the State Board of Education the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOISE STATE UNIVERSITY:					
FROM:					
General					
Fund	\$91,574,200	\$9,864,800	\$3,757,800		\$105,196,800
Unrestricted					
Fund	<u>88,834,100</u>	<u>32,337,900</u>	<u>137,400</u>		<u>121,309,400</u>
TOTAL	\$180,408,300	\$42,202,700	\$3,895,200		\$226,506,200
II. IDAHO STATE UNIVERSITY:					
FROM:					
General					
Fund	\$80,530,100	\$1,690,300			\$82,220,400
Charitable Institutions Endowment Income					
Fund	1,534,400				1,534,400
Normal School Endowment Income					
Fund	2,473,000				2,473,000
Unrestricted					
Fund	<u>34,475,600</u>	<u>25,614,500</u>	<u>\$3,704,000</u>		<u>63,794,100</u>
TOTAL	\$119,013,100	\$27,304,800	\$3,704,000		\$150,021,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. UNIVERSITY OF IDAHO:					
FROM:					
General					
Fund	\$83,164,500	\$7,818,500	\$3,562,800		\$94,545,800
Agricultural College Endowment Income					
Fund	929,600	183,800	352,600		1,466,000
Scientific School Endowment Income					
Fund	3,430,000	103,600	1,396,400		4,930,000
University Endowment Income					
Fund		3,323,100	1,036,900		4,360,000
Unrestricted					
Fund	<u>59,928,000</u>	<u>18,999,200</u>	<u>305,100</u>		<u>79,232,300</u>
TOTAL	\$147,452,100	\$30,428,200	\$6,653,800		\$184,534,100
IV. LEWIS-CLARK STATE COLLEGE:					
FROM:					
General					
Fund	\$15,394,500	\$1,823,300	\$434,000		\$17,651,800
Normal School Endowment Income					
Fund		2,473,000			2,473,000
Unrestricted					
Fund	<u>14,449,800</u>	<u>2,175,900</u>	<u>20,000</u>		<u>16,645,700</u>
TOTAL	\$29,844,300	\$6,472,200	\$454,000		\$36,770,500
V. SYSTEMWIDE PROGRAMS:					
FROM:					
General					
Fund		\$2,257,800		\$4,158,000	\$6,415,800
GRAND TOTAL	\$476,717,800	\$108,665,700	\$14,707,000	\$4,158,000	\$604,248,500

SECTION 2. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities and the Office of the State Board of Education any unexpended and unencumbered balances appropriated or reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities and the Office of the State Board of Education from dedicated funds for fiscal year 2019 to be used for nonrecurring expenditures for the period July 1, 2019, through June 30, 2020.

SECTION 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. The State Board of Education and the Board of Regents of the University of Idaho for College and Universities and the Office of the State Board of Education 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, 2019, through June 30, 2020. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. SYSTEMWIDE NEEDS. Of the amount appropriated in Section 1, Subsection V. of this act, the following amounts may be used as follows: (1) an amount not to exceed \$902,600 may be used by the Office of the State Board of Education for systemwide needs that benefit all of the four-year institutions including, but not limited to, projects to promote accountability and information transfer throughout the higher education system; and (2) an amount of approximately \$1,960,500 may be used for the mission and goals of the Higher Education Research Council as outlined in State Board of Education Policy III.W., which includes awards for infrastructure, matching grants, and competitive grants through the Idaho Incubation Fund program.

SECTION 5. OPEN EDUCATION RESOURCES. Of the amount appropriated in Section 1 of this act for open education resources, up to \$50,000 from the General Fund shall be used to pilot open education resources for postsecondary courses. Selection of the eligible course(s) for the pilot shall include consideration of the number of students taking the course systemwide, the cost of traditional textbooks associated with the course, and availability of the course to secondary students through dual credit. Development of the open education resources shall be collaborative and serviceable to general education courses at no less than four (4) postsecondary institutions.

SECTION 6. STUDENT TUITION AND FEES FOR FISCAL YEAR 2020. Notwithstanding the provisions of Section 67-3516(2), Idaho Code, the Division of Financial Management may approve the expenditure of dedicated state funds pursuant to the noncognizable process for student tuition and fees during fiscal year 2020. Each of the institution's budget requests for fiscal year 2021 shall reflect all adjustments so approved by the Division of Financial Management.

SECTION 7. STUDENT TUITION AND FEES FOR FISCAL YEAR 2019. Notwithstanding the provisions of Section 67-3516(2), Idaho Code, the Division of Financial Management may approve the expenditure of dedicated state funds pursuant to the noncognizable process for student tuition and fees during fiscal year 2019. Each of the institution's budget requests for fiscal year 2020 shall reflect all adjustments so approved by the Division of Financial Management.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Section 7 of this act shall be in full force and effect on and after passage and approval.

Approved April 2, 2019

CHAPTER 282
(H.B. No. 268)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS TO THE ENVIRONMENTAL REMEDIATION TRIUMPH MINE 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, 2019, through June 30, 2020:

	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	\$2,038,900	\$1,694,000	\$104,600		\$3,837,500
Air Quality Permitting					
Fund	238,100	101,000	3,400		342,500
Public Water System Supervision					
Fund	393,500	54,200	5,000		452,700
Water Pollution Control					
Fund	81,600	21,500	1,700		104,800
Environmental Remediation (Basin)					
Fund		26,300			26,300
Department of Environmental Quality (Receipts)					
Fund	278,900	102,300	6,700		387,900
Idaho Underground Storage Tank Program					
Fund	54,500	29,200			83,700
IPDES Program					
Fund	187,400	92,700			280,100
Bunker Hill Trust					
Fund		12,400			12,400
Department of Environmental Quality (Federal)					
Fund	<u>1,672,400</u>	<u>1,720,500</u>	<u>108,400</u>		<u>3,501,300</u>
TOTAL	\$4,945,300	\$3,854,100	\$229,800		\$9,029,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. AIR QUALITY:					
FROM:					
Department of Environmental Quality (General)					
Fund	\$3,499,200	\$207,600	\$106,000		\$3,812,800
Air Quality Permitting					
Fund	1,292,400	82,700		\$40,000	1,415,100
Department of Environmental Quality (Receipts)					
Fund	318,100	5,743,000			6,061,100
Department of Environmental Quality (Federal)					
Fund	<u>1,540,700</u>	<u>1,974,200</u>	<u>0</u>	<u>41,400</u>	<u>3,556,300</u>
TOTAL	\$6,650,400	\$8,007,500	\$106,000	\$81,400	\$14,845,300

III. WATER QUALITY:

FROM:

Department of Environmental Quality (General)					
Fund	\$8,354,300	\$2,033,300	\$121,300	\$1,233,500	\$11,742,400
Public Water System Supervision					
Fund	1,127,800	499,700			1,627,500
Water Pollution Control					
Fund	18,600				18,600
Department of Environmental Quality (Receipts)					
Fund	521,600	153,500		51,600	726,700
IPDES Program					
Fund	253,200	4,500			257,700
Department of Environmental Quality (Federal)					
Fund	<u>4,903,100</u>	<u>1,645,000</u>	<u>0</u>	<u>2,333,200</u>	<u>8,881,300</u>
TOTAL	\$15,178,600	\$4,336,000	\$121,300	\$3,618,300	\$23,254,200

IV. COEUR D'ALENE BASIN COMMISSION:

FROM:

Department of Environmental Quality (General)					
Fund	\$118,900	\$10,200			\$129,100
Environmental Remediation (Basin)					
Fund	67,800	15,500			83,300
Department of Environmental Quality (Federal)					
Fund	<u>16,000</u>	<u>253,400</u>		<u>\$50,000</u>	<u>319,400</u>
TOTAL	\$202,700	\$279,100		\$50,000	\$531,800

V. WASTE MANAGEMENT AND REMEDIATION:

FROM:

Department of Environmental Quality (General)					
Fund	\$2,719,300	\$102,700		\$134,600	\$2,956,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Environmental Remediation (Box)					
Fund	31,000	76,600		150,500	258,100
Environmental Remediation (Basin)					
Fund	378,600	241,800			620,400
Environmental Remediation (Triumph Mine)					
Fund	54,500	285,500			340,000
Department of Environmental Quality (Receipts)					
Fund	822,400	1,447,100		51,800	2,321,300
Idaho Underground Storage Tank Program					
Fund	239,600	25,000			264,600
Bunker Hill Trust					
Fund	48,900	920,000		300,000	1,268,900
Department of Environmental Quality (Federal)					
Fund	<u>2,826,400</u>	<u>4,706,100</u>		<u>3,015,500</u>	<u>10,548,000</u>
TOTAL	\$7,120,700	\$7,804,800		\$3,652,400	\$18,577,900

VI. IDAHO NATIONAL LABORATORY OVERSIGHT:

FROM:

Department of Environmental Quality (General)					
Fund	\$89,500	\$8,700			\$98,200
Department of Environmental Quality (Federal)					
Fund	<u>1,013,300</u>	<u>918,800</u>		<u>\$146,900</u>	<u>2,079,000</u>
TOTAL	\$1,102,800	\$927,500		\$146,900	\$2,177,200
GRAND TOTAL	\$35,200,500	\$25,209,000	\$457,100	\$7,549,000	\$68,415,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Environmental Quality is authorized no more than three hundred eighty-nine (389.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, 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 (Triumph Mine) Fund through monthly installments or as practicable for the period July 1, 2019, through June 30, 2020, to be used for remediation, maintenance, and monitoring of conditions at the Triumph Mine.

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, \$500,000 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. 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 2019, in an amount not to exceed \$300,000 from the General Fund, to be used for nonrecurring expenditures related to Agricultural Best Management Practices for the period July 1, 2019, through June 30, 2020.

Approved April 2, 2019

CHAPTER 283
(H.B. No. 270)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-302, IDAHO CODE, TO PROVIDE THAT PUBLIC SCHOOL FACILITIES SHALL BE MADE AVAILABLE AS PRECINCT POLLING PLACES AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-302, Idaho Code, be, and the same is hereby amended to read as follows:

34-302. DESIGNATION OF PRECINCT POLLING PLACES. The board shall, not less than thirty (30) days before any election, designate a suitable polling place for each election precinct. Insofar as possible, the board shall designate the same polling place for the general election ~~which~~ that it designated for the primary election. The physical arrangements of the polling place shall be sufficient to guarantee all voters the right to cast a secret ballot. Public school facilities shall be made available to the board as precinct polling places. All polling places designated as provided herein shall conform to the accessibility standards adopted by the secretary of state pursuant to the "Voting Accessibility for the Elderly and Handicapped Act," P.L. 98-435. The expense of providing such polling places shall be a public charge and paid out of the county treasury.

SECTION 2. This act shall be in full force and effect on and after July 1, 2020.

Approved April 2, 2019

CHAPTER 284
(H.B. No. 274)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION; PROVIDING REAPPROPRIATION AUTHORITY FOR THE CAPITAL FACILITIES PROGRAM; PROVIDING REAPPROPRIATION AUTHORITY FOR THE STATE HIGHWAY FUND, THE STRATEGIC INITIATIVES PROGRAM FUND, AND THE TRANSPORTATION EXPANSION AND CONGESTION MITIGATION FUND; PROVIDING REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS; AUTHORIZING A TRANSFER OF FUNDS FOR BOND PAYMENTS; AND AUTHORIZING A TRANSFER OF FUNDS FROM THE GARVEE CAPITAL PROJECT FUND.

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

SECTION 1. There is hereby appropriated to the Idaho Transportation Department the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. TRANSPORTATION SERVICES:					
A. ADMINISTRATION:					
FROM:					
State Highway (Dedicated)					
Fund	\$17,254,300	\$11,732,400	\$1,248,500		\$30,235,200
State Highway (Federal)					
Fund	<u>420,800</u>	<u>319,100</u>	<u>0</u>	<u>\$340,000</u>	<u>1,079,900</u>
TOTAL	\$17,675,100	\$12,051,500	\$1,248,500	\$340,000	\$31,315,100
B. CAPITAL FACILITIES:					
FROM:					
State Aeronautics (Dedicated)					
Fund			\$50,000		\$50,000
State Highway (Dedicated)					
Fund		<u>\$300,000</u>	<u>5,445,000</u>		<u>5,745,000</u>
TOTAL		\$300,000	\$5,495,000		\$5,795,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
C. AERONAUTICS:					
FROM:					
State Aeronautics (Dedicated)					
Fund	\$998,400	\$568,400	\$42,600	\$1,000,000	\$2,609,400
State Aeronautics (Billing)					
Fund	112,900	138,400			251,300
State Highway (Dedicated)					
Fund			91,200		91,200
State Aeronautics (Federal)					
Fund	<u>94,300</u>	<u>573,200</u>	<u>0</u>	<u>0</u>	<u>667,500</u>
TOTAL	\$1,205,600	\$1,280,000	\$133,800	\$1,000,000	\$3,619,400
DIVISION					
TOTAL	\$18,880,700	\$13,631,500	\$6,877,300	\$1,340,000	\$40,729,500
II. MOTOR VEHICLES:					
FROM:					
State Highway (Dedicated)					
Fund	\$15,798,700	\$17,858,600	\$538,000		\$34,195,300
State Highway (Federal)					
Fund	<u>0</u>	<u>3,600,000</u>	<u>0</u>		<u>3,600,000</u>
TOTAL	\$15,798,700	\$21,458,600	\$538,000		\$37,795,300
III. HIGHWAY OPERATIONS:					
FROM:					
State Highway (Dedicated)					
Fund	\$85,899,400	\$55,563,300	\$22,617,600	\$462,000	\$164,542,300
State Highway (Local)					
Fund	236,400	73,900			310,300
State Highway (Federal)					
Fund	<u>14,150,300</u>	<u>5,208,900</u>	<u>0</u>	<u>18,668,900</u>	<u>38,028,100</u>
TOTAL	\$100,286,100	\$60,846,100	\$22,617,600	\$19,130,900	\$202,880,700
IV. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:					
FROM:					
State Highway (Dedicated)					
Fund		\$2,500,000	\$103,446,200	\$500,000	\$106,446,200
State Highway (Local)					
Fund		100,000	9,444,600	100,000	9,644,600
Transportation Expansion and Congestion Mitigation					
Fund			25,618,200		25,618,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
State Highway (Federal)					
Fund		<u>8,000,000</u>	<u>295,022,700</u>	<u>1,500,000</u>	<u>304,522,700</u>
TOTAL		\$10,600,000	\$433,531,700	\$2,100,000	\$446,231,700
GRAND TOTAL	\$134,965,500	\$106,536,200	\$463,564,600	\$22,570,900	\$727,637,200

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Idaho Transportation Department is authorized no more than one thousand six hundred forty-eight (1,648.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CONTINUOUSLY APPROPRIATED MONEYS. All moneys transferred to the Local Bridge Inspection Fund and to the Railroad Grade Crossing Protection Fund, as provided in Section 63-2412, Idaho Code, are hereby continuously appropriated to the Idaho Transportation Department for the stated purpose of those funds.

SECTION 4. REAPPROPRIATION AUTHORITY FOR THE CAPITAL FACILITIES PROGRAM. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated to the Idaho Transportation Department from the State Highway Fund in the Capital Facilities Program for fiscal year 2019 to be used for nonrecurring expenditures for the Capital Facilities Program for the period July 1, 2019, through June 30, 2020.

SECTION 5. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated or reappropriated to the Idaho Transportation Department from the State Highway Fund, Strategic Initiatives Program Fund, and the Transportation Expansion and Congestion Mitigation Fund for the Contract Construction and Right-of-Way Acquisition Division for fiscal year 2019 to be used for nonrecurring expenditures for the Contract Construction and Right-of-Way Acquisition Division for the period July 1, 2019, through June 30, 2020.

SECTION 6. REAPPROPRIATION AUTHORITY FOR AIRPORT DEVELOPMENT GRANTS. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances appropriated or reappropriated to the Idaho Transportation Department from the State Aeronautics Fund as trustee and benefit payments for Airport Development Grants for fiscal year 2019 to be used for nonrecurring expenditures related to Airport Development Grants for the period July 1, 2019, through June 30, 2020.

SECTION 7. BOND PAYMENT AUTHORIZATION. The federal GARVEE bond payment for fiscal year 2020 is approximately \$63,100,000. It is hereby appropriated and the Idaho Transportation Board is hereby authorized to transfer up to \$4,800,000 from within the State Highway (Dedicated) Fund to the GARVEE Debt Service Fund to pay the state match as required for federal funds committed to pay the annual scheduled debt service for fiscal year 2020.

SECTION 8. CASH TRANSFER FROM GARVEE CAPITAL PROJECT FUND. There is hereby appropriated and the State Controller shall transfer up to \$1,176,000 from the GARVEE Capital Project Fund to the State Highway (Dedicated) Fund on July 1, 2019, or as soon thereafter as practicable.

Approved April 2, 2019

CHAPTER 285
(H.B. No. 282)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2020; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. There is hereby appropriated to the Department of Commerce the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General				
Fund	\$2,587,200	\$1,063,800	\$2,250,000	\$5,901,000
Idaho Opportunity				
Fund			3,000,000	3,000,000
Tourism and Promotion				
Fund	848,900	8,407,600	7,445,800	16,702,300
Miscellaneous Revenue				
Fund		157,500		157,500
Seminars and Publications				
Fund		378,400		378,400
Federal Grant				
Fund	409,900	249,100	15,620,800	16,279,800
TOTAL	\$3,846,000	\$10,256,400	\$28,316,600	\$42,419,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Commerce is authorized no more than forty-three (43.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 2, 2019

CHAPTER 286
(H.B. No. 283)

AN ACT

RELATING TO THE APPROPRIATION TO THE WORKFORCE DEVELOPMENT COUNCIL FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE WORKFORCE DEVELOPMENT COUNCIL FOR FISCAL YEAR 2020; 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, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
Workforce Development Training				
Fund	\$390,100	\$352,100	\$7,684,500	\$8,426,700
Federal Grant				
Fund	<u>95,400</u>	<u>50,000</u>	<u>0</u>	<u>145,400</u>
TOTAL	\$485,500	\$402,100	\$7,684,500	\$8,572,100

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, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Approved April 2, 2019

CHAPTER 287
(H.B. No. 284)

AN ACT

RELATING TO THE APPROPRIATION TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2020; AND AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Division of Financial Management the following amounts to be expended according to the designated expense classes from the Administrative Code Fund for the period July 1, 2019, through June 30, 2020:

FOR:

Personnel Costs	\$268,200
Operating Expenditures	<u>199,900</u>
TOTAL	\$468,100

SECTION 2. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Division of Financial Management is hereby increased by three (3.00) for the period July 1, 2019, through June 30, 2020.

Approved April 2, 2019

CHAPTER 288
(S.B. No. 1113, As Amended in the House)

AN ACT

RELATING TO CAMPAIGN FINANCE REPORTS; AMENDING SECTION 67-6601, IDAHO CODE, TO REVISE THE PURPOSE OF THE ACT; AMENDING SECTION 67-6602, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE A TERM; AMENDING SECTION 67-6604, IDAHO CODE, TO PROVIDE FOR THE INSPECTION OF CERTAIN POLITICAL ACCOUNTS BY A COUNTY CLERK, TO PROVIDE A CORRECT CODE REFERENCE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6606, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-6607, IDAHO CODE, TO REVISE PROVISIONS REGARDING REPORTS OF CONTRIBUTIONS AND EXPENDITURES BY CANDIDATES AND POLITICAL COMMITTEES; REPEALING SECTION 67-6608, IDAHO CODE, RELATING TO THE DISPOSITION OF UNEXPENDED BALANCES; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6608, IDAHO CODE, TO PROVIDE FOR LIMITED APPLICATION OF CAMPAIGN FINANCE REPORTING LAWS TO CERTAIN ELECTIONS; AMENDING SECTION 67-6609, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6610A, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTRIBUTION LIMITS AND TO PROVIDE FOR APPLICABILITY TO SPECIAL ELECTIONS; AMENDING SECTION 67-6610B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 67-6612, IDAHO CODE, RELATING TO THE CONTENT OF CAMPAIGN FINANCE REPORTS; AMENDING SECTION 67-6615, IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS REGARDING THE INSPECTION

OF STATEMENTS PURSUANT TO THIS CHAPTER, TO PROVIDE LEGISLATIVE INTENT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6616, IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS REGARDING THE EXAMINATION OF STATEMENTS FILED PURSUANT TO THIS CHAPTER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6621, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6623, IDAHO CODE, TO PROVIDE FOR THE RESPECTIVE DUTIES OF THE SECRETARY OF STATE AND OF COUNTY CLERKS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6625A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ISSUANCE OF A LATE FEE AND TO PROVIDE THAT THE SECRETARY OF STATE OR COUNTY CLERK SHALL PROVIDE NOTIFICATION TO PERSONS WHO HAVE FAILED TO FILE A REQUIRED STATEMENT OR REPORT; AMENDING SECTION 67-6626, IDAHO CODE, TO PROVIDE FOR THE ROLE OF A COUNTY CLERK IN AN INJUNCTION TO ENFORCE THE CHAPTER AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 1-2220A, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR MAGISTRATE RETENTION ELECTIONS; REPEALING SECTION 31-2012, IDAHO CODE, RELATING TO THE APPLICATION OF CAMPAIGN REPORTING LAW TO CERTAIN COUNTY ELECTIONS; AMENDING SECTION 33-503, IDAHO CODE, TO REMOVE A PROVISION REGARDING CAMPAIGN FINANCE REPORTING FOR CERTAIN SCHOOL TRUSTEE ELECTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-2106, IDAHO CODE, TO REMOVE A PROVISION REGARDING CAMPAIGN FINANCE REPORTING FOR COMMUNITY COLLEGE TRUSTEE ELECTIONS AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 40-1417, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR COUNTY-WIDE HIGHWAY DISTRICT ELECTIONS; REPEALING SECTION 50-420, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING IN CERTAIN CITY ELECTIONS; AMENDING SECTION 50-2006, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; REPEALING SECTION 67-4931, IDAHO CODE, RELATING TO CAMPAIGN FINANCE REPORTING FOR AUDITORIUM DISTRICT ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-6601, Idaho Code, be, and the same is hereby amended to read as follows:

67-6601. PURPOSE OF ACT CHAPTER. The purpose of this act chapter is:
 (a1) To promote public confidence in government; and
 (b2) To promote openness in government and avoiding secrecy and to promote transparency by those giving financial support to state election campaigns and those promoting or opposing legislation or attempting to influence executive or administrative actions for compensation at the state level.

SECTION 2. 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:

(a1) "Candidate" means an individual who has ~~taken affirmative action to seek nomination or election to public office. An individual shall be deemed to have taken affirmative action to seek such nomination or election to public office when he first:~~

~~(1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or~~
~~(2) Announces publicly or files for office~~
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.

~~(3) For purposes of this chapter, an incumbent shall be presumed to be a candidate in the subsequent election for his or her office. Contributions received by an incumbent candidate shall not be in excess of the prescribed contribution limits for the subsequent election by which the incumbent candidate's name would first appear on the ballot. An incumbent shall no longer be a candidate for his or her office after the deadline for the filing of a declaration of candidacy to first appear on the ballot for that office has expired, until the incumbent has failed to file a declaration of candidacy by the statutory deadline.~~

(b2) "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.

(e3) "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.

(d4) "Election" means any state or local general, special, recall, or primary election.

(e5) "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.

(f6) (1a) "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.

(2b) "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 which that refers to any candidate only as part of the popular name of a bill or statute;

(v) A communication which that constitutes an expenditure or an independent expenditure under this chapter.

(g7) "Executive official" means:

(1a) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general, superintendent of public instruction and any deputy or staff member of ~~one~~ (1) 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;

(2b) 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;

(3c) 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;

(4d) 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;

(5e) 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

(6f) 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.

(h8) "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.

(i9) "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."

(j10) "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.

(k11) "Lobbyist" includes any person who lobbies.

(l12) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed, directly or indirectly, and all persons by whom he is compensated for acting as a lobbyist.

(m13) "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.

(14) "Measure" means any proposal, to be voted statewide, submitted to the people for their approval or rejection at an election, including any initiative, referendum, recall election for statewide or legislative district offices, 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.

(n15) "Nonbusiness entity" means any group of two (2) or more individuals, a corporation, association, firm, partnership, committee, club or other organization which that:

(1a) Does not have as its principal purpose the conduct of business activities for profit; and

(2b) 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.

(e16) "Person" means an individual, corporation, association, firm, partnership, committee, political party, club or other organization or group of persons.

(p17) "Political committee" means:

(1a) Any person specifically designated to support or oppose any candidate or measure; or

(2b) Any person who receives contributions and makes expenditures in an amount exceeding ~~five hundred dollars (\$500)~~ 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.

(3c) 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.

(q18) "Political treasurer" means an individual appointed by a candidate or political committee as provided in section 67-6603, Idaho Code.

(r19) "Public office" means any local, legislative, judicial, or state office or position, ~~state senator, state representative, and judge of the district court~~ that is filled by election but does not include the office of precinct committeeman.

SECTION 3. That Section 67-6604, Idaho Code, be, and the same is hereby amended to read as follows:

67-6604. ACCOUNTS OF POLITICAL TREASURER. (a1) The political treasurer for each candidate or political committee shall keep detailed accounts, current within not more than seven (7) days after the date of receiving the contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be set forth in a statement filed under this ~~act~~ chapter.

(b2) Accounts kept by the political treasurer for a candidate or political committee may be inspected, before the election to which the accounts refer, by the secretary of state, or county clerk for local government offices or measures, or his agent or employee, who is making an investigation pursuant to section 67-6615, Idaho Code.

(e3) Accounts kept by a political treasurer shall be preserved by him for at least one (1) year after the date of the election to which the accounts refer or at least one (1) year after the date the last ~~supplemental~~ statement is filed under section 67-66097, Idaho Code, whichever is later.

SECTION 4. That Section 67-6606, Idaho Code, be, and the same is hereby amended to read as follows:

67-6606. EXPENDITURES BY NONBUSINESS ENTITY. (1) Any nonbusiness entity, ~~which that~~ is not a political committee as defined in section 67-6602(p), Idaho Code, making expenditures in or directed to voters in the state of Idaho 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 shall file a statement with the secretary of state. The statement shall include:

(a) The name and address of the nonbusiness entity and the name and address of its principal officer or directors.

(b) The name and address of each person whose fees, dues, payments or other consideration paid to such nonbusiness entity during either of the prior two (2) calendar years has exceeded five hundred dollars (\$500) or who has paid or has agreed to pay fees, dues, payments or other consideration exceeding five hundred dollars (\$500) to such entity during the current year.

(2) This statement shall be filed within thirty (30) days of when the one thousand dollar (\$1,000) threshold mentioned in subsection (1) of this section is exceeded.

SECTION 5. 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. (a) The political treasurer for each candidate and the political treasurer of each political committee shall file with the secretary of state:

~~(1) Not more than fourteen (14) days and not less than seven (7) days before the date of a primary election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or and encumbrances made by or on behalf of the candidate or political committee prior to the fifteenth day before the primary election, 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) Not more than thirty (30) days after the date of a primary election in which a candidate or a political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee to cover the period since the fifteenth day before the primary election to and including the tenth day after the primary election;~~

~~(3) For all political committees supporting or opposing measures, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the measure or any candidate or made by or against the measure or any candidate shall be filed on the same dates provided in paragraphs (1), (2), (4), (5) and (6) of this subsection;~~

~~(4) Not later than October 10 immediately preceding a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee since and including the eleventh day after the date of the primary election and to and including September 30;~~

~~(5) Not more than fourteen (14) days and not less than seven (7) days before the date of a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee since and including October 1 and to and~~

~~including the sixteenth day before the general election, together with a cumulative statement showing all such contributions and expenditures or encumbrances to and including the sixteenth day before the general election; and~~

~~(6) Not more than thirty (30) days after the date of a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee to cover the period since the fifteenth day before the general election to and including the tenth day after the general election.~~

(b2) 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. 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.

~~(e3) Notwithstanding any other reports required under this section, the political treasurer for each any candidate and any political committee shall notify the secretary of state, in writing, of any contribution of one thousand dollars (\$1,000) or more, received by the political treasurer after the sixteenth day before, but more than forty-eight (48) hours before, any primary or general election. 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 postelection report regular reports.~~

~~(d4) For aAll reports required pursuant to this section shall be filed online with the secretary of state shall accept the date of a postmark as the date of receipt except for the seven (7) day preelection reports which must be received by no later than 5:00 p.m. on the seventh day preceding the primary or general election, unless a waiver has been provided under section 67-6623, Idaho Code, by no later than midnight on the date the filing is due.~~

~~(e5) Any rReports required to be filed under the provisions of this section may also shall be filed by means of an electronic facsimile transmission machine and may be filed by other electronic means as approved by the secretary of state until the account no longer shows any unexpended balance of contributions or expenditure deficit.~~

SECTION 6. That Section 67-6608, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 66, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-6608, Idaho Code, and to read as follows:

67-6608. SPECIAL PROVISION FOR LOCAL ELECTIONS AND MEASURES. (1) The political treasurer for a candidate for 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 local government office or 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 8. That Section 67-6609, Idaho Code, be, and the same is hereby amended to read as follows:

67-6609. STATEMENT AS TO NO CONTRIBUTION OR EXPENDITURE. If no contribution is received or expenditure made by or on behalf of a candidate or political committee during a period described in section 67-6607 ~~or 67-6608, Idaho Code,~~ the political treasurer for the candidate or political committee shall file with the Secretary of State, at the time required by such section of this act for the period, a statement to that effect.

SECTION 9. That Section 67-6610A, Idaho Code, be, and the same is hereby amended to read as follows:

67-6610A. LIMITATIONS ON CONTRIBUTIONS. (1) Except as provided in subsection (2) of this section, aggregate contributions for a primary election or a general election made by a corporation, political committee, other recognized legal entity or an individual, ~~other than the candidate, to a candidate for the state legislature, and political committees organized on the candidate's behalf~~ shall be subject to the limitations of this subsection; provided, however, this subsection shall not apply to a candidate contributing or loaning money to his own campaign account.

(a) Aggregate contributions by a corporation, political committee, other recognized legal entity, or an individual to a candidate for the state legislature, judicial office, or local government office, and political committees organized on the candidate's behalf, shall be limited to an amount not to exceed one thousand dollars (\$1,000) for the primary election and an amount not to exceed one thousand dollars (\$1,000) for the general election.

(b) Aggregate contributions for a primary election or a general election by a corporation, political committee, other recognized legal entity or an individual, other than the candidate, to a candidate for statewide office and political committees organized on the candidate's behalf shall be limited to an amount not to exceed five thousand dollars (\$5,000) for the primary election and an amount not to exceed five thousand dollars (\$5,000) for the general election.

(2) Aggregate contributions for a primary election or for a general election made by a county central committee or by the state central committee of the political parties qualified under section 34-501, Idaho Code, to a candidate for the state legislature, ~~and political committees organized on the candidate's behalf~~ shall be limited to an amount not to exceed two thousand dollars (\$2,000) for the primary election and an amount not to exceed two thousand dollars (\$2,000) for the general election. Aggregate contributions for the primary election or the general election by the state

central committee of the political parties qualified under section 34-501, Idaho Code, to a candidate for statewide office and political committees organized on the candidate's behalf shall be limited to an amount not to exceed ten thousand dollars (\$10,000) for the primary election and an amount not to exceed ten thousand dollars (\$10,000) for the general election.

(3) For purposes of this section, "statewide office" shall mean an office in state government which that shall appear on the primary or general election ballot throughout the state.

(4) Recall and special elections, for purposes of this section, shall be treated the same as general elections for contribution limits.

(5) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. A contribution of this kind shall be reported as an in-kind contribution at its fair market value and counts toward any applicable contribution limit of the contributor. Contributions shall not include the personal services of volunteers.

~~(6) The contribution limits for the state legislature shall apply to judicial district offices, city offices and county offices regulated by this chapter.~~

~~(7) For the purposes of contribution limits, the following apply:~~

~~(a) A contribution by a political committee with funds that have all been contributed by one (1) person who exercises exclusive control over the distribution of the funds of the political committee is a contribution by the controlling person.~~

~~(b) All contributions made by a person or political committee whose contribution or expenditure activity is financed, maintained or controlled by a trade association, labor union or collective bargaining organization shall be considered a contribution from such trade association, labor union or collective bargaining organization.~~

~~(c) Two (2) or more entities are treated as a single entity if the entities:~~

- ~~(i) Share the majority of members on their board of directors;~~
- ~~(ii) Share two (2) or more officers;~~
- ~~(iii) Are owned or controlled by the same majority shareholder or shareholders or persons;~~
- ~~(iv) Are in a parent-subsidiary relationship; or~~
- ~~(v) Have bylaws so stating.~~

~~(8) 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 the remaining portions of this section.~~

SECTION 10. That Section 67-6610B, Idaho Code, be, and the same is hereby amended to read as follows:

67-6610B. RETIRING DEBT. (1) If a political committee organized on behalf of a candidate has unpaid debt at the end of the reporting periods specified in section 67-6607(a)(2) ~~or 67-6607(a)(6)~~, Idaho Code, then the committee may accept additional contributions to retire such unpaid debt, provided the contributions do not exceed the applicable contribution limits prescribed.

(2) For the purposes of this section, "unpaid debt" means any unpaid monetary obligation incurred by the political committee as listed on the reports filed through the postelection report period minus any cash balance reported on the postelection report. Outstanding loans are considered a type of "unpaid debt."

SECTION 11. That Section 67-6612, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Section 67-6615, Idaho Code, be, and the same is hereby amended to read as follows:

67-6615. INSPECTION BY SECRETARY OF STATE AND COUNTY CLERKS. (1) It is the intent of the legislature to consolidate filings for all offices and measures in a central online database established by the secretary of state.

(2) The Ssecretary of Sstate shall inspect each statement filed in his office under this act pursuant to this chapter for statewide, legislative, and judicial district offices or measures, and the county clerk shall inspect each statement filed for all local government offices or measures for which the county is the home county, as defined in section 34-1401, Idaho Code, within two (2) days after the date it is filed. He shall notify a person required to file a statement under this act chapter immediately if:

(a) ~~It~~ It appears that the person has failed to file a statement as required by law or that a statement filed by the person does not conform to law; or

(b) ~~a~~ a written complaint is filed with the Ssecretary of Sstate or county clerk by any registered voter alleging that a statement filed with the Ssecretary of Sstate does not conform to law or to the truth or that a person has failed to file a statement required by law.

SECTION 13. That Section 67-6616, Idaho Code, be, and the same is hereby amended to read as follows:

67-6616. EXAMINATION OF STATEMENTS. Within three (3) months after the date of each election, the Ssecretary of Sstate shall examine such statement filed ~~with his office under this act pursuant to this chapter for statewide, legislative, and judicial district offices or measures, and the county clerk shall inspect each statement filed for all local government offices or measures for which the county is the home county, as defined in section 34-1401, Idaho Code;~~ and referring to the election, ~~to~~ determine whether the statement conforms to law. Such examinations shall include a comparison of reports and statements received by the Ssecretary of Sstate pursuant to sections 67-6607-- through 67-6609, 67-6611, and 67-6614, Idaho Code. The Ssecretary of Sstate or county clerk may require any person to answer in writing and under oath or affirmation any question within the knowledge of that person concerning the source of any contribution.

SECTION 14. 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 act 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, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this act 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 act 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, responsibility for the preservation of such records under this subsection shall rest with such employer.

(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 without first obtaining such employers' consent thereto after full disclosure to such employers 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(g), Idaho Code.

SECTION 15. That Section 67-6623, Idaho Code, be, and the same is hereby amended to read as follows:

67-6623. DUTIES OF SECRETARY OF STATE AND COUNTY CLERKS. (1) The secretary of state and each county clerk is charged with enforcement of the provisions of this act, ~~and~~ chapter.

(2) In addition to duties otherwise prescribed herein in this section, it shall be his ~~the~~ duty of the secretary of state:

(1a) To prescribe forms for statements and other information required to be filed by this act, and to furnish such forms and instruction manual to persons required to file such statements and information;

(2b) To make statements and other information filed with him available for public inspection and copying during regular office hours, and to make copying facilities available at a charge not to exceed actual cost;

(3c) To preserve such statements and other information for a period of four (4) years from date of receipt;

(4d) With respect to statewide, legislative, and judicial district offices and measures, to ~~to~~ make investigations with respect to ~~of~~ statements filed under the provisions of this act ~~chapter,~~ and with respect to alleged failures to file any statement required under the provisions of this act ~~chapter,~~ and upon complaint by any person with respect to alleged violations of any part of this act ~~chapter;~~

(5e) To report suspected violations of law to the appropriate law enforcement authorities;

(6f) To prescribe and publish rules in accordance with the provisions of chapter 52, title 67, Idaho Code, and to take such other actions as may be appropriate to carry out the provisions of this act ~~chapter;~~

(7g) ~~To prescribe methods of the filing of reports by electronic means.~~

~~(8) To require and prescribe methods for the online filing of reports with the secretary of state to ensure prompt publication of reports on the secretary of state's website in an online database established by the secretary of state's office for the filing and publication of all reports required pursuant to this chapter. The online database shall accommodate the filings of all state and local government candidates, political committees, measures, and lobbyists. The online database shall be accessible on the secretary of state's website and be search-~~

able by the public by address, candidate, committee, contribution, contributor, date, expense, office, party, purpose, and any other content deemed appropriate by the secretary of state. The secretary of state may, on an individual basis, grant a hardship waiver and accept a report required by this chapter in another format specified by the secretary of state, which will be entered into the online database by the secretary of state within three (3) days of filing.

(3) It shall be the duty of the county clerk with respect to all local government offices or measures for which the county is the home county, as defined in section 34-1401, Idaho Code, to make investigations of statements required to be filed under this chapter of alleged failures to file any required statement and of any complaint filed by any person of an alleged violation of any part of this chapter with respect to local government offices or measures in the county. The county clerk shall report any suspected violations of this chapter pertaining to a local government office or measure to the county prosecutor.

SECTION 16. That Section 67-6625A, Idaho Code, be, and the same is hereby amended to read as follows:

67-6625A. LATE FILING OF STATEMENT OR REPORT -- FEES. (1) If any person fails to file a report or statement required under this chapter on or before a specified date, he shall be liable to the secretary of state for deposit in the general fund in an the amount of fifty dollars (\$50.00) per day beginning forty-eight (48) hours after the deadline until the statement or report is filed, to the secretary of state. Liability need not be enforced by the secretary of state if on an impartial basis he determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a statement or report is not filed within five (5) days after receiving written notice of the filing requirement from the secretary of state. The secretary of state or the county clerk shall notify the person and his treasurer, if any, that a fine has been assessed and will continue to accrue until the report or statement has been filed. The notification shall be made by telephone or electronic means within twenty-four (24) hours of the missed filing deadline.

(2) The remedy provided in this section is cumulative and does not exclude any other remedy or penalty prescribed in section 67-6625, Idaho Code.

SECTION 17. That Section 67-6626, Idaho Code, be, and the same is hereby amended to read as follows:

67-6626. INJUNCTIONS. The district courts of this state shall have original jurisdiction to issue injunctions to enforce the provisions of this act chapter upon application by any citizen of this state or, by the Ssecretary of Sstate or by the county clerk. The court may in its discretion require the citizen plaintiff to file a written complaint with the Ssecretary of Sstate or county clerk prior to seeking injunctive relief. A successful plaintiff is entitled to be reimbursed for reasonable costs of litigation, including reasonable attorney's fees, by the person or persons named defendant in said injunctive action. A successful defendant is entitled to be reimbursed for reasonable costs of litigation, including reasonable attorney's fees, if the court determines that plaintiff's action was without substantial merit.

SECTION 18. That Section 1-2220A, Idaho Code, be, and the same is hereby repealed.

SECTION 19. That Section 31-2012, Idaho Code, be, and the same is hereby repealed.

SECTION 20. That Section 33-503, Idaho Code, be, and the same is hereby amended to read as follows:

33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. (1) The election of school district trustees including those in charter districts shall be on the Tuesday following the first Monday in November in odd-numbered years. Notice and conduct of the election, and the canvassing of the returns, shall be as provided in chapter 14, title 34, Idaho Code. In each trustee zone, the person receiving the greatest number of votes cast within his zone shall be declared by the board of trustees as the trustee elected from that person's zone.

(2) If any two (2) or more persons residing in the same trustee zone have an equal number of votes and a greater number than any other nominee residing in that zone, then the board of trustees shall determine the winner by a toss of a coin.

~~(3) The provisions of sections 67-6601 through 67-6616, Idaho Code, and sections 67-6623 through 67-6630, Idaho Code, shall apply to all elections of school district trustees, except for elections of trustees in a school district that has fewer than five hundred (500) students. Provided however, the county clerk shall stand in place of the secretary of state and the county prosecutor shall stand in place of the attorney general. Any report or filing required to be filed by or for a candidate by such Idaho Code sections shall be filed with the county clerk of the county wherein the district lies or, in the case of a joint district, with the county clerk of the home county as designated pursuant to section 33-304, Idaho Code.~~

~~(4) Incumbent trustees as of the effective date of this act shall have their terms expire on January 1 following the November election of their successors.~~

SECTION 21. That Section 33-2106, Idaho Code, be, and the same is hereby amended to read as follows:

33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of trustees of each community college district shall consist of five (5) electors who shall reside in a different trustee zone from each other and who shall be appointed or elected as provided in this section.

(a) Immediately following the establishment of a new community college district, the state board of education shall divide the district into five (5) trustee zones, which shall be as nearly equal in population as practicable. If a community college district is situated within two (2) or more counties, and any one (1) of the counties has sufficient population to warrant at least one (1) zone, then the boundaries of a trustee zone shall be located wholly within the boundaries of such county. The state board shall also appoint the members of the first board who shall serve until the election and qualification of their successors.

(b) At the first election of trustees after the creation of a district, five (5) trustees shall be elected: two (2) for terms of two (2) years each, and three (3) for terms of four (4) years each. Thereafter, the successors of persons so elected shall be elected for terms of four (4) years.

(c) Excluding any first election of trustees after the creation of a district, at any other election of trustees held in 2008, and in each trustee election thereafter, trustees shall be elected to terms of four (4) years. If more than two (2) trustee positions are eligible for election in 2008, one (1) trustee shall be elected to a term of four (4) years and two (2) trustees shall be elected to a term of six (6) years. Thereafter, the successors of persons so elected in 2008 shall be elected for terms of four (4) years.

(d) The expiration of any term shall be at the regular meeting of the trustees next following the election for the successor terms.

(2) Elections of trustees of community college districts shall be biennially, in even-numbered years, and shall be held on a date authorized in section 34-106, Idaho Code. Vacancies on the board of trustees shall be filled by appointment by the remaining members, but if by reason of vacancies there remain on the board less than a majority of the required number of members, appointment to fill such vacancies shall be made by the state board of education. Any person so appointed must reside in the trustee zone where the vacancy occurs and shall serve until the next trustee election, at which time his successor shall be elected for the unexpired term. The trustees shall take and subscribe the oath of office required in the case of state officers and said oath shall be filed with the secretary of state.

(3) Notice of the election, the conduct thereof, the qualification of electors and the canvass of returns shall be as prescribed in chapter 14, title 34, Idaho Code.

(4) All eligible electors within a community college district may vote for candidates in each and every zone. An individual who is a candidate for a specific zone of the community college district must reside in that same specific zone, and the candidate in each zone receiving the largest number of votes from the district shall be declared elected. An individual shall be a candidate for a specific position of the board and each candidate must declare which position he seeks on the board of trustees. If it be necessary to resolve a tie between two (2) or more persons, the board of trustees shall determine by lot which thereof shall be declared elected. The clerk of the board shall promptly notify any person by mail of his election, enclosing a form of oath to be subscribed by him as herein provided.

(5) When elections held pursuant to this section coincide with other elections held by the state of Idaho or any subdivision thereof, or any municipality or school district, the board of trustees may make agreement with the body holding such election for joint boards of election and the payment of fees and expenses of such boards of election on such proportionate basis as may be agreed upon.

(6) At its first meeting following the appointment of the first board of trustees, and at the first regular meeting following any community college trustee election, the board shall organize, and shall elect one (1) of its members chairman, one (1) a vice-chairman; and shall elect a secretary and a treasurer, who may be members of the board; or one (1) person to serve as secretary and treasurer, who may be a member of the board.

~~(7) The provisions of sections 67-6601 through 67-6616, Idaho Code, and sections 67-6623 through 67-6630, Idaho Code, are hereby made applicable to all community college trustee elections. Provided however, that the county clerk shall stand in place of the secretary of state and the county prosecutor shall stand in place of the attorney general. Any report or filing required to be filed by or for a candidate by such sections of Idaho Code shall be filed with the county clerk of the county where such candidate resides.~~

~~(8) The board shall set a given day of a given week in each month as its regular meeting time. Three (3) members of the board shall constitute a quorum for the transaction of official business.~~

(98) The authority of trustees of community college districts shall be limited in the manner prescribed in section 33-507, Idaho Code.

~~(109) Any decision of the state board of education issued pursuant to chapter 21, title 33, Idaho Code, may be appealed to the district court of any county in which the district or proposed district lies or shall lie. The pleadings and other papers shall be filed not more than sixty (60) days after notice of the order appealed and service of two (2) copies thereof shall be made upon the state board of education.~~

SECTION 22. That Section 40-1417, Idaho Code, be, and the same is hereby repealed.

SECTION 23. That Section 50-420, Idaho Code, be, and the same is hereby repealed.

SECTION 24. That Section 50-2006, Idaho Code, be, and the same is hereby amended to read as follows:

50-2006. URBAN RENEWAL AGENCY. (a) There is hereby created in each municipality an independent public body corporate and politic to be known as the "urban renewal agency" that was created by resolution as provided in section 50-2005, Idaho Code, before July 1, 2011, for the municipality; provided, that such agency shall not transact any business or exercise its powers hereunder until or unless: (1) the local governing body has made the findings prescribed in section 50-2005, Idaho Code; and provided further, that such agency created after July 1, 2011, shall not transact any business or exercise its powers provided for in this chapter until (2) a majority of qualified electors, voting in a citywide or countywide election depending on the municipality in which such agency is created, vote to authorize such agency to transact business and exercise its powers provided for in this chapter. If prior to July 1, 2011, the local governing body has made the findings prescribed in subsection (a) (1) of this section then such agency shall transact business and shall exercise its powers hereunder and is not subject to the requirements of subsection (a) (2) of this section.

(b) Upon satisfaction of the requirements under subsection (a) of this section, the urban renewal agency is authorized to transact the business and exercise the powers hereunder by a board of commissioners to be established as follows:

(1) Unless provided otherwise in this section, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency, which shall consist of not less than three (3) commissioners nor more than nine (9) commissioners. In the order of appointment, the mayor shall designate the number of commissioners to be appointed, and the term of each, provided that the original term of office of no more than two (2) commissioners shall expire in the same year. The commissioners shall serve for terms not to exceed five (5) years, from the date of appointment, except that all vacancies shall be filled for the unexpired term.

(2) For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed by a majority vote of the local governing body only after a hearing and after he shall have been given a copy of the charges at least ten (10) days prior to such hearing and have had an opportunity to be heard in person or by counsel. Any commission position that becomes vacant at a time other than the expiration of a term shall be filled by the mayor or chair of the board of county commissioners, if that is the local governing body, by and with the advice and consent of the local governing body, including the mayor, if applicable, and shall be filled for the unexpired term.

(3) By enactment of an ordinance, the local governing body may appoint and designate from among its members to be members of the board of commissioners of the urban renewal agency, provided that such representation shall be less than a majority of the board of commissioners of the urban renewal agency of the members of the local governing body on and after July 1, 2017, in which case all the rights, powers, duties, privileges and immunities vested by the urban renewal law of 1965, and as amended, in an appointed board of commissioners, shall be vested in the local governing body, who shall, in all respects when acting as an urban renewal agency, be acting as an arm of state government, entirely sepa-

rate and distinct from the municipality, to achieve, perform and accomplish the public purposes prescribed and provided by said urban renewal law of 1965, and as amended.

(4) By enactment of an ordinance, the local governing body may terminate the appointed board of commissioners and thereby appoint and designate itself as the board of commissioners of the urban renewal agency for not more than one (1) calendar year.

(5) By enactment of an ordinance, the local governing body may provide that the board of commissioners of the urban renewal agency shall be elected at an election held for such purpose on one (1) of the November dates provided in section 34-106, Idaho Code, and the ordinance may provide term limits for the commissioners. In this case, all the rights, powers, duties, privileges and immunities vested by the urban renewal law of 1965, and as amended, in an appointed board of commissioners, shall be vested in the elected board of commissioners of the urban renewal agency, who shall, in all respects when acting as an urban renewal agency, be acting as an arm of state government, entirely separate and distinct from the municipality, to achieve, perform and accomplish the public purposes prescribed and provided by said urban renewal law of 1965, and as amended. ~~The provisions of section 50-420 chapter 66, title 67, Idaho Code, shall apply to elected commissioners if the sponsoring entity is a city or the provisions of county election law if the sponsoring entity is a county~~ and the county election law shall apply to the person running for commissioner as if they were running for county commissioner. In the event of a vacancy in an elected commissioner position, the replacement shall be appointed by the mayor or chair of the board of county commissioners, if that is the local governing body by and with the advice and consent of the local governing body, and shall be filled for the unexpired term.

(6) In all instances, a member of the board of commissioners of the urban renewal agency must be a resident of the county where the urban renewal agency is located or is doing business.

(c) A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers of an urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the by-laws shall require a larger number.

The commissioners shall elect the chairman, cochairman or vice chairman for a term of one (1) year from among their members. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before March 31 of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. The agency shall be required to hold a public meeting to report these findings and take comments from the public. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community

a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk or county recorder and in the office of the agency.

(d) An urban renewal agency shall have the same fiscal year as a municipality and shall be subject to the same audit requirements as a municipality. An urban renewal agency shall be required to prepare and file with its local governing body an annual financial report and shall prepare, approve and adopt an annual budget for filing with the local governing body, for informational purposes. A budget means an annual estimate of revenues and expenses for the following fiscal year of the agency.

(e) An urban renewal agency shall comply with the public records law pursuant to chapter 1, title 74, Idaho Code, open meetings law pursuant to chapter 2, title 74, Idaho Code, the ethics in government law pursuant to chapter 4, title 74, Idaho Code, and the competitive bidding provisions of chapter 28, title 67, Idaho Code.

SECTION 25. That Section 67-4931, Idaho Code, be, and the same is hereby repealed.

SECTION 26. This act shall be in full force and effect on and after January 1, 2020.

Approved April 2, 2019

CHAPTER 289
(S.B. No. 1174)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE WELFARE DIVISION FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; PROHIBITING TRANSFERS FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; AND REQUIRING BIENNIAL REPORTS.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Welfare Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SELF-RELIANCE OPERATIONS:				
FROM:				
Cooperative Welfare (General)				
Fund	\$14,923,000	\$6,169,200		\$21,092,200
Cooperative Welfare (Dedicated)				
Fund	1,006,000	3,539,000		4,545,000
Cooperative Welfare (Federal)				
Fund	<u>25,898,600</u>	<u>17,503,000</u>		<u>43,401,600</u>
TOTAL	\$41,827,600	\$27,211,200		\$69,038,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. BENEFIT PAYMENTS:				
FROM:				
Cooperative Welfare (General)				
Fund			\$22,774,300	\$22,774,300
Cooperative Welfare (Dedicated)				
Fund			500,000	500,000
Cooperative Welfare (Federal)				
Fund			<u>73,530,500</u>	<u>73,530,500</u>
TOTAL			\$96,804,800	\$96,804,800
 GRAND TOTAL	 \$41,827,600	 \$27,211,200	 \$96,804,800	 \$165,843,600

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Welfare Division of the Department of Health and Welfare is authorized no more than six hundred eighteen and five-tenths (618.50) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall periodically make transfers from the General Fund to the Cooperative Welfare Fund as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2020.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. ACTUAL AND FORECAST DETAIL REPORTING. The Welfare Division shall deliver a forecast biannually to the Legislative Services Office and the Division of Financial Management to include monthly caseload details for Temporary Assistance for Needy Families (TANF), Child Care, Medicaid, Advanced Premium Tax Credit (APTC), Aid to the Aged, Blind, and Disabled, Food Stamps, and Child Support programs. The forecast shall also include expenditure details for all of the named programs except Medicaid. The format of the report and any additional information contained therein shall be determined by the Legislative Services Office and the Division of Financial Management. The first report shall be submitted no later than December 31, 2019, and the second report shall be submitted no later than June 30, 2020.

CHAPTER 290
(S.B. No. 1153)

AN ACT

RELATING TO LOBBYING; AMENDING SECTION 67-6602, IDAHO CODE, TO DEFINE TERMS AND TO REVISE A DEFINITION; AMENDING SECTION 67-6606, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-6617, IDAHO CODE, TO REVISE PROVISIONS REGARDING LOBBYIST REGISTRATION REQUIREMENTS; AMENDING SECTION 67-6618, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXEMPTIONS FROM LOBBYIST REGISTRATION; AMENDING SECTION 67-6619, IDAHO CODE, TO REVISE PROVISIONS REGARDING REPORTS FILED BY LOBBYISTS; AMENDING SECTION 67-6619A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-6621, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DUTIES OF LOBBYISTS AND TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 74-106, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM THE PUBLIC RECORDS LAW FOR CERTAIN E-MAIL ADDRESSES, TO PROVIDE CORRECT TERMINOLOGY, AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. 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:

(a1) "Candidate" means an individual who has taken affirmative action to seek nomination or election to public office. An individual shall be deemed to have taken affirmative action to seek such nomination or election to public office when he first:

(1a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(2b) Announces publicly or files for office.

(3c) For purposes of this chapter, an incumbent shall be presumed to be a candidate in the subsequent election for his or her office. Contributions received by an incumbent candidate shall not be in excess of the prescribed contribution limits for the subsequent election by which the incumbent candidate's name would first appear on the ballot. An incumbent shall no longer be a candidate for his or her office after the deadline for the filing of a declaration of candidacy to first appear on the ballot for that office has expired.

(b2) "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.

(e4) "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.

(d5) "Election" means any general, special or primary election.

(e6) "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.

(f7) (1a) "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.

(2b) "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 or political party;
- (ii) Any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate 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 which refers to any candidate only as part of the popular name of a bill or statute;
- (v) A communication which 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.

(g9) "Executive official" means:

- (1a) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general, superintendent of public instruction and any deputy or staff member of one (1) 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;

(2b) 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;

(3c) 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;

(4d) 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;

(5e) 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

(6f) 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.

(h10) "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.

(i11) "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."

(j12) "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.

(k13) "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.

(l15) "Lobbyist's employer" means the person or persons by for whom a lobbyist is employed, directly or indirectly, and all persons by whom he is compensated for acting as a lobbyist an employee, and by whom the lobbyist is compensated for acting as a lobbyist.

(m16) "Measure" means any proposal, to be voted statewide, submitted to the people for their approval or rejection at an election, including any initiative, referendum, recall election for statewide or legislative district offices, or revision of or amendment to the state constitution. An initiative or referendum proposal shall be deemed a measure when the attorney general 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.

(n17) "Nonbusiness entity" means any group of two (2) or more individuals, corporation, association, firm, partnership, committee, club or other organization which:

(1a) Does not have as its principal purpose the conduct of business activities for profit; and

(2b) 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.

(e18) "Person" means an individual, corporation, association, firm, partnership, committee, political party, club or other organization or group of persons.

(p19) "Political committee" means:

(1a) Any person specifically designated to support or oppose any candidate or measure; or

(2b) Any person who receives contributions and makes expenditures in an amount exceeding five hundred dollars (\$500) 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.

(3c) 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.

(q20) "Political treasurer" means an individual appointed by a candidate or political committee as provided in section 67-6603, Idaho Code.

(r21) "Public office" means any state office or position, state senator, state representative, and judge of the district court that is filled by election.

SECTION 2. That Section 67-6606, Idaho Code, be, and the same is hereby amended to read as follows:

67-6606. EXPENDITURES BY NONBUSINESS ENTITY. (1) Any nonbusiness entity, which is not a political committee as defined in section 67-6602-(p), Idaho Code, making expenditures in or directed to voters in the state of Idaho 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 shall file a statement with the secretary of state. The statement shall include:

(a) The name and address of the nonbusiness entity and the name and address of its principal officer or directors.

(b) The name and address of each person whose fees, dues, payments or other consideration paid to such nonbusiness entity during either of the prior two (2) calendar years has exceeded five hundred dollars (\$500) or who has paid or has agreed to pay fees, dues, payments or other consideration exceeding five hundred dollars (\$500) to such entity during the current year.

(2) This statement shall be filed within thirty (30) days of when the one thousand dollar (\$1,000) threshold mentioned in subsection (1) of this section is exceeded.

SECTION 3. That Section 67-6617, Idaho Code, be, and the same is hereby amended to read as follows:

67-6617. REGISTRATION OF LOBBYISTS. (a₁) Before doing any lobbying, or within thirty (30) days after being employed, designated, or contracted as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the secretary of state a lobbyist registration statement, in such detail as the secretary of state shall prescribe, accompanied by payment of a registration fee of ten dollars (\$10.00) ~~(which shall to be deposited by the secretary of state in the state treasury)~~, showing. The lobbyist registration statement shall include:

(1a) His The lobbyist's name, permanent business address, and any temporary residential and business address in Ada County during the legislative session;

(2b) The name, address, and notification e-mail address to be used under section 67-6619(2), Idaho Code, for the employer, client, or designated contact, as well as the general nature of the occupation or business of the lobbyist's employer or client, and the duration of his employment or contract;

(c) In the case of a designated lobbyist for a corporate entity as described under section 67-6618(7), Idaho Code, the name and notification e-mail address of the corporate entity that is already registered as a lobbyist and for whom the designated lobbyist will be reporting all corporate and employee activities;

(3d) Whether the person from whom he receives compensation employs him solely as a lobbyist or whether he is a regular employee performing services for his employer which include but are not limited to lobbying of legislation;

(4e) The general subject or subjects of the lobbyist's legislative interest; and

(5f) The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this act.

(b₂) Any lobbyist who receives or is to receive compensation from more than one (1) person for his services as a lobbyist shall file a separate notice of representation, accompanied by the fee of ten dollars (\$10.00) for each separate notice of representation, with respect to each such person; except that where a lobbyist whose fee for acting as such in respect to the same legislation or type of legislation is, or is to be, paid or contributed by more than one (1) person, then such lobbyist may file a single statement, in which he shall detail the name, business address and general occupation of each person so paying or contributing.

(e₃) Whenever a change, modification, or termination of the lobbyist's employment or contract occurs, the lobbyist shall, within one (1) week of such change, modification or termination, furnish full information regarding the same by filing with the secretary of state an amended registration statement.

(d4) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, on or before each January 10, and failure to do so shall terminate his registration.

SECTION 4. That Section 67-6618, Idaho Code, be, and the same is hereby amended to read as follows:

67-6618. EXEMPTION FROM REGISTRATION. The following persons and activities shall be exempt from registration and reporting under sections 67-6617 and 67-6619, Idaho Code:

(a1) Persons who limit their lobbying activities to appearances before public sessions of committees of the legislature or to appearances or participation in public meetings, public hearings or public proceedings held or initiated by executive officials or their employees.

(b2) Persons who are employees of an entity engaged in the business of publishing, broadcasting or televising, while engaged in the gathering and dissemination of news and comment thereon to the general public in the ordinary course of business.

(e3) Persons who do not receive any compensation for lobbying and persons whose compensation for lobbying does not exceed two hundred fifty dollars (\$250) in the aggregate during any calendar quarter, including persons who lobby on behalf of their employer or employers, and the lobbying activity represents less than the equivalent of two hundred fifty dollars (\$250) of the employee's time per calendar year quarter, based on an hourly proration of said employee's compensation.

(4) Members of a trade association who are acting on behalf of and at the request of the trade association, if such association has registered as a lobbyist pursuant to this chapter, and if any expenditures are reported by the association pursuant to section 67-6619, Idaho Code.

(d5) Elected state officers and state executive officers appointed by the governor subject to confirmation by the senate; elected officials of political subdivisions of the state of Idaho, acting in their official capacity.

(e6) A person who represents a bona fide church (of which he is a member) solely for the purpose of protecting the constitutional right to the free exercise of religion.

(f7) (1a) ~~Employees of a corporation~~ corporate entity, if such ~~corporation~~ corporate entity:

(i) Has registered as a lobbyist pursuant to this chapter 66, title 67, Idaho Code, and;

(ii) Has ~~designated~~ appointed one (1) or more of its employees or contractors as its official designated lobbyist; and

(iii) The person so ~~designated~~ appointed by the ~~corporation~~ has also registered as a corporate entity has completed the designated lobbyist registration.

(2b) ~~The corporation and the lobbyist designated pursuant to this subsection~~ corporate entity shall, through its designated lobbyist, fully and accurately report all expenditures made by employees who are exempt hereunder, in the manner and at the times required by section 67-6618, Idaho Code, and, in addition thereto, shall report the names of all employees who make or authorize expenditures in the aggregate sum of fifty dollars (\$50.00) or more during any calendar year on behalf of the corporate entity's lobbying activities.

SECTION 5. That Section 67-6619, Idaho Code, be, and the same is hereby amended to read as follows:

67-6619. REPORTING BY LOBBYISTS. (1) Any lobbyist registered under section 67-6617, Idaho Code, shall file with the secretary of state an annual report of his lobbying activities signed by ~~both the lobbyist and the lobbyist's employer or employers~~. The reports shall be made in the form and manner prescribed by the secretary of state and shall be filed on January 31 of each year. In addition to the annual report, while the legislature is in session, every registered lobbyist shall file interim monthly periodic reports for each month or portion thereof that the legislature is in session, ~~which reports need to be signed only by the lobbyist and~~ which shall be filed within fifteen (15) days of the first day of the month for the activities of the month just past, provided however, that any lobbyist covered under this chapter whose lobbying activities are confined only to executive officials shall be required to file interim periodic reports semiannually on January 31 and July 31, ~~which reports need to be signed by the lobbyist and the lobbyist's employer or employers~~.

(2) Once a lobbyist has filed an annual or semiannual report, each person identified as an employer, client, or designated contact on the report will be electronically notified that the report has been filed by the lobbyist, using the contact information provided for the employer, client, or designated contact upon registration.

(23) Each annual, semiannual and monthly periodic report shall contain:

(a) The total of all expenditures made or incurred on behalf of such lobbyist by the lobbyist's employer ~~or~~ employers, client, or clients, not including payments made directly to the lobbyist, during the period covered by the report. The totals shall be segregated according to financial category including, but not limited to: entertainment, food and refreshment, honoraria, travel, lodging, advertising and other like expenditures. Reimbursed personal living and travel expenses of a lobbyist made or incurred directly or indirectly for any lobbying purpose need not be reported.

(b) The name of any legislator or executive official to whom or for whose benefit on any one (1) occasion, ~~an expenditure in excess of: (i) seventy-five dollars (\$75.00) per person from 2008 through December 31, 2010, and (ii) in excess of one hundred dollars (\$100) per person on and after January 1, 2011,~~ for the purpose of lobbying, is made or incurred and the date, name of payee, purpose and amount of such expenditure. Expenditures for the benefit of the members of the household of a legislator or executive official shall also be itemized if such expenditure exceeds the amount listed in this subsection.

(c) In the case of a lobbyist employed by or contracted with more than one (1) employer or client, the proportionate amount of such expenditures in each category made or incurred on behalf of each of his employers or clients.

(d) The subject matter of proposed legislation and the number of each senate or house bill, resolution, memorial or other legislative activity or any rule, ratemaking decision, procurement, contract, bid or bid process, financial services agreement or bond in which the lobbyist has been engaged in supporting or opposing during the reporting period; provided that in the case of appropriations bills, the lobbyist shall enumerate the specific section or sections which he supported or opposed.

(e) The itemization threshold in subsection (23) (b) of this section shall be adjusted biennially by directive of the secretary of state, using consumer price index data compiled by the United States department of labor.

(34) ~~Reports provided by this section required to be filed under the provisions of this section may shall be filed by means of an electronic facsimile transmission machine and may be filed by other electronic means as approved by the secretary of state online with the secretary of state, except as provided in section 67-6623, Idaho Code, by no later than midnight on the date the filing is due.~~

SECTION 6. That Section 67-6619A, Idaho Code, be, and the same is hereby amended to read as follows:

67-6619A. REPORTS BY STATE ENTITIES. Any office or agency of state government or a state funded educational institution that offers gifts of any kind through interaction with the legislative or executive department of state government shall file the same reports lobbyists are required to file pursuant to section 67-6619, Idaho Code, with the exception of reporting under section 67-6619(23) (d), Idaho Code, unless the office, agency or state funded educational institution is otherwise represented by a lobbyist who files all necessary reports and documentation as provided by law.

SECTION 7. 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 act 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 act:

(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 act 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(g9), Idaho Code.

SECTION 8. That Section 74-106, Idaho Code, be, and the same is hereby amended to read as follows:

74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following records are exempt from disclosure:

(1) Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, including bonuses, severance packages, other compensation or vouchered and unvouchered expenses for which reimbursement was paid, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, social security number, driver's license number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. Names of applicants to classified or merit system positions shall not be disclosed to the public without the applicant's written consent. Disclosure of names as part of a background check is permitted. Names of the five (5) final applicants to all other positions shall be available to the public. If such group is less than five (5) finalists, then the entire list of applicants shall be available to the public. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.

(2) Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and nonfinancial membership records; active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff, funding agents and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered confidential under this chapter.

(3) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; business records and information submitted pursuant to sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(4) Records of a personal nature as follows:

- (a) Records of personal debt filed with a public agency or independent public body corporate and politic pursuant to law;
- (b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;
- (c) Records of ownership of financial obligations and instruments of a public agency or independent public body corporate and politic, such as bonds, compiled by the public agency or independent public body corporate and politic pursuant to law;
- (d) Records, with regard to the ownership of, or security interests in, registered public obligations;
- (e) Vital statistics records; and
- (f) Military records as described in and pursuant to section 65-301, Idaho Code.

(5) Information in an income or other tax return measured by items of income or sales, which is gathered by a public agency for the purpose of administering the tax, except such information to the extent disclosed in a written decision of the tax commission pursuant to a taxpayer protest of a deficiency determination by the tax commission, under the provisions of section 63-3045B, Idaho Code.

(6) Records of a personal nature related directly or indirectly to the application for and provision of statutory services rendered to persons applying for public care for people who are elderly, indigent or have mental or physical disabilities, or participation in an environmental or a public health study, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(7) Employment security information, except that a person may agree, through written, informed consent, to waive the exemption so that a third party may obtain information pertaining to the person, unless access to the information by the person is restricted by subsection (3)(a), (3)(b) or (3)(d) of section 74-113, Idaho Code. Notwithstanding the provisions of section 74-113, Idaho Code, a person may not review identifying information concerning an informant who reported to the department of labor a suspected violation by the person of the employment security law, chapter 13, title 72, Idaho Code, under an assurance of confidentiality. As used in this section and in chapter 13, title 72, Idaho Code, "employment security information" means any information descriptive of an identifiable person or persons that is received by, recorded by, prepared by, furnished to or collected by the department of labor or the industrial commission in the administration of the employment security law.

(8) Any personal records, other than names, business addresses and business phone numbers, such as parentage, race, religion, sex, height, weight, tax identification and social security numbers, financial worth or medical condition submitted to any public agency or independent public body corporate and politic pursuant to a statutory requirement for licensing, certification, permit or bonding.

(9) Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position, private association peer review committee records authorized in title 54, Idaho Code. Any agency which that has records exempt from disclosure under the provisions of this subsection shall annually make available a statistical summary of the number and types of matters considered and their disposition.

(10) The records, findings, determinations and decisions of any prelitigation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

(11) Complaints received by the board of medicine and investigations and informal proceedings, including informal proceedings of any committee of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and rules adopted thereunder.

(12) Records of the department of health and welfare or a public health district that identify a person infected with a reportable disease.

(13) Records of hospital care, medical records, including prescriptions, drug orders, records or any other prescription information that specifically identifies an individual patient, prescription records maintained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho Code, records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check

on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(14) Information collected pursuant to the directory of new hires act, chapter 16, title 72, Idaho Code.

(15) Personal information contained in motor vehicle and driver records that is exempt from disclosure under the provisions of chapter 2, title 49, Idaho Code.

(16) Records of the financial status of prisoners pursuant to subsection (2) of section 20-607, Idaho Code.

(17) Records of the Idaho state police or department of correction received or maintained pursuant to section 19-5514, Idaho Code, relating to DNA databases and databanks.

(18) Records of the department of health and welfare relating to a survey, resurvey or complaint investigation of a licensed nursing facility shall be exempt from disclosure. Such records shall, however, be subject to disclosure as public records as soon as the facility in question has received the report, and no later than the fourteenth day following the date that department of health and welfare representatives officially exit the facility pursuant to federal regulations. Provided however, that for purposes of confidentiality, no record shall be released under this section which that specifically identifies any nursing facility resident.

(19) Records and information contained in the registry of immunizations against childhood diseases maintained in the department of health and welfare, including information disseminated to others from the registry by the department of health and welfare.

(20) Records of the Idaho housing and finance association (IHFA) relating to the following:

(a) Records containing personal financial, family, health or similar personal information submitted to or otherwise obtained by the IHFA;

(b) Records submitted to or otherwise obtained by the IHFA with regard to obtaining and servicing mortgage loans and all records relating to the review, approval or rejection by the IHFA of said loans;

(c) Mortgage portfolio loan documents;

(d) Records of a current or former employee other than the employee's duration of employment with the association, position held and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses, of the executive director, executive officers or commissioners of the association. All other personnel information relating to an association employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, retirement plan information and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. An employee or authorized representative may inspect and copy that employee's personnel records, except for material used to screen and test for employment or material not subject to disclosure elsewhere in the Idaho public records act.

(21) Records of the department of health and welfare related to child support services in cases in which there is reasonable evidence of domestic violence, as defined in chapter 63, title 39, Idaho Code, that can be used to locate any individuals in the child support case except in response to a court order.

(22) Records of the Idaho state bar lawyer assistance program pursuant to chapter 49, title 54, Idaho Code, unless a participant in the program authorizes the release pursuant to subsection (4) of section 54-4901, Idaho Code.

(23) Records and information contained in the trauma time sensitive emergency registry created by chapter 20, title 57, Idaho Code, together with any reports, analyses and compilations created from such information and records.

(24) Records contained in the court files, or other records prepared as part of proceedings for judicial authorization of sterilization procedures pursuant to chapter 39, title 39, Idaho Code.

(25) The physical voter registration application on file in the county clerk's office; however, a redacted copy of said application shall be made available consistent with the requirements of this section. Information from the voter registration application maintained in the statewide voter registration database, including age, will be made available except for the voter's driver's license number, date of birth and, upon a showing that the voter comes within the provisions of subsection (30) of this section or upon showing of good cause by the voter to the county clerk in consultation with the county prosecuting attorney, the physical residence address of the voter. For the purposes of this subsection, good cause shall include the protection of life and property and protection of victims of domestic violence and similar crimes.

(26) File numbers, passwords and information in the files of the health care directive registry maintained by the secretary of state under section 39-4515, Idaho Code, are confidential and shall not be disclosed to any person other than to the person who executed the health care directive or the revocation thereof and that person's legal representatives, to the person who registered the health care directive or revocation thereof, and to physicians, hospitals, medical personnel, nursing homes, and other persons who have been granted file number and password access to the documents within that specific file.

(27) Records in an address confidentiality program participant's file as provided for in chapter 57, title 19, Idaho Code, other than the address designated by the secretary of state, except under the following circumstances:

(a) If requested by a law enforcement agency, to the law enforcement agency; or

(b) If directed by a court order, to a person identified in the order.

(28) Except as otherwise provided by law relating to the release of information to a governmental entity or law enforcement agency, any personal information including, but not limited to, names, personal and business addresses and phone numbers, sex, height, weight, date of birth, social security and driver's license numbers, or any other identifying numbers and/or information related to any Idaho fish and game licenses, permits and tags unless written consent is obtained from the affected person.

(29) Documents and records related to alternatives to discipline that are maintained by the Idaho board of veterinary medicine under the provisions of section 54-2118(1)(b), Idaho Code, provided the requirements set forth therein are met.

(30) The Idaho residential street address and telephone number of an eligible law enforcement officer and such officer's residing household member(s) as provided for in chapter 58, title 19, Idaho Code, except under the following circumstances:

(a) If directed by a court order, to a person identified in the court order;

(b) If requested by a law enforcement agency, to the law enforcement agency;

(c) If requested by a financial institution or title company for business purposes, to the requesting financial institution or title company; or

(d) If the law enforcement officer provides written permission for disclosure of such information.

(31) All information exchanged between the Idaho transportation department and insurance companies, any database created, all information contained in the verification system and all reports, responses or other information generated for the purposes of the verification system, pursuant to section 49-1234, Idaho Code.

(32) Nothing in this section shall prohibit the release of information to the state controller as the state social security administrator as provided in section 59-1101A, Idaho Code.

(33) Personal information including, but not limited to, property values, personal and business addresses, phone numbers, dates of birth, social security and driver's license numbers or any other identifying numbers or information maintained by the administrator of the unclaimed property law set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection shall prohibit the release of names, last known city of residence, property value ranges and general property information by the administrator for the purpose of reuniting unclaimed property with its owner.

(34) Any personal information collected by the secretary of state, pursuant to section 67-906(1)(b), Idaho Code, for the purpose of allowing individuals to access the statewide electronic filing system authorized in section 67-906, Idaho Code, and any notification e-mail addresses submitted as part of a lobbyist's registration under section 67-6617, Idaho Code, of an employer, client, or designated contact for the purpose of electronic notification of that employer, client, or designated contact of a report filed under section 67-6619, Idaho Code.

Approved April 3, 2019

CHAPTER 291
(S.B. No. 1180)

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5218, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A PUBLIC CHARTER SCHOOL FACILITIES PROGRAM.

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

SECTION 1. That Chapter 52, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-5218, Idaho Code, and to read as follows:

33-5218. PUBLIC CHARTER SCHOOL FACILITIES PROGRAM. (1) Legislative intent. It is the intent of the legislature, in recognition that providing Idaho students with a thorough education is an essential public purpose of the state, to support public charter schools by providing a mechanism to obtain favorable financing on bonds so that less money is obligated toward interest payments and more money remains in public charter schools for the benefit of Idaho's students. There is hereby created the public charter school facilities program to assist qualifying charter schools in obtaining favorable financing on bonds for facility improvements and construction.

(2) Eligibility. A public charter school seeking to use the public charter school facilities program must receive approval from the Idaho housing and finance association pursuant to requirements for issuance of nonprofit facility bonds and to satisfaction of the criteria set forth in this section. To qualify, a public charter school must submit the following documentation to the Idaho housing and finance association:

- (a) A letter of commitment from one (1) of the following:
 - (i) A national or state chartered financial institution;
 - (ii) A community development financial institution; or
 - (iii) A qualified underwriter or an investment firm;
- (b) Evidence that the public charter school has been in academic, operational, and financial good standing according to its authorizer for each of the previous three (3) years;
- (c) Annual budgets and cash flow statements projecting that the cost to operate the proposed facility, including future debt service, future occupancy cost, and facility operating expenses, will not exceed twenty percent (20%) of ongoing revenues;
- (d) Evidence that the school has operating reserves greater than sixty (60) days of cash on hand and a debt service coverage ratio equal to or greater than one and two-tenths (1.2);
- (e) An audit opinion or opinions demonstrating:
 - (i) An unqualified audit opinion, or a qualified opinion qualified only on the basis of not reporting the actuarial value of the PERSI sick leave plan pursuant to statement no. 45 of the governmental accounting standards board;
 - (ii) An audit devoid of significant findings and conditions, material weakness, or significant internal control weakness; and
 - (iii) An audit that does not include a going concern disclosure in the notes or an explanatory paragraph within the audit report for three (3) consecutive years;
- (f) Certification from a public charter school's board chair or treasurer that projected future budgets and cash flows are based on reasonable assumptions related to level or increasing projected enrollment or waitlist and projected total income, including any matching funds and donations contingent on receipt of a loan under this section;
- (g) Evidence of strong academic results, including above state average growth or proficiency on the Idaho standards achievement test; and
- (h) Any additional information requested by the Idaho housing and finance association.

(3) Approval to participate. Upon receipt of documentation satisfying the criteria set forth in subsection (2) of this section, the Idaho housing and finance association shall notify the public charter school and the state treasurer that the school has been approved to participate in the public charter school facilities program if:

- (a) The public charter school complies with the requirements set forth in subsection (4) of this section; and
- (b) The public charter school's participation would not cause a violation of the limitations set forth in subsection (8) of this section.

Additional requirements and security interests may be imposed by agreement of the school and bondholder or trustee.

(4) Restricted debt service reserve account.

(a) A school participating in the public charter school facilities program shall agree to have deposited a minimum of twelve (12) months' payment on principal and interest in a restricted debt service reserve account established and held by the bondholder or trustee.

(b) Except as provided in paragraph (c) of this subsection, money in a participating public charter school's restricted debt service reserve account may not be withdrawn if the amount withdrawn would reduce the level of money in the account to less than twelve (12) months' payment on principal and interest.

(c) As long as applicable bonds issued under the facilities program remain outstanding, money in a restricted debt service reserve account may be withdrawn in an amount that would reduce the level to less than twelve (12) months' payment on principal and interest, if the money is withdrawn for the purpose of:

- (i) Paying the principal, redemption price, or interest on a bond when due if the state payments intercepted pursuant to subsection (5) of this section, plus funded grants and other revenues pledged by the participating public charter school for payment of the bond, are insufficient to make the payment; or
- (ii) Paying any redemption premium required to be paid when the bonds are redeemed prior to maturity if no bonds will remain outstanding.

(5) Intercept. As a requirement to participate in the public charter school facilities program, a participating public charter school shall provide a directive to the Idaho department of education that all payments to the school pursuant to the state educational support program shall be paid directly to the bond trustee to set aside funds in accordance with the bond indenture. All remaining funds shall be forwarded to the public charter school. The payment directive required in this subsection may not be revoked or amended.

(6) Public charter school facilities program fund. There is hereby established in the state treasury the public charter school facilities program fund, which shall consist of moneys made available through appropriations, fees, grants, gifts, or any other source to fulfill the purposes of this section. Moneys in the fund are hereby continuously appropriated for the purposes of this section and shall only be expended for the purposes stated herein. Any interest earned on the investment of idle moneys in the public charter school facilities program fund shall be returned to the public charter school facilities program fund. Schools participating in the public charter school facilities program shall pay a onetime fee in an amount equal to one-half percent (0.5%) of par at the time of issuance and an annual fee in an amount equal to seventy-five thousandths percent (0.075%) on the outstanding balance, which shall be deposited in the public charter school facilities program fund.

(7) Nonpayment.

(a) If a public charter school participating in the public charter school facilities program has defaulted on its obligation to pay, a draw on its restricted debt service reserve account shall be made, then the following shall occur:

(i) The bond trustee shall exercise its remedies under the bond indenture and loan agreement.

(ii) Within ten (10) days following the withdrawal from the restricted debt service account, the bond holder or trustee shall notify the Idaho housing and finance association, the state treasurer, and the state controller of the shortfall in the school's restricted debt service reserve account.

(iii) Within fifteen (15) days of the notice provided pursuant to subparagraph (ii) of this paragraph, the controller shall transfer, from the public charter school facilities program fund set forth in subsection (6) of this section, to the public school income fund and then to the school's restricted debt service reserve account an amount equal to one (1) month's interest on the bonds based on the interest payments for which the draw on the restricted debt service reserve account occurred. Moneys transferred to the public school income fund pursuant to this subparagraph shall be continuously appropriated for such purposes.

(iv) By December 1 of each year, the treasurer shall submit to the governor a letter certifying the amount, if any, required to restore amounts on deposit in the restricted debt service reserve accounts of participating public charter schools and the public charter school facilities program fund. The governor shall send to the legislature a statement of the expenditure of moneys from the public charter school facilities program fund as specified

in section 8, article IV of the Idaho constitution and report the amount needed to restore funds in the restricted debt service reserve accounts to the amount required in subsection (4) (b) of this section. The legislature may appropriate money to restore amounts on deposit in the restricted debt service reserve account of a defaulting public charter school to the amounts required in subsection (4) (b) of this section or to redeem all outstanding bonds issued for a defaulting public charter school, the source of which may be the public charter school facilities program fund or any other available funds. The legislature may also appropriate money to restore amounts withdrawn from the public charter school facilities program fund.

(b) Repayment. If money has been withdrawn from the public charter school facilities program fund pursuant to paragraph (a) of this subsection, the school shall repay the fund from the school's allocation of facilities funds pursuant to section 33-5208(5), Idaho Code, at a time agreed to by the superintendent of public instruction over a period of years until the amount so withdrawn has been repaid to the public charter school facilities program fund, as long as the repayment does not cause an event of default on a facility lease or loan.

(8) Limitations.

(a) Bonds issued for the benefit of public charter schools using the public charter school facilities program shall not be indebtedness of the state, but are special obligations payable solely from:

(i) Revenues or other funds pledged by the qualifying public charter school; and

(ii) Amounts appropriated by the legislature pursuant to subsection (7) of this section.

(b) The Idaho housing and finance association may not use the public charter school facilities program when issuing bonds for a public charter school under the facilities program if the total par amount outstanding under the facilities program, plus the par amount of the bonds to be issued, would exceed the percentage of all Idaho public school students attending public charter schools multiplied by the par amount of the bonds guaranteed under the Idaho school bond guaranty act.

Approved April 3, 2019

CHAPTER 292
(S.B. No. 1138, As Amended)

AN ACT

RELATING TO ELECTRICAL CONTRACTORS AND JOURNEYMEN; AMENDING SECTION 54-1002, IDAHO CODE, TO PROVIDE FOR PROVISIONAL JOURNEYMAN ELECTRICIANS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1003, IDAHO CODE, TO PROVIDE FOR PROVISIONAL JOURNEYMAN ELECTRICIANS; AMENDING SECTION 54-1003A, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1005, IDAHO CODE, TO PROVIDE FOR PROVISIONAL JOURNEYMAN ELECTRICIANS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1006, IDAHO CODE, TO PROVIDE FOR PROVISIONAL JOURNEYMAN ELECTRICIANS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1007, IDAHO CODE, TO PROVIDE FOR PROVISIONAL JOURNEYMAN ELECTRICIANS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1008, IDAHO CODE, TO SPECIFY THE DURATION OF PROVISIONAL JOURNEYMAN ELECTRICIAN'S LICENSES; AND AMENDING SECTION 54-1014, IDAHO CODE, TO SPECIFY CERTAIN FEES.

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

SECTION 1. That Section 54-1002, Idaho Code, be, and the same is hereby amended to read as follows:

54-1002. LICENSE ESSENTIAL TO ENGAGE IN BUSINESS -- LICENSURE AUTHORITY EXCLUSIVE TO THE STATE. (1) It shall be unlawful for any person, partnership, company, firm, association or corporation to act, or attempt to act, as an electrical contractor or limited electrical contractor in this state until such person, partnership, company, firm, association or corporation shall have received a license as an electrical contractor or limited electrical contractor, as herein defined in this chapter, issued pursuant to the provisions of this chapter by the administrator of the division of building safety.

(2) It shall be unlawful for any person to act as a journeyman or master electrician in this state until such person shall have received a license as a journeyman or master electrician, as herein defined in this chapter, issued pursuant to the provisions of this ~~aet~~ chapter by the administrator of the division of building safety, provided, however, that any person who has been issued a master electrician's license pursuant to this chapter may act as a journeyman electrician.

(3) It shall be unlawful for any person to act as a limited electrical installer in this state until such person shall have received a license as a limited electrical installer, as herein defined in this chapter, issued pursuant to the provisions of this ~~aet~~ chapter by the administrator of the division of building safety, provided however, that any person who has been issued a master electrician's license or a journeyman electrician's license pursuant to this ~~aet~~ chapter may act as a limited electrical installer.

(4) It shall be unlawful for any person to act as a provisional journeyman electrician in this state until such person has received a provisional journeyman electrician's license, as defined in this chapter, issued pursuant to the provisions of this chapter by the administrator of the division of building safety.

(5) Licensure of electrical contractors, journeyman electricians, master electricians, provisional journeyman electricians, limited electrical installers, limited electrical contractors, facility accounts and registration of apprentice electricians and trainees shall be within the exclusive jurisdiction of the state pursuant to this chapter and no local jurisdiction shall have the authority to require additional licensure or

registration or to require payment of any fees in order for any licensee or registrant to engage in the electrical construction trade within the local jurisdiction or to issue licenses or registrations to persons licensed or registered under this chapter that are inconsistent with the provisions of this chapter or rules promulgated by the division of building safety. The state shall investigate all local infractions and state violations of this chapter and prosecute the same. The local jurisdictions will assist the state by requesting investigations within their jurisdictions. Nothing in this chapter shall restrict a city or county from imposing stricter public safety rules, notwithstanding any provision of Idaho Code.

SECTION 2. That Section 54-1003, Idaho Code, be, and the same is hereby amended to read as follows:

54-1003. ADMINISTRATOR AUTHORITY. (1) Only the administrator of the division of building safety of the state of Idaho is authorized and empowered to conduct examinations and to pass upon the qualifications of applicants, and to grant and issue licenses or registrations to such applicants as are found to be qualified to engage in the trade, business or calling of a journeyman electrician, electrical contractor, master electrician, provisional journeyman electrician, limited electrical installer, limited electrical contractor, limited electrical installer trainee or apprentice electrician in the manner and upon the terms and conditions hereinafter provided.

(2) No licenses or registrations granted hereunder shall be transferable. Licenses and registrations shall be issued upon the condition that the holder thereof shall comply with all provisions of this chapter.

(3) The administrator of the division of building safety is authorized to impose civil penalties as provided in this chapter.

SECTION 3. That Section 54-1003A, Idaho Code, be, and the same is hereby amended to read as follows:

54-1003A. DEFINITIONS. (1) Electrical Contractor. Except as provided in section 54-1016, Idaho Code, any person, partnership, company, firm, association or corporation engaging in, conducting, or carrying on the business of installing wires or equipment to carry electric current or installing apparatus to be operated by such current, or entering into agreements to install such wires, equipment or apparatus, shall for the purpose of this act chapter be known as an electrical contractor. An electrical contractor, prior to being issued a license, shall be required to provide proof of liability insurance in the amount of three hundred thousand dollars (\$300,000) and proof of worker's compensation insurance if applicable.

(2) Journeyman Electrician. Except as provided in section 54-1016, Idaho Code, and subsections (3), (4), (5) and (6) of this section, any person who personally performs or supervises the actual physical work of installing electric electrical wiring or equipment to convey electric current, or apparatus to be operated by such current, shall for the purpose of this act chapter be known as a journeyman electrician.

(3) Apprentice Electrician. Any person who, for the purpose of learning the trade of journeyman electrician, engages in the installation of electric electrical wiring, equipment, or apparatus while under the constant on-the-job supervision of a qualified journeyman electrician shall for the purpose of this act chapter be known as an apprentice electrician.

(4) Maintenance Electrician. Any person who is regularly employed to service, maintain or repair electrical apparatus, or to make minor repairs or alterations to existing electrical wires or equipment located on his employer's premises shall for the purpose of this act chapter be known as a maintenance electrician.

(5) Master Electrician. A person who has the necessary qualifications, training, experience and technical knowledge to plan, lay out or design the installation of electrical wiring or equipment, or to supervise such planning, layout, or design, and who performs or supervises such planning, layout or design, shall for the purpose of this act chapter be known as a master electrician.

(6) Limited Electrical Installer. A person having the necessary qualifications, training, experience and technical knowledge to install, alter, repair and supervise the installation, alteration or repair of special classes of electrical wiring, apparatus or equipment within categories adopted by the board. Limited electrical installers shall perform work only within the scope of the restricted category for which the person is licensed.

(7) Limited Electrical Contractor. Except as provided in section 54-1016, Idaho Code, any person, partnership, company, firm, association or corporation engaging in, conducting or carrying on the business of installing, altering or repairing restricted categories of electrical wiring, apparatus or equipment within categories adopted by the board, or entering into agreements to perform such restricted work, shall for the purpose of this act chapter be known as a limited electrical contractor. Limited electrical contractors shall perform work only within the scope of the restricted category for which the contractor is licensed. A limited electrical contractor, prior to being issued a license, shall be required to provide proof of liability insurance in the amount of three hundred thousand dollars (\$300,000) and proof of worker's compensation insurance if applicable.

(8) Limited Electrical Installer Trainee. Any person who engages in the installation of restricted categories of electrical wiring, equipment or apparatus under the constant on-the-job supervision of a qualified limited electrical installer shall for the purpose of this act chapter be known as a limited electrical installer trainee.

(9) Electrical Facility Employer Account or Facility Account. An employer licensed with the division of building safety who employs individuals holding valid journeyman or master electrician licenses to perform alterations, extensions and new installations of electrical systems or components thereof on premises owned by the employer. The employer may also employ maintenance electricians in accordance with section 54-1016, Idaho Code.

(10) Provisional Journeyman Electrician. Any person who has met the requirements of section 54-1007(4), Idaho Code, and who wishes to perform the actual physical work of installing electrical wiring or equipment to convey electric current, or apparatus to be operated by such current, while under the constant on-the-job supervision of a qualified journeyman electrician may upon application, for the purposes of this chapter, be known as a provisional journeyman electrician.

SECTION 4. That Section 54-1005, Idaho Code, be, and the same is hereby amended to read as follows:

54-1005. RULES -- INSPECTIONS -- ELECTRICAL PERMITS AND FEES. (1) The administrator of the division of building safety is hereby authorized and directed to enforce rules consistent with this act chapter for the administration of this act chapter and to effectuate the purposes thereof, and for the examination and licensing of electrical contractors, journeyman electricians, master electricians, provisional journeyman electricians, limited electrical installers, limited electrical contractors, limited electrical installer trainees and apprentice electricians, and to make inspections of electrical installations referred to in section 54-1001, Idaho Code, and to issue electrical permits covering such installations, and to collect the fees established therefor.

(2) The administrator of the division of building safety may make electrical inspections for another state or local jurisdiction upon request by an appropriate building official. Such inspections shall be made in accordance with the applicable electrical codes of the requesting jurisdiction. Fees charged for such inspection services shall be as provided in the rules promulgated by the board.

(3) Individuals, firms, cooperatives, corporations, or municipalities selling electricity, hereinafter known as the power supplier, shall not connect with or energize any electrical installation, coming under the provisions of this act chapter, unless an inspection has been conducted and resulted as "passed" by the administrator, covering the installation to be energized. Electrical installations approved by the board and addressed through administrative rule may be connected and energized by the power supplier after the purchase of an electrical permit by a licensed electrical contractor.

(4) It shall be unlawful for any person, partnership, company, firm, association or corporation other than a power supplier to energize any electrical installation coming under the provisions of this act chapter prior to the purchase of an electrical permit covering such installation.

SECTION 5. That Section 54-1006, Idaho Code, be, and the same is hereby amended to read as follows:

54-1006. IDAHO ELECTRICAL BOARD. (1) The Idaho electrical board, hereinafter known as the board, is hereby created and made a part of the division of building safety. It shall be the responsibility and duty of the administrator of the division of building safety to administer and enforce the provisions of this act chapter, and to serve as secretary to the Idaho electrical board.

(2) The board shall consist of nine (9) members to be appointed by the governor and who shall serve at the pleasure of the governor. Two (2) members shall be licensed journeymen or master electricians; two (2) members shall be employees or officers of licensed electrical contractors; one (1) member shall be a licensed limited electrical installer or limited electrical contractor; one (1) member shall be an employee or officer of an electrical power provider; one (1) member shall be an employee or officer of a manufacturing plant or other large power user; one (1) member shall be an employee or director of a manufacturer or distributor of electrical supplies or materials; and one (1) member shall be from the public at large not directly associated with the electrical industry. Board members shall be appointed for a term of four (4) years. Members of the board shall hold office until expiration of the term to which the member was appointed and until his successor has been duly appointed and qualified. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(3) All members of the board shall be citizens of the United States, residents of this state for not less than two (2) years and shall be qualified by experience, knowledge and integrity in formulating rules for examinations, in passing on the fitness and qualifications of applicants for electrical contractor and journeyman electrician licenses and in establishing standards for electrical products to be used in electrical installations coming under the provisions of this act chapter.

(4) The members of the board shall, every two (2) years, elect by majority vote of the members of the board a chairman who shall preside at meetings of the board and a vice chairman who shall preside at any board meeting in the event the chairman is not present. A majority of the members of the board shall constitute a quorum.

(5) The board is authorized and directed to prescribe and amend rules consistent with this act chapter for the administration of this chapter, and to effectuate the purpose thereof, and for the examination and licensing of electrical contractors, journeyman electricians, master electricians, provisional journeyman electricians, limited electrical installers, limited electrical contractors, limited electrical installer trainees and apprentice electricians. The board shall also establish the categories for limited electrical installers and limited electrical contractor licensing and the fees to be charged for permits and inspections of electrical systems. The board shall establish by administrative rule the fines to be paid for citations issued and shall hear appeals regarding the imposition of civil penalties for violations of this chapter and the rules of the Idaho electrical board. The board is authorized to affirm, reject, decrease or increase the penalty imposed by the administrator. However, in no case shall the penalty exceed one thousand dollars (\$1,000) for each offense.

(6) Each member of the board not otherwise compensated by public moneys shall be compensated as provided by section 59-509(n), Idaho Code.

SECTION 6. That Section 54-1007, Idaho Code, be, and the same is hereby amended to read as follows:

54-1007. ISSUANCE OF LICENSES -- RECIPROCITY. (1) The administrator shall issue licenses to such persons as have by examination shown themselves to be fit, competent and qualified to engage in the trade of journeyman electrician, limited electrical installer or master electrician as defined in section 54-1003A, Idaho Code, and to such persons, firms, partnerships, associations or corporations as have shown themselves to be fit, competent and qualified to engage in the business of electrical contracting or limited electrical contracting as defined in section 54-1003A, Idaho Code.

(2) An apprentice electrician, as defined in section 54-1003A, Idaho Code, may take the journeyman's examination if he has completed the required related instruction for electrical apprentices as approved by the Idaho state board for career technical education, completion of which shall be evidenced by a certificate from an approved provider, and has worked the number of hours as prescribed by the Idaho electrical board, provided that for all the time he is claiming to have worked as an apprentice electrician, the apprentice shall have been registered with the division of building safety as an apprentice. The electrical board may, by rule, fix the apprentice registration fee, in an amount not to exceed the costs of issuing apprentice registration certificates and enforcing the apprentice registration provisions of this chapter, and may also by rule establish requirements relative to the manner of registration renewal, verification of employment, the number of instructional hours completed, continuation training and the number of hours worked.

(a) All verification of employment forms submitted by an apprentice shall be entered into and maintained in the apprentice's file by the division of building safety. The division of building safety shall provide the apprentice online access to this information.

(b) An apprentice who has completed the number of instructional hours and has not taken or passed the journeyman's examination within two (2) years of completion of the instructional training hours shall provide proof of continuation training as set by rule of the electrical board.

(c) An apprentice who has not advanced in apprenticeship training for a period of two (2) years shall complete continuation training as set by rule of the electrical board.

(3) Any person who has worked as a licensed journeyman for a period of not less than four (4) years and who has worked the number of hours as prescribed by rule of the board as a licensed journeyman electrician shall be considered as qualified to apply for a master electrician's license in this

state. The Idaho electrical board, in establishing by rule the requirements for a master electrician's license, shall also take into account the applicant's performance as a journeyman electrician.

(4) Any person with out-of-state experience who has worked as a journeyman electrician or as an apprentice electrician for a period of four (4) years, and who has met such other requirements as established by rule of the board, shall be considered as qualified to apply for a journeyman electrician's license in this state.

(5) To the extent that other states that provide for the licensing of electricians provide for similar action, the administrator, on the recommendation of the Idaho electrical board, may grant licenses to electricians licensed by such other states, upon payment by the applicant of the required fee and upon furnishing proof to the board that the applicant has qualifications at least equal to those provided herein for applicants for written examinations. Applicants who qualify for a license under this subsection are not required to take a written examination.

(6) A provisional journeyman electrician, as defined in section 54-1003A, Idaho Code, may take the journeyman electrician examination. Upon passing the examination, the administrator of the division of building safety shall issue the provisional journeyman electrician a journeyman electrician's license.

SECTION 7. That Section 54-1008, Idaho Code, be, and the same is hereby amended to read as follows:

54-1008. DURATION OF LICENSE. (1) All licenses, including license renewals, for master electricians, journeyman electricians and limited electrical installers shall be issued for a period of three (3) years and shall expire three (3) years from the date of issue unless renewed, revoked or suspended.

(2) Electrical contractor and limited electrical contractor licenses shall be issued for a period of one (1) year and shall expire one (1) year from the date of issue unless renewed, revoked or suspended.

(3) Electrical apprentice registrations issued or renewed shall be issued for a period of five (5) years.

(4) Limited electrical installer trainee registrations shall be issued for a period of three (3) years.

(5) Facility account licenses shall be issued and renewed for a period of one (1) year.

(6) (a) Provisional journeyman electrician's licenses shall be issued for a period of six (6) months and shall expire six (6) months from the date issued, during which time a provisional journeyman electrician shall apply for and take the journeyman electrician examination. A six (6) month renewal shall be issued upon application if:

(i) The applicant has taken, but failed to pass, the journeyman electrician examination within the six (6) month period; or

(ii) The applicant has failed to take the journeyman electrician examination within the six (6) month period and has shown that exceptional circumstances prevented the applicant from taking the journeyman electrician examination.

(b) A provisional journeyman electrician's license shall be issued and renewed only once. If the applicant fails to pass the journeyman electrician examination, or fails to take the journeyman electrician examination, within one (1) year from the date of issue of a provisional journeyman electrician's license, the applicant is no longer eligible to apply for a provisional journeyman electrician's license.

(7) Each licensing period and each registration period shall end at midnight on the last day of the month of the licensing or registration period. Licenses and registrations not renewed by this date shall have expired.

(78) The board shall promulgate rules to provide for a staggered system of issuing and renewing licenses.

SECTION 8. That Section 54-1014, Idaho Code, be, and the same is hereby amended to read as follows:

54-1014. FEES. The administrator of the division of building safety shall charge the following fees:

- | | |
|--|----------------|
| (1) Application for license | \$15.00 |
| (2) <u>Six-month licenses:</u> | |
| (a) <u>Provisional journeyman electrician license</u> | <u>\$55.00</u> |
| (b) <u>Provisional journeyman electrician license renewal</u> | <u>45.00</u> |
| (i) <u>If a provisional journeyman electrician applies for a journeyman electrician license, the pro rata value of any time remaining on his provisional journeyman electrician license shall be credited toward the application fee for the journeyman electrician license.</u> | |
| (3) One-year licenses: | |
| (a) Electrical contractor license | \$125.00 |
| (b) Electrical contractor license renewal | 100.00 |
| (c) Electrical contractor license revival | 125.00 |
| (d) Limited electrical contractor license | 125.00 |
| (e) Limited electrical contractor license renewal | 100.00 |
| (f) Limited electrical contractor license revival | 125.00 |
| (g) Facility account license | 125.00 |
| (34) Three-year licenses, in accordance with sections 54-1008 and 54-1013, Idaho Code: | |
| (a) Master electrician license | \$65.00 |
| (b) Master electrician license renewal | 45.00 |
| (c) Master electrician license revival | 55.00 |
| (d) Journeyman electrician license | 55.00 |
| (e) Journeyman electrician license renewal | 45.00 |
| (f) Journeyman electrician license revival | 55.00 |
| (g) Limited electrical installer license | 55.00 |
| (h) Limited electrical installer license renewal | 45.00 |
| (i) Limited electrical installer license revival | 55.00 |
| (j) Limited electrical installer trainee registration and working license | 30.00 |
| (i) At the time the limited electrical installer trainee applies for a limited electrical installer license, the pro rata value of any remaining time on a limited electrical installer trainee working license shall be credited toward the purchase of the limited electrical installer license. | |
| (45) Five-year licenses, in accordance with sections 54-1008 and 54-1013, Idaho Code: | |
| (a) Apprentice electrician registration and working license | \$50.00 |
| (i) At the time the apprentice applies for a journeyman electrician license, the pro rata value of any remaining time on an apprentice electrician working license shall be credited toward the purchase of the journeyman electrician license. | |

Approved April 3, 2019

CHAPTER 293
(H.B. No. 139)

AN ACT

RELATING TO FOREIGN DEFAMATION JUDGMENTS; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 32, TITLE 6, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR FOREIGN DEFAMATION JUDGMENTS, AND TO PROVIDE PROCEDURES.

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

SECTION 1. That Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 32, Title 6, Idaho Code, and to read as follows:

CHAPTER 32
FOREIGN DEFAMATION JUDGMENTS

6-3201. DEFINITIONS. For purposes of this chapter:

(1) "Foreign defamation action" means a legal proceeding instituted in a jurisdiction outside of any state or territory of the United States which was founded on a cause of action arising from allegations of defamation, libel, or slander.

(2) "Foreign defamation judgment" means a judgment or decree rendered in a jurisdiction outside of any state or territory of the United States which was founded on a cause of action arising from allegations of defamation, libel, or slander.

6-3202. FOREIGN DEFAMATION JUDGMENT. (1) A foreign defamation judgment is not conclusive if any of the following apply:

(a) The judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law;

(b) The foreign court did not have personal jurisdiction over the defendant; or

(c) The foreign court did not have jurisdiction over the subject matter.

(2) A foreign defamation judgment shall not be recognized, granted comity, or operate as res judicata or collateral estoppel if any of the following apply:

(a) The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to provide a defense;

(b) The judgment was obtained by fraud;

(c) The cause of action or claim for relief on which the judgment is based is repugnant to the public policy of this state;

(d) The judgment conflicts with another final and conclusive order;

(e) The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled other than by proceedings in that court;

(f) In the case of jurisdiction based only on personal service, the foreign court was an inconvenient forum for the trial of the action;

(g) The foreign jurisdiction where judgment was rendered would not give recognition to a similar judgment rendered in this state; or

(h) The court sitting in this state before which the matter is brought determines that the defamation law applied in the adjudication by the foreign court failed to provide at least as much protection for freedom of speech and press in that case as would be provided by the constitutions of this state and the United States.

(3) Any person against whom a foreign defamation judgment is entered, whether the foreign defamation judgment is final or appealable, may bring an action in district court for a declaration with respect to the liability of a person for the judgment and determining whether the foreign defamation judgment should be deemed unenforceable pursuant to any reason enumerated in subsection (2) of this section.

(4) For the purposes of rendering declaratory relief, the courts of this state shall have personal jurisdiction over any person who obtains a judgment in a defamation proceeding outside the United States against any of the following persons:

- (a) A resident of this state;
- (b) A person or entity amenable to the jurisdiction of this state;
- (c) A person who has assets in this state; or
- (d) A person who may have to take action in this state to comply with the judgment.

(5) Any person against whom a foreign defamation action has been instituted may bring an action for an injunction where the foreign defamation action would:

- (a) Frustrate a policy of the state, the guarantee of due process, and the protection of freedom of speech;
- (b) Be vexatious or oppressive; or
- (c) Prejudice other equitable considerations.

(6) For the purposes of rendering injunctive relief, the courts of this state shall have personal jurisdiction over any person who institutes a defamation proceeding outside the United States against any of the following persons:

- (a) A resident of this state;
- (b) A person or entity amenable to the jurisdiction of this state;
- (c) A person who has assets in this state; or
- (d) A person who may have to take action in this state to comply with the judgment.

(7) No Idaho court shall sustain a dilatory exception of "lis pendens" asserted in a declaratory or injunctive proceeding under this section that was filed in an Idaho court subsequent to the foreign defamation action.

(8) An action brought for declaratory or injunctive relief pursuant to this section may be brought in a court of proper venue in either the county where the plaintiff resides or the county where the plaintiff has assets.

Approved April 3, 2019

CHAPTER 294
(H.B. No. 183)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3022, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE TAXATION OF CORPORATIONS ON FOREIGN INCOME; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3022, Idaho Code, be, and the same is hereby amended to read as follows:

63-3022. ADJUSTMENTS TO TAXABLE INCOME. The additions and subtractions set forth in this section, and in sections 63-3022A through 63-3022U, Idaho Code, are to be applied to the extent allowed in computing Idaho taxable income:

(a) Add any state and local taxes, as defined in section 164 of the Internal Revenue Code that are measured by net income, or for which a credit is allowable under section 63-3029, Idaho Code, and paid or accrued during the taxable year adjusted for state or local tax refunds used in arriving at taxable income.

(b) Add the net operating loss deduction used in arriving at taxable income.

(c) (1) A net operating loss for any taxable year commencing on and after January 1, 2000, but before January 1, 2013, shall be a net operating loss carryback not to exceed a total of one hundred thousand dollars (\$100,000) to the two (2) immediately preceding taxable years. At the election of the taxpayer, the two (2) year carryback may be forgone and the loss subtracted from income received in taxable years arising in the next twenty (20) years succeeding the taxable year in which the loss arises in order until exhausted.

(2) A net operating loss for any taxable year commencing on or after January 1, 2013, shall be a net operating loss carryback not to exceed a total of one hundred thousand dollars (\$100,000) to the two (2) immediately preceding taxable years only if an amended return carrying the loss back is filed within one (1) year of the end of the taxable year of the net operating loss that results in such carryback.

(3) Any portion of the net operating loss not subtracted from income in the two (2) preceding years may be subtracted from income in the next twenty (20) years succeeding the taxable year in which the loss arises in order until exhausted. The sum of the deductions may not exceed the amount of the net operating loss deduction incurred. The carryback shall be limited to a total of fifty thousand dollars (\$50,000) in the case of an individual filing as married filing separate in the year of the loss.

(4) Net operating losses incurred by a corporation during a year in which such corporation did not transact business in Idaho or was not included in a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, may not be subtracted. However, if at least one (1) corporation within a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, was transacting business in Idaho during the taxable year in which the loss was incurred, then the net operating loss may be subtracted. Net operating losses incurred by a person, other than a corporation, in activities not taxable by Idaho may not be subtracted.

(5) The term "income" as used in this subsection means Idaho taxable income as defined in this chapter as modified by section 63-3021(b) (2), (3) and (4), Idaho Code.

(d) In the case of a corporation, add the amount deducted under the provisions of sections 243(a) and (c), 244, 245, 245A, and 246A, ~~250 and 965~~ of the Internal Revenue Code (relating to dividends received by corporations and other special deductions) as limited by section 246(b) (1) of said code.

(e) In the case of a corporation, subtract an amount determined under section 78 of the Internal Revenue Code to be taxable as dividends.

(f) Subtract the amount of any income received or accrued during the taxable year which is exempt from taxation by this state, under the provisions of any other law of this state or a law of the United States, if not previously subtracted in arriving at taxable income.

(g) For the purpose of determining the Idaho taxable income of the beneficiary of a trust or of an estate:

(1) Distributable net income as defined for federal tax purposes shall be corrected for the other adjustments required by this section.

(2) Net operating losses attributable to a beneficiary of a trust or estate under section 642 of the Internal Revenue Code shall be a deduction for the beneficiary to the extent that income from the trust or estate

would be attributable to this state under the provisions of this chapter.

(h) In the case of an individual who is on active duty as a full-time officer, enlistee or draftee, with the armed forces of the United States, which full-time duty is or will be continuous and uninterrupted for one hundred twenty (120) consecutive days or more, deduct compensation paid by the armed forces of the United States for services performed outside this state. The deduction is allowed only to the extent such income is included in taxable income.

(i) In the case of a corporation, including any corporation included in a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, add any capital loss or passive loss deducted which loss was incurred during any year in which such corporation did not transact business in Idaho. However, do not add any capital loss deducted if a corporation, including any corporation in a group of corporations combined under subsection (t) of section 63-3027, Idaho Code, was transacting business in Idaho during the taxable year in which the loss was incurred. In the case of persons other than corporations, add any capital loss or passive loss deducted which was incurred in activities not taxable by Idaho at the time such loss was incurred. In computing the income taxable to an S corporation or partnership under this section, deduction shall not be allowed for a carryover or carry-back of a net operating loss provided for in subsection (c) of this section, a passive loss or a capital loss provided for in section 1212 of the Internal Revenue Code.

(j) In the case of an individual, there shall be allowed as a deduction from gross income either paragraph (1) or (2) of this subsection at the option of the taxpayer:

(1) The standard deduction as defined in section 63 of the Internal Revenue Code.

(2) Itemized deductions as defined in section 63 of the Internal Revenue Code except state or local taxes measured by net income and general sales taxes as either is defined in section 164 of the Internal Revenue Code.

(k) Add the taxable amount of any lump sum distribution excluded from gross income for federal income tax purposes under the ten (10) year averaging method. The taxable amount will include the ordinary income portion and the amount eligible for the capital gain election.

(l) Deduct any amounts included in gross income under the provisions of section 86 of the Internal Revenue Code relating to certain social security and railroad benefits.

(m) In the case of a self-employed individual, deduct the actual cost of premiums paid to secure worker's compensation insurance for coverage in Idaho, if such cost has not been deducted in arriving at taxable income.

(n) In the case of an individual for any tax period ending on or prior to December 31, 2016, deduct the amount contributed to a college savings program but not more than four thousand dollars (\$4,000) per tax year. In the case of an individual and for any tax period starting on or after January 1, 2017, deduct the amount contributed to a college savings program, but not more than six thousand dollars (\$6,000) per tax year. For those married and filing jointly, deduct the amount contributed to a college savings program, but not more than twice of that allowed for an individual. To be qualified for this deduction, the contribution must be made during the taxable year and made to an Idaho college savings program account as described in chapter 54, title 33, Idaho Code.

(o) In the case of an individual, add the amount of a nonqualified withdrawal from an individual trust account or savings account established pursuant to chapter 54, title 33, Idaho Code, less any amount of such nonqualified withdrawal included in the individual's federal gross income pursuant to section 529 of the Internal Revenue Code. The addition provided in this

subsection is limited to contributions previously exempt from Idaho state income tax and earnings generated from the program as long as the earnings are not already included in federal adjusted gross income.

(p) In the case of an individual, add the amount of a withdrawal from an individual trust account or savings account established pursuant to chapter 54, title 33, Idaho Code, transferred to a qualified tuition program, as defined in section 529 of the Internal Revenue Code, that is operated by a state other than Idaho or to a qualified ABLE program as defined in section 529A of the Internal Revenue Code. The addition provided in this subsection is limited to the amount of the contributions to the Idaho individual trust account or savings account by the account owner that was deducted on the account owner's Idaho income tax return for the year of the transfer and the prior taxable year.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2018; provided that the amendment to Section 63-3022(d), Idaho Code, in Section 1 of this act, as it relates to the elimination of the add back of the deduction allowed by Section 965 of the Internal Revenue Code, shall be effective for tax years commencing on or after January 1, 2017.

Approved April 3, 2019

CHAPTER 295
(H.B. No. 205)

AN ACT

RELATING TO PROCEEDINGS TO ESTABLISH PATERNITY; AMENDING SECTION 7-1103, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 7-1105, IDAHO CODE, TO REVISE TERMINOLOGY; AND AMENDING SECTION 7-1107, IDAHO CODE, TO REVISE TERMINOLOGY.

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

SECTION 1. That Section 7-1103, Idaho Code, be, and the same is hereby amended to read as follows:

7-1103. DEFINITIONS. When used in this act:

(1) The phrase "child conceived or born out of wedlock" refers to a child who is conceived outside of lawful matrimony but has not yet been born or who is begotten and born outside of lawful matrimony.

(2) The word "child" refers to child conceived or born out of wedlock.

(3) The word "mother" refers to the mother of a child conceived or born out of wedlock.

(4) The word "father" refers to the biological father of a child conceived or born out of wedlock.

(5) The word "court" refers to the district court which is hearing the cause.

SECTION 2. That Section 7-1105, Idaho Code, be, and the same is hereby amended to read as follows:

7-1105. PARENTS LIABLE FOR SUPPORT AND EDUCATION -- DECEASED PARENT -- LIABILITY OF ESTATE. Each parent of a child conceived or born out of wedlock is liable for the necessary support and education of the child and for the child's funeral expenses. If a parent dies, an order of support or a judi-

cially approved settlement made prior to that parent's death shall be enforceable as a claim against the deceased parent's estate in an amount to be determined by the probate court not greater than is provided in the order of settlement, having regard to the age of the child, the ability of the surviving parent to support and educate it, the amount of property left by the deceased parent, and the number, age and financial condition of those other persons legally entitled to support by the deceased parent during his or her lifetime.

SECTION 3. That Section 7-1107, Idaho Code, be, and the same is hereby amended to read as follows:

7-1107. LIMITATION OF ACTION. (1) Except as provided in section 16-1504(9), Idaho Code, a proceeding to establish paternity of the child under the provisions of this chapter may be instituted either before or after the birth of the child but must be instituted before the child reaches the age of majority as defined in section 32-101, Idaho Code.

(2) This section shall apply retroactively, and is for the benefit of any dependent child, whether conceived or born before or after the effective date of this act, and regardless of the past or current marital status of the parents.

Approved April 3, 2019

CHAPTER 296
(H.B. No. 248)

AN ACT

RELATING TO OCCUPATIONAL LICENSING REFORM; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 93, TITLE 67, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A DECLARATION OF POLICY, TO PROVIDE DEFINITIONS, TO PROVIDE FOR MILITARY QUALIFICATIONS FOR LICENSURE, TO PROVIDE FOR CERTAIN EXPEDITED APPLICATIONS, TO PROVIDE FOR CERTAIN LICENSURE BY ENDORSEMENT AND TO PROVIDE FOR A CERTAIN REPORT TO THE LEGISLATURE; AND REPEALING SECTION 67-2620, IDAHO CODE, REGARDING MILITARY EDUCATION TRAINING AND SERVICE.

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 93, Title 67, Idaho Code, and to read as follows:

CHAPTER 93
OCCUPATIONAL LICENSING REFORM ACT

67-9301. SHORT TITLE. This chapter shall be known and may be cited as the "Occupational Licensing Reform Act."

67-9302. DECLARATION OF POLICY. The Idaho legislature, recognizing a need for occupational licensing reform, declares it to be the policy of the state to adopt a comprehensive and proactive approach to reducing occupational licensing constraints and barriers.

67-9303. DEFINITIONS. As used in this chapter:

(1) "Honorable conditions" means an honorable discharge or a general discharge "under honorable conditions."

(2) "Licensing authority" means any agency, bureau, commission, department, division, or professional or occupational licensing board charged with granting, suspending, or revoking the license, certificate, registration, permit, or other authorization of any person to practice a profession or occupation, including but not limited to the professional and occupational licensing boards within the department of self-governing agencies.

(3) "Licensure" means a license, certificate, registration, permit, or other authorization of any person to practice a profession or occupation.

(4) "Military" means the armed forces or reserves of the United States, including the army, navy, marine corps, coast guard, air force, and the reserve components thereof, the national guard of any state, the military reserves of any state, or the naval militia of any state.

(5) "Veteran" means any person who has been discharged or released from active duty in the armed forces under honorable conditions provided the person has served on active duty for a minimum of one hundred eighty (180) consecutive days.

67-9304. MILITARY EDUCATION, TRAINING, AND SERVICE -- QUALIFICATIONS FOR LICENSURE. A licensing authority shall accept relevant and applicable military education, training, or service by an individual as a member of the armed forces or a veteran toward the qualifications to receive licensure. Each licensing authority shall promulgate applicable rules to implement the provisions of this section.

67-9305. EXPEDITED APPLICATION -- MEMBERS OF THE MILITARY, VETERANS, AND SPOUSES. A licensing authority shall expedite the application of a member of the military, a former member of the military after discharge under honorable conditions, a veteran, or a spouse of any such person, to receive licensure if such member, former member, veteran, or spouse possesses necessary education, qualifications, licensure, or certification from another state, district, or territory of the United States, or in any branch of the armed forces or the national guard. Each licensing authority shall promulgate applicable rules to implement the provisions of this section.

67-9306. LICENSURE BY ENDORSEMENT -- MEMBERS OF THE MILITARY, VETERANS, AND SPOUSES. (1) A licensing authority shall establish a procedure for the issuance of licensure by endorsement to a member of the military, a former member of the military after discharge under honorable conditions, a veteran, or a spouse of any such person, if such person possesses current, valid, and unrestricted licensure in another state, district, or territory of the United States, or in any branch of the armed forces or the national guard. Each licensing authority shall promulgate applicable rules to implement the provisions of this subsection.

(2) Subsection (1) of this section shall not apply to a person who is a member of a profession or occupation covered by an interstate licensure compact that the person's home state and Idaho have each adopted. In such a situation, a person shall apply for licensure pursuant to the terms of the applicable licensure compact rather than through licensure by endorsement. A person from a state that has not adopted an interstate licensure compact that Idaho has adopted is eligible for licensure by endorsement, provided that such person is otherwise eligible for licensure by endorsement under this section; however, such licensure shall be valid only in Idaho. A licensing authority for a profession or occupation affected by an interstate licensure compact that Idaho has adopted shall promulgate applicable rules to implement the provisions of this subsection.

67-9307. REPORT TO LEGISLATURE. A licensing authority shall, by January 1, 2020, prepare and deliver to an appropriate germane legislative committee information regarding the rules, if any, implemented under this chapter.

SECTION 2. That Section 67-2620, Idaho Code, be, and the same is hereby repealed.

Approved April 3, 2019

CHAPTER 297

(S.B. No. 1060, As Amended, As Amended in the House)

AN ACT

RELATING TO EDUCATION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 61, TITLE 33, IDAHO CODE, TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING FLEXIBLE SCHEDULES FOR CERTAIN STUDENTS, TO PROVIDE FOR CERTAIN FUNDING AVAILABLE TO STUDENTS WITH FLEXIBLE SCHEDULES, TO ESTABLISH PROVISIONS REGARDING EARLY GRADUATION, AND TO PROVIDE DUTIES OF THE STATE BOARD OF EDUCATION.

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

SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 61, Title 33, Idaho Code, and to read as follows:

CHAPTER 61

OPPORTUNITIES FOR COLLEGE AND CAREER READY STUDENTS

33-6101. DEFINITIONS. As used in this chapter:

- (1) "Board" means the state board of education.
- (2) "College and career readiness score" means the minimum score on a college entrance examination indicating that a student is academically ready to advance to an institution of higher education or to an occupation or occupational training, as determined by the board.
- (3) "College entrance examination" means the ACT, the SAT, or a similar examination identified by the board.
- (4) "Participation portfolio" means a description of a student's nonacademic and cocurricular activities including, but not limited to, student government, sports, music ensembles, theater, clubs, organizations, work, internships, and volunteering. A participation portfolio should also include any leadership positions a student holds in nonacademic activities.

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 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.

33-6103. FLEXIBLE SCHEDULE -- ADVANCED OPPORTUNITIES FUNDING. A student who opts for a flexible schedule pursuant to the provisions of section 33-6102, Idaho Code, may use the student's allotment of advanced opportunities funds for activities identified in subsection (2)(a) of that section.

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 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.

33-6105. DUTIES OF BOARD. The board shall:

- (1) Perform duties specifically provided in this chapter;
- (2) Ensure, through rules established by the board, that any funds distributed pursuant to section 33-6103, Idaho Code, are used for the purpose described in that section; and
- (3) Take such actions as are necessary to implement and enforce the provisions of this chapter, including the promulgation of any necessary rules.

Approved April 4, 2019

CHAPTER 298
(S.B. No. 1106, As Amended)

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-1002G, IDAHO CODE, TO PROVIDE THAT PUBLIC CHARTER SCHOOLS MAY BE ELIGIBLE FOR CERTAIN FUNDING; AMENDING SECTION 33-2202, IDAHO CODE, TO REVISE PROVISIONS REGARDING POWERS AND DUTIES OF THE STATE BOARD FOR CAREER TECHNICAL EDUCATION; AMENDING SECTION 33-2205, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DIVISION OF CAREER TECHNICAL EDUCATION; AMENDING SECTION 33-5202, IDAHO CODE, TO REVISE PROVISIONS REGARDING LEGISLATIVE INTENT IN RELATION TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5202A, IDAHO CODE, TO REVISE DEFINITIONS; AND AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS REGARDING FINANCIAL SUPPORT FOR PUBLIC CHARTER SCHOOLS.

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

SECTION 1. That Section 33-1002G, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002G. CAREER TECHNICAL SCHOOL FUNDING AND ELIGIBILITY. (1) School districts and public charter schools may establish career technical schools that qualify for funding appropriated for the specific purpose of supporting the added cost of career technical schools. These funds will be appropriated to the state board for career technical education, to be expended by the division of career technical education. In order for a school to qualify for funding as a career technical school, it must make application to the division of career technical education on or before the fifteenth of April for the following fiscal year. This includes applicants for new schools and renewal applications. Approved public charter schools with career technical education programs will receive the same added cost unit as any other eligible school on an actual approved cost basis not to exceed the per-student cost for a traditional instructional delivery method. All career technical schools must meet all three (3) of the following criteria:

- (a) The school serves students from two (2) or more high schools. No one (1) high school can comprise more than eighty-five percent (85%) of the total enrolled career technical school students. In the event a student enrolled in the career technical school is not enrolled in a public high school, the eighty-five percent (85%) will be calculated based on the public high school attendance area where the student resides. This provision does not exclude a public charter school with a statewide boundary from applying for appropriate added cost funds authorized for career technical education, irrespective of the instructional delivery method.

(b) The majority of the school's program offerings lead to some form of postsecondary credit, such as dual credit or other advanced opportunities, as defined by the state board of education, or include apprenticeship opportunities.

(c) All school programs offer at least one (1) supervised field experience for all students.

(2) All career technical schools must also meet at least one (1) of the following three (3) requirements:

(a) The school is funded separately from schools that qualify for computation using regular secondary support units.

(b) The school has a separate and distinct governing board.

(c) The majority of the school programs are provided at dedicated facilities that are separate from the regular high school facilities.

SECTION 2. That Section 33-2202, Idaho Code, be, and the same is hereby amended to read as follows:

33-2202. STATE BOARD FOR CAREER TECHNICAL EDUCATION -- POWERS AND DUTIES. (1) The state board of education is hereby designated as the state board for career technical education for the purpose of carrying into effect the provisions of the federal act known as the Smith-Hughes act, amendments thereto, and any subsequent acts now or in the future enacted by the congress affecting vocational education, and is hereby authorized to cooperate with the United States office of education, vocational division, or any other agency of the United States designated to administer such legislation, in the administration and enforcement of the provisions of said act, or acts, and to exercise such powers and perform such acts as are necessary to entitle the state of Idaho to receive the benefits of the same, and to execute the laws of the state of Idaho relative to career technical education; to administer the funds provided by the federal government and the state of Idaho under the provisions of this chapter for promotion of education in agricultural subjects, trade and industrial subjects, family and consumer science subjects and other subjects authorized by the board. Incident to the other powers and duties of the board for career technical education, the board may hold title to real property.

(2) As used in this title, unless otherwise specifically defined, the term "career technical education" means all secondary, postsecondary, and adult courses, programs, training, and services administered by the division of career technical education for occupations or careers that require other than a baccalaureate, master's, or doctoral degree. As approved by the board, this term may also apply to specific courses or programs offered in grades 7 and 8 or offered by any approved public charter school that are delivered through traditional or virtual online instructional methods. This term may also apply to virtual, blended, or other career technical education programs.

(3) The courses, programs, training, and services include, but are not limited to, career, technical, and applied technology education. They are delivered through the career technical delivery system of public secondary schools, including approved public charter schools, irrespective of the delivery method, and postsecondary schools and colleges. The division of career technical education will include approved public charter schools and their students equally and without discrimination in reviewing, authorizing, and funding the delivery of career technical education courses and programs, irrespective of the school's chosen instructional delivery method, as long as the chosen instructional delivery method is appropriate to the nature of the work as demonstrated by participation in a capstone course that meets recognized industry standards. Career technical education programs may be delivered by traditional, blended, or virtual models and must meet the required elements as outlined in the state standards for secondary pro-

grams. Virtual programs will utilize post-capstone interviews conducted by industry professionals to demonstrate technical proficiency and to satisfy face-to-face requirements. Interviews will be based on students' needs and may be conducted face-to-face or electronically.

SECTION 3. 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 shall may coordinate with the Idaho digital learning academy to ~~provide approved online career technical education courses to any Idaho school district~~ 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 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.

(45) 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.

(56) The state board of education may promulgate rules to implement the provisions of this section.

SECTION 4. That Section 33-5202, Idaho Code, be, and the same is hereby amended to read as follows:

33-5202. LEGISLATIVE INTENT. It is the intent of the legislature to provide opportunities for teachers, parents, students, and community members to establish and maintain public charter schools which that operate

independently from the existing traditional school district structure but within the existing public school system as a method. In order to accomplish any of the following, public charter schools shall have equal access and authority to participate in all state and federal programs to the same extent as a traditional public school, irrespective of the instructional delivery method:

- (1) Improve student learning;
- (2) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students;
- (3) Include the use of different and innovative teaching methods;
- (4) Utilize virtual distance learning and ~~on-line~~ online learning;
- (5) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;
- (6) Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system;
- (7) Hold the schools established under this chapter accountable for meeting measurable student educational standards.

SECTION 5. That Section 33-5202A, Idaho Code, be, and the same is hereby amended to read as follows:

33-5202A. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

- (1) "Authorized chartering entity" means any of the following:
 - (a) A local board of trustees of a school district in this state;
 - (b) The public charter school commission created pursuant to the provisions of this chapter;
 - (c) An Idaho public college, university or community college;
 - (d) A private, nonprofit, Idaho-based, nonsectarian college or university that is accredited by the same organization that accredits Idaho public colleges and universities.
- (2) "Charter" means the grant of authority approved by the authorized chartering entity to the board of directors of the public charter school.
- (3) "Charter holder" means the public charter school's board of directors to which a charter is granted pursuant to chapter 52, title 33, Idaho Code.
- (4) "Educational services provider" means a nonprofit or for-profit entity that contracts with a public charter school to provide educational services and resources including administrative support and educational design, implementation or management.
- (5) "Founder" means a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits.
- (6) "Performance certificate" means a fixed-term, renewable certificate between a public charter school and an authorized chartering entity that outlines the roles, powers, responsibilities and performance expectations for each party to the certificate.
- (7) "Petition" means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school.

(8) "Career technical regional public charter school" means a public charter secondary school authorized under this chapter to provide programs in career technical education which that meet the standards and qualifications established by the division of career technical education. A career technical regional public charter school may be approved by an authorized chartering entity and, by the terms of its charter, shall operate in association with at least two (2) school districts. This provision does not exclude a public charter school with a statewide boundary from applying for added cost funds authorized for career technical education, irrespective of the instructional delivery method. Participating school districts need not be contiguous.

(9) "Public charter school" means a school that is authorized under this chapter to deliver public education in Idaho with equal access and authority to participate in all state and federal programs to the same extent as a traditional public school, irrespective of the instructional delivery method.

(10) "Traditional public school" means any school existing or to be built that is operated and controlled by a school district in this state.

(11) "Virtual school" means either a public charter school or a traditional public school that delivers a full-time, sequential program of synchronous and/or asynchronous instruction primarily through the use of technology via the internet in a distributed environment. Schools classified as virtual must have an online component to their school with online lessons and tools for student and data management.

SECTION 6. That Section 33-5208, Idaho Code, be, and the same is hereby amended to read as follows:

33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided in subsection (10) of this section, from the state educational support program the state department of education shall make the following apportionment to each public charter school for each fiscal year based on attendance figures submitted in a manner and time as required by the department of education:

(1) Per student support. Computation of support units for each public charter school shall be calculated as if it were a separate school according to the schedules in section 33-1002(4), Idaho Code, except that public charter schools with fewer than one hundred (100) secondary ADA shall use a divisor of twelve (12) and the minimum units shall not apply, and no public charter school shall receive an increase in support units that exceeds the support units it received in the prior year by more than thirty (30). Funding from the state educational support program shall be equal to the total distribution factor, plus the salary-based apportionment provided in chapter 10, title 33, Idaho Code. Provided however, any public charter school that is formed by the conversion of an existing traditional public school shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.

(2) Special education. For each student enrolled in the public charter school who is entitled to special education services, the state and federal funds from the exceptional child education program for that student that would have been apportioned for that student to the school district in which the public charter school is located.

(3) Alternative school support. Public charter schools may qualify under the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided the public charter school meets the necessary statutory requirements, and students qualify for attendance at an alternative school as provided by rule of the state board of education.

(4) Transportation support. Support shall be paid to the public charter school as provided in chapter 15, title 33, Idaho Code, and section 33-1006, Idaho Code. Each public charter school shall furnish the department with an enrollment count as of the first Friday in November, of public charter school students who are eligible for reimbursement of transportation costs under the provisions of this subsection and who reside more than one and one-half (1 1/2) miles from the school. The state department of education is authorized to include in the annual appropriation to the charter school sixty percent (60%) of the estimated transportation cost. The final appropriation payment in July shall reflect reimbursements of actual costs pursuant to section 33-1006, Idaho Code. To be eligible for state reimbursement under the provisions of section 33-1006, Idaho Code, the student to be transported must reside within the public charter school's primary attendance area, and must meet at least one (1) of the following two (2) criteria:

- (a) The student resides within the school district in which the public charter school is physically located; or
- (b) The student resides within fifteen (15) miles of the public charter school, by road.

The limitations placed by this subsection on the reimbursement of transportation costs for certain students shall not apply to public virtual schools.

(5) Facilities funds. The state department of education shall distribute facilities funds to public charter schools for each enrolled student in which a majority of the student's instruction is received at a facility that is owned or leased by the public charter school. Such funds shall be used to defray the purchase, fee, loan or lease costs associated with payments for real property used by the students or employees of the public charter school for educational or administrative purposes. Such funds shall be distributed from the moneys appropriated to the educational support program, and shall be calculated as a percentage of the statewide average amount of bond and plant facility funds levied per student by Idaho school districts, as follows:

Fiscal Year 2014	Twenty Percent (20%)
Fiscal Year 2015	Thirty Percent (30%)

For fiscal year 2016 and each fiscal year thereafter, this percentage shall increase by ten percent (10%) each time the total appropriation of state funds for the educational support program increases by three percent (3%) or more over the prior fiscal year, and shall decrease by ten percent (10%) each time the total appropriation of state funds for the educational support program decreases as compared to the prior fiscal year. Provided however, that the percentage shall be no less than twenty percent (20%) and no greater than fifty percent (50%), and that the average amount of funding received per public charter school shall not exceed the average amount of funding received by each school district pursuant to the provisions of section 33-906, Idaho Code.

For those public charter schools that do not receive facilities funds for all enrolled students, the school may submit to the state department of education a reimbursement claim for any costs for which facilities funds may be used. The state department of education shall reduce such claim by the greater of fifty percent (50%) or the percentage of the school's enrolled students for which the school receives facilities funds, and shall pay the balance. Provided however, that the total reimbursements paid to a public charter school, in combination with any facilities stipend received by the school, shall not exceed the amount of facilities funds that would have been received by the school had the school received facilities funds for all en-

rolled students. For the purposes of this subsection, the term "real property" shall be used as defined in section 63-201, Idaho Code.

(6) Payment schedule. The state department of education is authorized to make an advance payment of twenty-five percent (25%) of a public charter school's estimated annual apportionment for its first year of operation, and each year thereafter, provided the public charter school is serving more grades or at least ten percent (10%) more classes than the previous year, to assist the school with initial start-up costs or payroll obligations. For a public charter school entering its second or greater year of operations, the state department of education may require documentation establishing the need for such an advance payment, including comparative class schedules and proof of a commensurate increase in the number of employees.

(a) For a public charter school to receive the advance payment, the school shall submit its anticipated fall membership for each grade level to the state department of education by June 1.

(b) Using the figures provided by the public charter school, the state department of education shall determine an estimated annual apportionment from which the amount of the advance payment shall be calculated. Advance payment shall be made to the school on or after July 1 but no later than July 31.

(c) All subsequent payments, taking into account the ~~one-time~~ onetime advance payment made for the first year of operation, shall be made to the public charter school in the same manner as other traditional public schools in accordance with the provisions of section 33-1009, Idaho Code.

A public charter school shall comply with all applicable fiscal requirements of law, except that the following provisions shall not be applicable to public charter schools: that portion of section 33-1004, Idaho Code, relating to reduction of the administrative and instructional staff allowance and the pupil service staff allowance when there is a discrepancy between the number allowed and the number actually employed; and section 33-1004E, Idaho Code, for calculation of district staff indices.

(7) Nothing in this chapter shall be construed to prohibit any private person or organization from providing funding or other financial assistance to the establishment or operation of a public charter school.

(8) Each public charter school shall pay an authorizer fee to its authorized chartering entity, to defray the actual documented cost of monitoring, evaluation and oversight, which, in the case of public charter schools authorized by the public charter school commission, shall include each school's proportional fee share of moneys appropriated from the public charter school authorizers fund to the public charter school commission, plus fifteen percent (15%). Provided however, that each public charter school's board of directors may direct up to ten percent (10%) of the calculated fee to pay membership fees to an organization or association that provides technical assistance, training and advocacy for Idaho public charter schools. Unless the authorized chartering entity declines payment, such fee shall be paid by March 15 of each fiscal year and shall not exceed the greater of:

(a) All state funds distributed to public schools on a support unit basis for the prior fiscal year, divided by the statewide number of public school students in average daily attendance in the first reporting period in the prior fiscal year; or

(b) The lesser of:

(i) The result of the calculation in ~~subsection (8) paragraph~~ (a) of this subsection, multiplied by four (4); or

(ii) One and one-half percent (1.5%) of the result of the calculation in ~~subsection (8) paragraph~~ (a) of this subsection, multiplied by the public charter school's average daily attendance in the first reporting period in the current fiscal year.

(9) Nothing in this chapter shall prevent a public charter school from applying for federal grant moneys or for career technical education funding of any source for any reason including, but not limited to, the instructional delivery method.

(10) (a) Each student in attendance at a public virtual school shall be funded based upon either the actual hours of attendance in the public virtual school on a flexible schedule, or the percentage of coursework completed, whichever is more advantageous to the school, up to the maximum of one (1) full-time equivalent student.

(b) All federal educational funds shall be administered and distributed to public charter schools, including public virtual schools, that have been designated as a local education agency (LEA), as provided in section 33-5203(8), Idaho Code.

(11) Nothing in this section prohibits separate face-to-face learning activities or services. In order to be eligible for career technical education essential components funding, virtual schools may be required to offer some face-to-face instruction in order to meet industry standards, licensing requirements, work-based learning requirements, or other requirements set forth by the board.

(12) The provisions of section 33-1021, Idaho Code, shall apply to public charter schools provided for in this chapter.

Approved April 4, 2019

CHAPTER 299

(H.B. No. 30, As Amended in the Senate)

AN ACT

RELATING TO CRIMINAL DEFENDANTS; AMENDING SECTION 18-211, IDAHO CODE, TO PROVIDE FOR CERTAIN NOTIFICATION AND FOR THE APPOINTMENT OR DESIGNATION OF AN EVALUATION COMMITTEE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 18-211, Idaho Code, be, and the same is hereby amended to read as follows:

18-211. EXAMINATION OF DEFENDANT -- APPOINTMENT OF PSYCHIATRISTS AND LICENSED PSYCHOLOGISTS -- HOSPITALIZATION -- REPORT. (1) Whenever there is reason to doubt the defendant's fitness to proceed as set forth in section 18-210, Idaho Code, the court shall appoint at least one (1) qualified psychiatrist or licensed psychologist or shall request the director of the department of health and welfare to designate at least one (1) qualified psychiatrist or licensed psychologist to examine and report upon the mental condition of the defendant to assist counsel with defense or understand the proceedings. The appointed examiner shall also evaluate whether the defendant lacks capacity to make informed decisions about treatment. The costs of examination shall be paid by the defendant if he is financially able. The determination of ability to pay shall be made in accordance with chapter 8, title 19, Idaho Code.

(2) Within three (3) days, excluding Saturdays, Sundays and legal holidays, of the appointment or designation, the examiner shall determine the best location for the examination. If practical, the examination shall be conducted locally on an outpatient basis.

(3) If the examiner determines that confinement is necessary for purposes of the examination, the court may order the defendant to be confined to a jail, a hospital, or other suitable facility for that purpose for a period not exceeding thirty (30) days. The order of confinement shall require the

county sheriff to transport the defendant to and from the facility and shall notify the facility of any known medical, behavioral, or security requirements of the defendant. The court, upon request, may make available to the examiner any court records relating to the defendant.

(4) In such examination, any method may be employed which that is accepted by the examiner's profession for the examination of those alleged not to be competent to assist counsel in their defense.

(5) Upon completion of the examination, a report shall be submitted to the court and shall include the following:

(a) a description of the nature of the examination;

(b) a diagnosis or evaluation of the mental condition of the defendant;

(c) An opinion as to the defendant's capacity to understand the proceedings against him and to assist in his own defense;

(d) An opinion whether the defendant lacks the capacity to make informed decisions about treatment. "Lack of capacity to make informed decisions about treatment" means the defendant's inability, by reason of his mental condition, to achieve a rudimentary understanding of the purpose, nature, and possible significant risks and benefits of treatment, after conscientious efforts at explanation.

(6) If the examination cannot be conducted by reason of the unwillingness of the defendant to participate therein, the report shall so state and shall include, if possible, an opinion as to whether such unwillingness of the defendant was the result of mental disease or defect.

(7) The report of the examination shall be filed in triplicate with the clerk of the court, who shall cause copies to be delivered to the prosecuting attorney and to counsel for the defendant.

(8) When the defendant wishes to be examined by an expert of his own choice, such examiner shall be permitted to have reasonable access to the defendant for the purpose of examination.

~~(9) In addition to the psychiatrist or licensed psychologist, the court may appoint additional experts to examine the defendant. In the event a defendant is suspected of being developmentally disabled, the examination shall proceed with those experts set out in subsection (7) of section 66-402, Idaho Code.~~

(10) In addition to the psychiatrist, licensed psychologist, or evaluation committee, the court may appoint additional experts to examine the defendant.

(11) If at any time during the examination process, the examiner has reason to believe that the defendant's alleged incompetency may be the result of a developmental disability and the matter has not already been referred to an evaluation committee for review, the examiner shall immediately notify the court. The court shall then appoint an evaluation committee or shall order the department of health and welfare to designate, within two (2) business days, an evaluation committee consistent with section 66-402(7), Idaho Code.

(12) If the defendant lacks capacity to make informed decisions about treatment, as defined in section 66-317, Idaho Code, the court may authorize consent to be given pursuant to section 66-322, Idaho Code. If the defendant lacks capacity to make informed decisions as defined in subsection (9) of section 66-402, Idaho Code, the court may authorize consent to be given pursuant to sections 66-404 and 66-405, Idaho Code.

~~(13) If the defendant was confined solely for the purpose of examination, he shall be released from the facility within three (3) days, excluding Saturdays, Sundays and legal holidays, following notification of completion of the examination.~~

CHAPTER 300

(H.B. No. 137, As Amended, As Amended in the Senate)

AN ACT

RELATING TO DANGEROUS AND AT-RISK DOGS; AMENDING SECTION 25-2810, IDAHO CODE, TO REVISE PROVISIONS REGARDING DANGEROUS AND AT-RISK DOGS; AMENDING SECTION 25-2811, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND AMENDING SECTION 25-2812, 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 25-2810, Idaho Code, be, and the same is hereby amended to read as follows:

25-2810. DANGEROUS AND AT-RISK DOGS. ~~(1)~~ For purposes of this act section:

(1) A person commits the crime of maintaining a dangerous dog or at-risk dog if the person owns, possesses, or harbors a dangerous dog or at-risk dog as described in subsection (4) (a) or (b) of this section unless otherwise in compliance with the provisions of an order pursuant to subsection (7) of this section. In all judgements rendered under this section, if the dog in question is still living, its disposition shall in all cases be determined in the same proceeding in accordance with this section to provide restrictions for the keeping of the dog or alternatively for its destruction.

(2) Anyone who owns, possesses, or harbors a dog found to be a dangerous dog or at-risk dog under this section is guilty of a misdemeanor unless otherwise in compliance with the provisions of an order pursuant to subsection (7) of this section.

(3) The court may also, in its discretion, order any individual found guilty of violating this section to pay the victim restitution related to medical expenses, property damage, property repair and replacement costs, if any, incurred as a result of the individual's violation of the provisions of this section.

(4) Definitions.

(a) "At-risk dog" means any dog that without justified provocation bites a person without causing a serious injury as defined in this section.

(b) "Dangerous dog" means any dog that:

(i) Without justified provocation has inflicted serious injury on a person; or

(ii) Has been previously found to be at risk and thereafter bites or physically attacks a person without justified provocation.

(c) "Justified provocation" means to perform any act or omission that a reasonable person with common knowledge of dog behavior would conclude is likely to precipitate a bite or attack by an ordinary dog.

(d) "Physically attack" means an aggressive action upon a person by a dog in which there is physical contact between the dog and the person.

~~(e) "Serious injury" means an injury to a person characterized by piercing of the hypodermis or tearing of the muscles, veins or arteries, or disfiguring lacerations that would cause a reasonably prudent person to seek treatment from a medical professional without regard to whether the person actually sought medical treatment.~~

~~(2) A petition for a court to declare a dog dangerous or at-risk may be brought by:~~

~~(a) Any person who has been bitten or physically attacked by the dog;~~

~~(b) A parent or guardian of any minor who has been bitten or physically attacked by the dog; or~~

~~(c) A county or city prosecuting attorney.~~

~~In such proceedings, it is not necessary for the petitioner to show that the owner, possessor or harbinger of such dog had knowledge of the fact that the dog would behave in a manner consistent with the definition of a dangerous or at-risk dog.~~

"Serious injury" means an injury to a person characterized by bruising, laceration, or other injury that would cause a reasonably prudent person to seek treatment from a medical professional without regard to whether the person actually sought medical treatment.

(35) No dog may be declared found to be a dangerous or at-risk dog when, at the time an injury or damage was sustained, the precipitating cause constituted justified provocation. Justified provocation includes, but is not limited to, the following:

- (a) The dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;
- (b) The person was committing a crime or offense upon the property of the owner or custodian of the dog;
- (c) The person was at the time, or had in the past, willfully tormented, abused or assaulted the dog;
- (d) The dog was responding to pain or injury or protecting its offspring;
- (e) The dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury sustained was to a person who was interfering with the dog while the dog was working in a place where it was lawfully engaged in such activity, including public lands;
- (f) The dog was a service animal individually trained to do work or perform tasks for a person with a disability; or
- (g) The person was intervening between two (2) or more animals engaged in aggressive behavior or fighting.

(46) If a court finds that a dog is dangerous pursuant to the provisions of this act section, in addition to any other penalty or liability provided in this act section, the court may order the dog to be humanely put to death.

(57) If a court finds that a dog ~~belonging to an owner~~ is dangerous or at risk pursuant to the provisions of this act, the court in its discretion may order the owner to comply with one (1) or more of the following restrictions and requirements:

- (a) When outdoors, the dog shall be confined to a secure, locked enclosure from which it cannot escape and that unauthorized persons are prevented from accidental entry, and for which entrance and exit are controlled by the owner of the premises or owner of the dog;
- (b) When off the property of the owner and not confined in a secure enclosure, the dog shall be kept on a secure leash by a competent adult physically capable of controlling the dog. The court shall have the discretion to order that the dog wear a muzzle capable of preventing the dog from biting if the dog is in any public area in which contact between the dog and the public is likely to occur;
- (c) The dog shall be permanently identified by means of a color photograph in a file maintained by the court and local enforcement agency and by a microchip or tattoo used for the identification of companion animals at the expense of the owner. Microchip registration shall be reported in a timely manner by the owner of the dog to the local agency responsible for the control of such dogs. Upon demand, the owner shall provide access to the dog to any such agency or local law enforcement entity for the purposes of verifying microchip implantation or tattoo; and

(d) The premises on which the dog is kept shall be posted with clearly visible signs stating "Beware of Dog" and may also require posting of signs with a warning symbol that informs children of the presence of a dog that may be dangerous. Signs shall be visible from the closest roadway.

(68) Any owner of a dog designated as a dangerous or at-risk dog shall notify any local agency responsible for the control of such dogs upon the transfer of a dangerous or at-risk dog to another person within thirty (30) days of such transfer. In order to transfer ownership of a dog designated as a dangerous or at-risk dog, the current owner shall notify the new owner of any order issued by a court pursuant to the provisions of this act and provide a copy of such order prior to such transfer. All sanctions and restrictions placed upon the keeping of the dog by the court shall transfer to any person taking custody of such dog, and such person shall comply with all such sanctions and restrictions and be duly registered as the owner of a dangerous or at-risk dog by the local agency. Any owner relocating a dangerous or at-risk dog to another jurisdiction served by a different agency responsible for the control of such dogs, shall notify both the previous agency and the responsible agency in the new location within thirty (30) days of such relocation.

(79) In the event a dog designated by a court as at risk does not subsequently act in a manner consistent with the definitions of a dangerous or at-risk dog, and providing that the owner and keeper of the dog has complied with all the provisions of this act, for a period of ~~three~~ two (32) years, the restrictions and requirements imposed by the court shall be waived and the dog shall no longer be classified as at risk.

~~(8) Any person who fails to comply with sanctions, restrictions or requirements imposed by the court pursuant to the provisions of this section shall be subject to the provisions of section 25-2811, Idaho Code.~~

(910) During the pendency of a petition case to have a dog declared found dangerous or at risk, a law enforcement officer or officer of a local agency responsible for the control of such dogs shall be authorized to take the dog into custody and place the dog in a suitable place at a customary and reasonable expense to the owner pending final disposition of the charge against the owner. In lieu of keeping the dog at such facility, officers shall have the discretion to impose reasonable temporary restrictions upon the keeping of the dog at the property of the owner such that the dog is controlled and prevented from contact with others pending the final disposition of the petition case. Upon notification that an action pursuant to this subsection has been initiated by an officer authorized to enforce such action against a dog, the relocation or transfer of such dog to another shall be prohibited and constitute a violation of this act section. The court may also, in its discretion, order any individual found guilty of violating this section to pay the law enforcement or animal control agency or animal shelter additional restitution related to impoundment costs, medical, and veterinary-related expenses, and any costs related to the care and keeping of the animal including costs of destruction and disposal of the animal.

(101) Any dog that physically attacks, wounds, bites or otherwise injures any person who is not trespassing, when such dog is not physically provoked or otherwise justified pursuant to subsection (35) of this section or as set forth in section 25-2808, Idaho Code, subjects either its owner or any person who has accepted responsibility as the possessor, harbinger, or custodian of the dog, or both, to civil liability for the injuries caused by the dog. A prior determination that a dog is dangerous or ~~at-risk~~ at risk, or subject to any court order imposing restrictions or requirements pursuant to the provisions of this section, shall not be a prerequisite to civil liability for injuries caused by the dog.

SECTION 2. That Section 25-2811, Idaho Code, be, and the same is hereby amended to read as follows:

25-2811. PENALTIES. For persons with knowledge of an order by a court issued pursuant to the provisions of this act:

(1) A person guilty of a first violation of section 25-2810~~(8)~~, Idaho Code, shall be guilty of a misdemeanor punishable by a fine of not less than two hundred dollars (\$200) and not more than five thousand dollars (\$5,000).

(2) A person guilty of a second violation of section 25-2810~~(8)~~, Idaho Code, within five (5) years of the first conviction shall be guilty of a misdemeanor punishable by a jail sentence of not more than six (6) months or by a fine of not less than five hundred dollars (\$500) and not more than seven thousand dollars (\$7,000), or by both such fine and imprisonment.

(3) A person guilty of a third or subsequent violation of section 25-2810~~(8)~~, Idaho Code, within fifteen (15) years of the first conviction shall be guilty of a misdemeanor punishable by a jail sentence of not more than twelve (12) months or by a fine of not less than five hundred dollars (\$500) and not more than nine thousand dollars (\$9,000), or by both such fine and imprisonment.

SECTION 3. That Section 25-2812, Idaho Code, be, and the same is hereby amended to read as follows:

25-2812. LOCAL REGULATION. The provisions of this act shall establish as state law minimum standards and requirements for the control of dogs that may threaten the public with injury and to provide for certain state crimes for violations of such minimum standards and requirements. Provided however, this act shall not supersede or invalidate existing ordinances of local governments or prohibit local governments from adopting and enforcing more restrictive definitions of a dangerous or vicious dog, *se as* long as the local government's definition of a dangerous or vicious dog allows for acts of justified provocation as described in section 25-2810(35), Idaho Code.

Approved April 4, 2019

CHAPTER 301
(H.B. No. 275)

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-5203, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE TERMS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-5207, IDAHO CODE, TO PROVIDE FOR ENHANCED SHORT-TERM PLANS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 52, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-5214, IDAHO CODE, TO PROVIDE FOR ENHANCED SHORT-TERM PLANS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 41-5203, Idaho Code, be, and the same is hereby amended to read as follows:

41-5203. DEFINITIONS. As used in this chapter:

(1) "Actuarial certification" means a written statement by a member of the American academy of actuaries or other individual acceptable to the director that an individual carrier is in compliance with the provisions of section 41-5206, Idaho Code, based upon the person's examination and including a review of the appropriate records and the actuarial assumptions and

methods used by the individual carrier in establishing premium rates for applicable health benefit plans.

(2) "Affiliate" or "affiliated" means any entity or person who directly or indirectly through one (1) or more intermediaries, controls or is controlled by, or is under common control with, a specified entity or person.

(3) "Agent" means a producer as defined in section 41-1003(8), Idaho Code.

(4) "Base premium rate" means, as to a rating period, the lowest premium rate charged or that could have been charged under a rating system by the individual carrier to individuals with similar case characteristics for health benefit plans with the same or similar coverage.

(5) "Carrier" means any entity that provides health insurance in this state. For purposes of this chapter, carrier includes an insurance company, a hospital or professional service corporation, a fraternal benefit society, a health maintenance organization, any entity providing health insurance coverage or benefits to residents of this state as certificate holders under a group policy issued or delivered outside of this state, and any other entity providing a plan of health insurance or health benefits subject to state insurance regulation.

(6) "Case characteristics" means demographic or other objective characteristics of an individual that are considered by the individual carrier in the determination of premium rates for the individual, provided that claim experience, health status and duration of coverage shall not be case characteristics for the purposes of this chapter.

(7) "Control" shall be defined in the same manner as in section 41-3802(2), Idaho Code.

(8) "Dependent" in any new or renewing plan means a spouse, an unmarried child under the age of twenty-five (25) years and who receives more than one-half (1/2) of his financial support from the parent, or an unmarried child of any age who is medically certified as disabled and dependent upon the parent.

(9) "Director" means the director of the department of insurance of the state of Idaho.

(10) "Eligible individual" means an Idaho resident individual or dependent of an Idaho resident:

(a) Who is under the age of sixty-five (65) years, is not eligible for coverage under a group health plan, part A or part B of title XVIII of the social security act (medicare), or a state plan under title XIX (medicaid) or any successor program, and who does not have other health insurance coverage; or

(b) Who is a federally eligible individual (one who meets the eligibility criteria set forth in the federal health insurance portability and accountability act of 1996, Public Law 104-191, Sec. 2741(b) (HIPAA)).

An "eligible individual" can be the dependent of an eligible employee, which eligible employee is receiving health insurance benefits subject to the regulation of title 41, Idaho Code.

(11) "Enhanced short-term plan" means an individual health benefit plan that:

(a) Has an initial period of less than twelve (12) months and is renewable at the option of the individual for up to the number of months established by rules issued pursuant to section 41-5214, Idaho Code; and

(b) Otherwise meets the standards established by rules issued pursuant to section 41-5214, Idaho Code.

(12) "Established geographic service area" means a geographic area, as approved by the director and based on the carrier's certificate of authority to transact insurance in this state, within which the carrier is authorized to provide coverage.

(123) "Health benefit plan" means any hospital or medical policy or certificate, any subscriber contract provided by a hospital or professional service corporation, or health maintenance organization subscriber contract and includes enhanced short-term plans. Health benefit plan does not include policies or certificates of insurance for specific disease, hospital confinement indemnity, accident-only, credit, dental, vision, medicare supplement, long-term care, or disability income insurance, student health benefits only, coverage issued as a supplement to liability insurance, worker's compensation or similar insurance, automobile medical payment insurance, or nonrenewable short-term coverage issued for a period of twelve (12) months or less.

(134) "Index rate" means, as to a rating period for individuals with similar case characteristics, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.

(145) "Individual basic health benefit plan" means a lower cost health benefit plan developed pursuant to chapter 55, title 41, Idaho Code, prior to April 1, 2017.

(16) "Individual carrier" means a carrier that offers health benefit plans covering eligible individuals and their dependents.

(157) "Individual catastrophic A health benefit plan" means a higher limit health benefit plan developed pursuant to chapter 55, title 41, Idaho Code, prior to April 1, 2017.

(168) "Individual catastrophic B health benefit plan" means a health benefit plan with limits higher than an individual catastrophic A health benefit plan developed pursuant to chapter 55, title 41, Idaho Code, prior to April 1, 2017.

(179) "Individual HSA compatible health benefit plan" means a health savings account compatible health benefit plan developed pursuant to chapter 55, title 41, Idaho Code, prior to April 1, 2017.

(1820) "Individual standard health benefit plan" means a health benefit plan developed pursuant to chapter 55, title 41, Idaho Code, prior to April 1, 2017.

(1921) "New business premium rate" means, as to a rating period, the lowest premium rate charged or offered or which could have been charged or offered by the individual carrier to individuals with similar case characteristics for newly issued health benefit plans with the same or similar coverage.

(202) "Premium" means all moneys paid by an individual and eligible dependents as a condition of receiving coverage from a carrier, including any fees or other contributions associated with the health benefit plan.

(213) "Qualifying previous coverage" and "qualifying existing coverage" mean benefits or coverage provided under:

(a) Medicare or medicaid, civilian health and medical program for uniformed services (CHAMPUS), the Indian health service program, a state health benefit risk pool, or any other similar publicly sponsored program; or

(b) Any group or individual health insurance policy or health benefit arrangement whether or not subject to the state insurance laws, including coverage provided by a managed care organization, hospital or professional service corporation, or a fraternal benefit society, that provides benefits similar to or exceeding benefits provided under the basic health benefit plan.

(224) "Rating period" means the calendar period for which premium rates established by a carrier are assumed to be in effect.

(235) "Reinsuring carrier" means a carrier participating in the Idaho individual high-risk reinsurance pool established in chapter 55, title 41, Idaho Code.

(246) "Restricted network provision" means any provision of a health benefit plan that conditions the payment of benefits, in whole or in part, on the use of health care providers that have entered into a contractual arrangement with the carrier to provide health care services to covered individuals.

(257) "Risk-assuming carrier" means a carrier whose application is approved by the director pursuant to section 41-5210, Idaho Code.

~~(26) "Individual carrier" means a carrier that offers health benefit plans covering eligible individuals and their dependents.~~

SECTION 2. That Section 41-5207, Idaho Code, be, and the same is hereby amended to read as follows:

41-5207. RENEWABILITY OF COVERAGE. (1) A health benefit plan subject to the provisions of this chapter shall be renewable with respect to the individual or dependents, at the option of the individual, except in any of the following cases:

(a) Nonpayment of the required premiums;

(b) Fraud or intentional misrepresentation of material fact by the individual insured or his representatives. An individual whose coverage is terminated for fraud or misrepresentation shall not be deemed to be an "eligible individual" for a period of twelve (12) months from the effective date of the termination of the individual's coverage and shall not be deemed to have "qualifying previous coverage" under chapter 22, 47 or 52, title 41, Idaho Code;

(c) The individual ceases to be an eligible individual as defined in section 41-5203(10), Idaho Code;

(d) In the case of health benefit plans that are made available in the individual market only through one (1) or more associations, as defined in section 41-2202, Idaho Code, the membership of an individual in the association, on the basis of which the coverage is provided ceases, but only if the coverage is terminated under this paragraph uniformly without regard to any health status-related factor relating to any covered individual;

(e) The individual carrier elects, at the time of coverage renewal, to discontinue offering a particular health benefit plan delivered or issued for delivery to individuals in this state. Unless otherwise authorized in advance by the department of insurance, a carrier may discontinue a product only after the product has been in use for at least thirty-six (36) consecutive months, provided the carrier may not discontinue more than fifteen percent (15%) of its total number of individuals and dependents in all lines of business regulated by this chapter in a twelve (12) month period. The carrier shall:

(i) Provide advance written or electronic notice of its decision under this paragraph to the director;

(ii) Provide notice of the discontinuation to all affected individuals at least ninety (90) calendar days prior to the date the particular health benefit plan will be discontinued by the carrier, provided that notice to the director under the provisions of this paragraph shall be provided at least fourteen (14) calendar days prior to the notice to the affected individuals;

(iii) Offer to each affected individual, on a guaranteed issue basis, the option to purchase all other health benefit plans currently being offered by the carrier to individuals in this state;

(iv) Act uniformly without regard to any health status-related factor of an affected individual or dependent of an affected individual who may become eligible for the coverage; and

(v) Offer the new products at rates that comply with section 41-5206(1)(b), Idaho Code.

(f) The individual carrier elects to nonrenew all of its health benefit plans delivered or issued for delivery to individuals in this state. In such a case the carrier shall:

(i) Provide advance notice of its decision under this paragraph to the director; and

(ii) Provide notice of the decision not to renew coverage to all affected individuals and to the director at least one hundred eighty (180) calendar days prior to the nonrenewal of any health benefit plans by the carrier. Notice to the director under the provisions of this paragraph shall be provided at least three (3) working days prior to the notice to the affected individuals; ~~or~~

(g) The director finds that the continuation of the coverage would:

(i) Not be in the best interests of the policyholders or certificate holders; or

(ii) Impair the carrier's ability to meet its contractual obligations.

In such instance, the director shall assist affected individuals in finding replacement coverage; or

(h) The plan is an enhanced short-term plan that has reached the limit of renewability established in rules issued by the director and the individual carrier offers the individual the opportunity to reapply for coverage in accordance with the rules issued by the director.

(2) An individual carrier that elects not to renew a health benefit plan under the provisions of subsection (1) (f) of this section shall be prohibited from writing new business in the individual market in this state for a period of five (5) years from the date of notice to the director.

(3) In the case of an individual carrier doing business in one (1) established geographic service area of the state, the rules set forth in this ~~subsection~~ section shall apply only to the carrier's operations in that service area.

SECTION 3. That Chapter 52, 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 41-5214, Idaho Code, and to read as follows:

41-5214. **ENHANCED SHORT-TERM PLANS.** The director shall adopt reasonable rules to establish specific standards for enhanced short-term plans. The standards shall be in addition to and in accordance with applicable laws of this state, including this chapter. The standards:

(1) Shall include requirements for renewability that are consistent with federal law regarding short-term, limited duration insurance; and

(2) May include, but need not be limited to:

(a) A scope of covered benefits, which may be as broad as the scope of covered benefits required to be included in individual health benefit plans that are not deemed short-term, limited duration insurance under federal law;

(b) Restrictions on premium rate increases when an enhanced short-term plan ceases to be renewable and the individual policyholder reapplies for coverage from the same carrier; and

(c) Conversion of enhanced short-term plans into fully renewable coverage upon a finding by the director that the conversion complies with law and is in the best interests of the public.

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.

CHAPTER 302
(H.B. No. 286)

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF TEACHERS FOR FISCAL YEAR 2020.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Public Schools Educational Support Program's Division of Teachers \$3,796,200 from the General Fund to be expended for the period July 1, 2019, through June 30, 2020, for the purpose of starting teacher pay increases.

Approved April 4, 2019

CHAPTER 303
(H.B. No. 287)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2020; AND AUTHORIZING AN ADDITIONAL FULL-TIME EQUIVALENT POSITION.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Labor for the Wage and Hour Program 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	\$124,800
Operating Expenditures	<u>59,200</u>
TOTAL	\$184,000

SECTION 2. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Department of Labor is hereby increased by one (1.00) for the period July 1, 2019, through June 30, 2020.

Approved April 4, 2019

CHAPTER 304
(H.B. No. 288)

AN ACT

RELATING TO THE APPROPRIATION TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2020; AND AUTHORIZING AN ADDITIONAL FULL-TIME EQUIVALENT POSITION.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho State Police for the Forensic Services Program 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	\$76,200
Operating Expenditures	109,600
Capital Outlay	<u>2,300</u>
TOTAL	\$188,100

SECTION 2. FTP AUTHORIZATION. In addition to any other authorization provided by law, the full-time equivalent position authorization provided to the Idaho State Police is hereby increased by one (1.00) for the period July 1, 2019, through June 30, 2020.

Approved April 4, 2019

CHAPTER 305
(H.B. No. 78, As Amended, As Amended in the Senate)

AN ACT

RELATING TO CRIMES AND PUNISHMENTS; AMENDING SECTION 18-8002A, IDAHO CODE, TO PROVIDE THAT CERTAIN INFORMATION SHALL BE GIVEN TO PERSONS UNDERGOING EVIDENTIARY TESTING FOR ALCOHOL, DRUGS, OR OTHER INTOXICATING SUBSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8005, IDAHO CODE, TO REVISE PROVISIONS REGARDING PENALTIES; AMENDING SECTION 18-8008, IDAHO CODE, TO REVISE THE DEFINITION OF "IGNITION INTERLOCK SYSTEM" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-8010, IDAHO CODE, TO PROVIDE THAT A PROSECUTING ATTORNEY WHO ESTABLISHES A DIVERSION PROGRAM MAY USE CERTAIN MONEYS; AMENDING SECTION 19-403, IDAHO CODE, TO PROVIDE THAT CERTAIN MISDEMEANOR CASES SHALL BE REFILED NO LATER THAN TWO YEARS AFTER DISMISSAL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-3506, IDAHO CODE, TO PROVIDE THAT DISMISSED MISDEMEANOR CASES MAY BE REFILED UNDER CERTAIN CIRCUMSTANCES; AMENDING CHAPTER 35, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-3507, IDAHO CODE, TO DEFINE A TERM AND TO PROVIDE LEGISLATIVE INTENT; AMENDING CHAPTER 35, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-3508, IDAHO CODE, TO PROVIDE ELIGIBILITY REQUIREMENTS FOR A DIVERSION PROGRAM; AMENDING CHAPTER 35, TITLE 19, IDAHO CODE,

BY THE ADDITION OF A NEW SECTION 19-3509, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING DIVERSION PROGRAMS; AND AMENDING SECTION 20-617, IDAHO CODE, TO PROVIDE THAT PERSONS PARTICIPATING IN DIVERSION PROGRAMS MAY BE REQUIRED TO PERFORM CERTAIN LABOR.

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

SECTION 1. That Section 18-8002A, Idaho Code, be, and the same is hereby amended to read as follows:

18-8002A. TESTS OF DRIVER FOR ALCOHOL CONCENTRATION, PRESENCE OF DRUGS OR OTHER INTOXICATING SUBSTANCES -- SUSPENSION UPON FAILURE OF TESTS. (1) Definitions. As used in this section:

(a) "Actual physical control" means being in the driver's position of a motor vehicle with the motor running or with the vehicle moving.

(b) "Administrative hearing" means a hearing conducted by a hearing officer to determine whether a suspension imposed by the provisions of this section should be vacated or sustained.

(c) "Department" means the Idaho transportation department and, as the context requires, shall be construed to include any agent of the department designated by rule as hereinafter provided.

(d) "Director" means the director of the Idaho transportation department.

(e) "Evidentiary testing" means a procedure or test or series of procedures or tests utilized to determine the concentration of alcohol or the presence of drugs or other intoxicating substances in a person, including additional testing authorized by subsection (6) of this section. An evidentiary test for alcohol concentration shall be based on a formula of grams of alcohol per one hundred (100) cubic centimeters of blood, per two hundred ten (210) liters of breath, or per sixty-seven (67) milliliters of urine. Analysis of blood, breath or urine for the purpose of determining alcohol concentration shall be performed by a laboratory operated by the Idaho state police or by a laboratory approved by the Idaho state police under the provisions of approval and certification standards to be set by the Idaho state police, or by any other method approved by the Idaho state police. Notwithstanding any other provision of law or rule of court, the results of any test for alcohol concentration and records relating to calibration, approval, certification or quality control performed by a laboratory operated and approved by the Idaho state police or by any other method approved by the Idaho state police shall be admissible in any proceeding in this state without the necessity of producing a witness to establish the reliability of the testing procedure for examination.

(f) "Hearing officer" means a person designated by the department to conduct administrative hearings. The hearing officer shall have authority to administer oaths, examine witnesses and take testimony, receive relevant evidence, issue subpoenas, regulate the course and conduct of the hearing and make a final ruling on the issues before him.

(g) "Hearing request" means a request for an administrative hearing on the suspension imposed by the provisions of this section.

(2) Information to be given. At the time of evidentiary testing for concentration of alcohol or for the presence of drugs or other intoxicating substances is requested, the person shall be informed that if the person refuses to submit to or fails to complete evidentiary testing, or if the person submits to and completes evidentiary testing and the test results indicate an alcohol concentration or the presence of drugs or other intoxicating substances in violation of section 18-8004, 18-8004C or 18-8006, Idaho Code, the person shall be informed substantially as follows (but need not be informed verbatim):

If you refuse to submit to or if you fail to complete and pass evidentiary testing for alcohol or other intoxicating substances:

(a) The peace officer will issue a notice of suspension and you will be required to install, at your expense, a state-approved ignition interlock system on all motor vehicles you operate for a period to end one (1) year following the end of the suspension period;

(b) You have the right to request a hearing within seven (7) days of the notice of suspension of your driver's license to show cause why you refused to submit to or to complete and pass evidentiary testing and why your driver's license should not be suspended;

(c) If you refused or failed to complete evidentiary testing and do not request a hearing before the court or do not prevail at the hearing, your driver's license will be suspended and you will be required to install, at your expense, a state-approved ignition interlock system on all motor vehicles you operate for a period to end one (1) year following the end of the suspension period. The suspension will be for one (1) year if this is your first refusal. The suspension will be for two (2) years if this is your second refusal within ten (10) years. You will not be able to obtain a temporary restricted license during that period;

(d) If you complete evidentiary testing and fail the testing and do not request a hearing before the department or do not prevail at the hearing, your driver's license will be suspended and you will be required to install, at your expense, a state-approved ignition interlock system on all motor vehicles you operate for a period to end one (1) year following the end of the suspension period. This suspension will be for ninety (90) days if this is your first failure of evidentiary testing, but you may request restricted noncommercial vehicle driving privileges after the first thirty (30) days. The suspension will be for one (1) year if this is your second failure of evidentiary testing within five (5) years. You will not be able to obtain a temporary restricted license during that period;

(e) However, if you are admitted to a problem solving court program and have served at least forty-five (45) days of an absolute suspension of driving privileges, you may be eligible for a restricted permit for the purpose of getting to and from work, school or an alcohol treatment program, but only if you install, at your expense, a state-approved ignition interlock system on all motor vehicles you operate; and

(f) However, if you are admitted to a diversion program under section 19-3509, Idaho Code, you may be eligible for a restricted permit for the purpose of getting to and from work, school, medical appointments, or a treatment program, but only if you install, at your expense, a state-approved ignition interlock system on all motor vehicles you operate; and

(g) After submitting to evidentiary testing, you may, when practicable, at your own expense, have additional tests made by a person of your own choosing.

(3) Rulemaking authority of the Idaho state police. The Idaho state police may, pursuant to chapter 52, title 67, Idaho Code, prescribe by rule:

(a) What testing is required to complete evidentiary testing under this section; and

(b) What calibration or checking of testing equipment must be performed to comply with the department's requirements. Any rules of the Idaho state police shall be in accordance with the following: a test for alcohol concentration in breath as defined in section 18-8004, Idaho Code, and subsection (1) (e) of this section will be valid for the purposes of this section if the breath alcohol testing instrument was approved for testing by the Idaho state police in accordance with section 18-8004, Idaho Code, at any time within ninety (90) days before the evidentiary testing. A test for alcohol concentration in blood or urine as defined

in section 18-8004, Idaho Code, that is reported by the Idaho state police or by any laboratory approved by the Idaho state police to perform this test will be valid for the purposes of this section.

(4) Suspension and ignition interlock system.

(a) Upon receipt of the sworn statement of a peace officer that there existed legal cause to believe a person had been driving or was in actual physical control of a motor vehicle while under the influence of alcohol, drugs or other intoxicating substances and that the person submitted to a test and the test results indicated an alcohol concentration or the presence of drugs or other intoxicating substances in violation of section 18-8004, 18-8004C or 18-8006, Idaho Code, the department shall suspend the person's driver's license, driver's permit, driving privileges or nonresident driving privileges:

(i) For a period of ninety (90) days for a first failure of evidentiary testing under the provisions of this section. The first thirty (30) days of the suspension shall be absolute and the person shall have absolutely no driving privileges of any kind. Restricted noncommercial vehicle driving privileges applicable during the remaining sixty (60) days of the suspension may be requested as provided in subsection (9) of this section.

(ii) For a period of one (1) year for a second and any subsequent failure of evidentiary testing under the provisions of this section within the immediately preceding five (5) years. No driving privileges of any kind shall be granted during the suspension imposed pursuant to this ~~subsection~~ subparagraph.

The department shall also direct the installation, at the offender's expense, of a state-approved ignition interlock system meeting the requirements of section 18-8008, Idaho Code, on all motor vehicles operated by the offender for a period to end one (1) year following the end of the suspension period.

The person may request an administrative hearing on the suspension as provided in subsection (7) of this section. Any right to contest the suspension shall be waived if a hearing is not requested as therein provided.

(b) The suspension shall become effective thirty (30) days after service upon the person of the notice of suspension and notice of the requirement to install, at his expense, a state-approved ignition interlock system for a period to end one (1) year following the end of the suspension period. The notice shall be in a form provided by the department and shall state:

(i) The reason and statutory grounds for the suspension and the requirement to install the ignition interlock system;

(ii) The effective date of the suspension and the requirement to install the ignition interlock system;

(iii) The suspension periods to which the person may be subject as provided in paragraph (a) of this subsection;

(iv) The procedures for obtaining restricted noncommercial vehicle driving privileges;

(v) The rights of the person to request an administrative hearing on the suspension and that, if an administrative hearing is not requested within seven (7) days of service of the notice of suspension and notice of the requirement to install the ignition interlock system, the right to contest the suspension shall be waived;

(vi) The procedures for obtaining an administrative hearing on the suspension;

(vii) The right to judicial review of the hearing officer's decision on the suspension and the procedures for seeking such review.

(c) Notwithstanding the provisions of paragraph(a)(i) and (ii) of this subsection, a person who is enrolled in and is a participant in good standing in a drug court or mental health court approved by the supreme court drug court and mental health court coordinating committee under the provisions of chapter 56, title 19, Idaho Code, or other similar problem solving court utilizing community-based sentencing alternatives shall be eligible for restricted noncommercial driving privileges for the purpose of getting to and from work, school or an alcohol treatment program, which may be granted by the presiding judge of the drug court or mental health court or other similar problem solving court, provided that the offender has served a period of absolute suspension of driving privileges of at least forty-five (45) days, that a state-approved ignition interlock system is installed, at his expense, on all motor vehicles operated by him for a period to end one (1) year following the end of the suspension period and that the offender has shown proof of financial responsibility as defined and in the amounts specified in section 49-117, Idaho Code, provided that the restricted noncommercial driving privileges may be continued if the offender successfully completes the drug court, mental health court or other similar problem solving court, and that the court may revoke such privileges for failure to comply with the terms of probation or with the terms and conditions of the drug court, mental health court or other similar problem solving court program.

(5) Service of suspension and ignition interlock system by peace officer or the department. If the driver submits to evidentiary testing after the information in subsection (2) of this section has been provided and the results of the test indicate an alcohol concentration or the presence of drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code:

(a) The peace officer shall, acting on behalf of the department, serve the person with a notice of suspension and notice of the requirement to install, at his expense, a state-approved ignition interlock system for a period to end one (1) year following the end of the suspension period in the form and containing the information required under subsection (4) of this section. The department may serve the person with a notice of suspension and the requirement to install the ignition interlock system if the peace officer failed to do so or failed to include the date of service as provided in subsection (4) (b) of this section.

(b) Within five (5) business days following service of a notice of suspension and notice of the requirement to install the ignition interlock system, the peace officer shall forward to the department a copy of the completed notice of suspension and notice of the requirement to install the ignition interlock system form upon which the date of service upon the driver shall be clearly indicated, a certified copy or duplicate original of the results of all tests for alcohol concentration, as shown by analysis of breath administered at the direction of the peace officer, and a sworn statement of the officer, which may incorporate any arrest or incident reports relevant to the arrest and evidentiary testing setting forth:

- (i) The identity of the person;
- (ii) Stating the officer's legal cause to stop the person;
- (iii) Stating the officer's legal cause to believe that the person had been driving or was in actual physical control of a motor vehicle while under the influence of alcohol, drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code;
- (iv) That the person was advised of the consequences of taking and failing the evidentiary test as provided in subsection (2) of this section;

- (v) That the person was lawfully arrested;
- (vi) That the person was tested for alcohol concentration, drugs or other intoxicating substances as provided in this chapter, and that the results of the test indicated an alcohol concentration or the presence of drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code.

If an evidentiary test of blood or urine was administered rather than a breath test, the peace officer or the department shall serve the notice of suspension once the results are received. The sworn statement required in this subsection shall be made on forms in accordance with rules adopted by the department.

(c) The department may serve the person with a notice of suspension if the peace officer failed to issue the notice of suspension or failed to include the date of service as provided in subsection (4) (b) of this section.

(6) Additional tests. After submitting to evidentiary testing at the request of the peace officer, the person may, when practicable, at his own expense, have additional tests for alcohol concentration or for the presence of drugs or other intoxicating substances made by a person of his own choosing. The person's failure or inability to obtain additional tests shall not preclude admission of the results of evidentiary tests administered at the direction of the peace officer unless additional testing was denied by the peace officer.

(7) Administrative hearing on suspension. A person who has been served with a notice of suspension and notice of the requirement to install the ignition interlock system after submitting to an evidentiary test may request an administrative hearing on the suspension before a hearing officer designated by the department. The hearing may be held only on the suspension and not on the requirement to install an ignition interlock system. The request for hearing shall be in writing and must be received by the department within seven (7) calendar days of the date of service upon the person of the notice of suspension and notice of the requirement to install the ignition interlock system and shall include what issue or issues shall be raised at the hearing. The date on which the hearing request was received shall be noted on the face of the request.

If a hearing is requested, the hearing shall be held within twenty (20) days of the date the hearing request was received by the department unless this period is, for good cause shown, extended by the hearing officer for a ten (10) day period. Such extension shall not operate as a stay of the suspension, notwithstanding an extension of the hearing date beyond such thirty (30) day period. Written notice of the date and time of the hearing shall be sent to the party requesting the hearing at least seven (7) days prior to the scheduled hearing date. The department may conduct all hearings by telephone if each participant in the hearing has an opportunity to participate in the entire proceeding while it is taking place.

The hearing shall be recorded. The sworn statement of the arresting officer, and the copy of the notice of suspension and the notice of the requirement to install the ignition interlock system issued by the officer shall be admissible at the hearing without further evidentiary foundation. The results of any tests for alcohol concentration or the presence of drugs or other intoxicating substances by analysis of blood, urine or breath administered at the direction of the peace officer and the records relating to calibration, certification, approval or quality control pertaining to equipment utilized to perform the tests shall be admissible as provided in section 18-8004(4), Idaho Code. The arresting officer shall not be required to participate unless directed to do so by a subpoena issued by the hearing officer.

The burden of proof shall be on the person requesting the hearing. The hearing officer shall not vacate the suspension unless he finds, by a preponderance of the evidence, that:

- (a) The peace officer did not have legal cause to stop the person; or
- (b) The officer did not have legal cause to believe the person had been driving or was in actual physical control of a vehicle while under the influence of alcohol, drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code; or
- (c) The test results did not show an alcohol concentration or the presence of drugs or other intoxicating substances in violation of section 18-8004, 18-8004C or 18-8006, Idaho Code; or
- (d) The tests for alcohol concentration, drugs or other intoxicating substances administered at the direction of the peace officer were not conducted in accordance with the requirements of section 18-8004(4), Idaho Code, or the testing equipment was not functioning properly when the test was administered; or
- (e) The person was not informed of the consequences of submitting to evidentiary testing as required in subsection (2) of this section.

If the hearing officer finds that the person has not met his burden of proof, he shall sustain the suspension. The hearing officer shall make findings of fact and conclusions of law and shall enter an order vacating or sustaining the suspension. The findings of fact, conclusions of law and order entered by the hearing officer shall be considered a final order pursuant to the provisions of chapter 52, title 67, Idaho Code, except that motions for reconsideration of such order shall be allowed and new evidence can be submitted.

The facts as found by the hearing officer shall be independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition of those criminal charges shall not affect the suspension and the requirement to install the ignition interlock system required to be imposed under the provisions of this section. If a license is suspended under this section and the person is also convicted on criminal charges arising out of the same occurrence for a violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, both the suspension under this section and the suspension imposed pursuant to the provisions of section 18-8005 or 18-8006, Idaho Code, shall be imposed, but the periods of suspension shall run concurrently, with the total period of suspension not to exceed the longer of the applicable suspension periods, unless the court ordering the suspension in the criminal case orders to the contrary.

(8) Judicial review. A party aggrieved by the decision of the hearing officer may seek judicial review of the decision in the manner provided for judicial review of final agency action provided in chapter 52, title 67, Idaho Code. Upon motion of the person required to install an ignition interlock device pursuant to subsection (4) (a) of this section, a court in its discretion may relieve the person from the installation of the device where the court finds it clear and convincing that the person will not present a danger to the public or that there are exceptional or mitigating circumstances demonstrating that installation of the device is unnecessary or unwarranted. Financial hardship, standing alone, is not an exceptional or mitigating circumstance. A court may determine that an offender is eligible to utilize available funds from the court interlock device and electronic monitoring device fund, as outlined in section 18-8010, Idaho Code, for the installation and operation of an ignition interlock device, based on evidence of financial hardship.

(9) Restricted noncommercial vehicle driving privileges. A person served with a notice of suspension for ninety (90) days pursuant to this section may apply to the department for restricted noncommercial vehicle driving privileges, to become effective after the thirty (30) day absolute

suspension has been completed. The request may be made at any time after service of the notice of suspension. Restricted noncommercial vehicle driving privileges will be issued for the person to travel to and from work and for work purposes not involving operation of a commercial vehicle, to attend an alternative high school, work on a GED, for postsecondary education, or to meet the medical needs of the person or his family if the person is eligible for restricted noncommercial vehicle driving privileges. Any person whose driving privileges are suspended under the provisions of this chapter may be granted privileges to drive a noncommercial vehicle but shall not be granted privileges to operate a commercial motor vehicle.

(10) As used in this section, "at his expense," "at your expense" and "at the offender's expense" include the cost of obtaining, installing, using and maintaining an ignition interlock system.

(11) Rules. The department may adopt rules under the provisions of chapter 52, title 67, Idaho Code, deemed necessary to implement the provisions of this section.

SECTION 2. That Section 18-8005, Idaho Code, be, and the same is hereby amended to read as follows:

18-8005. PENALTIES. (1) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), Idaho Code, for the first time is guilty of a misdemeanor; and, except as provided in section 18-8004C, Idaho Code:

(a) May be sentenced to jail for a term not to exceed six (6) months;

(b) May be fined an amount not to exceed one thousand dollars (\$1,000);

(c) Shall be advised by the court in writing at the time of sentencing of the penalties that will be imposed for subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney;

(d) Shall have his driving privileges suspended by the court for a period of thirty (30) days, which shall not be reduced and during which thirty (30) day period absolutely no driving privileges of any kind may be granted. After the thirty (30) day period of absolute suspension of driving privileges has passed, the defendant shall have driving privileges suspended by the court for an additional period of at least sixty (60) days, not to exceed one hundred fifty (150) days, during which the defendant may request restricted driving privileges that the court may allow, if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment or for family health needs; and

(e) Unless an exception is granted pursuant to section 18-8002(12), Idaho Code, shall within ten (10) days following the end of the mandatory suspension period have a state-approved ignition interlock system meeting the requirements of section 18-8008, Idaho Code, installed, at his expense, on all motor vehicles operated by him for a period to end one (1) year following the end of the suspension period. A court may determine that an offender is eligible to utilize available funds from the court interlock device and electronic monitoring device fund, as outlined in section 18-8010, Idaho Code, for the installation and operation of an ignition interlock device, based on evidence of financial hardship.

(2) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(b), Idaho Code, for the first time is guilty of a misdemeanor and subject to:

(a) The provisions of subsection (1)(a), (b), (c) and (e) of this section; and

(b) The provisions of section 49-335, Idaho Code.

(3) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(c), Idaho Code, for the first time is guilty of a misdemeanor and is subject to:

(a) The provisions of subsection (1)(a), (b), (c) and (e) of this section; and

(b) The provisions of section 49-335, Idaho Code.

(4) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), (b) or (c), Idaho Code, who previously has been found guilty of or has pled guilty to a violation of the provisions of section 18-8004(1)(a), (b) or (c), Idaho Code, or any substantially conforming foreign criminal violation within ten (10) years, notwithstanding the form of the judgment(s) or withheld judgment(s), and except as provided in section 18-8004C, Idaho Code, is guilty of a misdemeanor; and, except as provided in section 18-8004C, Idaho Code:

(a) Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days, the first forty-eight (48) hours of which must be consecutive, and five (5) days of which must be served in jail, as required by 23 U.S.C. 164, and may be sentenced to not more than one (1) year, provided however, that in the discretion of the sentencing judge, the judge may authorize the defendant to be assigned to a work detail program within the custody of the county sheriff during the period of incarceration;

(b) May be fined an amount not to exceed two thousand dollars (\$2,000);

(c) Shall be advised by the court in writing at the time of sentencing of the penalties that will be imposed for subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney;

(d) Shall surrender his driver's license or permit to the court;

(e) Shall have his driving privileges suspended by the court for an additional mandatory minimum period of one (1) year after release from confinement, during which one (1) year period absolutely no driving privileges of any kind may be granted; and

(f) Shall, while operating a motor vehicle, be required to drive only a motor vehicle equipped with a functioning ignition interlock system, as provided in section 18-8008, Idaho Code, following the one (1) year mandatory license suspension period.

(5) If the person has pled guilty or was found guilty for the second time within ten (10) years of a violation of the provisions of section 18-8004(1)(b) or (c), Idaho Code, then the provisions of section 49-335, Idaho Code, shall apply.

(6) Except as provided in section 18-8004C, Idaho Code, any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), (b) or (c), Idaho Code, who previously has been found guilty of or has pled guilty to two (2) or more violations of the provisions of section 18-8004(1)(a), (b) or (c), Idaho Code, or any substantially conforming foreign criminal violation, or any combination thereof, or who has completed a diversion program for driving under the influence, whether or not the person has pled guilty or been found guilty, or any substantially conforming foreign program, and has pled guilty or been found guilty of one (1) or more violations of the provisions of section 18-8004(1)(a), (b), or (c), Idaho Code, or any substantially conforming foreign criminal violation within ten (10) years, notwithstanding the form of the judgment(s) or withheld judgment(s), shall be guilty of a felony and:

(a) Shall be sentenced to the custody of the state board of correction for not to exceed ten (10) years; provided that notwithstanding the provisions of section 19-2601, Idaho Code, should the court impose any sentence other than incarceration in the state penitentiary, the defendant shall be sentenced to the county jail for a mandatory minimum

period of not less than thirty (30) days, the first forty-eight (48) hours of which must be consecutive, and ten (10) days of which must be served in jail, as required by 23 U.S.C. 164; and further provided that notwithstanding the provisions of section 18-111, Idaho Code, a conviction under this section shall be deemed a felony;

(b) May be fined an amount not to exceed five thousand dollars (\$5,000);

(c) Shall surrender his driver's license or permit to the court;

(d) Shall have his driving privileges suspended by the court for a mandatory minimum period of one (1) year after release from imprisonment, during which time he shall have absolutely no driving privileges of any kind, and may have his driving privileges suspended by the court for an additional period not to exceed four (4) years, during which the defendant may request restricted driving privileges that the court may allow if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment or for family health needs; and

(e) Shall, while operating a motor vehicle, be required to drive only a motor vehicle equipped with a functioning ignition interlock system, as provided in section 18-8008, Idaho Code, following the mandatory one (1) year license suspension period.

(7) Notwithstanding the provisions of subsections (4) (e) and (6) (d) of this section, any person who is enrolled in and is a participant in good standing in a drug court or mental health court approved by the supreme court drug court and mental health court coordinating committee under the provisions of chapter 56, title 19, Idaho Code, or other similar problem solving court utilizing community-based sentencing alternatives shall be eligible for restricted noncommercial driving privileges for the purpose of getting to and from work, school or an alcohol treatment program, which may be granted by the presiding judge of the drug court or mental health court or other similar problem solving court, provided that the offender has served a period of absolute suspension of driving privileges of at least forty-five (45) days, that a state-approved ignition interlock system is installed, at his expense, on any motor vehicles operated by the offender for a period to end one (1) year following the end of the suspension period and that the offender has shown proof of financial responsibility as defined and in the amounts specified in section 49-117, Idaho Code, provided that the restricted noncommercial driving privileges may be continued if the offender successfully completes the drug court, mental health court or other similar problem solving court, and that the court may revoke such privileges for failure to comply with the terms of probation or with the terms and conditions of the drug court, mental health court or other similar problem solving court program.

(8) For the purpose of computation of the enhancement period in subsections (4), (6) and (9) of this section, the time that elapses between the date of commission of the offense and the date the defendant pleads guilty or is found guilty for the pending offense shall be excluded. If the determination of guilt against the defendant is reversed upon appeal, the time that elapsed between the date of the commission of the offense and the date the defendant pleads guilty or is found guilty following the appeal shall also be excluded.

(9) Notwithstanding the provisions of subsections (4) and (6) of this section, any person who has pled guilty to or has been found guilty of a felony violation of the provisions of section 18-8004, Idaho Code, a felony violation of the provisions of section 18-8004C, Idaho Code, a violation of the provisions of section 18-8006, Idaho Code, a violation of the provisions of section 18-4006 3.(b), Idaho Code, notwithstanding the form of the judgment(s) or withheld judgment(s) or any substantially conforming foreign criminal felony violation, notwithstanding the form of the judgment(s) or withheld judgment(s), and within fifteen (15) years pleads guilty to or is found guilty of a further violation of the provisions of section 18-8004,

Idaho Code, shall be guilty of a felony and shall be sentenced pursuant to subsection (6) of this section.

(10) For the purpose of subsections (4), (6) and (9) of this section and the provisions of section 18-8004C, Idaho Code, a substantially conforming foreign criminal violation exists when a person has pled guilty to or has been found guilty of a violation of any federal law or law of another state, or any valid county, city, or town ordinance of another state substantially conforming to the provisions of section 18-8004, Idaho Code. The determination of whether a foreign criminal violation is substantially conforming is a question of law to be determined by the court.

(11) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, shall undergo, at his own expense (or at county expense through the procedures set forth in chapters 34 and 35, title 31, Idaho Code) and prior to the sentencing date, an alcohol evaluation by an alcohol evaluation facility approved by the Idaho department of health and welfare; provided however, if the defendant has no prior or pending charges with respect to the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, and the court has the records and information required under subsection (12) (a), (b) and (c) of this section or possesses information from other reliable sources relating to the defendant's use or nonuse of alcohol or drugs which does not give the court any reason to believe that the defendant regularly abuses alcohol or drugs and is in need of treatment, the court may, in its discretion, waive the evaluation with respect to sentencing for a violation of section 18-8004 or 18-8004C(1), Idaho Code, and proceed to sentence the defendant. The court may also, in its discretion, waive the requirement of an alcohol evaluation with respect to a defendant's first violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, and proceed to sentence the defendant if the court has a presentence investigation report, substance abuse assessment, criminogenic risk assessment, or other assessment which evaluates the defendant's degree of alcohol abuse and need for alcohol treatment conducted within twelve (12) months preceding the date of the defendant's sentencing. In the event an alcohol evaluation indicates the need for alcohol treatment, the evaluation shall contain a recommendation by the evaluator as to the most appropriate treatment program, together with the estimated cost thereof, and recommendations for other suitable alternative treatment programs, together with the estimated costs thereof. The person shall request that a copy of the completed evaluation be forwarded to the court. The court shall take the evaluation into consideration in determining an appropriate sentence. If a copy of the completed evaluation has not been provided to the court, the court may proceed to sentence the defendant; however, in such event, it shall be presumed that alcohol treatment is required unless the defendant makes a showing by a preponderance of evidence that treatment is not required. If the defendant has not made a good faith effort to provide the completed copy of the evaluation to the court, the court may consider the failure of the defendant to provide the report as an aggravating circumstance in determining an appropriate sentence. If treatment is ordered, in no event shall the person or facility doing the evaluation be the person or facility that provides the treatment unless this requirement is waived by the sentencing court, with the exception of federally recognized Indian tribes or federal military installations, where diagnosis and treatment are appropriate and available. Nothing herein contained shall preclude the use of funds authorized pursuant to the provisions of chapter 3, title 39, Idaho Code, for court-ordered alcohol treatment for indigent defendants.

(12) At the time of sentencing, the court shall be provided with the following information:

(a) The results, if administered, of any evidentiary test for alcohol and/or drugs;

(b) A computer or teletype or other acceptable copy of the person's driving record;

(c) Information as to whether the defendant has pled guilty to or been found guilty of a violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, or a similar offense within the past five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s); and

(d) The alcohol evaluation required in subsection (11) of this section, if any.

(13) A minor may be prosecuted for a violation of the provisions of section 18-8004 or 18-8004C, Idaho Code, under chapter 5, title 20, Idaho Code. In addition to any other penalty, if a minor pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), (b) or (c) or 18-8004C, Idaho Code, he shall have his driving privileges suspended or denied for an additional one (1) year following the end of any period of suspension or revocation existing at the time of the violation, or until he reaches the age of twenty-one (21) years, whichever period is greater. During the period of additional suspension or denial, absolutely no driving privileges shall be allowed.

(14) In the event that the alcohol evaluation required in subsection (11) of this section recommends alcohol treatment, the court shall order the person to complete a treatment program in addition to any other sentence which may be imposed, unless the court determines that alcohol treatment would be inappropriate or undesirable, in which event the court shall enter findings articulating the reasons for such determination on the record. The court shall order the defendant to complete the preferred treatment program set forth in the evaluation, or a comparable alternative, unless it appears that the defendant cannot reasonably obtain adequate financial resources for such treatment. In that event, the court may order the defendant to complete a less costly alternative set forth in the evaluation, or a comparable program. Such treatment shall, to the greatest extent possible, be at the expense of the defendant. In the event that funding is provided for or on behalf of the defendant by an entity of state government, restitution shall be ordered to such governmental entity in accordance with the restitution procedure for crime victims, as specified under chapter 53, title 19, Idaho Code. Nothing contained herein shall be construed as requiring a court to order that a governmental entity shall provide alcohol treatment at government expense unless otherwise required by law.

(15) Any person who is disqualified, or whose driving privileges have been suspended, revoked or canceled under the provisions of this chapter, shall not be granted restricted driving privileges to operate a commercial motor vehicle.

(16) As used in this section, "at his expense" includes the cost of obtaining, installing, using and maintaining an ignition interlock system.

SECTION 3. That Section 18-8008, Idaho Code, be, and the same is hereby amended to read as follows:

18-8008. IGNITION INTERLOCK SYSTEMS.

(1)(a) If a person is convicted, is found guilty, pleads guilty or receives a withheld judgment for violating any of the provisions of this chapter relating to driving under the influence and has had any or all of a sentence or fine suspended for the violation, the court shall, unless an exception is granted pursuant to section 18-8002(12), Idaho Code, impose the sanction provided for in this section in addition to any other penalty or fine imposed pursuant to this chapter.

(b) The court shall order the person to have a state-approved ignition interlock system installed, at his expense, on all motor vehicles operated by him. A court may determine that an offender is eligible to

utilize available funds from the court interlock device and electronic monitoring device fund, as outlined in section 18-8010, Idaho Code, for the installation and operation of an ignition interlock device, based on evidence of financial hardship.

(2) The calibration setting at which the ignition interlock system will prevent the motor vehicle from being started shall be .025.

(3) As used in this chapter, the term "ignition interlock system" means breath alcohol ignition interlock device, including a camera, certified by the transportation department, designed to prevent a motor vehicle from being operated by a person who has consumed an alcoholic beverage.

(4) The transportation department shall by rule provide standards for the certification, installation, repair and removal of the devices.

(5) The court shall notify the transportation department of its order imposing a sanction pursuant to this section. The department shall attach or imprint a notation on the driver's license or other document granting the person restricted driving privileges of any person restricted under this section that the person may operate only a motor vehicle equipped with an ignition interlock system.

(6) When a court orders a person to install and use an ignition interlock system pursuant to this section, the court shall order the person to pay the cost for obtaining, installing, utilizing and maintaining the ignition interlock system. All fees collected pursuant to this section shall be in addition to any other fines or penalty provided by law and shall be deposited in the court interlock device and electronic monitoring device fund created in section 18-8010, Idaho Code.

SECTION 4. That Section 18-8010, Idaho Code, be, and the same is hereby amended to read as follows:

18-8010. SURCHARGE ADDED TO ALL FINES. Every person who is convicted, found guilty, pleads guilty or receives a withheld judgment for violating the provisions of this chapter shall be required to pay an additional fifteen dollars (\$15.00) in addition to any other fine, penalty or costs the court may assess. Moneys received pursuant to this section shall be remitted to the county treasurer in the county where the person was adjudicated for deposit in the "court interlock device and electronic monitoring device fund," which is hereby created in each county. Moneys in this fund may be utilized for the purchase of ignition interlock devices and electronic monitoring devices required pursuant to sections 18-8002, 18-8002A, 18-8005, 18-8008 and 18-8008A, Idaho Code. Additionally, any moneys a court charges a defendant for using an ignition interlock device or electronic monitoring devices shall be placed in this fund. The court or a prosecuting attorney who establishes a diversion program pursuant to section 19-3509, Idaho Code, may also utilize moneys in this fund to assist an indigent defendant or indigent diversion participant to procure an ignition interlock device or electronic monitoring devices. The court may also utilize moneys in this fund for alcohol or drug abuse-related probation, treatment or prevention programs for adults or juveniles.

SECTION 5. That Section 19-403, Idaho Code, be, and the same is hereby amended to read as follows:

19-403. MISDEMEANORS. (1) Except as otherwise provided in subsections ~~(2) and (3)~~ of this section, a prosecution for any misdemeanor must be commenced by the filing of the complaint or the finding of an indictment within one (1) year after its commission.

(2) A prosecution for failure to report or failure to cause to be reported the abuse, abandonment, or neglect of a child as provided for in sec-

tion 16-1605, Idaho Code, must be commenced by the filing of the complaint or the finding of an indictment within four (4) years after its commission.

(3) A prosecution for misuse of funds as provided for in section 18-5702(1), Idaho Code, must be commenced by the filing of the complaint or the finding of an indictment within five (5) years after its commission.

(4) A prosecution for a misdemeanor that was dismissed pursuant to section 19-3509, Idaho Code, must be refiled no later than two (2) years after its dismissal.

SECTION 6. That Section 19-3506, Idaho Code, be, and the same is hereby amended to read as follows:

19-3506. EFFECT OF DISMISSAL AS BAR -- DISMISSAL FOR DIVERSION PARTICIPANT. (1) An order for the dismissal of the action, as provided in this chapter, is a bar to any other prosecution for the same offense, if it is a misdemeanor, except as provided in subsection (2) of this section; but it is not a bar if the offense is a felony.

(2) A prosecuting attorney may move for dismissal of a misdemeanor action, and the court may order such dismissal, if the defendant agrees to participate in a diversion program pursuant to section 19-3509, Idaho Code. The action may be refiled for failure to complete the diversion program, and speedy trial shall be calculated from the date of refiling.

SECTION 7. That Chapter 35, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-3507, Idaho Code, and to read as follows:

19-3507. DIVERSION PROGRAMS -- LEGISLATIVE INTENT. (1) For purposes of this section and sections 19-3508 and 19-3509, Idaho Code, "diversion program" means the use of local community resources, churches, substance abuse counseling, informal probation, community service work, voluntary restitution, or other available services or programs as an alternative to adjudication of a criminal case in court.

(2) It is the intent of the legislature and the policy of the state of Idaho that a diversion program created pursuant to sections 19-3508 and 19-3509, Idaho Code, should:

(a) Provide an opportunity to incorporate statistics and empirical research into decision-making in the criminal justice system in a way that enhances public safety and reduces recidivism, while also saving taxpayer dollars;

(b) Provide individuals with the opportunity to rectify criminal conduct through early rehabilitative services or supervision, when such services or supervision can reasonably be expected to deter future criminal behavior by such individuals; and

(c) Provide an alternative to the imposition of criminal sanctions when such an alternative can be expected to serve as sufficient sanction to deter criminal conduct.

SECTION 8. That Chapter 35, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-3508, Idaho Code, and to read as follows:

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

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

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

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

SECTION 9. That Chapter 35, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-3509, Idaho Code, and to read as follows:

19-3509. DIVERSION PROGRAM REQUIREMENTS. (1) A prosecuting attorney may, at the prosecuting attorney's discretion, establish a diversion program and may refer a defendant eligible to participate in a diversion program pursuant to section 19-3508, Idaho Code, to such program within thirty (30) calendar days of a citation being issued or charges being filed against the defendant. Before entering an agreement to participate in the diversion program, a defendant may obtain advice from a defense attorney on the requirements and consequences of participating in the diversion program and must undergo a drug or alcohol evaluation, or both, if requested by the prosecuting attorney. The terms and conditions of the diversion program shall be set forth in a written agreement signed by the prosecuting attorney and the defendant as well as the defendant's attorney, if the defendant is represented by an attorney. If the defendant agrees to participate in the diversion program, then the prosecuting attorney shall move for dismissal of the action against the defendant pursuant to section 19-3506, Idaho Code.

(a) A diversion program may be administered by the prosecuting attorney or by the prosecuting attorney's designee. The diversion agreement shall specify the person administering the program and shall set out the requirements for successful completion of the program and the duration of the diversion agreement. The duration of the period a person is required to participate in a diversion program under this section shall be no shorter than twelve (12) months. All persons participating in a diversion program shall be required to install and maintain, at the participant's expense, an ignition interlock system in each vehicle such person operates for the duration of the program, as further provided in subsection (5) of this section. A person participating in a diversion program for a charge unrelated to alcohol shall, in addition to installing and maintaining an ignition interlock system, be required to undergo drug testing at the person's expense for at least twelve (12) months. If the person is indigent, the prosecuting attorney may order the use of moneys from the court interlock device and electronic monitoring device fund created by section 18-8010, Idaho Code, to assist the person in procuring an ignition interlock device. The participant in a diversion program must also complete at least thirty-two (32) hours of sheriff inmate labor detail or approved community service and at least twenty-four (24) hours of drug and alcohol counseling, therapy, or education from an approved provider.

(b) At the end of the diversion period, the prosecuting attorney shall determine whether the participant complied with the requirements of the diversion agreement. If the prosecuting attorney finds that the participant failed to comply with the requirements of the diversion agreement, then the prosecuting attorney may refile the case pursuant to section 19-3506, Idaho Code.

(2) A prosecuting attorney may require, as a condition of entering a diversion program, that a person execute a sworn affidavit stating the facts that gave rise to the charge of driving under the influence. Such affidavit may be used as evidence of guilt during an adjudicative proceeding in a refiled case. No other statement made by the person in diversion activities or proceedings, such as in a counseling or therapy session, is admissible as evidence of guilt during an adjudicative proceeding in a refiled case.

(3) The requirements for successful completion of a diversion program may include, but are not limited to:

- (a) Informal supervision with the probation department;
- (b) Community service work;
- (c) Inmate labor detail work;
- (d) A community-based diversion program;
- (e) Restitution to a victim;
- (f) Alcohol monitoring and testing;
- (g) Individual therapy and counseling;
- (h) Group therapy and counseling; and
- (i) Drug monitoring and testing.

(4) The administrator of a diversion program may require payment of restitution and fees to cover the costs of the diversion program. Any moneys collected shall be reasonably related to program costs. The administrator shall assess a diversion fee of one hundred fifty-seven dollars and fifty cents (\$157.50) to each diversion participant. If the participant is indigent, the diversion fee may be waived. The diversion fee shall be paid to the clerk of the district court and distributed as follows:

- (a) Seventeen dollars and fifty cents (\$17.50) to be distributed as provided in section 31-3201A(2), Idaho Code;
- (b) Ten dollars (\$10.00) to be distributed as provided in section 31-3201(3), Idaho Code;
- (c) Ten dollars (\$10.00) to be distributed as provided in section 31-3201(5), Idaho Code;
- (d) Fifteen dollars (\$15.00) to be distributed as provided in section 31-3201B, Idaho Code;
- (e) Fifty dollars (\$50.00) to be distributed as provided in section 31-3201H, Idaho Code;
- (f) Fifteen dollars (\$15.00) to be distributed as provided in section 31-3204, Idaho Code;
- (g) Thirty-seven dollars (\$37.00) to be distributed as provided in section 72-1025, Idaho Code; and
- (h) Three dollars (\$3.00) to be distributed as provided in section 72-1105, Idaho Code.

(5) A participant in a diversion program whose driving privileges have been suspended may be granted driving privileges by the administrator of the diversion program, in which case the participant shall be issued a restricted driving permit by the Idaho transportation department. Prior to being granted restricted driving privileges, the participant must show to the administrator proof of financial responsibility as defined and in the amounts specified in section 49-117, Idaho Code. If a person is participating in a diversion program under this section, then the participant must have an ignition interlock system as defined in section 18-8008, Idaho Code, installed in each vehicle operated by the participant and must pay an ignition interlock fee of fifteen dollars (\$15.00) to be deposited in the court interlock device and electronic monitoring device fund created by section 18-8010, Idaho Code. The ignition interlock system shall be removed once the participant successfully completes diversion, provided that such removal shall not occur, and the program shall not be considered successfully completed, until the administrator of the diversion program receives a declaration from the participant's ignition interlock vendor, on a form provided or approved by the administrator, certifying that none of the following incidents occurred while the system was installed in the vehicle:

- (a) An attempt to start the vehicle with an alcohol concentration of 0.04 or more;
- (b) Failure to take any random test;
- (c) Failure to pass any random retest with an alcohol concentration of 0.025 or lower; or

(d) Failure of the participant to appear at the ignition interlock system vendor's place of business when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the system.

SECTION 10. That Section 20-617, Idaho Code, be, and the same is hereby amended to read as follows:

20-617. LABOR OF PRISONERS ON PUBLIC WORKS. Persons confined in the county jail under a judgment of conviction, suspended sentence or withheld judgment rendered in any criminal case, either under a judgment of imprisonment or a judgment for the payment of a fine and costs, or persons participating in a diversion program pursuant to section 19-3509, Idaho Code, may be required to perform labor on federal, state or other governmental projects or community service projects.

Approved April 4, 2019

CHAPTER 306

(H.B. No. 149, As Amended in the Senate)

AN ACT

RELATING TO SELF-FUNDED HEALTH CARE PLANS; AMENDING SECTION 41-4003, IDAHO CODE, TO REVISE PROVISIONS REGARDING REGISTRATION OF SELF-FUNDED PLANS; AMENDING SECTION 41-4004, IDAHO CODE, TO REVISE PROVISIONS REGARDING PLAN REQUIREMENTS; AND AMENDING SECTION 41-4010, IDAHO CODE, TO PROVIDE FOR A CERTAIN WAIVER AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 41-4003, Idaho Code, be, and the same is hereby amended to read as follows:

41-4003. REGISTRATION REQUIRED -- EXEMPTIONS -- NOT SUBJECT TO INSURANCE CODE. (1) No person shall offer or operate a self-funded plan in this state unless the plan is registered with the director as hereinafter provided.

(2) No registration shall be required of:

(a) Any self-funded plan established for the sole purpose of funding the dollar amount of a deductible clause contained in the provisions of an insurance contract issued by an insurer duly authorized to transact disability insurance in this state if the deductible does not exceed an amount applicable to each beneficiary of five thousand dollars (\$5,000) per annum and the total of all obligations to all beneficiaries insured under the plan arising out of the application of such a deductible does not exceed the aggregate amount of five hundred thousand dollars (\$500,000) in any one (1) year.

(b) Any plan established and maintained for the purpose of complying with any worker's compensation law or unemployment compensation disability insurance law.

(c) Any plan administered by or for the federal government ~~or~~, a federal agency thereof, the state, or any county of this state.

(d) Any plan which is primarily for the purpose of providing first aid care and treatment by an employer for injury or sickness of employees while engaged in their employment.

(e) Any self-funded plan offering only dental and/or vision benefits, where such benefits are limited to no more than a total of five thousand dollars (\$5,000) per beneficiary per year. If self-funded dental and/or vision benefits are offered in conjunction with any other self-funded plan for disability or health benefits, the entire benefits are subject to all applicable provisions of chapter 40, title 41, Idaho Code, including registration.

(3) Plans that are registered under chapter 40, title 41, Idaho Code, shall not be deemed to be engaged in the business of insurance and shall not be subject to provisions of the Idaho insurance code except as expressly provided in this chapter. A plan required to register with the department that operates in this state without registering under this chapter shall be deemed to be engaged in the business of insurance without authorization and any person offering or operating an unregistered plan shall be deemed to be transacting insurance without proper licensing and subject to all sanctions as provided by law.

(4) Any self-funded plan providing benefits to more than one (1) employer shall provide to each employer participant and to each prospective employer participant written notice that the plan is not insurance and does not participate in the Idaho life and health guaranty association. Any self-funded plan providing benefits to students of a postsecondary educational institution shall provide to each student participant and to each prospective student participant written notice that the plan is not insurance and does not participate in the Idaho life and health guaranty association. The notice shall also be included as part of all marketing materials used by or on behalf of the plan.

(5) Any plan registered as a single employer plan or as a multiple employer welfare plan shall not operate as or be registered as a postsecondary educational institution student health benefit plan. Any plan registered as a postsecondary educational institution student health benefit plan shall not operate as or be registered as a single employer plan or as a multiple employer welfare plan.

SECTION 2. That Section 41-4004, Idaho Code, be, and the same is hereby amended to read as follows:

41-4004. PLAN REQUIREMENTS. (1) The director shall not register any self-funded plan under this chapter unless the following requirements are met:

(a) The plan must require all contributions to be paid in advance and to be deposited in and disbursed from a trust fund duly created by a written irrevocable trust agreement between the employer or employers and the trustee, or between the postsecondary educational institution and the trustee, that meets the terms of this chapter.

(b) The plan shall appoint a trustee who demonstrates the character, fitness and competence to function in such role and whose function shall be to competently manage and administer the trust fund and plan.

(c) With regard to single employer plans or multiple employer welfare plans, the plans must require that employers contribute to the trust fund, and that all contributions by employees, if any, shall be by regular periodic payroll deductions, except as to contributions made by an employee during his absence from such employment for such period as the plan may reasonably provide.

(d) The plan must provide that the trustee shall furnish to each employee-beneficiary or each student-beneficiary a copy of the plan, which shall include a written statement or schedule adequately and clearly stating all benefits currently provided under the plan, as well as all applicable restrictions, limitations, and exclusions, and the procedure for filing a claim for benefits.

(e) The plan shall require that the trust fund be actuarially sound. Assets and income of the trust fund shall at all times be reasonably adequate to provide for full payment of all benefits promised to beneficiaries by the plan and to cover all other costs of operation. The initial contribution rates shall be calculated by a qualified actuary and shall include a reasonable provision for adverse deviation and a reasonable contribution to surplus.

(f) Before the registration by the department of the self-funded plan, the department shall verify that an amount equal to fifty percent (50%) of the qualified actuary's estimate of the any minimum surplus requirements, as provided in section 41-4010(3), Idaho Code, after twelve (12) months of operation, be deposited in the trust fund, in addition to the first month's contributions for all beneficiaries.

(2) After registration of the plan, in addition to the required quarterly and annual filings and other requirements as provided in this chapter, the trustee shall file the following documents with the director for his review and approval not less than thirty (30) days before the effective date thereof:

(a) An actuarial study as described in section 41-4005(2)(e), Idaho Code, calculating new rates for the next plan year or more frequent period if there are any midterm rate changes;

(b) Any changes in the policy form, benefits or summary plan description;

(c) Any amendments or changes made to the stop-loss agreement or agreements, including change of carriers;

(d) Any amendments or changes made to administrative, service or management agreements;

(e) Any amendments or changes to the fidelity bond or other coverage the director deemed equivalent pursuant to section 41-4014(3), Idaho Code;

(f) Any amendments or changes to the trust agreement; and

(g) Any change in the trustee or trustees, officers or management of the trust, which notice shall include biographical affidavits of any new trustee, officer or management personnel.

(3) The trustee shall notify the director immediately if the trustee learns or receives information that indicates that the surplus of the trust falls below the minimum surplus requirements.

SECTION 3. That Section 41-4010, Idaho Code, be, and the same is hereby amended to read as follows:

41-4010. RESERVES AND SURPLUS. (1) The trustee of a self-funded plan shall establish and maintain in the trust fund the following reserves:

(a) A reserve in an amount as certified by a qualified actuary as being necessary for payment of claims liability. The reserve shall be reasonably adjusted on a quarterly basis in an amount as determined by a qualified actuary or other qualified person if authorized by the director.

(b) If, under the plan, periodic contributions to the trust fund have been paid in advance or are payable less frequently than monthly, there shall be a reserve for unearned contributions as computed pro rata on the basis of the unexpired portion of the period for which the contribution has been paid.

(c) If future claims payments plus future costs of operation are greater than future contributions plus current reserves, there shall be a reserve in an amount equal to future claims payments plus future costs of operation, less future contributions, less current reserves.

(2) In any determination of the financial condition of the trust fund, the claims reserve, reserve for unearned contributions and contribution deficiency reserve shall constitute liabilities.

(3) (a) In addition to reserves required by this section, a self-funded plan shall establish and maintain in its trust fund surplus equal to at least:

(ai) The equivalence of three (3) months of contributions for the current plan year; or

(bii) One hundred ten percent (110%) of the difference between the total dollar aggregate stop-loss attachment point plus costs of operation and the total dollar expected contributions for the current plan year.

(eb) Paragraphs (a) and (b) of this subsection notwithstanding, a public postsecondary educational institution shall instead be required to establish and maintain in its trust fund surplus an amount equal to at least thirty percent (30%) of the unpaid claims liability of the plan.

(c) Upon request of a self-funded plan, the director may annually waive the surplus requirement provided in paragraph (a) or (b) of this subsection if:

(i) The plan or trust carries insurance providing aggregate coverage and specific coverage;

(ii) The plan, in its first year of operation, receives periodic contributions, at minimum on a monthly basis, at an amount at least equal to the point at which the insurance providing aggregate coverage must cover at least one hundred percent (100%) of the plan's liability, as certified by a qualified actuary; and

(iii) In its second and each subsequent year of operation, the plan:

1. Continues to provide stop-loss coverage as described in subparagraph (i) of this paragraph; or

2. Is funded, at minimum on a monthly basis, at an amount equal to at least one hundred percent (100%) of the self-funded plan's liability, less any surplus as defined in section 41-4002, Idaho Code, from previous years.

The director may also waive any or all requirements provided in subparagraphs (i) through (iii) of this paragraph, provided that the plan maintains reserves and surplus, as defined in section 41-4002, Idaho Code, of at least the amount certified annually by a qualified actuary as sufficient without aggregate coverage.

(4) A surplus note that has been approved by the director in a form and as defined in section 41-2841, Idaho Code, may be used to fund surplus and shall not be accounted as a liability.

(5) Up to one-third (1/3) of the surplus required by this section may be funded by a clean, irrevocable letter of credit, in a form acceptable to the director, issued in favor of the trust fund by a federally or state-chartered bank having a branch office in Idaho. Such irrevocable letter of credit cannot be guaranteed by pledge of any of the plan assets. The funding cannot be in the form of prepaid contributions or other loan or associated with an off-setting liability.

(6) A newly formed plan with no prior operating history shall meet the minimum surplus requirements no later than twelve (12) months after the date of initial operation. The director may extend for a reasonable period not to exceed twelve (12) additional months, provided that the plan is meeting all other provisions of this chapter. For plans registered with the department and in existence on the effective date of this law, such plans shall have twenty-four (24) months from the effective date of this law in which to increase their surplus level to comply with the requirements of subsection (3) of this section.

(7) The trust fund shall maintain the minimum surplus requirements at all times throughout the year.

CHAPTER 307
(S.B. No. 1065)

AN ACT

RELATING TO TRANSPORTATION; AMENDING SECTION 40-720, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF CERTAIN BONDS; AMENDING CHAPTER 7, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-721, IDAHO CODE, TO ESTABLISH THE TRANSPORTATION EXPANSION AND CONGESTION MITIGATION PROGRAM CAPITAL PROJECT FUND AND THE TRANSPORTATION EXPANSION AND CONGESTION MITIGATION PROGRAM DEBT SERVICE FUND; AMENDING SECTION 63-3638, IDAHO CODE, TO REVISE PROVISIONS REGARDING DISTRIBUTION OF SALES TAX AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-6210, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWER OF THE IDAHO HOUSING AND FINANCE ASSOCIATION TO ISSUE BONDS.

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

SECTION 1. That Section 40-720, Idaho Code, be, and the same is hereby amended to read as follows:

40-720. TRANSPORTATION EXPANSION AND CONGESTION MITIGATION PROGRAM -- FUND ESTABLISHED. (1) The Idaho transportation department shall establish and maintain a transportation expansion and congestion mitigation program.

(2) The fund established pursuant to this section shall finance projects that expand the state system to address and mitigate transportation congestion. The projects shall be evaluated by the Idaho transportation department and shall be chosen by the Idaho transportation board based on a policy that may include mitigation of traffic times, improvement to traffic flow and mitigation of traffic congestion.

(3) There is hereby established in the state treasury the transportation expansion and congestion mitigation fund, to which shall be deposited:

- (a) All moneys distributed pursuant to section 63-2520, Idaho Code;
- (b) All moneys distributed pursuant to section 63-3638, Idaho Code; and
- (c) Any other appropriated moneys for funding the transportation expansion and congestion mitigation program.

(4) Interest earned on the investment of idle moneys in the fund shall be paid to the fund. All moneys in the fund shall be used for the transportation expansion and congestion mitigation program.

(5) The Idaho housing and finance association is hereby authorized to issue bonds, secured by otherwise unobligated moneys in the fund established in subsection (3) of this section, for the purpose of financing state transportation projects approved by the Idaho transportation board. The Idaho transportation board shall take into consideration the mitigation of traffic congestion from the state campus site located at 11311 West Chinden Boulevard, Boise, as a priority when approving transportation projects. Moneys from the fund established in subsection (3) of this section shall be used to pay any of the principal, interest, and other amounts for state transportation projects approved by the Idaho transportation board and required for bonds issued pursuant to this subsection in accordance with the provisions of chapter 62, title 67, Idaho Code. If such bonds are issued, moneys in the fund shall first be continuously appropriated and used for repayment of said bonds in accordance with subsection (7) of this section.

(6) The authority provided in subsection (5) of this section shall be used only to issue bonds on an approved resolution by the Idaho transportation board requesting that the Idaho housing and finance association issue bonds contingent upon:

(a) The availability of otherwise unobligated moneys in the fund, established in subsection (3) of this section, necessary to meet bond service obligations;

(b) The moneys disbursed being used in accordance with United States treasury regulations to ensure tax-exempt status is retained, unless tax-exempt bonds are not available; and

(c) The issuance of bonds at prevailing market rates of interest.

(7) From moneys in the fund established in this section, there are hereby continuously appropriated first such amounts as from time to time shall be certified by the Idaho housing and finance association to the state controller, the state treasurer, and the Idaho transportation board as necessary for payment of principal, interest, and other amounts required for transportation bonds or notes of the Idaho housing and finance association in accordance with chapter 62, title 67, Idaho Code, that are issued to finance improvements described in this section, which amounts shall not exceed the amount received and transferred from section 63-3638(16), Idaho Code, which amounts shall be transferred to the transportation expansion and congestion mitigation program debt service fund established in section 40-721(2), Idaho Code.

SECTION 2. That Chapter 7, Title 40, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 40-721, Idaho Code, and to read as follows:

40-721. TRANSPORTATION EXPANSION AND CONGESTION MITIGATION PROGRAM CAPITAL PROJECT FUND -- TRANSPORTATION EXPANSION AND CONGESTION MITIGATION PROGRAM DEBT SERVICE FUND. (1) There is hereby established in the state treasury the transportation expansion and congestion mitigation program capital project fund that shall include any draw by the Idaho transportation board of proceeds from the transportation bonds or notes issued by the Idaho housing and finance association in accordance with chapter 62, title 67, Idaho Code, to finance improvements described in section 40-720, Idaho Code. Interest earned on the investments of idle moneys in the transportation expansion and congestion mitigation program capital project fund shall be paid to the transportation expansion and congestion mitigation program capital project fund. Disbursements from this fund shall be paid over as requested by the Idaho transportation board and shall be made for projects in accordance with section 40-720, Idaho Code. All moneys in the fund are hereby continuously appropriated to the department.

(2) There is hereby established in the state treasury the transportation expansion and congestion mitigation program debt service fund for the purpose of paying the principal, interest, and other amounts required for transportation bonds or notes of the Idaho housing and finance association in accordance with chapter 62, title 67, Idaho Code, issued to finance improvements described in section 40-720, Idaho Code. The fund shall include amounts distributed pursuant to sections 40-720(7) and 63-3638(16), Idaho Code, provided that such moneys distributed to the transportation expansion and congestion mitigation program debt service fund pursuant to this subsection shall be used for payment of principal, interest, and other amounts required for transportation bonds or notes issued by the Idaho housing and finance association for improvements described in section 40-720, Idaho Code. Interest earned on the investment of idle moneys in the transportation expansion and congestion mitigation program debt service fund shall be paid to the transportation expansion and congestion mitigation program debt service fund. From moneys within this fund, there are hereby continuously appropriated such amounts as from time to time shall be certified by the Idaho housing and finance association to the state controller, the state treasurer, and the Idaho transportation board as necessary for payment of principal, interest, and other amounts required for transportation bonds or notes of the

Idaho housing and finance association in accordance with chapter 62, title 67, Idaho Code, issued for improvements described in section 40-720, Idaho Code, which amounts shall be paid over as directed by the association. Any funds in excess of the amount necessary to meet the payment authorized in this section shall be transferred to the transportation expansion and congestion mitigation fund established in section 40-720, Idaho Code.

SECTION 3. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter, except as may otherwise be required in sections 63-3203 and 63-3709, Idaho Code, 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 ~~account~~ 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 which the association determines will keep it self-supporting.

(5) An amount equal to the sum required by the provisions of sections 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated by section 63-718(3), Idaho Code, is continuously appropriated and shall be paid as provided by sections 63-709 and 63-717, Idaho Code.

(6) An amount required by the provisions of chapter 53, title 33, Idaho Code.

(7) An amount required by the provisions of chapter 87, title 67, Idaho Code.

(8) For fiscal year 2011, and each fiscal year thereafter, four million one hundred thousand dollars (\$4,100,000), of which two million two hundred thousand dollars (\$2,200,000) shall be distributed to each of the forty-four (44) counties in equal amounts, and one million nine hundred thousand dollars (\$1,900,000) of which shall be distributed to the forty-four (44) counties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012, and for each fiscal year thereafter, the amount distributed pursuant to this subsection, shall be adjusted annually by the state tax commission in accordance with the consumer price index for all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics, but in no fiscal year shall the total amount allocated for counties under this subsection, be less than four million one hundred thousand dollars (\$4,100,000). Any increase resulting from the adjustment required in this section shall be distributed to each county in the proportion that the population of the county bears to the population of the

state. Each county shall establish a special election fund to which shall be deposited all revenues received from the distribution pursuant to this subsection. All such revenues shall be used exclusively to defray the costs associated with conducting elections as required of county clerks by the provisions of section 34-1401, Idaho Code.

(9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile, all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes, and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(10) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue sharing account which is created in the state treasury, and the moneys in the revenue sharing account will be paid in installments each calendar quarter by the state tax commission as follows:

(a) Twenty-eight and two-tenths percent (28.2%) shall be paid to the various cities as follows:

(i) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the population of that city bears to the population of all cities within the state; and

(ii) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the preceding year's market value for assessment purposes for that city bears to the preceding year's market value for assessment purposes for all cities within the state.

(b) Twenty-eight and two-tenths percent (28.2%) shall be paid to the various counties as follows:

(i) One million three hundred twenty thousand dollars (\$1,320,000) annually shall be distributed one forty-fourth ($1/44$) to each of the various counties; and

(ii) The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state;

(c) Thirty-five and nine-tenths percent (35.9%) of the amount appropriated in this subsection shall be paid to the several counties for distribution to the cities and counties as follows:

(i) Each city and county which received a payment under the provisions of section 63-3638(e), Idaho Code, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (10) (c) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each city's and county's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (10) (c) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each city and county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.

(iv) If the dollar amount of money available under this subsection (10) (c) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid fifty percent (50%) to the various cities in the proportion that the population of the city bears to the population of all cities within the state, and fifty percent (50%) to the various counties in the proportion that the population of a county bears to the population of the state; and

(d) Seven and seven-tenths percent (7.7%) of the amount appropriated in this subsection shall be paid to the several counties for distribution to special purpose taxing districts as follows:

(i) Each such district which received a payment under the provisions of section 63-3638(e), Idaho Code, 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) (d) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each special purpose taxing district's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (10) (d) in any quarter exceeds the amount distributed under paragraph (i) of this subsection (10) (d), each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. The state tax commission shall calculate district current property tax budgets to include any unrecovered ~~foregone~~ 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 which were received in the last calendar quarter by each district prior to the consolidation.

(v) If a special purpose taxing district is dissolved or discontinued, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or discontinuation. The board of county commissioners shall determine any redistribution of moneys so received.

(vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection (10) (d).

(vii) For purposes of this subsection (10) (d), a special purpose taxing district is any taxing district which is not a city, a county or a school district.

(11) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the state tax commission. Moneys received

by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts which were received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

(12) Amounts necessary to pay refunds as provided in section 63-3641, Idaho Code, to a developer of a retail complex shall be remitted to the demonstration pilot project fund created in section 63-3641, Idaho Code.

(13) Amounts calculated in accordance with subsection (4) of section 63-602KK, Idaho Code, for annual distribution to counties and other taxing districts for replacement of property tax on personal property tax exemptions pursuant to subsection (2) of section 63-602KK, Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year. For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602KK, Idaho Code, shall be treated as property tax revenues. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts that were received in the last calendar year by each district pursuant to this subsection prior to the consolidation. If a taxing district or revenue allocation area annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts and revenue allocation areas formed after January 1, 2013, are not entitled to a payment under the provisions of this subsection.

(14) 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 program 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 4. That Section 67-6210, Idaho Code, be, and the same is hereby amended to read as follows:

67-6210. POWER TO ISSUE BONDS. The association shall have power and is hereby authorized to issue, from time to time, its negotiable notes and bonds in conformity with the applicable provisions of the uniform commercial code in such principal amount as the association shall determine to be necessary for sufficient funds for achieving any of its corporate purposes, including the payment of interest on notes and bonds of the association, establishment of reserves to secure such notes and bonds, and all other expenditures of the association incidental and necessary or convenient to carry out its corporate purposes and powers; provided, however, that the association shall provide in its resolution authorizing such bonds that all revenues received by the association as a result of the issuance of such bonds shall be pledged first to the payment of principal and interest on such bonds.

(a) The association shall have the power, from time to time, to issue:

(1) notes to renew notes and

(2) bonds to pay notes, including the interest thereon, and

(3) whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any of its corporate purposes.

The refunding bonds may be:

(1) exchanged for the bonds to be refunded or

(2) sold and the proceeds applied to the purchase, redemption or payment of such bonds.

(b) Except as may otherwise be expressly provided by the association, every issue of its notes and bonds shall be payable exclusively from the revenues or income of the association, including grants and contributions from the United States of America, subject only to any agreements with the holders of particular notes or bonds pledging any particular revenues.

(c) The notes and bonds shall be authorized by resolution or resolutions of the association, shall bear such date or dates and shall mature at such time or times as such resolution or resolutions may provide. The bonds may be issued as serial bonds payable in annual installments or as term bonds or as a combination thereof. The notes and bonds shall bear interest at such rate or rates, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption as such resolution or resolutions may provide. The notes and bonds of the association may be sold by the association, at public or private sale, at such price or prices as the association shall determine.

(d) Any resolution or resolutions authorizing any notes or bonds or any issue thereof may contain provisions, which shall be a part of the contract or contracts with the holders thereof, as to:

(1) pledging all or any part of the revenues to secure the payment of the notes or bonds or of any issue thereof, subject to such agreements with noteholders or bondholders as may then exist;

(2) pledging all or any part of the assets of the association including mortgages and obligations securing the same, to secure the payment

of the notes or bonds or of any issue of notes or bonds, subject to such agreements with noteholders or bondholders as may then exist;

(3) the use and disposition of the gross income from mortgages owned by the association and payment of principal of mortgages owned by the association;

(4) the setting aside of reserves or sinking funds and the regulation and disposition thereof;

(5) limitations on the purpose to which the proceeds of sale of notes or bonds may be applied and pledging such proceeds to secure the payment of the notes or bonds or of any issue thereof;

(6) limitations on the issuance of additional notes or bonds; the terms upon which additional notes or bonds may be issued and secured; and the refunding of outstanding or other notes or bonds;

(7) the procedure, if any, by which the terms of any contract with noteholders or bondholders may be amended or abrogated, the amount of notes or bonds the holders of which must consent thereto; and the manner in which such consent may be given;

(8) limitations on the amount of moneys to be expended by the association for operating expenses of the association;

(9) vesting in a trustee or trustees such property, rights, powers and duties in trust as the association may determine, which may include any or all of the rights, powers and duties of the trustee appointed by the bondholders pursuant to this act; and limiting or abrogating the right of the bondholders to appoint a trustee under this act, or limiting the rights, powers and duties of such trustee;

(10) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the association to the holders of the notes or bonds and providing for the rights and remedies of the holders of the notes or bonds in the event of such default, including as a matter of right the appointment of a receiver; provided, however, that such rights and remedies shall not be inconsistent with the general laws of the state and the other provisions of this act;

(11) pledging all or any part of funds allocated to the association under Idaho law or other revenues or the proceeds of notes or bonds to secure the payment of notes or bonds issued to finance transportation projects, subject to such agreements with noteholders or bondholders as may then exist;

(12) setting forth the provisions for any contracts relating to its bonds or notes, including, without limitation, any investment or interest rate contracts, or any contract providing for a credit enhancement, including, but not limited to, letters of credit, bond insurance and surety bonds provided by private financial institutions;

(13) setting forth the provisions for representations or certifications to be made by an officer of the association with respect to funds to be allocated to the association for transportation projects and provisions for the disbursements of the proceeds of the bonds or notes for payment of the costs of a transportation project, costs of issuance and other related costs;

(14) pledging all or any part of funds allocated to the association pursuant to section 72-1346B, Idaho Code, or the proceeds of notes or bonds to secure the payment of notes or bonds issued to finance a department of labor project, subject to such agreements with noteholders or bondholders as may then exist;

(15) setting forth the provisions for representations or certifications to be made by an officer of the association with respect to funds to be allocated to the association for a department of labor project and provisions for the disbursements of the proceeds of the bonds or notes for payment of the costs of a department of labor project, costs of issuance and other related costs;

(16) any other matters, of like or different character, which in any way affect the security or protection of the holders of the notes or bonds.

(e) Any pledge made by the association shall be valid and binding from the time when the pledge is made; the revenues, moneys or property so pledged and thereafter received by the association shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the association, irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

(f) Neither the commissioners of the association nor any other person executing such notes or bonds shall be subject to any personal liability or accountability by reason of the issuance thereof.

(g) The association, subject to such agreements with noteholders or bondholders as may then exist, shall have power out of any funds available therefor to purchase notes or bonds of the association, which shall thereupon be canceled, at a price not exceeding:

(1) if the notes or bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment thereon, or

(2) if the notes or bonds are not then redeemable, the redemption price applicable on the first date after such purchase upon which the notes or bonds become subject to redemption plus accrued interest to such date.

(h) In the discretion of the association, the bonds may be secured by a trust indenture by and between the association and a corporate trustee, which may be any trust company or bank having the power of a trust company in the state. Such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the association in relation to the exercise of its corporate powers and the custody, safeguarding and application of all moneys. The association may provide by such trust indenture for the payment of the proceeds of the bonds and the revenues to the trustee under such trust indenture or other depository, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust indenture may be treated as a part of the operating expenses of the association. If the bonds shall be secured by a trust indenture, the bondholders shall have no authority to appoint a separate trustee to represent them.

(i) Whether or not the notes and bonds are of such form and character as to be negotiable instruments under the terms of the uniform commercial code, the notes and bonds are hereby made negotiable instruments within the meaning of and for all the purposes of the uniform commercial code, subject only to the provisions of the notes and bonds for registration.

(j) In case any of the commissioners or officers of the association whose signatures appear on any notes or bonds or coupons shall cease to be such commissioners or officers before the delivery of such notes or bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery.

(k) The association shall not issue any bonds or notes to finance transportation projects unless:

(1) the Idaho transportation board has approved and recommended the transportation projects for financing through the association;

(2) the Idaho transportation board has certified to the association that sufficient funds are available to make the payments required for the bonds or notes to be issued to finance the transportation projects and that the annual, total cumulative debt service and bond-related

expenses on federally-funded highway project financing do not exceed the limits specified in section 40-315(3), Idaho Code, or has approved a resolution required under section 40-720(6), Idaho Code; and

(3) the association and the Idaho transportation board have entered into an agreement for the association to provide financing of the transportation projects.

(1) The association shall not issue any bonds or notes to finance a department of labor project unless:

(1) the director of the department of labor has approved and recommended the department of labor project for financing through the association pursuant to section 72-1346B, Idaho Code;

(2) the director of the department of labor has certified to the association that sufficient funds are available to make the payments required for the bonds or notes to be issued to finance the department of labor project; and

(3) the association and the director of the department of labor have entered into an agreement for the association to provide financing of the department of labor project.

Approved April 4, 2019

CHAPTER 308
(S.B. No. 1201)

AN ACT

RELATING TO THE HIGHWAY DISTRIBUTION ACCOUNT; AMENDING SECTION 40-701, IDAHO CODE, TO REVISE APPORTIONMENT PROVISIONS REGARDING THE HIGHWAY DISTRIBUTION ACCOUNT.

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

SECTION 1. That Section 40-701, Idaho Code, be, and the same is hereby amended to read as follows:

40-701. HIGHWAY DISTRIBUTION ACCOUNT -- APPORTIONMENT. (1) There is established in the state treasury an account known as the "Highway Distribution Account," to which shall be credited:

(a) Moneys as provided by sections 63-2412(1)(f)4. and 63-2418(4), Idaho Code;

(b) All moneys collected by the department, their agents and vendors, and county assessors and sheriffs, under the provisions of title 49, Idaho Code, except as otherwise specifically provided for; and

(c) All other moneys as may be provided by law.

(2) The highway distribution account shall be apportioned as follows:

(a) Thirty-eight percent (38%) in fiscal year 2021, thirty-eight and one-half percent (38.5%) in fiscal year 2022, thirty-nine percent (39%) in fiscal year 2023, thirty-nine and one-half percent (39.5%) in fiscal year 2024, thirty-nine and three-quarters percent (39.75%) in fiscal year 2025, and forty percent (40%) thereafter to local units of government as provided in section 40-709, Idaho Code;

(b) Fifty-seven percent (57%) in fiscal year 2021, fifty-seven and one-half percent (57.5%) in fiscal year 2022, fifty-eight percent (58%) in fiscal year 2023, fifty-eight and one-half percent (58.5%) in fiscal year 2024, fifty-nine and one-quarter percent (59.25%) in fiscal year 2025, and sixty percent (60%) thereafter to the state highway account established in section 40-702, Idaho Code; and

(c) Five percent (5%) in fiscal year 2021, four percent (4%) in fiscal year 2022, three percent (3%) in fiscal year 2023, two percent (2%) in

fiscal year 2024, one percent (1%) in fiscal year 2025, and zero dollars thereafter to the law enforcement account, established in section 67-2914, Idaho Code. The state controller shall cause the remittance of the moneys apportioned to local units of government not later than January 25, April 25, July 25 and October 25 of each year, and to the state highway law enforcement account and the law enforcement state highway account as the moneys become available to the highway distribution account.

(3) All new revenues generated by increases in registration fees and fees on electric and hybrid vehicles pursuant to the provisions of House Bill No. 312, as amended in the Senate, as amended in the Senate, during the first regular session of the sixty-third Idaho legislature, and all revenues generated by fees on electric and plug-in hybrid vehicles pursuant to the provisions of section 49-457, Idaho Code, shall be apportioned as follows:

(a) Forty percent (40%) to local units of government as provided in section 40-709, Idaho Code; and

(b) Sixty percent (60%) to the state highway account established in section 40-702, Idaho Code.

(4) Interest earned on the investment of idle moneys in the highway distribution account shall be paid to the highway distribution account.

(5) All idle moneys in the dedicated highway trust or asset accounts or subaccounts established from highway user revenues, reimbursements, fees or permits shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the various highway trust or asset accounts and subaccounts.

Approved April 4, 2019

CHAPTER 309
(S.B. No. 1202)

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AMENDING SECTION 63-102, IDAHO CODE, TO INCREASE THE SALARIES OF THE STATE TAX COMMISSIONERS; AND PROVIDING REAPPROPRIATION AUTHORITY.

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

SECTION 1. There is hereby appropriated to the State Tax Commission the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. GENERAL SERVICES:				
FROM:				
General				
Fund	\$4,595,700	\$5,995,600	\$115,900	\$10,707,200
Multistate Tax Compact				
Fund	107,300	554,400	30,400	692,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Administration and Accounting				
Fund	37,100	28,400	2,500	68,000
Administration Services for Transportation				
Fund	518,900	741,100	62,200	1,322,200
Seminars and Publications				
Fund	<u>0</u>	<u>19,100</u>	<u>0</u>	<u>19,100</u>
TOTAL	\$5,259,000	\$7,338,600	\$211,000	\$12,808,600
 II. AUDIT DIVISION:				
FROM:				
General				
Fund	\$7,876,800	\$1,074,600		\$8,951,400
Multistate Tax Compact				
Fund	1,643,800	493,700		2,137,500
Administration and Accounting				
Fund	14,900	24,400		39,300
Administration Services for Transportation				
Fund	1,811,300	345,500		2,156,800
Federal Grant				
Fund	<u>0</u>	<u>8,000</u>		<u>8,000</u>
TOTAL	\$11,346,800	\$1,946,200		\$13,293,000
 III. COLLECTION DIVISION:				
FROM:				
General				
Fund	\$6,645,500	\$1,161,900		\$7,807,400
Administration Services for Transportation				
Fund	<u>203,200</u>	<u>27,500</u>		<u>230,700</u>
TOTAL	\$6,848,700	\$1,189,400		\$8,038,100
 IV. REVENUE OPERATIONS:				
FROM:				
General				
Fund	\$4,225,700	\$1,634,300		\$5,860,000
Multistate Tax Compact				
Fund		4,000		4,000
Administration and Accounting				
Fund	87,500	17,100		104,600
Administration Services for Transportation				
Fund	676,800	254,300	\$2,300	933,400
Seminars and Publications				
Fund	<u>0</u>	<u>26,400</u>	<u>0</u>	<u>26,400</u>
TOTAL	\$4,990,000	\$1,936,100	\$2,300	\$6,928,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
V. PROPERTY TAX:				
FROM:				
General				
Fund	\$3,411,200	\$435,400		\$3,846,600
Seminars and Publications				
Fund	0	171,000	\$10,300	181,300
TOTAL	\$3,411,200	\$606,400	\$10,300	\$4,027,900
GRAND TOTAL	\$31,855,700	\$13,016,700	\$223,600	\$45,096,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Tax Commission is authorized no more than four hundred forty-eight (448.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. That Section 63-102, Idaho Code, be, and the same is hereby amended to read as follows:

63-102. ORGANIZATION -- CHAIRMAN -- COMPENSATION -- QUORUM -- HEARINGS. (1) A member of the state tax commission shall be appointed by the governor, to serve at his pleasure, as chairman. Each member of the state tax commission shall devote full time to the performance of duties. Commencing on July 1, 2018⁹, the annual salary for members of the state tax commission shall be ninety-nine one hundred two thousand seventy-seven forty-nine dollars (~~\$99,077~~102,049).

(2) A majority of the state tax commission shall constitute a quorum for the transaction of business. The state tax commission may delegate to any member of the commission or to its employees, the power to make investigations and hold hearings at any place it may deem proper, and such other matters as will facilitate the operations of the commission.

(3) The chairman of the state tax commission shall delegate to each commissioner the responsibility for policy management and oversight of one (1) or more of the taxes collected and/or activities supervised or administered by the commission. The state tax commission shall perform the duties imposed upon it by law and shall adopt all rules by majority decision.

In any case in which the state tax commission sits as an appellate body upon an appeal from a tax decision from one (1) of the various administrative units subject to its supervision, the state tax commissioner charged with responsibility for policy management and oversight of the tax in controversy shall not vote upon the appeal but may advise the remaining members of the commission on the technical aspects of the problems before them.

(4) The chairman shall be the chief executive officer and administrative head of the state tax commission and shall be responsible for, or may assign responsibility for, all personnel, budgetary and/or fiscal matters of the state tax commission.

SECTION 4. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Tax Commission any unexpended and unencumbered balances appropriated or reappropriated to the State Tax Commission from the General Fund for moving expenses for fiscal year 2019, in an amount not to exceed \$2,000,000 from the General Fund, to be used for nonrecurring expenditures related to moving for the period July 1, 2019, through June 30, 2020.

Approved April 4, 2019

CHAPTER 310
(S.B. No. 1203)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING REQUIREMENTS FOR THE JOBCORPS PILOT PROJECT.

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

SECTION 1. There is hereby appropriated to the Department of Labor the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
I. UNEMPLOYMENT INSURANCE ADMINISTRATION:						
FROM:						
Unemployment Penalty and Interest						
Fund	\$1,971,800	\$2,111,000				\$4,082,800
Employment Security Special Administration						
Fund		500,000				500,000
Miscellaneous Revenue						
Fund	2,284,700	4,223,300				6,508,000
Federal Grant						
Fund	16,336,700	5,989,000	\$487,000	\$500,000		23,312,700
TOTAL	\$20,593,200	\$12,823,300	\$487,000	\$500,000		\$34,403,500
II. EMPLOYMENT SERVICES:						
FROM:						
General						
Fund		\$20,000				\$20,000
Unemployment Penalty and Interest						
Fund	\$1,369,900	421,600	\$661,000			2,452,500
Employment Security Special Administration						
Fund	378,100	1,818,600				2,196,700

	FOR	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	LUMP	TOTAL
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	SUM	
				PAYMENTS		
Miscellaneous Revenue						
Fund	387,400	212,300				599,700
Federal Grant						
Fund	<u>25,415,800</u>	<u>8,863,900</u>	<u>0</u>	<u>\$11,000,000</u>	<u>\$4,323,500</u>	<u>49,603,200</u>
TOTAL	\$27,551,200	\$11,336,400	\$661,000	\$11,000,000	\$4,323,500	\$54,872,100
III. WAGE AND HOUR:						
FROM:						
General						
Fund	\$284,800	\$64,800				\$349,600
Unemployment Penalty and Interest						
Fund	228,600	72,200				300,800
Miscellaneous Revenue						
Fund	<u>0</u>	<u>10,600</u>				<u>10,600</u>
TOTAL	\$513,400	\$147,600				\$661,000
IV. HUMAN RIGHTS COMMISSION:						
FROM:						
Unemployment Penalty and Interest						
Fund		\$187,300				\$187,300
Employment Security Special Administration						
Fund	\$771,200					771,200
Miscellaneous Revenue						
Fund		700				700
Federal Grant						
Fund	<u>0</u>	<u>229,800</u>				<u>229,800</u>
TOTAL	\$771,200	\$417,800				\$1,189,000
V. SERVE IDAHO:						
FROM:						
Unemployment Penalty and Interest						
Fund	\$44,700	\$36,700				\$81,400
Miscellaneous Revenue						
Fund		56,400				56,400
Federal Grant						
Fund	<u>254,200</u>	<u>248,300</u>		<u>\$2,050,000</u>		<u>2,552,500</u>
TOTAL	\$298,900	\$341,400		\$2,050,000		\$2,690,300
GRAND TOTAL	\$49,727,900	\$25,066,500	\$1,148,000	\$13,550,000	\$4,323,500	\$93,815,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Department of Labor is authorized no more than six hundred eighty-one and fifty-eight hundredths (681.58) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. JOBCORPS PILOT PROJECT. The Department of Labor shall submit a report on July 1, 2019, to the Joint Finance-Appropriations Committee regarding the plan for implementing the JOBCorps Pilot Project. Further, the department shall provide a presentation of the JOBCorps Pilot Project detailing the number of students enrolled and providing any updates to the report required herein at the 2019 fall meeting of the Joint Finance-Appropriations Committee. No moneys from the General Fund shall be used for the implementation of the pilot project.

Approved April 4, 2019

CHAPTER 311
(S.B. No. 1206)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2020; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Supreme Court for the District Courts Program the following amounts to be expended according to the designated expense classes from the General Fund for the period July 1, 2019, through June 30, 2020, for the purpose of a district judge and a court reporter:

FOR:

Personnel Costs	\$242,900
Operating Expenditures	<u>12,500</u>
TOTAL	\$255,400

SECTION 2. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2020, 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, 2019, through June 30, 2020. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 4, 2019

CHAPTER 312
(S.B. No. 1207)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPREME COURT FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE SUPREME COURT PROGRAM FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE COURT OF APPEALS PROGRAM FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE DISTRICT COURTS PROGRAM FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR THE MAGISTRATE DIVISION PROGRAM FOR FISCAL YEAR 2020; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Supreme Court for the Supreme Court Program \$31,500 from the General Fund to be expended for personnel costs for the period July 1, 2019, through June 30, 2020, for the purpose of judicial salaries.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Supreme Court for the Court of Appeals Program \$25,200 from the General Fund to be expended for personnel costs for the period July 1, 2019, through June 30, 2020, for the purpose of judicial salaries.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Supreme Court for the District Courts Program \$289,500 from the General Fund to be expended for personnel costs for the period July 1, 2019, through June 30, 2020, for the purpose of judicial salaries.

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the Supreme Court for the Magistrate Division Program \$438,800 from the General Fund to be expended for personnel costs for the period July 1, 2019, through June 30, 2020, for the purpose of judicial salaries.

SECTION 5. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. For fiscal year 2020, 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, 2019, through June 30, 2020. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

Approved April 4, 2019

CHAPTER 313

(H.B. No. 194, As Amended in the Senate)

AN ACT

RELATING TO PUBLIC LIBRARIES; AMENDING SECTION 33-2741, IDAHO CODE, TO PROVIDE THAT A PUBLIC LIBRARY'S INTERNET SAFETY POLICY SHALL APPLY TO ANY PUBLICLY ACCESSIBLE WIRELESS INTERNET ACCESS PROVIDED BY THE LIBRARY AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-2741, Idaho Code, be, and the same is hereby amended to read as follows:

33-2741. PUBLIC LIBRARY -- INTERNET USE POLICY REQUIRED. (1) Public libraries receiving public moneys and governed by the provisions of chapters 26 and 27, title 33, Idaho Code, that offer use of the internet or an online service to the public:

(a) (i) Shall have in place a policy of internet safety for minors including the operation of a technology protection measure with respect to any publicly accessible wireless internet access or publicly accessible computers with internet access and that protects against access through such computers or wireless internet access to visual depictions that are obscene or child pornography or harmful to minors; and

(ii) Shall enforce the operation of such technology protection measure during any use of a computer or wireless internet access by a minor.

(b) (i) Shall have in place a policy of internet safety, which may include the operation of a technology protection measure with respect to any publicly accessible wireless internet access or publicly accessible computers with internet access and that protects against access through such computers or wireless internet access to visual depictions that are obscene or child pornography; and

(ii) May enforce the operation of such technology protection measure during any use of a computer or wireless internet access.

(2) The provisions of this section shall not prohibit a public library from limiting internet access or otherwise protecting against materials other than the materials specified in this section.

(3) An administrator, supervisor or other authorized representative of a public library may disable a technology protection measure described in subsection (1) of this section at the request of a library patron to enable access for lawful purposes.

(4) Each public library's policy shall be developed under the direction of the library's board of trustees, adopted in an open meeting and shall have an effective date. The board of trustees shall review the policy at least once every three (3) years. The policy shall reflect the most recent date of review.

(5) Notice of the availability of the policy shall be posted in a conspicuous place within the library for all patrons to observe. The board of trustees may issue any other public notice it considers appropriate to inform the community about the policy.

(6) The policy may:

(a) State that it restricts access to internet or online sites that contain material described in subsection (1) of this section and how the policy meets the requirements provided for in this section;

(b) Inform patrons that administrative procedures and guidelines for library staff to follow in enforcing the policy have been adopted and are available for review at the library; and

(c) Inform patrons that procedures for use by patrons and staff to handle complaints about the policy, its enforcement or about observed patron behavior have been adopted and are available for review at the library.

(7) For purposes of this section, the following terms shall have the following meanings:

(a) "Child pornography" means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

(i) The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

(ii) Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or

(iii) Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

(b) "Harmful to minors" means any picture, image, graphic image file or other visual depiction that:

(i) Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;

(ii) Depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

(iii) Taken as a whole, lacks serious literary, artistic, political or scientific value as to minors.

(c) "Minor" means anyone who has not attained the age of eighteen (18) years.

(d) "Obscene" means a depiction that:

(i) The average person, applying contemporary community standards, would find to appeal to the prurient interest;

(ii) Depicts or describes sexual conduct in a patently offensive way; and

(iii) Lacks serious literary, artistic, political or scientific value.

(e) "Public moneys" means any and all moneys belonging to or collected by the state or any political subdivision thereof including, but not necessarily limited to, any city, county, town or district therein.

(8) The provisions of this section shall have no effect on the provisions of section 33-132, Idaho Code.

SECTION 2. This act shall be in full force and effect on and after July 1, 2020.

Approved April 4, 2019

CHAPTER 314
(H.B. No. 251)

AN ACT

RELATING TO THE STATE TREASURER; AMENDING SECTION 67-1204, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN MONEYS; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 67-1204, Idaho Code, be, and the same is hereby amended to read as follows:

67-1204. MONEY TO BE KEPT IN VAULT OFFICE -- PENALTY. (1) All state moneys in the custody of the state treasurer not otherwise deposited or invested as is or may be provided by law, shall be kept in a secure location in the vault and safe as provided for that purpose in the capitol building and in no other place office of the state treasurer.

(2) ~~During the capitol building renovation, beginning in fiscal year 2007, or during relocation due to an emergency, these same moneys as set forth above, shall be kept in a vault within the office of the state treasurer's temporary location. Upon completion of this renovation, the provisions of subsection (1) of this section shall apply.~~

~~(3) A violation of this section shall subject the state treasurer, upon conviction thereof, to pay a fine of not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000), or to imprisonment in the state prison for a period of not less than one (1) nor more than ten (10) years, or to both such fine and imprisonment.~~

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, 2019.

Approved April 5, 2019

CHAPTER 315

(H.B. No. 169, As Amended in the Senate)

AN ACT

RELATING TO FEDERALISM; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 93, TITLE 67, IDAHO CODE, TO PROVIDE FOR THE COMMITTEE ON FEDERALISM; AND PROVIDING A SUNSET DATE.

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 93, Title 67, Idaho Code, and to read as follows:

CHAPTER 93

COMMITTEE ON FEDERALISM

67-9301. COMMITTEE ON FEDERALISM -- APPOINTMENT OF MEMBERS -- ORGANIZATION -- POWERS AND DUTIES. (1) There is hereby created the committee on federalism, which shall consist of ten (10) members, with five (5) members from the senate as appointed by the president pro tempore of the senate, one (1) of whom shall be a member of the minority party and one (1) of whom shall be cochair of the committee, and five (5) members from the house of representatives as appointed by the speaker of the house of representatives, one (1) of whom shall be a member of the minority party and one (1) of whom shall be cochair of the committee. Members shall be appointed based on knowledge of and experience with the United States and Idaho constitutions. The committee is authorized to receive input, advice, and assistance from interested and affected parties who are not members of the legislature.

(2) The committee shall monitor and review federal acts, laws, and regulations that may impact the jurisdiction, governance, and sovereignty of the state of Idaho. The committee shall evaluate whether said federal acts, laws, and regulations are authorized by the United States constitution or if they violate the principles of federalism. The cochairs of the committee may create subcommittees to study various federal matters including, but not limited to, health care, transportation, agriculture, education, and federal lands, and for each subcommittee may appoint one (1) sub-cochair from the senate and one (1) sub-cochair from the house of representatives to act as cochairs of a subcommittee. The sub-cochairs of each subcommittee may appoint ad hoc legislative members and other advisors to serve on the subcommittee but in no event shall a subcommittee have more than seven (7) members, including the sub-cochairs. Any advisors to the subcommittee who are not legislative members shall not be reimbursed from legislative funds for per diem, mileage, or other expenses and shall not have voting privileges regarding the subcommittee's recommendations and proposed legislation. The subcommittees shall report any recommendations or proposed legislation to the committee as a whole. The committee shall from time to time advise the legislature of its findings and recommendations.

(3) The committee shall meet at least twice a year and may be called for special meetings by the cochairs of the committee. Six (6) members shall constitute a quorum. Members of the committee shall be compensated as provided by the citizens' committee on legislative compensation in the same manner as interim legislative meetings, which compensation shall be paid from the legislative account.

(4) Notwithstanding any other provision of law to the contrary, the committee, acting through the cochairs, may utilize staff and resources within state government.

SECTION 2. The provisions of Section 1 of this act shall be null, void, and of no force and effect on and after July 1, 2021.

Approved April 5, 2019

CHAPTER 316
(H.B. No. 281)

AN ACT

RELATING TO APPROPRIATIONS OF MONEYS FOR FISCAL YEAR 2019 AND FISCAL YEAR 2020; APPROPRIATING AND TRANSFERRING MONEYS FROM THE CONSUMER PROTECTION FUND TO THE GENERAL FUND FOR FISCAL YEAR 2019; APPROPRIATING AND TRANSFERRING MONEYS FROM THE OPPORTUNITY SCHOLARSHIP FUND TO THE PUBLIC EDUCATION STABILIZATION FUND FOR FISCAL YEAR 2020; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE PUBLIC EDUCATION STABILIZATION FUND FOR FISCAL YEAR 2020; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE TECHNOLOGY INFRASTRUCTURE STABILIZATION FUND FOR FISCAL YEAR 2020; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE DISASTER EMERGENCY FUND 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 \$9,000,000 from the Consumer Protection Fund to the General Fund as soon as practicable for the period July 1, 2018, through June 30, 2019.

SECTION 2. There is hereby appropriated and the State Controller shall transfer \$3,400,000 from the Opportunity Scholarship Fund to the Public Education Stabilization Fund on July 1, 2019, or as soon thereafter as practicable for the period July 1, 2019, through June 30, 2020.

SECTION 3. There is hereby appropriated and the State Controller shall transfer \$8,600,000 from the General Fund to the Public Education Stabilization Fund on July 1, 2019, or as soon thereafter as practicable for the period July 1, 2019, through June 30, 2020.

SECTION 4. There is hereby appropriated and the State Controller shall transfer \$8,053,500 from the General Fund to the Technology Infrastructure Stabilization Fund on July 1, 2019, or as soon thereafter as practicable for the period July 1, 2019, through June 30, 2020.

SECTION 5. There is hereby appropriated and the State Controller shall transfer \$2,000,000 from the General Fund to the Disaster Emergency Fund on July 1, 2019, or as soon thereafter as practicable for the period July 1, 2019, through June 30, 2020.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after passage and approval.

Approved April 5, 2019

CHAPTER 317
(H.B. No. 285)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2019; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER MANAGEMENT ACCOUNT FOR FISCAL YEAR 2019; AMENDING SECTION 42-1760, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE WATER MANAGEMENT ACCOUNT; APPROPRIATING AND TRANSFERRING MONEYS FROM THE GENERAL FUND TO THE WATER MANAGEMENT ACCOUNT FOR FLOOD MANAGEMENT FOR FISCAL YEAR 2019; PROVIDING REQUIREMENTS REGARDING WATER QUALITY MONITORING; PROVIDING REQUIREMENTS REGARDING PROJECT PRIORITIZATION; 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 Water Resources and the State Controller shall transfer \$20,000,000 from the General Fund to the Water Management Account as soon as practicable for the period July 1, 2018, through June 30, 2019.

SECTION 2. That Section 42-1760, Idaho Code, be, and the same is hereby amended to read as follows:

42-1760. WATER MANAGEMENT ACCOUNT. (1) There is hereby created and established in the trust and agency fund the water management account. All moneys in the account are appropriated continuously to the water resource board to be used and administered by it for the purposes specified in subsection (2) of this section, and shall not be subject to the provisions of the standard appropriations act of 1945 or section 67-3516, Idaho Code. The state treasurer shall invest the idle moneys of the account, and the interest earned on such investments shall be retained by the account.

(2) The board may expend, loan or grant moneys from the water management account for new water projects or the rehabilitation of existing water projects limited to the following purposes: reclamation, upstream storage, offstream storage, aquifer recharge, reservoir site acquisition and protection, water supply, water quality, recreation, and water resource studies, including feasibility studies for qualifying projects. The board shall have the authority to determine which water projects are undertaken pursuant to this section.

(a) Expenditures may be made from the account to provide public moneys for participation in any project constructed with funds from the water resource board revolving development account provided by section 42-1756, Idaho Code.

(b) Grants and loans may be made by the board from the account for any project in the public interest for the projects authorized by this section; no single grant shall exceed \$50,000 unless legislative approval has been obtained.

(c) Expenditures may be made from the account for the costs of the following large water infrastructure projects:

(i) Costs associated with the construction of a raise of Anderson ranch dam, located on the south fork of the Boise river;

(ii) Costs associated with the Mountain Home air force base water delivery and treatment systems; and

(iii) The enlargement or construction of new or existing surface storage reservoirs owned and operated by the United States bureau of reclamation or army corps of engineers.

(d) The selection of any new large water infrastructure project selected pursuant to paragraph (c) of this subsection must consider and protect existing water rights and consider the effects of such projects on other water uses, such as water quality, fish and wildlife, recreation, and hydropower, that provide economic value, stability, and other benefits to the citizens of the state.

(3) Any large infrastructure project receiving any portion of the funds approved pursuant to subsection (2) (c) of this section shall require that at least fifty percent (50%) matching funds be provided by parties other than the state. In the event of in-kind contributions, the board shall determine the value of the in-kind contribution.

(4) On or before the first day of each regular legislative session, the board shall submit to the legislature a report of any moneys expended or obligated and any work begun and/or completed in the prior or current fiscal year on a project selected pursuant to subsection (2) (c) of this section.

(35) The director of the department of water resources shall assist the board in any way the board deems necessary to fulfill the policy and purpose of the water management account, including technical evaluation of proposed projects and coordination in state and federal agencies.

SECTION 3. CASH TRANSFER FOR FLOOD MANAGEMENT PROGRAM. There is hereby appropriated and the State Controller shall transfer \$1,000,000 from the General Fund to the Water Management Account created pursuant to Section 42-1760, Idaho Code, as soon as practicable for water quality data collection, monitoring, modeling, flood-damaged stream channel repair, stream channel improvement, flood risk reduction, or flood prevention projects.

SECTION 4. USES OF THE WATER MANAGEMENT ACCOUNT. Of the moneys appropriated and transferred for the purposes set forth in Section 3 of this act for water quality data collection, up to \$200,000 shall be used for monitoring, data collection, modeling, literature review, economic analysis, and other forms of data gathering and analysis in the upper Snake/Rock Creek subbasin (HUC 17040212, as provided in IDAPA 58.01.02.109.02) in support of the nutrient total maximum daily loads (TMDL) objectives. This process shall be coordinated with the Department of Environmental Quality and the United States Geological Survey. The remaining moneys appropriated and transferred in Section 3 of this act for flood prevention and stream repair shall be administered by the Idaho Water Resource Board through a competitive, matching grant process. Notwithstanding the provisions of Section 42-1760(2) (b), Idaho Code, grants may be larger than \$50,000 at the discretion of the board.

SECTION 5. PROJECT PRIORITIZATION. The selection process for the grants authorized in Section 4 of this act for flood prevention and stream repair shall require the availability of fifty percent (50%) matching funds, and flood prevention and mitigation projects shall be given priority on a competitive statewide basis throughout Idaho. The Department of Water Resources shall support this competitive grant process using existing personnel and resources.

SECTION 6. 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 April 5, 2019

CHAPTER 318

(S.B. No. 1204, As Amended, As Amended in the House)

AN ACT

RELATING TO MEDICAID; AMENDING SECTION 56-253, IDAHO CODE, TO PROVIDE THAT A HEALTH RISK ASSESSMENT SHALL INCLUDE QUESTIONS RELATING TO SUBSTANCE USE DISORDERS, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE SHALL CONDUCT CERTAIN RESEARCH AND SEEK CERTAIN WAIVERS, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 56-267, IDAHO CODE, TO PROVIDE THAT ELIGIBILITY FOR MEDICAID SHALL NOT BE DELAYED FOR WAIVER CONSIDERATION, NEGOTIATION, OR APPROVAL, TO PROVIDE THAT A WAIVER SHALL NOT BE IMPLEMENTED IF IT WOULD RESULT IN A REDUCTION IN FEDERAL FINANCIAL PARTICIPATION FOR CERTAIN PERSONS, TO PROVIDE THAT THE LEGISLATURE SHALL DECLARE THE SECTION TO BE NULL, VOID, AND OF NO FORCE AND EFFECT UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR CERTAIN REVIEWS AND RECOMMENDATIONS, TO PROVIDE THAT PERSONS PARTICIPATING IN MEDICAID PURSUANT TO THE SECTION BE PLACED IN MANAGED CARE TO THE EXTENT POSSIBLE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-263, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT SHALL SEEK CERTAIN APPROVAL OR A WAIVER AND TO PROVIDE APPLICABILITY; PROVIDING FOR THE APPOINTMENT OF A TASK FORCE; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 56-253, Idaho Code, be, and the same is hereby amended to read as follows:

56-253. POWERS AND DUTIES OF THE DIRECTOR. (1) The director is hereby encouraged and empowered to obtain federal approval in order that Idaho design and implement changes to its medicaid program that advance the quality of services to participants while allowing access to needed services and containing excessive costs. The design of Idaho's medicaid program shall incorporate the concepts expressed in section 56-251, Idaho Code.

(2) The director may create health-need categories other than those stated in section 56-251(2) (a), Idaho Code, subject to legislative approval, and may develop a medicaid benchmark plan for each category.

(3) Each benchmark plan shall include explicit policy goals for the covered population identified in the plan, as well as specific benefit packages, delivery system components and performance measures in accordance with section 67-1904, Idaho Code.

(4) The director shall establish a mechanism to ensure placement of participants into the appropriate benchmark plan as allowed under section 6044 of the deficit reduction act of 2005. This mechanism shall include, but not be limited to, a health risk assessment. This assessment shall comply with federal requirements for early and periodic screening, diagnosis and treatment (EPSDT) services for children, in accordance with section 1905(a) (4) (B) of the social security act. The health risk assessment shall include questions related to substance use disorders to allow referral to treatment for such disorders by the department.

(5) The director may require, subject to federal approval, participants to designate a medical home. Applicants for medical assistance shall receive information about primary care case management, and, if required to so designate, shall select a primary care provider as part of the eligibility determination process.

(6) The director may, subject to federal approval, enter into contracts for medical and other services when such contracts are beneficial to participant health outcomes as well as economically prudent for the medicaid program.

(7) The director may obtain agreements from medicare, school districts and other entities to provide medical care if it is practical and cost-effective.

(8) The director shall research options and apply for federal waivers to enable cost-efficient use of medicaid funds to pay for substance abuse and/or mental health services in institutions for mental disease.

(9) The director shall, in cooperation with the director of the department of insurance, seek waivers from the federal government to provide that persons eligible for medicaid pursuant to section 56-267, Idaho Code, who have a modified adjusted gross income at or above one hundred percent (100%) of the federal poverty level shall receive the advance premium tax credit to purchase a qualified health plan through the Idaho health insurance exchange established by chapter 61, title 41, Idaho Code, instead of enrolling in medicaid, except as provided in paragraph (a) of this subsection.

(a) A person described in this subsection may choose to enroll in medicaid instead of receiving the advance premium tax credit to purchase a qualified health plan.

(b) If the waivers described in this subsection are not approved before January 1, 2020, then the persons described in this subsection shall be enrolled in medicaid.

(10) The director shall seek a waiver from the federal government consistent with the provisions of this subsection.

(a) A person participating in medicaid pursuant to section 56-267, Idaho Code, must be:

(i) Working at least twenty (20) hours per week, averaged monthly, or earning wages equal to or greater than the federal minimum wage for twenty (20) hours of work per week;

(ii) Participating in and complying with the requirements of a work training program at least twenty (20) hours per week, as determined by the department;

(iii) Volunteering at least twenty (20) hours per week, as determined by the department;

(iv) Enrolled at least half-time in postsecondary education or another recognized education program, as determined by the department, and remaining enrolled and attending classes during normal class cycles;

(v) Meeting any combination of working, volunteering, and participating in a work program for a total of at least twenty (20) hours per week, as determined by the department; or

(vi) Subject to and complying with the requirements of the work program for temporary assistance for needy families (TANF) or participating and complying with the requirements of a workfare program in the supplemental nutrition assistance program (SNAP).

(b) A person is exempt from the provisions of paragraph (a) of this subsection if the person is:

(i) Under the age of nineteen (19) years;

(ii) Over the age of fifty-nine (59) years;

(iii) Physically or intellectually unable to work;

(iv) Pregnant;

(v) A parent or caretaker who is the primary caregiver of a dependent child under the age of eighteen (18) years, as determined by the department;

(vi) A parent or caretaker personally providing care for a person with serious medical conditions or with a disability, as determined by the department;

(vii) Applying for or receiving unemployment compensation and complying with work requirements that are part of the federal-state unemployment insurance program;

(viii) Applying for social security disability benefits, until such time eligibility is determined;

(ix) Participating in a drug addiction or alcohol treatment and rehabilitation program, as determined by the department; or

(x) An American Indian or Alaska native who is eligible for services through the Indian health service or through a tribal health program pursuant to the Indian self-determination and education assistance act and the Indian health care improvement act.

(c) The department shall verify a medicaid participant's compliance with paragraph (a) of this subsection every six (6) months and shall promulgate rules based on federal final waiver approval relating to the requirements of this subsection. A person who fails to comply with paragraph (a) of this subsection shall:

(i) Be ineligible for medicaid but may reapply for medicaid two (2) months after such determination is made or earlier if in compliance; or

(ii) If the provisions of subparagraph (i) of this paragraph are not federally approved or are found unlawful by a court of competent jurisdiction, be subject to the maximum allowable copayments on covered Idaho medicaid services for a period of six (6) months or until the person complies with paragraph (a) of this subsection, whichever is earlier.

(d) It is the intent of the legislature, in enacting the requirements of this subsection, to enable coverage of medicaid participants while also promoting the participants' health and financial independence.

(e) The department shall implement the waiver described in this subsection as soon as possible once federal approval has been obtained.

(11) The director is given authority to promulgate rules consistent with this act.

SECTION 2. That Section 56-267, Idaho Code, be, and the same is hereby amended to read as follows:

56-267. MEDICAID ELIGIBILITY EXPANSION. (1) Notwithstanding any provision of law or federal waiver to the contrary, the state shall amend its state plan to expand Medicaid eligibility to include those persons under sixty-five (65) years of age whose modified adjusted gross income is one hundred thirty-three percent (133%) of the federal poverty level or below and who are not otherwise eligible for any other coverage under the state plan, in accordance with sections 1902(a)(10)(A)(i)(VIII) and 1902(e)(14) of the Social Security Act.

(2) No later than ninety (90) days after approval of this act, the department shall submit any necessary state plan amendments to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to implement the provisions of this section. The department is required and authorized to take all actions necessary to implement the provisions of this section as soon as practicable.

(3) Eligibility for medicaid as described in this section shall not be delayed if the centers for medicare and medicaid services fail to approve any waivers of the state plan for which the department applies, nor shall such eligibility be delayed while the department is considering or negotiating any waivers to the state plan. The department shall not implement any waiver that would result in a reduction in federal financial participation for persons identified in subsection (1) of this section below the ninety percent (90%) commitment described in section 1905(y) of the social security act.

(4) If section 1905(y) of the social security act is held unlawful or unconstitutional by the United States supreme court, then the legislature shall declare this section to be null, void, and of no force and effect.

(5) If federal financial participation for persons identified in subsection (1) of this section is reduced below the ninety percent (90%) commitment described in section 1905(y) of the social security act, then the senate and house of representatives health and welfare committees shall, as soon as practicable, review the effects of such reduction and make a recommendation to the legislature as to whether medicaid eligibility expansion should remain in effect. The review and recommendation described in this subsection shall be conducted by the date of adjournment of the regular legislative session following the date of reduction in federal financial participation.

(6) The department:

(a) Shall place all persons participating in medicaid pursuant to this section in a care management program authorized under section 56-265(5), Idaho Code, or in another managed care program to improve the quality of their care, to the extent possible; and

(b) Is authorized to seek any federal approval necessary to implement the provisions of this subsection.

(7) No later than January 31 in the 2023 legislative session, the senate and house of representatives health and welfare committees shall review all fiscal, health, and other impacts of medicaid eligibility expansion pursuant to this section and shall make a recommendation to the legislature as to whether such expansion should remain in effect.

SECTION 3. That Section 56-263, Idaho Code, be, and the same is hereby amended to read as follows:

56-263. MEDICAID MANAGED CARE PLAN. (1) The department shall present to the legislature on the first day of the second session of the sixty-first Idaho legislature a plan for medicaid managed care with focus on high-cost populations including, but not limited to:

- (a) Dual eligibles; and
- (b) High-risk pregnancies.

(2) The medicaid managed care plan shall include, but not be limited to, the following elements:

- (a) Improved coordination of care through primary care medical homes.
- (b) Approaches that improve coordination and provide case management for high-risk, high-cost disabled adults and children that reduce costs and improve health outcomes, including mandatory enrollment in special needs plans, and that consider other managed care approaches.
- (c) Managed care contracts to pay for behavioral health benefits as described in executive order number 2011-01 and in any implementing legislation. At a minimum, the system should include independent, standardized, statewide assessment and evidence-based benefits provided by businesses that meet national accreditation standards.
- (d) The elimination of duplicative practices that result in unnecessary utilization and costs.
- (e) Contracts based on gain sharing, risk-sharing or a capitated basis.
- (f) Medical home development with focus on populations with chronic disease using a tiered case management fee.

(3) The department shall seek federal approval or a waiver to require that a medicaid participant who has a medical home as required in section 56-255(5)(b), Idaho Code, and who seeks family planning services or supplies from a provider outside the participant's medical home, must have a referral to such outside provider. The provisions of this subsection shall apply to medicaid participants upon such approval or the granting of such a waiver.

SECTION 4. TASK FORCE. (1) The 2019 Legislative Council shall appoint a bipartisan task force to undertake and complete a study of the impact of Medicaid eligibility expansion on the financial obligation of counties and the state to provide indigent medical assistance. The Legislative Council shall

determine the number of legislators and membership from each house appointed to the task force and shall authorize the task force to receive input, advice, and assistance from interested and affected parties who are not members of the Legislature. Nonlegislative members of the task force shall be appointed by the cochairs of the task force who are appointed by the Legislative Council and shall include, but are not limited to, a person representing the Department of Health and Welfare, a person representing the Idaho Association of Counties, and a person representing the health care professions. Nonlegislative members of the task force shall not be reimbursed from legislative funds for per diem, mileage, or other expenses. The task force shall evaluate the effectiveness of Medicaid eligibility expansion and its impact on the financial obligation of the counties and the state in providing indigent assistance including, but not limited to:

- (a) The county indigent program and how to leverage savings, if any, resulting from Medicaid eligibility expansion;
- (b) The catastrophic health care cost program and how to leverage savings, if any, resulting from Medicaid eligibility expansion;
- (c) The impact of Medicaid eligibility expansion on the obligation of counties to provide assistance for involuntary mental health commitments pursuant to chapter 3, title 66, Idaho Code; and
- (d) The county charity levy and how to use the levy to pay for the remaining county nonmedical indigent obligations including, but not limited to, public defense, indigent burials, jail medical, and other criminal justice and mental health-related services.

(2) Upon concluding its study, the task force shall report its findings and recommendations to the Legislature and the Governor.

SECTION 5. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 6. 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 April 9, 2019

CHAPTER 319
(H.B. No. 291)

AN ACT

RELATING TO THE APPROPRIATION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2020.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Superintendent of Public Instruction for the State Department of Education Program \$200,000 from the General Fund to be expended for operating expenditures for the period July 1, 2019, through June 30, 2020, for the purpose of nontraditional teacher preparation programs.

Approved April 9, 2019

CHAPTER 320

(H.B. No. 259, As Amended in the Senate)

AN ACT

RELATING TO SALES AND USE TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3605E, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 63-3611, IDAHO CODE, TO REVISE A DEFINITION AND TO CLARIFY A DUTY; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3620E, IDAHO CODE, TO PROVIDE FOR THE COLLECTION OF THE STATE SALES OR USE TAX BY A MARKETPLACE FACILITATOR; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3620F, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF TAX COLLECTED BY CERTAIN MARKETPLACE FACILITATORS AND RETAILERS; AMENDING SECTION 57-811, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF CERTAIN REVENUES TO THE TAX RELIEF FUND AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-3638, IDAHO CODE, TO EXEMPT CERTAIN TAXES FROM A CERTAIN DISTRIBUTION FORMULA FOR A PERIOD OF TIME AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3605, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 63-3605A, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 63-3605B, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 63-3606A, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 63-3606B, IDAHO CODE, TO REDESIGNATE THE SECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 63-3605E, Idaho Code, and to read as follows:

63-3605E. MARKETPLACE FACILITATOR. The term "marketplace facilitator" means a person that contracts with sellers to facilitate for consideration, including the deduction of fees from a transaction, the sale of the seller's products through a physical or electronic marketplace operated by the person, and engages:

(1) Directly or indirectly, through one (1) or more affiliated persons, in any of the following:

- (a) Transmitting or otherwise communicating the offer or acceptance between the buyer and seller;
- (b) Owning or operating the infrastructure, electronic or physical, or the technology that brings buyers and sellers together;
- (c) Providing a virtual currency that buyers are allowed or required to use to purchase products from the seller; or
- (d) Software development or research and development activities related to any of the activities described in subsection (2) of this section, if the activities are directly related to a physical or electronic marketplace operated by the person or an affiliated person; and

(2) In any of the following activities, with respect to the seller's products:

- (a) Payment processing services;
- (b) Fulfillment or storage services;
- (c) Listing products for sale;
- (d) Setting prices;
- (e) Branding sales as those of the marketplace facilitator;
- (f) Taking orders;
- (g) Advertising or promotion; or
- (h) Providing customer service or accepting or assisting with returns or exchanges.

SECTION 2. That Section 63-3611, Idaho Code, be, and the same is hereby amended to read as follows:

63-3611. RETAILER ENGAGED IN BUSINESS IN THIS STATE. "Retailer engaged in business in this state" as used in this chapter means any retailer who:

(1) Engages in recurring solicitation of purchases from residents of this state or otherwise purposefully directs its business activities at residents of this state; and

(2) Has sufficient contact with this state, in accordance with the constitution of the United States, to allow the state to require the seller to collect and remit sales or use tax on sales of tangible personal property or services made to customers in this state.

(3) The term "retailer engaged in business in this state" includes any of the following:

(a) Any retailer maintaining, occupying or using, permanently or temporarily, directly or indirectly, or through a subsidiary or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business or maintaining a stock of goods.

(b) Any retailer having any representative, agent, salesman, canvasser or solicitor operating in this state under the authority of the retailer or its subsidiary for the purpose of selling, delivering, installing or the taking of orders for any tangible personal property.

(c) Any retailer, with respect to a lease or rental, deriving rentals from a lease or rental of tangible personal property situated in this state.

(d) Any retailer engaging in any activity in connection with servicing or installing tangible personal property in this state.

(e) Any retailer with substantial nexus in this state within the meaning of section 63-3615A, Idaho Code.

(f) Any retailer having a franchisee or licensee operating under its trade name if the franchisee or licensee is required to collect the tax under the provisions of this section.

(g) (i) Any retailer that has an agreement, directly or indirectly, with one (1) or more persons engaged in business in this state pursuant to this section under which, for a commission or other consideration, the persons refer potential purchasers to the retailer directly, whether by a link on an internet website, written or oral presentation, or otherwise; and

(ii) The cumulative gross receipts from sales by the retailer to purchasers who are referred by all retailers engaged in business in this state pursuant to this section with such an agreement are greater than ten thousand dollars (\$10,000) during the immediately preceding twelve (12) months. For purposes of this paragraph, gross receipts means receipts from sales to customers located in this state who were referred to the retailer by persons in this state with such an agreement with the retailer.

(iii) For purposes of this paragraph, a retailer may rebut the presumption that it is soliciting sales in Idaho through persons in this state with whom it has an agreement as described in subparagraph (g) (i) of this subsection paragraph. For purposes of administering such rebuttal, the state tax commission will deem the presumption rebutted if the retailer is able to establish that no persons as described in subparagraph (g) (i) of this subsection paragraph engaged in any solicitation in this state on behalf of the retailer that would satisfy the nexus requirement of the United States constitution during the twelve (12) month period

in question. The state tax commission may promulgate rules to administer the provisions of this subsection.

(h) On and after June 1, 2019, any retailer without a physical presence in Idaho that has, in the previous calendar year or the current calendar year, cumulative gross receipts from sales delivered into Idaho in excess of one hundred thousand dollars (\$100,000). Provided, however, a retailer described under this paragraph (h) shall not collect or remit any local sales tax or any other tax or assessment that is not imposed by this chapter.

SECTION 3. 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 63-3620E, Idaho Code, and to read as follows:

63-3620E. COLLECTION OF TAX BY MARKETPLACE FACILITATORS. (1) A marketplace facilitator shall register with the state tax commission and collect, report, and pay state sales and use taxes on any retail sale facilitated by the marketplace facilitator. A marketplace facilitator shall not collect, report, or pay any local sales tax or any other tax or assessment that is not imposed by this chapter.

(2) A marketplace facilitator that has physical presence in this state but has not previously facilitated a retail sale in the state of Idaho shall have forty-five (45) days to comply with this section upon completion of the marketplace facilitator's first facilitated retail sale in Idaho.

(3) A marketplace facilitator that does not have physical presence in this state must comply with this section once the combined total of its own sales and any sales it facilitates for retailers or authorized agents of the retailer exceeds one hundred thousand dollars (\$100,000).

(4) A marketplace facilitator is not liable under this section for failure to file, collect, and remit sales and use taxes if the marketplace facilitator demonstrates that the error was due to incorrect or insufficient information given to the marketplace facilitator by the retailer or authorized agent of the retailer. This subsection shall not apply if the marketplace facilitator and the retailer or authorized agent of the retailer are related parties.

(5) No class action on behalf of customers may be brought against a marketplace facilitator in any court of this state that arises from or is in any way related to an overpayment of sales or use tax collected on sales facilitated by the marketplace facilitator, regardless of whether that claim is characterized as a tax refund claim. Nothing in this subsection affects a customer's right to seek a refund as provided under section 63-3626, Idaho Code.

(6) The state tax commission may waive penalties and interest if a marketplace facilitator seeks liability relief and the state tax commission finds that a reasonable cause exists.

SECTION 4. 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 63-3620F, Idaho Code, and to read as follows:

63-3620F. DISTRIBUTION OF TAX COLLECTED BY MARKETPLACE FACILITATORS AND OUT-OF-STATE RETAILERS. (1) State sales and use taxes collected by retailers without a physical presence in Idaho, as described in section 63-3611(3)(h), Idaho Code, and state sales and use taxes collected on transactions facilitated for third-party sellers by marketplace facilitators, as described in section 63-3605E, Idaho Code, shall be distributed as provided in this section.

(2) From June 1, 2019, through June 30, 2024, all state sales and use taxes described in subsection (1) of this section shall be distributed by the state tax commission as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims under this section. All refunds authorized for payment by the state tax commission shall be paid through the state refund account and those moneys are continuously appropriated; and

(b) All remaining funds received pursuant to this section shall be distributed to the tax relief fund established in section 57-811, Idaho Code.

(3) On and after July 1, 2024, all state sales and use taxes described in subsection (1) of this section shall be distributed by the state tax commission as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims under this section. All refunds authorized for payment by the state tax commission shall be paid through the state refund account, and those moneys are continuously appropriated; and

(b) The remaining funds shall be distributed through the distribution formula set forth for other sales and use tax revenue in section 63-3638, Idaho Code, except that the remainder after distribution shall not be paid to the general fund pursuant to section 63-3638(15), Idaho Code, but shall instead be paid to the tax relief fund established in section 57-811, Idaho Code.

(4) Marketplace facilitators must obtain a separate seller's permit and collect and remit under that separate permit for state sales and use taxes collected on transactions facilitated for third-party sellers.

SECTION 5. That Section 57-811, Idaho Code, be, and the same is hereby amended to read as follows:

57-811. TAX RELIEF FUND. There is hereby created in the state treasury, the tax relief fund to which shall be credited all moneys remitted from sections 63-3620F and 63-3638, Idaho Code, from federal grants, donations or moneys from any other source. Moneys in the fund are intended to fund future tax relief statutes enacted by the legislature and may be expended pursuant to appropriation. All interest earned on the investment of idle moneys in the fund shall be returned to the fund.

SECTION 6. 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 ~~account~~ 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 which the association determines will keep it self-supporting.

(5) An amount equal to the sum required by the provisions of sections 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated by section 63-718(3), Idaho Code, is continuously appropriated and shall be paid as provided by sections 63-709 and 63-717, Idaho Code.

(6) An amount required by the provisions of chapter 53, title 33, Idaho Code.

(7) An amount required by the provisions of chapter 87, title 67, Idaho Code.

(8) For fiscal year 2011₇ 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 amounts₇ and one million nine hundred thousand dollars (\$1,900,000) ~~of which~~ shall be distributed to the forty-four (44) counties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012₇ and for each fiscal year thereafter, the amount distributed pursuant to this subsection₇ 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 subsection₇ 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 taxes₇ 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 as follows:

(a) Twenty-eight and two-tenths percent (28.2%) shall be paid to the various cities as follows:

- (i) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the population of that city bears to the population of all cities within the state; and
 - (ii) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the preceding year's market value for assessment purposes for that city bears to the preceding year's market value for assessment purposes for all cities within the state.
- (b) Twenty-eight and two-tenths percent (28.2%) shall be paid to the various counties as follows:
- (i) One million three hundred twenty thousand dollars (\$1,320,000) annually shall be distributed one forty-fourth ($1/44$) to each of the various counties; and
 - (ii) The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state;
- (c) Thirty-five and nine-tenths percent (35.9%) of the amount appropriated in this subsection shall be paid to the several counties for distribution to the cities and counties as follows:
- (i) Each city and county which received a payment under the provisions of section 63-3638(e), Idaho Code, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.
 - (ii) If the dollar amount of money available under this subsection (10) (c) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each city's and county's payment shall be reduced proportionately.
 - (iii) If the dollar amount of money available under this subsection (10) (c) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each city and county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.
 - (iv) If the dollar amount of money available under this subsection (10) (c) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid fifty percent (50%) to the various cities in the proportion that the population of the city bears to the population of all cities within the state, and fifty percent (50%) to the various counties in the proportion that the population of a the county bears to the population of the state; and
- (d) Seven and seven-tenths percent (7.7%) of the amount appropriated in this subsection shall be paid to the several counties for distribution to special purpose taxing districts as follows:
- (i) Each such district which received a payment under the provisions of section 63-3638(e), Idaho Code, 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) (d) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each special purpose taxing district's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (10)(d) in any quarter exceeds the amount distributed under paragraph (i) of this subsection (10)(d), each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. The state tax commission shall calculate district current property tax budgets to include any unrecovered ~~foregone~~ 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 ~~which were~~ received in the last calendar quarter by each district prior to the consolidation.

(v) If a special purpose taxing district is dissolved or discontinued, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received.

(vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection (10)(d).

(vii) For purposes of this subsection (10)(d), a special purpose taxing district is any taxing district ~~which~~ 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 ~~which were~~ received in the last calendar quarter by each district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or discontinued, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. 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%) shall be distributed to the transportation expansion and congestion mitigation program 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 7. That Section 63-3605, Idaho Code, be, and the same is hereby amended to read as follows:

63-36054B. INCLUDES AND INCLUDING. The terms "includes" and "including" when used in this act shall not be deemed to exclude other things otherwise within the meaning of the term defined.

SECTION 8. That Section 63-3605A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3605AC. LOGGING. The term "logging" means the harvesting of forest trees by cutting, skidding, loading, thinning or decking, regardless of whether the forest trees are owned by the person performing the harvesting when such harvesting is for resale of the product harvested.

SECTION 9. That Section 63-3605B, Idaho Code, be, and the same is hereby amended to read as follows:

63-3605BH. MINING. The term "mining" means the extraction from the earth of a mineral as defined in sections 47-701 and 47-701A, Idaho Code, excepting therefrom geothermal resources, and includes the further processing of such mineral.

SECTION 10. That Section 63-3606A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3606A5J. MODULAR BUILDING. The term "modular building," as defined in section 39-4301, Idaho Code, is a substantially complete building designed to be affixed to real property. The term "modular building," includes all components incorporated in such modular building at the time of manufacture and remaining unchanged at the time of the original retail sale. Furniture, fixtures, furnishings, appliances, and attachments not incorporated as component parts of the modular building at the time of manufacture shall be subject to the sales and use tax separately and distinctly from the sales price of a modular building. Refrigerators, ranges, draperies, and wood burning stoves placed in the modular home by the manufacturer shall be deemed to be components incorporated into such modular building.

SECTION 11. That Section 63-3606B, Idaho Code, be, and the same is hereby amended to read as follows:

63-3606B5L. MOTOR VEHICLE. The term "motor vehicle" means a vehicle registered or required to be registered for use on public roads. The term "motor vehicle" does not include vehicles not required to be registered pursuant to section 49-426, Idaho Code, or intended for off-road use only, including snowmobiles, boats and aircraft, and all-terrain vehicles and off-road motorcycles when not used on public roads.

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after June 1, 2019.

Approved April 9, 2019

CHAPTER 321

(H.B. No. 217, As Amended in the Senate)

AN ACT

RELATING TO THE LOCAL ECONOMIC DEVELOPMENT ACT; AMENDING SECTION 50-2905A, IDAHO CODE, TO REVISE A PROVISION REGARDING AN ELECTION, TO PROVIDE FOR CERTAIN EXCEPTIONS, TO DEFINE TERMS, TO REVISE A DEFINITION, AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 50-2905A, Idaho Code, be, and the same is hereby amended to read as follows:

50-2905A. ELECTION NECESSARY FOR EXPENDITURES ON CERTAIN PROJECTS. (1) Notwithstanding any other provision of this chapter, on and after July 1, 2016 the effective date of this act, it shall be unlawful for an urban renewal agency to expend revenue collected under this chapter on project costs when either the amount of revenue collected under this

chapter, or the amount of revenue collected under this chapter plus any other public funds, not including federal funds or federal funds administered by a public body, contributes to fifty-one percent (51%) or more of the total project cost and the project is for construction of a municipal building that will not be subject to property taxation or a multipurpose sports stadium complex, or the remodel of such a building or complex, with a total project cost exceeding one million dollars (\$1,000,000) unless such construction project is first approved in an election by sixty percent (60%) of the participating qualified electors residing within the borders of the qualified municipality. An election pursuant to this section shall be in accordance with the provisions of chapter 1, title 34, Idaho Code. The total project cost described in this subsection shall not include the cost of any infrastructure or belowground improvements including, but not limited to, water, sewer, storm drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets, roads, curbs, gutters, sidewalks, walkways, parking facilities, or unoccupied auxiliary structures. This section shall not be construed to require an election regarding bonds issued prior to the effective date of this act.

(2) For purposes of this section, the following terms shall have the following meanings:

(a) "Multipurpose sports stadium complex" means a place or venue for indoor or outdoor sports, concerts, or other events that contains a field or other playing surface or area either partly or completely surrounded by a tiered structure designed to allow spectators to stand or sit and view the event;

(b) "Municipal building" means only an administrative building, city hall, library, courthouse, public safety or law enforcement buildings, other judicial buildings, fire stations, jails, and detention facilities that are not subject to property taxation whether they are, or are intended to be, owned or operated by or leased to a public body for the public's benefit;

(bc) "Project costs" shall have the same meaning as provided in section 50-2903(14), Idaho Code;

(d) "Public body" shall have the same meaning as provided in section 50-2018(3), Idaho Code;

(e) "Public funds" shall mean the funds collected or received by a public body but shall not include grants or donations from private entities or individuals to the public body.

Approved April 9, 2019

CHAPTER 322
(S.B. No. 1184)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PUBLIC HEALTH SERVICES DIVISION FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; DIRECTING THE USE OF MONEYS FOR SUICIDE PREVENTION AND AWARENESS; PROVIDING FOR A CASH TRANSFER; AND REQUIRING REPORTING.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Public Health Services Division the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. PHYSICAL HEALTH SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$1,812,800	\$1,222,200	\$1,829,600	\$4,864,600
Idaho Immunization Dedicated Vaccine				
Fund		18,970,000		18,970,000
Cancer Control				
Fund	58,200	205,000	82,600	345,800
Central Tumor Registry				
Fund		130,000		130,000
Cooperative Welfare (Dedicated)				
Fund	2,150,600	4,262,700	9,936,200	16,349,500
Idaho Millennium Income				
Fund		2,706,700		2,706,700
Cooperative Welfare (Federal)				
Fund	<u>8,368,200</u>	<u>16,529,400</u>	<u>37,534,500</u>	<u>62,432,100</u>
TOTAL	\$12,389,800	\$44,026,000	\$49,382,900	\$105,798,700
 II. EMERGENCY MEDICAL SERVICES:				
FROM:				
Cooperative Welfare (General)				
Fund	\$61,300	\$170,000		\$231,300
Emergency Medical Services				
Fund	1,801,600	1,140,200		2,941,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Emergency Medical Services III				
Fund			\$1,700,000	1,700,000
TSE Registry				
Fund	101,900	327,000		428,900
Cooperative Welfare (Dedicated)				
Fund	510,300	341,300		851,600
Cooperative Welfare (Federal)				
Fund	<u>844,500</u>	<u>724,300</u>	<u>4,314,200</u>	<u>5,883,000</u>
TOTAL	\$3,319,600	\$2,702,800	\$6,014,200	\$12,036,600

III. LABORATORY SERVICES:

FROM:

Cooperative Welfare (General)				
Fund	\$1,875,100	\$401,200		\$2,276,300
Cooperative Welfare (Dedicated)				
Fund	400,900	279,300		680,200
Cooperative Welfare (Federal)				
Fund	<u>1,056,600</u>	<u>939,300</u>		<u>1,995,900</u>
TOTAL	\$3,332,600	\$1,619,800		\$4,952,400

IV. SUICIDE PREVENTION AND AWARENESS:

FROM:

Cooperative Welfare (General)				
Fund	\$288,600	\$520,500	\$644,600	\$1,453,700
Cooperative Welfare (Federal)				
Fund	<u>0</u>	<u>10,000</u>	<u>80,000</u>	<u>90,000</u>
TOTAL	\$288,600	\$530,500	\$724,600	\$1,543,700
GRAND TOTAL	\$19,330,600	\$48,879,100	\$56,121,700	\$124,331,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the following number of full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Physical Health Services	150.18
Emergency Medical Services	42.84
Laboratory Services	39.00
Suicide Prevention and Awareness	4.00

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall periodically make transfers from the General Fund to the Cooperative Welfare Fund as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2020.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. SUICIDE PREVENTION AND AWARENESS. The amount appropriated in Section 1 of this act for the Suicide Prevention and Awareness Program shall be used in accordance with the plan developed by the various stakeholders as required by Section 6, Chapter 340, Laws of 2018. Further, the program shall continue to work with all relevant stakeholders to maximize the moneys appropriated for this purpose. The department shall provide a report to the Legislative Services Office on the implementation of the program no later than November 1, 2019.

SECTION 7. CASH TRANSFER. Of the amount appropriated in Section 1 of this act from the Cooperative Welfare (General) Fund, there is hereby appropriated and the State Controller shall transfer \$640,000 from the Cooperative Welfare (General) Fund to the Rural Physician Incentive Fund on July 15, 2019, or as soon thereafter as practicable, for the Department of Health and Welfare for the period July 1, 2019, through June 30, 2020.

SECTION 8. REPORTING. The Department of Health and Welfare shall evaluate and report on the use of moneys appropriated and transferred in Section 7 of this act to the Legislative Services Office no later than December 31, 2019.

Approved April 9, 2019

CHAPTER 323
(S.B. No. 1157)

AN ACT

RELATING TO THE APPROPRIATION TO THE CATASTROPHIC HEALTH CARE PROGRAM; APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE PROGRAM AND DIRECTING A TRANSFER FOR FISCAL YEAR 2020; APPROPRIATING ADDITIONAL MONEYS TO THE CATASTROPHIC HEALTH CARE PROGRAM AND DIRECTING A TRANSFER FOR FISCAL YEAR 2019; 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 \$10,000,500 from the General Fund to the Catastrophic Health Care Cost Fund for the Catastrophic Health Care Program for the period July 1, 2019, through June 30, 2020.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 201, Laws of 2018, and any other appropriation provided by law, there is hereby appropriated and the State Controller shall transfer \$2,000,000 from the General Fund to the Catastrophic Health Care Cost Fund for the Catastrophic Health Care Program for the period July 1, 2018, through June 30, 2019.

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

Approved April 9, 2019

CHAPTER 324
(S.B. No. 1173)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF MENTAL HEALTH SERVICES, PSYCHIATRIC HOSPITALIZATION, AND SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; LIMITING THE TRANSFER OF LEGISLATIVE APPROPRIATIONS; CLARIFYING RESPONSIBILITY FOR EDUCATION OF CERTAIN CHILDREN IN STATE CARE; DIRECTING AN INTERAGENCY PAYMENT FOR A JUVENILE DETENTION CLINICIANS CONTRACT; PROVIDING REQUIREMENTS REGARDING FUNDING FOR BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS; AND EXEMPTING THE APPROPRIATION FROM PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MENTAL HEALTH SERVICES:					
A. CHILDREN'S MENTAL HEALTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$5,249,400	\$1,412,400		\$1,787,800	\$8,449,600
Cooperative Welfare (Dedicated)					
Fund				164,500	164,500
Cooperative Welfare (Federal)					
Fund	<u>2,877,200</u>	<u>1,934,800</u>		<u>1,092,600</u>	<u>5,904,600</u>
TOTAL	\$8,126,600	\$3,347,200		\$3,044,900	\$14,518,700
B. ADULT MENTAL HEALTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$14,967,600	\$2,790,800		\$14,243,800	\$32,002,200
Cooperative Welfare (Dedicated)					
Fund	115,400			350,000	465,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)					
Fund	<u>2,255,000</u>	<u>1,153,700</u>		<u>778,700</u>	<u>4,187,400</u>
TOTAL	\$17,338,000	\$3,944,500		\$15,372,500	\$36,655,000
DIVISION TOTAL	\$25,464,600	\$7,291,700		\$18,417,400	\$51,173,700
II. PSYCHIATRIC HOSPITALIZATION:					
A. COMMUNITY HOSPITALIZATION:					
FROM:					
Cooperative Welfare (General)					
Fund				\$2,069,000	\$2,069,000
B. STATE HOSPITAL NORTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$7,894,200	\$220,400	\$4,300	\$105,500	\$8,224,400
Cooperative Welfare (Dedicated)					
Fund	162,100				162,100
State Hospital North Endowment Income					
Fund	<u>411,300</u>	<u>1,102,800</u>	<u>0</u>	<u>44,500</u>	<u>1,558,600</u>
TOTAL	\$8,467,600	\$1,323,200	\$4,300	\$150,000	\$9,945,100
C. STATE HOSPITAL SOUTH:					
FROM:					
Cooperative Welfare (General)					
Fund	\$11,054,900	\$306,000	\$300,000	\$254,700	\$11,915,600
Cooperative Welfare (Dedicated)					
Fund	3,383,300	881,700	45,000	900	4,310,900
Mental Hospital Endowment Income					
Fund	3,992,700	1,869,400	98,000		5,960,100
Cooperative Welfare (Federal)					
Fund	<u>3,769,700</u>	<u>948,100</u>	<u>0</u>	<u>25,600</u>	<u>4,743,400</u>
TOTAL	\$22,200,600	\$4,005,200	\$443,000	\$281,200	\$26,930,000
DIVISION TOTAL	\$30,668,200	\$5,328,400	\$447,300	\$2,500,200	\$38,944,100
III. SUBSTANCE ABUSE TREATMENT AND PREVENTION:					
FROM:					
Cooperative Welfare (General)					
Fund	\$305,400	\$499,900			\$805,300
Prevention of Minors' Access to Tobacco					
Fund		43,800			43,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Dedicated)					
Fund	50,300	438,300			488,600
Liquor Control					
Fund				\$650,000	650,000
Idaho Millennium Income					
Fund		160,000			160,000
Cooperative Welfare (Federal)					
Fund	<u>1,116,700</u>	<u>3,532,200</u>		<u>10,665,400</u>	<u>15,314,300</u>
TOTAL	\$1,472,400	\$4,674,200		\$11,315,400	\$17,462,000
GRAND TOTAL	\$57,605,200	\$17,294,300	\$447,300	\$32,233,000	\$107,579,800

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Health and Welfare listed below is authorized no more than the following number of full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Adult Mental Health	210.56
Children's Mental Health	97.67
State Hospital North	107.10
State Hospital South	286.25
Substance Abuse Treatment and Prevention	16.00

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall periodically make transfers from the General Fund to the Cooperative Welfare Fund as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2020.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. LIMITING TRANSFER OF LEGISLATIVE APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, Cooperative Welfare (General) Fund moneys appropriated to the Divisions of Mental Health Services and Psychiatric Hospitalization may be transferred between divisions but shall not be transferred to any other division or program within the Department of Health and Welfare without legislative approval.

SECTION 7. EDUCATIONAL NEEDS. The Department of Health and Welfare shall be responsible for the educational needs of school-age children placed in its custody by the courts for either child protective issues or mental health issues. If the department places a child in a licensed residential treatment facility that includes a nonpublic accredited school, and it is determined by the department that it is in the best interests of the child to be educated at the residential treatment facility, then it is the responsibility of the department to pay for such education per student, per educational day. Other Idaho state agencies shall not be precluded from exercising their responsibility to ensure a free and appropriate education for these students within the requirements of federal disability law. The fiscal impact of this section is included within existing department base appropriations.

SECTION 8. INTERAGENCY PAYMENT FOR JUVENILE DETENTION CLINICIANS CONTRACT. No later than July 16, 2019, the Children's Mental Health Program shall make an interagency payment of \$327,000 from the Cooperative Welfare (General) Fund to the Department of Juvenile Corrections to be used for the purchase of contract clinician services with juvenile detention facilities in Idaho for the period July 1, 2019, through June 30, 2020.

SECTION 9. BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS. The Behavioral Health Community Crisis Centers located in Idaho Falls, Coeur d'Alene, Twin Falls, and Boise shall submit their plans for achieving non-state funding with the Legislature in conformance with the requirements of their contracts with the Department of Health and Welfare and shall demonstrate the extent to which the centers will receive financial support from non-state sources for ongoing operations. These plans shall be submitted to the Legislative Services Office no later than December 31, 2019. Further, all other community crisis centers shall submit their plans upon completion of two (2) years of operations.

SECTION 10. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. The Community Hospitalization Program is hereby exempted from the provisions of Section 67-3511(2), Idaho Code, allowing unlimited transfers into the Community Hospitalization Program from other programs within the Department of Health and Welfare for all moneys appropriated to it for the period July 1, 2019, through June 30, 2020.

Approved April 11, 2019

CHAPTER 325
(S.B. No. 1171)

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE MEDICAID DIVISION FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; REQUIRING MONTHLY MEDICAID TRACKING REPORTS; ALLOWING FOR TRANSFERS OF APPROPRIATION BETWEEN CERTAIN PROGRAMS; REQUIRING A REPORT ON MEDICAID MANAGED CARE IMPLEMENTATION; REQUIRING A REPORT ON FLEXIBLE RECEIPT AUTHORITY; PROVIDING REQUIREMENTS FOR NON-EMERGENCY MEDICAL TRANSPORTATION; PROVIDING DIRECTION TO MANAGE THE NON-EMERGENCY MEDICAL TRANSPORTATION CONTRACT; AND REQUIRING COST-SHARING FOR SERVICES.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Medicaid Division 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 PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MGMT:				
FROM:				
Cooperative Welfare (General)				
Fund	\$6,630,000	\$8,426,800	\$424,100	\$15,480,900
Cooperative Welfare (Dedicated)				
Fund		8,883,800		8,883,800
Idaho Millennium Income				
Fund	94,800	165,900		260,700
Cooperative Welfare (Federal)				
Fund	<u>10,338,500</u>	<u>45,014,500</u>	<u>1,503,100</u>	<u>56,856,100</u>
TOTAL	\$17,063,300	\$62,491,000	\$1,927,200	\$81,481,500
II. COORDINATED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$182,338,800	\$182,338,800
Hospital Assessment				
Fund			16,863,100	16,863,100
Cooperative Welfare (Dedicated)				
Fund			8,488,600	8,488,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal)				
Fund			<u>411,235,900</u>	<u>411,235,900</u>
TOTAL			\$618,926,400	\$618,926,400
III. ENHANCED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$273,341,600	\$273,341,600
Hospital Assessment				
Fund			1,682,400	1,682,400
Cooperative Welfare (Dedicated)				
Fund			178,998,400	178,998,400
Idaho Millennium Income				
Fund			1,886,100	1,886,100
Cooperative Welfare (Federal)				
Fund			<u>696,580,100</u>	<u>696,580,100</u>
TOTAL			\$1,152,488,600	\$1,152,488,600
IV. BASIC MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$206,475,500	\$206,475,500
Hospital Assessment				
Fund			11,454,500	11,454,500
Cooperative Welfare (Dedicated)				
Fund			16,249,500	16,249,500
Cooperative Welfare (Federal)				
Fund			<u>545,826,700</u>	<u>545,826,700</u>
TOTAL			\$780,006,200	\$780,006,200
V. EXPANSION MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General)				
Fund			\$9,267,000	\$9,267,000
Idaho Millennium Income				
Fund			10,496,700	10,496,700
Cooperative Welfare (Federal)				
Fund			<u>177,873,000</u>	<u>177,873,000</u>
TOTAL			\$197,636,700	\$197,636,700
GRAND TOTAL	\$17,063,300	\$62,491,000	\$2,750,985,100	\$2,830,539,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Medicaid Administration and Medical Management Program of the Department of Health and Welfare is authorized no more than two hundred sixteen (216.00) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall periodically make transfers from the General Fund to the Cooperative Welfare Fund as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds appropriated in the trustee and benefit payments expense class shall not be transferred to any other expense classes during fiscal year 2020.

SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of law to the contrary, the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for each budgeted program.

SECTION 6. MEDICAID TRACKING REPORT. The Department of Health and Welfare's Divisions of Medicaid and Indirect Support Services shall deliver a report that compares the Medicaid appropriation, distributed by month for the year, to the actual expenditures and remaining forecasted expenditures for the year on a monthly basis to the Legislative Services Office and the Division of Financial Management. The report shall also include a forecast, updated monthly, of the next fiscal year's anticipated trustee and benefit expenditures. The format of the report and the information included therein shall be determined by the Legislative Services Office and the Division of Financial Management.

SECTION 7. TRANSFER OF APPROPRIATIONS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for the trustee and benefit payments expenditure class in the Medicaid Division may be transferred in excess of ten percent (10%) among the Coordinated Medicaid Plan, Enhanced Medicaid Plan, Basic Medicaid Plan, Medicaid Administration and Medical Management, and the Expansion Medicaid Plan Programs, but shall not be transferred to any other budgeted programs or expenditure class within the Department of Health and Welfare during fiscal year 2020.

SECTION 8. MEDICAID MANAGED CARE IMPLEMENTATION. The Medicaid Division shall provide a report to the Legislative Services Office and the Division of Financial Management on progress in integrating managed care approaches into the state Medicaid system. The format of the report and information contained therein shall be determined by the Legislative Services Office and the Division of Financial Management. The report shall be submitted no later than December 1, 2019.

SECTION 9. REPORT ON FLEXIBLE RECEIPT AUTHORITY. The Medicaid Division shall provide a report annually at the time of budget request submission to the Legislative Services Office and the Division of Financial Management that describes the need for having additional dedicated receipt authority in the appropriation. The additional dedicated fund appropriation is not to be considered when calculating the estimated need for ongoing Medicaid costs, but rather to be held in reserve and used in lieu of the General Fund when noncognizable receipts are received by the department.

SECTION 10. NON-EMERGENCY MEDICAL TRANSPORTATION. Of the moneys appropriated in Section 1 of this act, \$200,000 shall be used solely for purposes of improving the Non-Emergency Medical Transportation (NEMT) program. This shall include, but is not limited to, the hiring of an outside entity to conduct an audit of the NEMT program, and to develop and implement a training program that meets the needs of all provider types, the contracted broker, the Department of Health and Welfare, and the Idahoans who are participating in the program. The training program is to be developed in collaboration with relevant stakeholder groups including, but not limited to, NEMT providers and disability advocacy groups. In addition, no later than December 1, 2019, and again on June 1, 2020, the Department of Health and Welfare shall provide to the Legislative Services Office and the Division of Financial Management a report that includes details on the implementation of the audit, training, contract amendments, and any other steps that have been taken by the department to improve the NEMT program. The format of the report and information contained therein shall be determined by the Legislative Services Office. Any unexpended and unencumbered funds that have been appropriated for this purpose are to be reverted at the end of the fiscal year or as soon thereafter as practicable.

SECTION 11. NON-EMERGENCY MEDICAL TRANSPORTATION CONTRACT. The Department of Health and Welfare, Divisions of Medicaid and Indirect Support Services, shall work with the Department of Administration and the Division of Purchasing to evaluate the Non-Emergency Medical Transportation contract to more appropriately manage administrative costs in relation to the services provided to eligible Idahoans.

SECTION 12. COST-SHARING REQUIREMENT. The Department of Health and Welfare shall implement cost-sharing in the Division of Medicaid, as required by Section 56-257, Idaho Code, to the maximum extent that is federally allowable for the expanded population of children whose families' gross taxable income exceeds one hundred eighty-five percent (185%) but does not exceed three hundred percent (300%) of the federal poverty limit (FPL), for Medicaid-eligible services as identified in House Bill No. 43, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature.

Approved April 11, 2019

CHAPTER 326
(H.B. No. 297)

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2020; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2020; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY; PROVIDING REQUIREMENTS REGARDING ANNUAL REPORTING OF PAYMENTS TO THE IDAHO STATE BUILDING AUTHORITY; AND PROVIDING REQUIREMENTS REGARDING EXTERNAL PROGRAM EVALUATIONS.

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

SECTION 1. There is hereby appropriated to the Office of the State Board of Education the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2019, through June 30, 2020:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. OSBE ADMINISTRATION:					
FROM:					
General					
Fund	\$2,849,500	\$1,105,300	\$13,700	\$1,475,000	\$5,443,500
Indirect Cost Recovery					
Fund	33,000	83,900	40,900		157,800
Miscellaneous Revenue					
Fund	147,200	6,185,000		50,000	6,382,200
Opportunity Scholarship Program					
Fund		100,000			100,000
Federal Grant					
Fund	<u>159,700</u>	<u>1,446,100</u>	<u>0</u>	<u>1,138,400</u>	<u>2,744,200</u>
TOTAL	\$3,189,400	\$8,920,300	\$54,600	\$2,663,400	\$14,827,700
II. CHARTER SCHOOL COMMISSION:					
FROM:					
General					
Fund	\$120,500	\$51,100			\$171,600
Public Charter School Authorizers					
Fund	<u>261,900</u>	<u>96,200</u>			<u>358,100</u>
TOTAL	\$382,400	\$147,300			\$529,700
GRAND TOTAL	\$3,571,800	\$9,067,600	\$54,600	\$2,663,400	\$15,357,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Board of Education is authorized no more than thirty-five and twenty-five hundredths (35.25) full-time equivalent positions at any point during the period July 1, 2019, through June 30, 2020, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances appropriated or reappropriated to the Office of the State Board of Education from the Public Charter School Authorizers Fund for fiscal year 2019 to be used for nonrecurring expenditures for the period July 1, 2019, through June 30, 2020.

SECTION 4. ANNUAL PAYMENTS TO THE IDAHO STATE BUILDING AUTHORITY. The State Board of Education shall provide an annual update to the Joint Finance-Appropriations Committee of all sublease rent payments made and any amount due and outstanding related to Senate Concurrent Resolution No. 105, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature.

SECTION 5. EXTERNAL PROGRAM EVALUATION. Notwithstanding the provisions of Section 33-4303, Idaho Code, of the amount appropriated in Section 1 of this act for independent external program evaluations, up to \$100,000 from the Opportunity Scholarship Program Account shall be used to conduct evaluations for the literacy intervention program(s), advanced opportunities program, and the College and Career Advisors and Student Mentors Program. The results of the evaluations shall be reported to the Joint Finance-Appropriations Committee and the Senate and House Education committees no later than February 1, 2020, on the program design, use of funds, program effectiveness, and other relevant matters.

Approved April 12, 2019

CHAPTER 327
(S.B. No. 1214)

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 PROVIDING REQUIREMENTS FOR WAIVER FUNDING.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of 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 PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MGMT:			
FROM:			
Cooperative Welfare (General)			
Fund	\$58,100	\$448,700	\$506,800
Cooperative Welfare (Federal)			
Fund	<u>58,100</u>	<u>592,700</u>	<u>650,800</u>
TOTAL	\$116,200	\$1,041,400	\$1,157,600
II. SELF-RELIANCE OPERATIONS:			
FROM:			
Cooperative Welfare (General)			
Fund	\$184,800	\$92,500	\$277,300
Cooperative Welfare (Federal)			
Fund	<u>343,200</u>	<u>832,500</u>	<u>1,175,700</u>
TOTAL	\$528,000	\$925,000	\$1,453,000
GRAND TOTAL	\$644,200	\$1,966,400	\$2,610,600

SECTION 2. WAIVER FUNDING REQUIREMENTS. If any federal waiver provided for in Senate Bill No. 1204, As Amended, As Amended in the House, as enacted by the First Regular Session of the Sixty-fifth Idaho Legislature, is not approved by the appropriate federal government authorizing agency, any funding provided in Section 1 of this act that has not already been expended or encumbered shall revert to its original funding source. Further, the Department of Health and Welfare shall provide to the Legislature detailed reports on all expenditures made for each required waiver. The department shall submit these reports and, as needed, present a status update to the Legislature by October 1, 2019, and again by January 3, 2020.

Approved April 12, 2019

CHAPTER 328
(H.B. No. 293)

AN ACT

RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 33-1001, IDAHO CODE, TO DEFINE TERMS AND TO REVISE TERMINOLOGY; AMENDING SECTION 33-1002C, IDAHO CODE, TO PROVIDE FOR NIGHT SCHOOL PROGRAMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1026, IDAHO CODE, TO PROVIDE FOR PERIODIC REVIEWS OF THE STATE'S PUBLIC SCHOOL FUNDING FORMULA; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1027, IDAHO CODE, TO PROVIDE FOR STUDENT ENROLLMENT COUNTS AND RULEMAKING; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1028, IDAHO CODE, TO PROVIDE FOR CERTAIN REPORTS; AMENDING SECTION 33-515, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; PROVIDING A SUNSET DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE INTENT. (1) It is the intent of the Legislature that the enrollment counts determined pursuant to Section 33-1027, Idaho Code, as enacted by Section 5 of this act, and the reports made pursuant to Section 33-1028, Idaho Code, as enacted by Section 6 of this act, be used by the Legislature to evaluate and test a new student-based formula for public school funding consistent with the recommendations made in the 2018 final report issued by the Public School Funding Formula Committee.

(2) It is further the intent of the Legislature that the reports submitted by school districts and public charter schools pursuant to Section 33-1028, Idaho Code, be used by the Superintendent of Public Instruction in formulating a budget request pursuant to Section 67-3502, Idaho Code.

SECTION 2. That Section 33-1001, Idaho Code, be, and the same is hereby amended to read as follows:

33-1001. DEFINITIONS. ~~The following words and phrases~~ As used in this chapter are defined as follows:

(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.

(45) "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.

(56) "Child with a disability" means a child evaluated as having an intellectual disability, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, an emotional behavioral disorder, an orthopedic impairment, autism, a traumatic brain injury, another health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

(7) "Compensation rung" means the rung on the career ladder that corresponds with the compensation level performance criteria.

(8) "Economically disadvantaged student" means a student who:

(a) Is eligible for a free or reduced-price lunch under the Richard B. Russell national school lunch act, 42 U.S.C. 1751 et seq., excluding students who are only eligible through a school's community eligibility program;

(b) Resides with a family receiving assistance under the program of block grants to states for temporary assistance for needy families (TANF) established under part A of title IV of the social security act, 42 U.S.C. 601 et seq.;

(c) Is eligible to receive medical assistance under the medicaid program under title XIX of the social security act, 42 U.S.C. 1396 et seq.;
or

(d) Is considered homeless for purposes of the federal McKinney-Vento homeless assistance act, 42 U.S.C. 11301 et seq.

(69) "Elementary grades" or "elementary average daily attendance" means and applies to students enrolled in grades 1 through 6 inclusive, or any combination thereof.

(710) "Elementary schools" are schools that serve grades 1 through 6 inclusive, or any combination thereof.

(811) "Elementary/secondary schools" are schools that serve grades 1 through 12 inclusive, or any combination thereof.

(12) "English language learner" or "ELL" means a student who does not score proficient on the English language development assessment established by rule of the state board of education.

(13) "Gifted and talented" shall have the same meaning as provided in section 33-2001(4), Idaho Code.

(914) "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.

(105) "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.

(116) "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).

(128) "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.

(139) "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.

(1420) "Professional compensation rung performance criteria" means:

- (a) An overall rating of proficient, and no components rated as unsatisfactory 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.

(1521) "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.

(1622) "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.

(1723) "Secondary grades" or "secondary average daily attendance" means and applies to students enrolled in grades 7 through 12 inclusive, or any combination thereof.

(1824) "Secondary schools" are schools that serve grades 7 through 12 inclusive, or any combination thereof.

(1925) "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.

(206) "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.

(217) "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.

(229) "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.

(230) "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.

(2431) "Support unit" means a function of average daily attendance used in the calculations to determine financial support provided to the public school districts.

(2532) "Teacher" means any person employed in a teaching, instructional, supervisory, educational administrative or educational and scientific capacity in any school district. In case of doubt, the state board of education shall determine whether any person employed requires certification as a teacher.

SECTION 3. That Section 33-1002C, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002C. SUMMER AND NIGHT SCHOOL PROGRAM SUPPORT UNITS -- ALTERNATIVE SCHOOL -- JUVENILE DETENTION FACILITY. (1) Alternative summer or night school programs of not less than two hundred twenty-five (225) hours of instruction, which shall be included in the educational support units calculated as provided in section 33-1002, Idaho Code, may be established as approved by the state board of education. The average daily attendance divided by forty (40) shall determine the number of allowable support units which shall be included in the alternative school support units calculated for the school district for the succeeding school term.

(2) For any alternative school designated pursuant to section 46-805, Idaho Code, full-term average daily attendance shall be used to calculate support units for each cohort of students that meets the minimum instructional hours requirement provided for in section 33-512, Idaho Code. The support units so calculated shall be used for all state funding formulas in which support units are used.

(3) Districts ~~which~~ that educate pupils placed by court order in a juvenile detention facility may establish a summer or night school program ~~which~~ that shall be included in the educational support units calculated as provided in section 33-1002, Idaho Code. The average daily attendance divided by forty (40) shall determine the number of allowable support units ~~which~~ that shall be included in the exceptional education school support units calculated for the school district for the succeeding school term.

(4) Average daily attendance and the support units ~~se~~ generated by this section shall not be included in or subject to the provisions of section 33-1003, Idaho Code, and shall be included as an addition to any other support units generated pursuant to Idaho Code.

SECTION 4. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1026, Idaho Code, and to read as follows:

33-1026. MANDATORY PUBLIC SCHOOL FUNDING FORMULA REVIEW. The senate and house of representatives education committees shall conduct a comprehensive review of the public school funding formula at least once every five (5) years, with the first such review to occur by July 1, 2024.

SECTION 5. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1027, Idaho Code, and to read as follows:

33-1027. STUDENT ENROLLMENT COUNTS AND RULEMAKING. The state board of education shall promulgate rules that set forth the procedures for determining student enrollment counts by school, school district, and statewide, and the process for reporting such counts. Such rules shall be consistent with the following:

(1) Full-time enrollment (FTE) shall be based on enrollment in any school district or public charter school;

(2) A student shall not exceed a total of one (1.0) unweighted FTE in a single school year, except as provided in subsection (4) of this section;

(3) A kindergarten student shall not exceed a total of one-half (0.5) unweighted enrollment in a single school year;

(4) A student attending a summer school or night school program shall not exceed a total of one-fourth (0.25) unweighted enrollment. Such student may be counted pursuant to both this subsection and subsection (2) of this section;

(5) A fractional enrollment count schedule shall be specified for any student enrolled less than one (1.0) FTE in a given school district or public charter school;

(6) FTE is based on the courses a student is enrolled in at the time of the official count, as specified in board rule, except that a student may be counted as enrolled if the term for which such student is enrolled begins after the time of the official count;

(7) Each school district or public charter school shall conduct an official count of enrolled students in the district or school on the first day of October, the first day of December, the first day of February, and the first day of April, or the previous school day if those dates do not fall on a school day; and

(8) A school district or public charter school may not count as enrolled any student who has unexcused absences totaling eleven (11) or more consecutive school days immediately prior to and including the official count date.

SECTION 6. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1028, Idaho Code, and to read as follows:

33-1028. REPORTS TO STATE BOARD -- REPORT TO LEGISLATURE. (1) By December 15 each year, each school district and public charter school shall report to the state board of education or to the board's designee the following information:

(a) Total student enrollment as of October 1 and December 1 in the year the report is made, or the previous school day if those dates do not fall on a school day;

(b) The number of at-risk students in the school district or at the public charter school as of October 1 and December 1 in the year the report is made, or the previous school day if those dates do not fall on a school day, and the number of at-risk students:

(i) By grade; and

(ii) Enrolled in an alternative school;

(c) The number of economically disadvantaged students in the school district or at the public charter school as of October 1 and December 1 in the year the report is made, or the previous school day if those dates do not fall on a school day, and the number of students who qualify as economically disadvantaged by grade;

(d) The number of English language learners in the school district or at the public charter school as of October 1 and December 1 in the year the report is made, or the previous school day if those dates do not fall on a school day, and the number of English language learners per grade;

(e) The number of gifted and talented students in the school district or at the public charter school as of October 1 and December 1 in the year the report is made, or the previous school day if those dates do not fall on a school day, and the number of gifted and talented students per grade; and

(f) The local salary schedule for the school district or public charter school in effect for the school year prior to the year the report is made.

(2) Beginning in 2020, a school district or public charter school shall include, in the report made pursuant to subsection (1) of this section, the following information for the fiscal year prior to the fiscal year in which the report is made:

(a) The amounts received by the school district or public charter school for each statutory program line item distribution, other program line item distribution, and discretionary funds distribution specified in the state appropriation for public school support; and

(b) The actual expenditures by the school district or public charter school for each such line item distribution and discretionary funds distribution, unless information on the actual expenditures by district or school for a distribution is submitted to the state pursuant to another law or rule.

(3) By January 15 each year, the state board of education shall report to the senate and house of representatives education committees and the joint finance-appropriations committee on the information received pursuant to subsection (1) of this section. The state board's report shall include such information for each individual school district and public charter school and shall also summarize the information in aggregate statewide. The state board's report shall further include allocations made for each cell of the career ladder pursuant to section 33-1004B, Idaho Code.

SECTION 7. That Section 33-515, Idaho Code, be, and the same is hereby amended to read as follows:

33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full year of continuous employment by the same school district, including any specially chartered district, each certificated employee named in subsection (2532) of section 33-1001, Idaho Code, and each school nurse and school librarian shall be evaluated for a renewable contract and shall, upon having been offered a contract for the next ensuing year, and upon signing and timely returning a contract for a fourth full year, be placed on a renewable contract status with said school district entitling such individual to the right to automatic renewal of contract, subject to the provisions included in this chapter, provided that instructional staff who have not obtained a professional endorsement under section 33-1201A, Idaho Code, may not be placed on a renewable contract status, provided however, if the career ladder pursuant to section 33-1004B, Idaho Code, is not funded, then a professional endorsement shall not be required.

(2) At least once annually, the performance of each renewable contract certificated employee, school nurse, or school librarian shall be evaluated according to criteria and procedures established by the board of trustees in accordance with general guidelines approved by the state board of education. Such an evaluation shall be completed no later than June 1 of each year. The evaluation shall include a minimum of two (2) documented observations, one (1) of which shall be completed prior to January 1 of each year.

(3) Any contract automatically renewed under the provisions of this section may be renewed for a shorter term, longer term or the same length of term as stated in the current contract and at a greater, lesser or equal salary as that stated in the current contract. Absent the board's application of a formal reduction in force, renewals of standard teacher contracts may be for a shorter term, longer term or the same length of term as stated in the current standard teacher contract and at a greater, lesser or equal salary, and shall be uniformly applied to all employees based upon the district's adopted salary schedule to the extent allowable in section 33-1004E, Idaho Code.

(a) Contracts issued pursuant to this section shall be issued on or before the first day of July each year.

(b) At the discretion of the board, the district may issue letters of intent for employment for the next ensuing school year to renewable contract status employees during May of each school year. Such letter of intent shall not state a specific duration of the contract or salary/benefits term for the next ensuing school year.

(c) Unless otherwise negotiated and ratified by both parties pursuant to sections 33-1271, et seq., Idaho Code, standard teacher renewals for terms shorter in length than that stated in the current standard contract of renewable certificated employees, should be considered and implemented only after the district has determined that the salary-based apportionment reimbursement that it estimates it will receive for the ensuing school year is less than the sum the district would otherwise be paying for salaries for certificated professional employees.

(4) Nothing in this section shall prevent the board of trustees from offering a renewed contract increasing the salary of any certificated person, or from reassigning an administrative employee to a nonadministrative position with appropriate reduction of salary from the preexisting salary level. In the event the board of trustees reassigns an administrative employee to a nonadministrative position, the board shall give written notice to the employee that contains a statement of the reasons for the reassignment. The employee, upon written request to the board, shall be entitled to an informal review of that decision. The process and procedure for the informal review shall be determined by the local board of trustees.

(5) Before a board of trustees can determine not to renew for reasons of an unsatisfactory report of the performance of any certificated person whose contract would otherwise be automatically renewed, such person shall be entitled to a reasonable period of probation. This period of probation shall be preceded by a written notice from the board of trustees with reasons for such probationary period and with provisions for adequate supervision and evaluation of the person's performance during the probationary period. Such period of probation shall not affect the person's renewable contract status. Consideration of probationary status for certificated personnel is consideration of the status of an employee within the meaning of section 74-206, Idaho Code, and may be held in executive session. If the consideration results in probationary status, the individual on probation shall not be named in the minutes of the meeting. A record of the decision shall be placed in the teacher's personnel file.

(6) If the board of trustees takes action to immediately discharge or discharge upon termination of the current contract a certificated person whose contract would otherwise be automatically renewed, the action of the board shall be consistent with the procedures specified in section 33-513(5), Idaho Code, and furthermore, the board shall notify the employee in writing whether there is just and reasonable cause not to renew the contract or to reduce the salary of the affected employee, and if so, what reasons it relied upon in that determination.

(7) If the board of trustees takes action after the declaration of a financial emergency pursuant to section 33-522, Idaho Code, and such action is directed at more than one (1) certificated employee, and if mutually agreed to by both parties, a single informal review shall be conducted. Without mutual consent of both parties, the board of trustees shall use the following procedure to conduct a single due process hearing within sixty-seven (67) days of the declaration of financial emergency pursuant to section 33-522(2), Idaho Code, or on or before June 22, whichever shall occur first:

(a) The superintendent or any other duly authorized administrative officer of the school district may recommend the change in the length of the term stated in the current contract or reduce the salary of any certificated employee by filing with the board of trustees written notice specifying the purported reasons for such changes.

(b) Upon receipt of such notice, the board of trustees, acting through its duly authorized administrative official, shall give the affected employees written notice of the reductions and the recommendation of the change in the length of the term stated in the current contract or the reduction of salary, along with written notice of a hearing before the board of trustees prior to any determination by the board of trustees.

(c) The hearing shall be scheduled to take place not less than six (6) days nor more than fourteen (14) days after receipt of the notice by the employees. The date provided for the hearing may be changed by mutual consent.

(d) The hearing shall be open to the public.

(e) All testimony at the hearing shall be given under oath or affirmation. Any member of the board, or the clerk of the board of trustees, may administer oaths to witnesses or affirmations by witnesses.

(f) The employees may be represented by legal counsel and/or by a representative of a local or state education association.

(g) The chairman of the board of trustees or the designee of the chairman shall conduct the hearing.

(h) The board of trustees shall cause an electronic record of the hearing to be made or shall employ a competent reporter to take stenographic or stenotype notes of all the testimony at the hearing. A transcript of the hearing shall be provided at cost by the board of trustees upon request of the employee.

(i) At the hearing, the superintendent or other duly authorized administrative officer shall present evidence to substantiate the reduction contained in such notice.

(j) The employees may produce evidence to refute the reduction. Any witness presented by the superintendent or by the employees shall be subject to cross-examination. The board of trustees may also examine witnesses and be represented by counsel.

(k) The affected employees may file written briefs and arguments with the board of trustees within three (3) days after the close of the hearing or such other time as may be agreed upon by the affected employees and the board of trustees.

(l) Within seven (7) days following the close of the hearing, the board of trustees shall determine and, acting through its duly authorized administrative official, shall notify the employees in writing whether the evidence presented at the hearing established the need for the action taken.

The due process hearing pursuant to this subsection shall not be required if the board of trustees and the local education association reach an agreement on issues agreed upon pursuant to section 33-522(3), Idaho Code.

(8) If the board of trustees, for reasons other than unsatisfactory service, for the ensuing contract year, determines to change the length of the term stated in the current contract, reduce the salary or not renew the contract of a certificated person whose contract would otherwise be automatically renewed, nothing herein shall require a probationary period.

(9) If the board of trustees, for reasons other than unsatisfactory service, for the ensuing contract year, determines to change the length of the term stated in the current contract or reduce the salary of a certificated person whose contract would otherwise be automatically renewed, nothing herein shall require any individualized due process proceeding. In such circumstance, the board shall hold a single informal review for all impacted employees. The process and procedure for the single informal review shall be determined by the local board of trustees.

SECTION 8. The provisions of Section 6 of this act shall be null, void, and of no force and effect on and after July 1, 2022.

SECTION 9. 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 April 12, 2019

CHAPTER 329
(S.B. No. 1072)

AN ACT

RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION 67-5205, IDAHO CODE, TO REVISE PROVISIONS REGARDING FEES ASSOCIATED WITH PUBLISHING CERTAIN RULES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-5205, Idaho Code, be, and the same is hereby amended to read as follows:

67-5205. FORMAT -- COSTS -- DISTRIBUTION -- FUNDS. (1) The administrative code and the permanent supplements thereto shall be published in such a manner that every agency has an opportunity to procure, at reasonable cost from the coordinator, individual electronic copies of the rules and statements of policy of such agency published by authority of this chapter. No administrative rule or statement of policy published in the administrative code or the permanent supplements shall be reset or otherwise reprinted at public expense upon a format distinct from that of the administrative code without a certification by the coordinator that such special format is necessary for the effective performance by the agency of its functions.

(2) The prices to be charged for individual electronic copies of and subscriptions to the administrative code, the permanent supplements thereto and the bulletin, and for rules and statements of policy, which prices may be fixed without reference to the restrictions placed upon and fixed for the sale of other publications of the state shall be set by rules promulgated by the coordinator. The coordinator may set prices without reference to the restrictions placed upon the sale of other publications of the state.

(3) The coordinator shall provide to the legislature free electronic copies of all rules subject to review by the legislature pursuant to section 67-5291, Idaho Code, and may distribute other free electronic copies for official use.

(4) Without limiting the generality of the provisions of subsection (2) of this section, the rules of the coordinator may provide for volume discounts to be available to established law book publishers who agree to incorporate fully administrative rules, the permanent supplements thereto and the bulletin into their general scheme of promotion and distribution, and may provide for the free reciprocal exchange of publications between this state and other states and foreign jurisdictions. The provisions of this section include the authority to exchange, display, access and publish texts through electronic media.

(5) There is hereby created in the state treasury the administrative code fund. All moneys received from the production of rules, the sale of the administrative code, the permanent supplements thereto, or the bulletin, and for providing electronic access, shall be deposited in the fund. All agencies ~~which~~ that have any material published electronically in

the bulletin, administrative code or supplements thereto, or newspapers, are hereby authorized and directed to pay out of their appropriations to the coordinator their respective shares of the costs of such publication and distribution of such material. All moneys placed in the fund may be appropriated to the coordinator for the administration of the provisions of this chapter, and for the publication and distribution of the bulletin, administrative code or supplements thereto, as authorized in this chapter.

(6) (a) ~~The coordinator shall charge an annual fee to each participating agency as follows:~~

(i) ~~An annual fee for each page published electronically in the administrative code, not to exceed fifty-six dollars (\$56.00) per page. In addition, the coordinator shall charge a fee to each participating agency~~

(ii) ~~A fee for each page published electronically in the bulletin, not to exceed sixty-one dollars (\$61.00) per page. A fee per page may be charged even though less than a full page of publication is required, and each however, there shall be no fee associated with any portion of a publication necessitated by or pertaining to the removal of a rule or a reduction of the regulatory obligation imposed by a rule.~~

(b) ~~Each participating agency shall promptly pay into the administrative code fund such charge.~~

Approved April 12, 2019

SENATE JOINT MEMORIALS

(S.J.M. No. 102)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Sixty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the growth and abuse of federal regulatory authority threatens our constitutional liberties, including those guaranteed by the Bill of Rights in the First, Second, Fourth, and Fifth Amendments of our Constitution; and

WHEREAS, federal regulators must be more accountable to elected representatives of the people and not immune from such accountability; and

WHEREAS, the United States House of Representatives has passed the Regulations from the Executive in Need of Scrutiny (REINS) Act to require that Congress approve major new federal regulations before they can take effect; and

WHEREAS, even if enacted, a law may be repealed or waived by a future Congress and President; and

WHEREAS, an amendment to the United States Constitution does not require the President's approval and cannot be waived by a future Congress and President.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we hereby urge the United States Congress to vote to propose the Regulation Freedom Amendment to the United States Constitution as follows:

Whenever one quarter of the members of the United States House of Representatives or the United States Senate transmits to the President their written declaration of opposition to a proposed federal regulation, it shall require a majority vote of the House of Representatives and the Senate to adopt that regulation.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 19, 2019

Adopted by the House March 20, 2019

(S.J.M. No. 104)

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Sixty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Mountain Home Air Force Base draws its water supply from the Mountain Home Aquifer. The aquifer is over-drafted by about 30,000 acre-feet annually and is declining approximately two feet per year; and

WHEREAS, there are water quality issues in some of the wells that the Mountain Home Air Force Base depends on for its water supply. Of the six main wells that are on the base, only two are safe sources of drinking water and four are contaminated. Of the four contaminated wells, one is high in nitrates and is used strictly for irrigation, and the other three are high in nitrates and perfluorinated compounds; and

WHEREAS, the state, in partnership with the United States Air Force is working on the Mountain Home Air Force Base Sustainable Water Supply Project. The purpose of the project is to provide a sustainable, long-term water supply for the base from the Snake River and to eliminate the base's reliance on the declining Mountain Home Aquifer; and

WHEREAS, the project consists of a pump station at C.J. Strike Reservoir and a 14.4 mile long pipeline to bring Snake River water to the base, as well as construction of a water treatment plant at the base; and

WHEREAS, it is anticipated that the state will build, own, maintain, and operate the pipeline and the pumps and that the United States Air Force will build, operate, and maintain the water treatment plant, as well as anything downstream of the plant; and

WHEREAS, Mountain Home Air Force Base is one of the largest employers in Idaho. According to a 2016 study, the base is responsible for the direct employment of 4,686 personnel, supports an additional 190 jobs in local businesses that directly supply the base's operations, and is responsible for 2,127 jobs supported by the consumer spending of those who are directly and indirectly employed by the base; and

WHEREAS, Mountain Home Air Force Base has been estimated to support the employment of more than 10,500 individuals; and

WHEREAS, Mountain Home Air Force Base generates \$462 million in labor income; \$797 million in all forms of income including wages, salaries, interest, rent, and profit; and an output of goods and services valued at \$965 million; and

WHEREAS, a 2010 Economic Impact Analysis by the United States Air Force, assisted by Boise State University, shows that the estimated annual economic impact from the Mountain Home Air Force Base is approximately \$1.02 billion; and

WHEREAS, the State of Idaho and the Department of Commerce recognize that continued economic viability requires taking care of existing business before expanding economic development and attracting new business; and

WHEREAS, it is anticipated that there could be another round of Base Realignment and Closure in the near future; and

WHEREAS, Mountain Home Air Force Base has many strong attributes, such as great airspace, many clear weather days suitable for flying, and low possibility of encroachment around the base; and

WHEREAS, the uncertainty of a dependable water supply necessary for future operation is the only weakness that jeopardizes the future of Mountain Home Air Force Base.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we support the construction of a new pipeline to bring Snake River water to Mountain Home Air Force Base to ensure the long-term viability of the base.

BE IT FURTHER RESOLVED that the Idaho Legislature urges the congressional delegation for the State of Idaho to take any further actions necessary to advance the pipeline project through additional congressional action to authorize construction and provide further Military Construction (MILCON) Funds.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate March 8, 2019

Adopted by the House March 20, 2019

(S.J.M. No. 105)

A JOINT MEMORIAL

TO THE GOVERNOR AND LEGISLATURE OF THE STATE OF UTAH AND TO THE GOVERNOR OF THE STATE OF IDAHO.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Sixty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the State of Idaho is committed to protecting and enhancing Bear Lake storage water supplies, maintaining its pristine water quality, and enhancing recreational and economic opportunities for Idaho's citizens and tourists who add to Idaho's economy; and

WHEREAS, Bear Lake is a large freshwater lake straddling the border of Utah and Idaho with approximately half of the lake in each state, and it is the second largest natural freshwater lake by area in the State of Utah as well as in Idaho, second only to Lake Pend Oreille; and

WHEREAS, Bear Lake has a surface area of 110 square miles, being approximately 20 miles long and 7 miles wide; and

WHEREAS, Bear Lake is the oldest known continually "wet" lake in North America and one of the five oldest lakes in the world, being at least 250,000 years old; and

WHEREAS, international scientists study Bear Lake for clues to the climate and ecology of the region; and

WHEREAS, Bear Lake has unique water chemistry, giving it the intense turquoise blue color for which it is known all over the world; and

WHEREAS, Bear Lake has an extensive shoreline with areas of cobbled and sandy beaches that offer prime recreational opportunities; and

WHEREAS, in addition to having more endemic fish species, four found only in Bear Lake, than any other lake in the United States, Bear Lake is home to the largest and most genetically pure population of Bonneville cutthroat trout in existence, and the cutthroat trout is the state fish of Utah and Idaho; and

WHEREAS, since about 1912, the upper 21.65 feet of Bear Lake, approximately 1,400,000 acre-feet of water, has been used as a storage reservoir replenished from natural inflow sources and from diversions from the Bear River in Idaho made by PacifiCorp; and

WHEREAS, the storage reservoir in Bear Lake has been operated by PacifiCorp to supply irrigation water to approximately 150,000 acres of prime irrigated agriculture on family farms and ranches downstream in Utah and Idaho for over 100 years and will remain an essential irrigation water supply into the future; and

WHEREAS, the historic Bear Lake irrigation water supply is protected by many agreements among PacifiCorp, the states of Utah, Idaho, and Wyoming, the Bear River Water Users Association and its members, and Bear Lake Watch, each with individual and unique interests in Bear Lake; and

WHEREAS, in addition to the irrigation water supply, and aesthetic and recreation uses, PacifiCorp also operates Bear Lake for flood control, and water released and pumped from Bear Lake is used to generate 107 megawatts of electricity downstream on the Bear River; and

WHEREAS, at times when water is low or is released or pumped from Bear Lake, the exposed lake bed is vulnerable to nonnative vegetation invasion and degradation, which create hazards to navigation and impair recreational use for tens of thousands of visitors and thousands of homeowners; and

WHEREAS, Bear Lake is a major recreation destination, with five Utah state park recreation areas and two Idaho state park recreation areas, the Bear Lake National Wildlife Refuge, private marinas, and Boy Scout camps; and

WHEREAS, Bear Lake is vital to local and regional economies in Utah and Idaho; and

WHEREAS, the State of Idaho is committed to work in collaboration with the State of Utah, PacifiCorp, irrigators, and local stakeholders to protect existing uses and plan for the future uses and enjoyment of Bear Lake.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the states of Utah and Idaho to work together in seeking solutions to address challenges regarding Bear Lake, including recreation and economic development interests, water quality, invasive species, lake bed management and preservation, and enhancement of irrigation water storage and water supply functions.

BE IT FURTHER RESOLVED that we urge the states of Utah and Idaho, in continued cooperation, to develop joint expectations for the continued health, beauty, and enjoyment of Bear Lake.

BE IT FURTHER RESOLVED that we encourage the states of Utah and Idaho, in continued cooperation, to develop opportunities for participation with stakeholders, to develop recommendations to protect and enhance existing beneficial uses, to maintain a healthy and sustainable lake, to encourage economic development, to protect irrigation water storage, to enhance recreation, and to preserve and protect Bear Lake for future generations.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the Governor and Legislature of the State of Utah and to the Governor of the State of Idaho.

Adopted by the Senate March 11, 2019

Adopted by the House March 26, 2019

(S.J.M. No. 106)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF CONGRESS, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, TO THE SECRETARY OF AGRICULTURE, AND TO THE SECRETARY OF THE INTERIOR.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Sixty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, approximately 63% of land in the State of Idaho is public land controlled by the United States, primarily by the Bureau of Land Management and the Forest Service, which makes the right to cross federal land for delivery of water rights to Idaho water users extremely important; and

WHEREAS, the law of the United States, since the 1866 Mining Act, has recognized that a water user in the arid West has the right to divert water from the rivers and streams across federal land for use on private property for, among other purposes, mining and agriculture. When the water user has a water right appropriated under state law, the law provides that a water user needs no approval from the federal government for the diversion and beneficial use of the water on the user's private property; and

WHEREAS, the United States Congress passed the Federal Land Policy and Management Act (FLPMA), as amended, in 1976, which explicitly recognizes and protects easements and rights existing on federal lands and recognizes under previous laws, such as the 1866 Mining Act, to deliver water appropriated under state law across federal land to private property; and

WHEREAS, Congress passed an amendment to FLPMA in 1986 known as the Colorado Ditch Bill Act, which explicitly directs the Secretary of Agriculture to issue a permanent easement for a water system involving reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems, for the impoundment, storage, transportation, and distribution of water traversing federal lands within the National Forest System when: (1) the water system is used for agricultural irrigation or livestock purposes; (2) the system that existed in 1976 has remained in operation; (3) any enlargement of the system after 1976 requires separate authorization; (4) the user has a valid state water right; and (5) the use involves some private land. The water users were to supply the Forest Service with evidence of the location of easements; and

WHEREAS, the state of Idaho has had a comprehensive method for recognizing the appropriation of waters of the state for beneficial use under the priority doctrine since before statehood; and

WHEREAS, the State of Idaho recognized in 1984 the need to adjudicate the water rights of this state and the Legislature directed the Department of Water Resources to initiate the Snake River Basin Adjudication (SRBA), as provided by Idaho law, to facilitate the effective management of the waters of the Snake River Basin and to engage in a comprehensive adjudication of all surface and ground water use in the basin; and

WHEREAS, the United States was a party to the SRBA, is bound by the decrees of the SRBA court, and must recognize the water rights of the Idaho water users as decreed by the SRBA court; and

WHEREAS, the SRBA issued more than 167,000 water rights and issued its final unified decree in 2014, in which the SRBA court decreed water rights with priority rights dating back, in some instances, to the 1860s; and

WHEREAS, Congress further directed that applications under the Colorado Ditch Bill Act by easement holders be submitted by the end of 1996 to assist the Secretary of Agriculture in issuing permanent easements; and

WHEREAS, the Secretary of Agriculture has not issued or recognized many of these permanent easements, even though the water rights have been decreed by the SRBA court and the applications have been submitted as required by Congress more than 20 years ago; and

WHEREAS, certain interest groups are arguing that the secretary must take actions harmful to the pre-FLPMA easement holders because the secretary has not issued the mandated easements; and

WHEREAS, the vast majority of surface water rights in this state were decreed with priority dates that preceded the enactment of FLPMA in 1976, and those water uses are entitled to the right to cross federal lands to deliver their state water rights; and

WHEREAS, there are many Idaho water users, such as the members of the Salmon Headwaters Conservation Association, that properly complied with the easement requirements specified by the Colorado Ditch Bill Act to have their permanent easement recognized by the United States, but are now required to further expend resources on legal and administrative processes to defend and protect their valid existing Idaho water rights and associated rights-of-way across federal land.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the President of the United States and Congress to take such action as necessary to require the Secretary of the Interior and the Secretary of Agriculture to recognize valid easements existing pursuant to the 1866 Mining Act on lands under their respective administrations without requiring citizens of the United States to sue the government in order to enjoy the benefits of such validly existing easement rights.

BE IT FURTHER RESOLVED that the President and Congress take such action as necessary to require the Secretary of Agriculture to recognize valid easements existing prior to FLPMA on lands within the National Forest System without requiring citizens of the United States to sue the government in order to enjoy the benefits of such validly existing rights.

BE IT FURTHER RESOLVED that in recognition that the Secretary of Agriculture has not acted on applications submitted more than 20 years ago, the President and Congress are urged to take such action as necessary to extend the deadline for filing applications under FLPMA for an additional two years.

BE IT FURTHER RESOLVED that the President and Congress are urged to take such action as necessary to require the Secretary of Agriculture to refrain from interfering with the use of any decreed water right by attempting under any federal law to attach conditions on any 1866 Mining Act or FLPMA easements crossing federal lands, especially in a manner that restricts or conditions in any way the use of water on private land as authorized by state law.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States, to the Secretary of Agriculture, and to the Secretary of the Interior.

Adopted by the Senate March 13, 2019

Adopted by the House March 25, 2019

HOUSE JOINT MEMORIALS

(H.J.M. No. 1)

A JOINT MEMORIAL

TO THE CHAIRMAN OF THE FEDERAL COMMUNICATIONS COMMISSION, TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Centers for Disease Control and Prevention (CDC) reported 45,000 deaths by suicide in the United States in 2016, with rates of suicide since 1999 increasing in every state; and

WHEREAS, the CDC reported that suicide is the tenth leading cause of death in the United States, and one of just three of the leading causes of death that are on the rise; and

WHEREAS, Idaho and other western states have the highest rates of suicide in the nation, and the CDC reports that the rate of suicide is increasing in Idaho and surrounding western states by rates that range from 30% to 58% since 1999; and

WHEREAS, the United States faces an urgent public health crisis as these deaths contribute to the declining life expectancy for Americans; and

WHEREAS, the United States House of Representatives passed H.R. 2345, the National Suicide Hotline Improvement Act of 2018, by a vote of 379 to 1, with both Congressman Ral Labrador and Congressman Mike Simpson voting in the affirmative; and the United States Senate passed H.R. 2345 by unanimous consent; and

WHEREAS, on August 14, 2018, President Donald Trump signed H.R. 2345 into law as Public Law No. 115-233; and

WHEREAS, Public Law 115-233 requires the Federal Communications Commission (FCC) to conduct a study that examines the feasibility of designating a simple, easy-to-remember, three-digit dialing code to be used for a national suicide prevention and mental health crisis hotline system; and

WHEREAS, the FCC's report must recommend whether a particular N11 dialing code or another simple, easy-to-remember, three-digit dialing code should be used for a national suicide prevention and mental health crisis hotline system and, if so, the logistics and costs associated with designating such a dialing code; and

WHEREAS, 611 is the only undesignated N11 number available, and in 1997, the FCC found that 611 would be available when "needed for other national purposes"; and

WHEREAS, since 1968, 911 has been used for emergency service, and the simplicity and ubiquity of the 911 dialing code makes the N11 pattern the most logical pattern to follow for a national suicide prevention and mental health crisis hotline.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the FCC should recognize that combating the staggering growth of suicide deaths is an important national purpose.

BE IT FURTHER RESOLVED that, in response to the growing rate of suicide deaths, the FCC should designate 611 as the new national suicide prevention and mental health crisis hotline telephone number.

BE IT FURTHER RESOLVED that if the FCC does not make such a designation, the delegation representing the State of Idaho in Congress is hereby respectfully requested to pursue legislation to that end.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Chairman of the Federal Communications Commission, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 4, 2019

Adopted by the Senate February 18, 2019

(H.J.M. No. 3)

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, AND TO THE FEDERAL COMMUNICATIONS COMMISSION.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, communication is essential to Idaho's economy for conducting business, social interaction, and emergency contacts; and

WHEREAS, phone communication, and particularly cell phone communication and related uses, is subject to distraction, disruption, and interference as a result of unwanted and unsolicited phone calls from recordings and persons who do not identify themselves and use false phone numbers to promote warranties, health products, credit cards, computer repair, and many products they have no intention of providing; and

WHEREAS, the unscrupulous and dishonest use of our phone communication system is becoming so frequent that it interferes with commerce because increasingly users do not answer the phone, missing legitimate and important calls; and

WHEREAS, Idaho state statutes, do not call registries, and other remedies have become ineffective because those who engage in this misbehavior have no intention of obeying the law and are able to avoid being apprehended or detected because they are calling from locations outside of the United States or, if calling within the United States, they use sophisticated hacking methods; and

WHEREAS, Idaho state and local governments do not have the expertise to control the increasing burden upon Idaho citizens and particularly do not have the jurisdiction to pursue offshore illegal activities.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we support the citizens of the State of Idaho and request that the Federal Communications Commission, with the support and assistance of our congressional delegation, provide the resources necessary and take every reasonable step to procure the necessary expertise to prosecute and end this interference and misuse of our communications system.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States, and to the Federal Communications Commission.

Adopted by the House January 31, 2019

Adopted by the Senate February 7, 2019

(H.J.M. No. 4)

A JOINT MEMORIAL

TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES AND TO THE OFFICE OF THE PACIFIC NORTHWEST REGION OF THE U. S. BUREAU OF RECLAMATION.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, three dams have been constructed on the Boise River that provide storage for commercial and municipal uses, flood protection, recreational opportunities, river maintenance flows, irrigation storage, and other uses, and provide nearly \$1.5 billion in value contributions to Idaho's economy; and

WHEREAS, the three on-river dams are Anderson Ranch Dam, Arrowrock Dam, and Lucky Peak Dam, and they provide a total water storage capacity of 1,044,011 acre feet; and

WHEREAS, studies show that additional water supplies will be needed to meet future demands as the state population continues to grow; and

WHEREAS, additional water infrastructure would provide opportunities to meet current and future water demands; and

WHEREAS, at the request of the Idaho Water Resource Board (IWRB), the Army Corps of Engineers (Corps) and Bureau of Reclamation (Reclamation) identified potential raises to the existing dams on the Boise River that may be cost-effective and provide additional water storage capacity; and

WHEREAS, in 2018, Reclamation began feasibility and environmental studies to consider raising Anderson Ranch Dam to provide an additional 29,000 acre feet of storage space; and

WHEREAS, the State of Idaho, through the IWRB, has authorized the payment of \$3 million to pay for 50% of the feasibility and environmental studies for Reclamation's Boise River study; and

WHEREAS, the remaining 50% is funded with federal moneys through the Water Infrastructure Improvements for our Nation Act (WIIN Act), which authorizes up to 50% of the cost of Reclamation infrastructure projects to be paid by the federal government based on the proportion of federal benefits received from the infrastructure project; and

WHEREAS, Reclamation has established a time line to complete the feasibility and environmental studies for the Anderson Ranch Dam raise by June 2020; and

WHEREAS, upon completion of the feasibility and environmental studies, any future construction authority and additional WIIN Act funds would require congressional action; and

WHEREAS, based on preliminary planning estimates anticipating that the cost of raising Anderson Ranch Dam could be \$40 million, the nonfederal share of the project costs would be at least \$20 million.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we support the construction of new water infrastructure in Idaho and, in particular, the raising of the Anderson Ranch Dam.

BE IT FURTHER RESOLVED that the Idaho Legislature urges the congressional delegation for the State of Idaho to take any further actions necessary to: (1) ensure that the feasibility study and NEPA analysis for the Anderson Ranch Dam raise are completed within the proposed timeframe; and (2) as determined in the feasibility study, advance the project through additional congressional action to authorize construction and provide further WIIN Act funds.

BE IT FURTHER RESOLVED that the Idaho Legislature urges the IWRB, Corps, Reclamation, water users, and other stakeholders to consider other infrastructure projects to address future water needs, including but not limited to raising of Arrowrock, Lucky Peak, Minidoka, and Island Park dams.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the congressional delegation representing the State of Idaho in the Congress of the United States and to the office of the Pacific Northwest Region of the U.S. Bureau of Reclamation.

Adopted by the House February 18, 2019

Adopted by the Senate March 11, 2019

(H.J.M. No. 6)

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, AND TO THE DIRECTOR AND BOARD OF THE IDAHO TRANSPORTATION DEPARTMENT.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, public highway agencies, including the Idaho Transportation Department (ITD) and Federal Highway Administration (FHWA) are required to conduct environmental assessments to consider the environmental effects of transportation projects receiving federal funds pursuant to the National Environmental Policy Act (NEPA) review process; and

WHEREAS, environmental assessments conducted pursuant to NEPA increasingly recommend that wildlife crossings, including overpasses, underpasses, and related fencing, are necessary or recommended additions to transportation projects to allow for the safe crossing of wildlife; and

WHEREAS, the link between receipt of federal funds for highway projects and the acceptance of environmental assessment recommendations can cause

concern for state highway agencies such as ITD when objections to aspects of highway projects, such as wildlife crossings, are raised; and

WHEREAS, as to a proposed highway improvement project for the reconstruction of Targhee Pass on U.S. 20 between the junction with state highway 87 and the Montana state line, the NEPA environmental assessment process resulted in five alternative options, one of which would have included several wildlife crossings and dozens of miles of related fencing; and

WHEREAS, local citizens and elected officials, multiple homeowner associations, and members of the Idaho Legislature became concerned about the potential repercussions of wildlife crossing bridges and fences in Fremont County; and

WHEREAS, on an advisory ballot question presented during the November 2018 general election, 78% of Fremont County residents participating voted against the option to install wildlife crossings and fences along U.S. 20; and

WHEREAS, in a testament to our democracy in action and the power of citizens and governmental entities to coordinate to create a positive solution, ITD, ITD District 6, and the FHWA recently recommended a preferred alternative that addresses highway needs, safety, and wildlife, but does not include crossing structures with wildlife fencing; and

WHEREAS, the House of Representatives of the Idaho Legislature is grateful for the hard work and dedication shown by ITD and its staff, including the staff of ITD District 6, as well as the FHWA, to recommend a solution that is responsive to the needs and concerns of local Idaho citizens and highway users while also achieving project objectives; and

WHEREAS, the House of Representatives of the Idaho Legislature extends congratulations to ITD, ITD District 6, and the FHWA with respect to their recommendation of the preferred alternative for the reconstruction of the Targhee Pass; and

WHEREAS, the House of Representatives of the Idaho Legislature believes that the situation presented by the Targhee Pass project and an initial option including wildlife bridges and fencing may again arise as to future transportation projects in Idaho; and

WHEREAS, a wide range of stakeholders are affected by wildlife crossings and related infrastructure in ways that are distinct from other transportation-related proposals and actions; and

WHEREAS, areas adjacent to highways in the State of Idaho are critical not only for the safe passage of motor vehicles, cyclists, and pedestrians but also for access to private and public lands, livestock, recreation, hunting, snow removal, and the preservation of scenic views; and

WHEREAS, stakeholders may not initially realize that transportation-related projects could ultimately involve the consideration of wildlife crossing infrastructure, including fencing, presenting a potential challenge to the goal of stakeholder involvement; and

WHEREAS, as demonstrated by the outcome of the Targhee Pass project recommendation, government functions most effectively when the voices of the people are heard and agencies are able to cooperate effectively together; and

WHEREAS, affected stakeholders benefit from the opportunity to be informed as soon as possible about the extent and potential impact of projects to allow for involvement in decisions about animal crossings and related infrastructure.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the members of the Senate and the House of Representatives in the Congress of the United States to review the NEPA environmental assessment process for transportation projects to ensure that stakeholders are quickly and fully informed whenever wildlife cross-

ing infrastructure is proposed as an option for a transportation project and that state transportation agencies be given clear guidance to that effect.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the director and the board of the Idaho Transportation Department.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 26, 2019

Adopted by the Senate March 7, 2019

(H.J.M. No. 7)

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, federal law requires that veterans injured or disabled in the line of duty be entitled to compensation; and

WHEREAS, many veterans have been injured or disabled in ways that affect their ability to have children; and

WHEREAS, in vitro fertilization (IVF) was previously a covered benefit for veterans with a service-connected disability resulting in the inability to procreate without the use of fertility treatment, pursuant to 38 CFR 17.380; and

WHEREAS, IVF was also a covered benefit for the spouse of a veteran with a service-connected disability resulting in the inability to procreate, pursuant to 38 CFR 17.412; and

WHEREAS, the IVF benefit for veterans and their spouses expired on September 30, 2018; and

WHEREAS, IVF is the most successful fertility treatment in use today; and

WHEREAS, intrauterine insemination (IUI), another successful form of fertility treatment, is not currently a covered benefit for veterans or their spouses; and

WHEREAS, both IVF and IUI may help disabled veterans and their spouses procreate when the veteran's service-related disability would otherwise prevent them; and

WHEREAS, it is the strong belief of your Memorialists that family life is of the utmost importance; and

WHEREAS, it is likewise the strong belief of your Memorialists that those who serve our nation in the armed forces should not lose their ability to have children when it is within our nation's capacity to assist them.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we request that Congress enact legislation establishing IVF and IUI as covered benefits for veterans with a service-connected disability resulting in an inability to procreate without the use of fertility treatment.

BE IT FURTHER RESOLVED that we request that Congress provide that IVF and IUI shall be made available to the spouses of such veterans.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 28, 2019

Adopted by the Senate March 11, 2019

(H.J.M. No. 8)

A JOINT MEMORIAL

TO THE GOVERNOR OF THE STATE OF IDAHO, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF CONGRESS, THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, THE UNITED STATES SECRETARY OF THE INTERIOR, THE ADMINISTRATOR OF THE BUREAU OF LAND MANAGEMENT, THE UNITED STATES SECRETARY OF AGRICULTURE, AND THE CHIEF OF THE UNITED STATES FOREST SERVICE.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Idaho's legal description includes approximately 53.5 million acres, of which approximately 5,008,317 acres are designated as Wilderness Areas and approximately 1,797,456 acres have at some point been designated as Wilderness Study Areas (WSAs), which are maintained similarly to Wilderness Areas; and

WHEREAS, in 1976, Congress passed the Federal Land Policy and Management Act (FLPMA) with Section 603 directing the Bureau of Land Management (BLM) to identify and review all the public lands under its administration that possess the wilderness characteristics described in the Wilderness Act; and

WHEREAS, the BLM state director, after analysis, stated in his 1991 Record of Decision and Idaho Wilderness Study Report, "The recommendation is for Congress to designate 972,239 acres as wilderness and release 825,217 acres for other multiple uses"; and

WHEREAS, the President in 1992 wrote a letter to the Speaker of the House and the President of the Senate saying, "...I further concur with the Secretary of the Interior that all or part of 57 of the WSAs encompassing 825,217 acres are not suitable for preservation as wilderness...I urge the Congress to act expeditiously and favorably on the proposed legislation so that the natural resources of these WSAs in Idaho may be protected and preserved"; and

WHEREAS, Congress, through Public Law 111-11 separately removed thousands of acres of nonsuitable WSAs in 2009, and through Public Law 114-46, separately removed tens of thousands of acres of nonsuitable WSAs in 2015, there are still over 500,000 acres of nonsuitable WSAs in Idaho; and

WHEREAS, these Idaho lands are in legal limbo, a situation that causes extensive federal litigation regarding what uses of the lands are appropriate and, in turn, places a burden on federal court resources; and

WHEREAS, uncertainty and wide swings in executive branch philosophy regarding the administration of these lands are costing the public millions of dollars as forest assets burn and deteriorate and as investments in forest road construction and improvements are being minimized; and

WHEREAS, administrative decisions and preservationist lawsuits have progressively reduced access to public lands for forest managers and the public; and

WHEREAS, the long-term sustainability of public lands depends on good stewardship and professional scientific site-specific management of forest resources; and

WHEREAS, Idaho's historic heritage, customs, and culture are linked to the proper stewardship and use of the state's natural resources located on federally managed lands; and

WHEREAS, these lands are de facto wilderness in lieu of congressional action, a situation that has resulted in a waste of forest assets, improper management of public forests, and a harmful reduction in forest road construction and multiple-use access improvements; and

WHEREAS, the failure by Congress to release the lands locked up by the Wilderness Act severely harms agriculture, timber harvesting, and multiple-use interests, as well as Idaho communities and Idaho families economically supported by those activities; and

WHEREAS, national forest lands released from wilderness study would still be subject to the National Forest Management Act, which requires extensive early state political subdivision and public involvement as a federal land management agency develops, monitors, assesses, and updates plans for the management and use of resources in each forest; and

WHEREAS, the Idaho Legislature, on behalf of the citizens of the state, asserts that the time is ripe for final disposition of these lands.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature supports scientific adaptive management to implement the multiple-use concept of public land use as mandated by the Multiple-Use Sustained-Yield Act of 1960, to ensure the protection and improvement of forest health, and to maintain and improve the sustainability of federal forests located in Idaho.

BE IT FURTHER RESOLVED that the United States Congress is strongly urged to enact legislation to release all remaining nonsuitable wilderness study areas and implement the concept of multiple use in order to fulfill the federal mandates as required by the Multiple Use-Sustained Yield Act of 1960 and the Forest Management Act of 1976 to manage the national forests to "improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States."

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Governor of the State of Idaho, the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States, the United States Secretary of the Interior, the Administrator of the Bureau of Land Management, the United States Secretary of Agriculture, and the Chief of the United States Forest Service.

Adopted by the House February 25, 2019

Adopted by the Senate March 11, 2019

(H.J.M. No. 9)

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND TO ITS NATIONAL MARINE FISHERY SERVICE DIVISION.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-fifth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, all runs of Idaho's wild Steelhead were listed in 1997 as threatened under the Endangered Species Act; and

WHEREAS, many conditions originating outside of Idaho have contributed to the decline of Idaho's wild Steelhead; and

WHEREAS, in spite of collaborative habitat restoration projects and thoughtful fisheries management within Idaho, these external impacts continue to affect wild Steelhead returns; and

WHEREAS, longitudinal scientific research clearly and consistently negates the notion that the operation of the Steelhead fishing season has any appreciable effect on the abundance or recovery of Idaho's wild Steelhead; and

WHEREAS, the hatchery Steelhead fishery constitutes a significant part of Idaho's recreational and tribal fishery; and

WHEREAS, the Steelhead fishery is a significant contributor to the culture, jobs, tourism, recreation, and economy of Idaho; and

WHEREAS, Steelhead fishing by the outfitted and nonoutfitted public on Idaho's rivers is a significant contributor to Idaho's rural economy; and

WHEREAS, Idaho submitted its Fisheries Management and Evaluation Plan for review and renewal to the National Oceanic and Atmospheric Administration (NOAA) in 2010, prior to the expiration of the associated permit required for lawful operation of its fisheries; and

WHEREAS, NOAA still has not, in the nine years since submission, processed that plan and renewed Idaho's Incidental Take Permit; and

WHEREAS, this has placed the State of Idaho fisheries out of legal compliance; and

WHEREAS, on December 7, 2018, under threat of a federal lawsuit by six organizations due to Idaho operating its fisheries without a current federal permit, the Idaho Department of Fish and Game (IDFG) Commission decided to suspend the Steelhead fishing season; and

WHEREAS, the IDFG Commission's decision of December 7, 2018, to strike a conditional agreement with the litigant coalition forestalled a full closure of the Steelhead season; and

WHEREAS, the terms of said agreement are set to expire on March 15, 2019, or upon verified completion of the requisite permit, whichever should occur first; and

WHEREAS, we commend the Idaho congressional delegation for its letter to NOAA urging rapid permit renewal and for its influence and support; and

WHEREAS, if the permit is not completed by March 15, 2019, it is possible that those areas that have remained open thus far might be closed and that those areas that the December agreement excluded remain closed for the remainder of the Steelhead season; and

WHEREAS, initial statements made in early December 2018 by NOAA officials projected that the permit would be completed by early-to-mid February; and

WHEREAS, the record 35-day shutdown of the federal government, agencies, and nonessential employees significantly delayed progress toward completing the permit; and

WHEREAS, NOAA officials have now indicated they will attempt to complete the permit before March 15, 2019, but they remain unwilling to commit that they will do so in time.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge NOAA, and specifically the National Marine Fishery Service division, to practice all expediency toward the completion of the Incidental Take Permit required for the lawful operation of Idaho's Steelhead fishing season.

BE IT FURTHER RESOLVED that NOAA is urged to review future Fisheries Management and Evaluation Plans and process permit renewal applications submitted by the State of Idaho in a time frame that does not place the state out of legal compliance and that inherently puts the operation of Idaho's Steelhead fisheries at risk and all that rely upon the fisheries and are otherwise ancillary to them.

BE IT FURTHER RESOLVED that nothing in this Joint Memorial is intended to conflict with the responsible evaluation, nor to the exclusion and consideration of the best available science, of the permit.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States, to NOAA, and to the National Marine Fishery Service division of NOAA.

Adopted by the House February 19, 2019

Adopted by the Senate March 11, 2019

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 101)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND HONORING THE AMERICAN LEGION IN ITS CENTENNIAL YEAR.

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

WHEREAS, the American Legion, a patriotic veterans service organization, was founded on March 15, 1919, by American servicemen in France and was chartered by Congress on September 16 of that year; and

WHEREAS, the American Legion Department of Idaho was granted its temporary charter in 1919 and its permanent charter on August 1, 1920; and

WHEREAS, since its establishment, the American Legion has been dedicated to serving the interests of veterans and the nation; and

WHEREAS, the United States Veterans Bureau, which later became the Veterans Administration and the Department of Veterans Affairs, was created on August 9, 1921, as a result of efforts led by the American Legion; and

WHEREAS, in 1942, Congress adopted the Flag Code, originally drafted at an American Legion conference, regarding the proper care and display of the United States flag; and

WHEREAS, in 1944, after being promoted by the American Legion, the Servicemen's Readjustment Act, more commonly known as the G.I. Bill, was signed into law by President Franklin D. Roosevelt, enabling millions of veterans to attain higher education; and

WHEREAS, the American Legion donated \$1 million to the Vietnam Veterans Memorial Fund for construction of the Vietnam Veterans Memorial Wall in Washington, D.C., the American Legion being responsible for the largest single contribution to the project; and

WHEREAS, the American Legion's efforts to serve veterans included sponsoring an independent study on the effects of exposure to Agent Orange. The study results were presented to Congress in 1989; and

WHEREAS, in 2010, the American Legion's Operation Comfort Warriors, a program to assist wounded, injured, or ill service personnel by providing items not usually furnished by the government, including leisure wear, books, games, and other entertainment, earned first place and a \$250,000 grant in the Pepsi Refresh Project; and

WHEREAS, today, the American Legion is the largest wartime veterans service organization, with nearly 2 million members, including about 10,000 members in Idaho; and

WHEREAS, the American Legion has more than 12,000 posts in communities throughout the United States, including 99 posts in Idaho, with additional posts in France, Mexico, and the Philippines; and

WHEREAS, the American Legion is also dedicated to serving our country's youth through such programs as: American Legion Baseball, which fields more than 5,600 amateur baseball teams throughout the United States and Canada, and which has been supported by the American Legion Department of Idaho since 1926; Boys State, a leadership development program serving approximately 20,000 young men annually; and the American Legion National High School Oratorical Program, a speech contest intended to teach leadership skills, American history, and an understanding of the rights, privileges, and obligations of American citizenship; and

WHEREAS, the American Legion Department of Idaho purchased its department headquarters in 1988 and has maintained consistently high membership numbers over many years; and

WHEREAS, the American Legion is celebrating the hundredth anniversary of its creation this year.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we honor and recognize the American Legion on the event of its centennial.

BE IT FURTHER RESOLVED that we commend the American Legion for its exemplary service and its dedication to veterans and for upholding and celebrating American values and ideals.

Adopted by the Senate February 8, 2019

Adopted by the House February 15, 2019

(S.C.R. No. 103)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF ADMINISTRATION RELATING TO RULES OF THE DIVISION OF PURCHASING.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Administration relating to Rules of the Division of Purchasing are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 38.05.01, Rules of the Division of Purchasing, Section 114., Subsection 02.b., adopted as a pending rule under Docket Number 38-0501-1801, only, be, and the same is hereby rejected and declared null, void, and of no force and effect.

Adopted by the Senate February 27, 2019

Adopted by the House March 20, 2019

(S.C.R. No. 106)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DIVISION OF BUILDING SAFETY RELATING TO RULES CONCERNING IDAHO STATE PLUMBING CODE.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Division of Building Safety relating to Rules Concerning Idaho State Plumbing Code are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 07.02.06, Rules Concerning Idaho State Plumbing Code, Section 011., Subsection 35., adopted as a pending rule under Docket Number 07-0206-1702, only, be, and the same is hereby rejected and declared null, void, and of no force and effect.

Adopted by the Senate March 1, 2019

Adopted by the House March 25, 2019

(S.C.R. No. 107)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE TAX COMMISSION RELATING TO PROPERTY TAX ADMINISTRATIVE RULES.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the State Tax Commission relating to Property Tax Administrative Rules are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 35.01.03, Property Tax Administrative Rules, Sections 613. and 614., adopted as a pending rule under Docket Number 35-0103-1801, only, be, and the same are hereby rejected and declared null, void, and of no force and effect.

Adopted by the Senate March 13, 2019

Adopted by the House March 26, 2019

(S.C.R. No. 108)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE
TAX COMMISSION RELATING TO SALES AND USE TAX ADMINISTRATIVE RULES.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the State Tax Commission relating to Sales and Use Tax Administrative Rules are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 35.01.02, Sales and Use Tax Administrative Rules, Section 106., Subsection 05.b., adopted as a pending rule under Docket Number 35-0102-1803, only, be, and the same is hereby rejected and declared null, void, and of no force and effect.

Adopted by the Senate March 13, 2019

Adopted by the House March 26, 2019

(S.C.R. No. 109)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE
TAX COMMISSION RELATING TO INCOME TAX ADMINISTRATIVE RULES.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the State Tax Commission relating to Income Tax Administrative Rules are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 35.01.01, Income Tax Administrative Rules, Section 015., Subsection 02., adopted as a pending rule under Docket Number 35-0101-1801, only, be, and the same is hereby rejected and declared null, void, and of no force and effect.

Adopted by the Senate March 13, 2019

Adopted by the House March 26, 2019

(S.C.R. No. 110)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE IDAHO SOIL AND WATER CONSERVATION COMMISSION RELATING TO THE RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Soil and Water Conservation Commission relating to the Resource Conservation and Rangeland Development Program are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 60.05.01, relating to the Resource Conservation and Rangeland Development Program, Section 103., and Section 151., Subsection 01., adopted as a pending rule under Docket Number 60-0501-1801, only, be, and the same are hereby rejected and declared null, void, and of no force and effect.

Adopted by the Senate March 18, 2019

Adopted by the House March 28, 2019

(S.C.R. No. 112)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO CONTINUE TO UNDERTAKE A STUDY OF OCCUPATIONAL LICENSING AND CERTIFICATION LAWS AND RULES IN IDAHO.

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

WHEREAS, the Occupational Licensing and Certification Laws Interim Committee was authorized by the members of the Second Regular Session of the Sixty-fourth Idaho Legislature for the purpose of undertaking and completing a review of relevant reports submitted to the Governor's office pursuant to Executive Order No. 2017-06 (the "Licensing Freedom Act of 2017") and to examine the necessity of such laws and rules; and

WHEREAS, Executive Order No. 2017-06 required the executive departments of the State of Idaho to submit results to the Governor's office by July 1, 2018, containing suggestions regarding occupational licensing requirements, including whether such requirements could be modified or eliminated; and

WHEREAS, the final results of Executive Order No. 2017-06 were not available until October 19, 2018, limiting the amount of time that the interim committee had to study such information; and

WHEREAS, the study of Idaho's occupational licensing and certification laws conducted by the interim committee identified necessary improvements to the law and recommendations for reform; and

WHEREAS, the work of the interim committee was instrumental in helping to bring forward legislation that would ease occupational licensing barriers for military members, veterans, and the spouses of such individuals; and

WHEREAS, issues related to occupational licensing and certification laws continue to arise and pose challenges, opportunities, and concerns for the future of Idaho and its citizens; and

WHEREAS, Governor Little issued Executive Order No. 2019-01 (the "Licensing Freedom Act of 2019"), further identifying as legislative priorities the addition of sunset and sunrise provisions in occupational licensing and certification laws; and

WHEREAS, further interim committee review of licensing and certification laws is deemed necessary, including but not limited to review and assessment of the final results of Executive Order No. 2017-06, the addition of sunrise and sunset provisions to occupational licensing and certification laws, and the review of occupational licensing and certification laws in general in order to determine, as applicable, how the Legislature may be able to ease occupational licensing barriers while still protecting the public health and safety.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to continue the efforts to undertake and complete a review of licensing and certification laws in Idaho, including the final results of Executive Order No. 2017-06, the necessity of occupational licensing laws and rules in Idaho, and the priorities identified in the Licensing Freedom Act of 2019, including sunset and sunrise provisions. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice, and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations, and proposed legislation, if any, to the First Regular Session of the Sixty-sixth Idaho Legislature.

Adopted by the Senate March 20, 2019

Adopted by the House March 25, 2019

(S.C.R. No. 113)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES
REVIEWED BY THE LEGISLATURE, WITH EXCEPTIONS.

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

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of the Administrative Rules Coordinator for review during the 2019 legislative session, be, and the same are approved, with the exception of the following enumerated temporary rules:

IDAPA 25.01.01, the Idaho Outfitters and Guides Licensing Board, concerning Rules of the Idaho Outfitters and Guides Licensing Board, adopted as temporary rules under Docket Number 25-0101-1802, the entire rulemaking docket.

IDAPA 29.01.03, the Idaho Potato Commission, concerning Rules Governing Nominations for Appointment as a Commissioner to the Idaho Potato Commission, adopted as temporary rules under Docket Number 29-0103-1802, the entire rulemaking docket.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the Second Regular Session of the Sixty-fifth Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2019 legislative session shall expire by operation of statute upon adjournment of the First Regular Session of the Sixty-fifth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

Adopted by the Senate March 21, 2019

Adopted by the House April 1, 2019

(S.C.R. No. 114)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH EXCEPTIONS, AND REJECTING CERTAIN AGENCY RULE DOCKETS THAT ARE NOT APPROVED.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Bureau of Occupational Licenses governing Rules of the Barber and Cosmetology Services Licensing Board are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Parks and Recreation governing Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of the Administrative Rules Coordinator to the Legislature for review during the 2019 legislative session, which impose

a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 24.28.01, Rules of the Bureau of Occupational Licenses, Rules of the Barber and Cosmetology Services Licensing Board, Section 851., Subsections 05., 06., and 07., only, adopted as pending fee rules under Docket Number 24-2801-1802.

IDAPA 26.01.10, Rules of the Department of Parks and Recreation, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation, adopted as pending fee rules under Docket Number 26-0110-1701, the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 24.28.01, Rules of the Bureau of Occupational Licenses, Rules of the Barber and Cosmetology Services Licensing Board, Section 851., Subsections 05., 06., and 07., only, adopted as pending fee rules under Docket Number 24-2801-1802, and IDAPA 26.01.10, Rules of the Department of Parks and Recreation, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation, adopted as pending fee rules under Docket Number 26-0110-1701, the entire rulemaking docket, are hereby rejected and not approved, and thereby pursuant to Section 67-5291 and Section 67-5224, Idaho Code, are declared null, void, and of no force and effect.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void, and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

Adopted by the Senate March 21, 2019

Adopted by the House April 1, 2019

(S.C.R. No. 117)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY AND TO MAKE RECOMMENDATIONS REGARDING THE EFFECTS OF MEDICAID ELIGIBILITY EXPANSION ON EXISTING PROGRAMS THAT SERVE MEDICALLY INDIGENT INDIVIDUALS AND REGARDING RELATED ISSUES.

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

WHEREAS, on November 6, 2018, the Idaho electorate passed Proposition 2, expanding eligibility for Medicaid to persons with a modified adjusted gross income at or below 133% of the federal poverty level; and

WHEREAS, it is anticipated that Medicaid eligibility expansion will reduce or eliminate the need for existing programs that serve medically indigent individuals, including the county medically indigent program and the catastrophic health care costs program; and

WHEREAS, federal financial participation for Medicaid eligibility expansion is set at 90%, with the state providing the remainder of the funds needed for expansion; and

WHEREAS, funds currently reserved for the county medically indigent program and the catastrophic health care costs program have been identified as a potential source of funding for Medicaid eligibility expansion; and

WHEREAS, a study is necessary to determine:

- (1) The impacts of Medicaid eligibility expansion on existing programs that serve medically indigent individuals;
- (2) Options to reduce, phase out, or eliminate the county medically indigent program and the catastrophic health care costs program;
- (3) The savings to each county and the state from reduction or elimination of each program;
- (4) An equitable means to assess each county for its share of state funding for Medicaid eligibility expansion; and
- (5) An effective means for the state to collect Medicaid eligibility expansion assessments from the counties.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study and to make recommendations regarding the effects of Medicaid eligibility expansion on existing programs that serve medically indigent individuals and regarding related issues identified in this resolution. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice, and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the cochairs of the committee who are appointed by the Legislative Council shall appoint, as a nonvoting member of the committee, a person representing the Idaho Association of Counties.

BE IT FURTHER RESOLVED that other nonlegislative members of the committee may be appointed by the cochairs. Nonlegislative members of the committee shall not be reimbursed from legislative funds for per diem, mileage, or other expenses.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations, and proposed legislation, if any, to the Second Regular Session of the Sixty-fifth Idaho Legislature.

Adopted by the Senate March 28, 2019

Adopted by the House April 2, 2019

HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 1)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE FIRST REGULAR SESSION OF THE SIXTY-FIFTH IDAHO LEGISLATURE FOR THE PURPOSE OF HEARING A MESSAGE FROM THE GOVERNOR.

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

WHEREAS, the Governor has informed the House of Representatives and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the First Regular Session of the Sixty-fifth Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 7, 2019.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the House of Representatives and the Senate meet in Joint Session on Monday, January 7, 2019, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 7, 2019

Adopted by the Senate January 7, 2019

(H.C.R. No. 2)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND HONORING DIRECTOR EDDIE YEN ON HIS THIRTIETH ANNIVERSARY AS IDAHO'S ASIA TRADE REPRESENTATIVE.

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

WHEREAS, international trade is a vital component of our state's economy, with exports totaling \$4 billion annually; and

WHEREAS, in 2017, \$573 million worth of Idaho goods were shipped to Taiwan. Currently, Taiwan is Idaho's second largest export partner, trailing only Canada. Much of this success can be attributed to the hard work of Idaho's Asia Trade Representative, Director Eddie Yen; and

WHEREAS, Director Eddie Yen was hired to lead the Idaho Asia Trade Office in February 1989, and he has spent the past thirty years working diligently on behalf of Idaho companies and organizations to increase sales and foster partnerships in Taiwan and Asia; and

WHEREAS, he has worked with hundreds of Idaho companies and has helped organize trade missions, trade shows, inbound buying delegations, and educational visits; and

WHEREAS, Director Eddie Yen has spent his career cultivating business relationships and friendships with key figures in the Taiwan market. As a result of his tireless efforts, his work has allowed countless Idaho businesses to find quality partners in Taiwan that purchase Idaho goods and services, generating a positive economic impact for Idaho companies and the State of Idaho; and

WHEREAS, he has developed and maintained relationships with government officials in Taiwan and has utilized these relationships to enhance and strengthen Idaho's trade with Taiwan; and

WHEREAS, he has traveled to Idaho at least once every year during his tenure as director, seeking out new Idaho companies interested in exporting to Taiwan and meeting with existing exporters to discuss market strategies, priorities, and challenges; and

WHEREAS, as a result of his keen expertise, the Idaho Asia Trade Office was expanded in 2015 to include Southeast Asia in addition to Taiwan; and

WHEREAS, Director Eddie Yen has been a genuine, impactful, engaged, and humble friend of the State of Idaho; and

WHEREAS, it is impossible to overstate the value of Director Eddie Yen's contribution to the State of Idaho. His work has resulted in untold economic prosperity and success for Idaho businesses, organizations, and educational institutions alike.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we honor and recognize Eddie Yen for his outstanding dedication and commitment to the State of Idaho.

BE IT FURTHER RESOLVED that we congratulate Eddie Yen on the event of his thirtieth anniversary as Idaho's Asia Trade Representative.

BE IT FURTHER RESOLVED that we thank Eddie Yen with utmost sincerity for his service to the companies, organizations, and institutions of the State of Idaho.

Adopted by the House January 15, 2019

Adopted by the Senate February 4, 2019

(H.C.R. No. 3)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE LAST WEEK OF FEBRUARY EACH YEAR AS EATING DISORDERS AWARENESS WEEK IN THE STATE OF IDAHO, IN CONJUNCTION WITH THE OBSERVANCE OF NATIONAL EATING DISORDERS AWARENESS WEEK.

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

WHEREAS, eating disorders are shrouded in stigma, secrecy, and stereotypes, and the goal of the National Eating Disorders Awareness Week campaign is to shine a light on these deadly illnesses, dispel misinformation, and connect people with the support they need to recover; and

WHEREAS, eating disorders are serious conditions that are potentially life-threatening and have a great impact on both a person's physical and emotional health. Too often, signs and symptoms are overlooked, and many individuals, families, and communities are unaware of the devastating mental and physical consequences of eating disorders, as well as the pressures, attitudes, and behaviors that shape them; and

WHEREAS, in the United States, 20 million women and 10 million men suffer from clinically significant eating disorders at some time in their lives. These disorders affect people from all backgrounds and include anorexia nervosa, bulimia nervosa, and binge eating disorders; and

WHEREAS, the National Eating Disorders Association strives to address the many misconceptions regarding eating disorders and to highlight the availability of resources for treatment and support; and

WHEREAS, National Eating Disorders Awareness Week is a collaborative effort consisting primarily of volunteers, including eating disorder professionals, health care providers, students, educators, social workers, and individuals committed to raising awareness of the dangers surrounding eating disorders and the need for early intervention and treatment access; and

WHEREAS, eating disorders usually appear in adolescence and are associated with substantial psychological problems, including depression, substance abuse, and suicide. They are serious illnesses, not lifestyle choices. In fact, anorexia has the highest mortality rate of any mental illness; and

WHEREAS, many cases of eating disorders go undetected. Less than one-third of youth with eating disorders will receive treatment; and

WHEREAS, eating disorders experts have found that prompt and intensive treatment significantly improves the chances of recovery. It is therefore important for educators, medical providers, parents, and community members to be aware of the early warning signs and the symptoms of eating disorders; and

WHEREAS, National Eating Disorders Awareness Week encourages people to share their stories and experiences of disordered eating and body-image struggles; highlights the importance of screenings for the early detection of and intervention in eating disorders; and destroys myths and presents eating disorders as a public health issue that affects all kinds of people, regardless of age, gender, ethnicity, size, or background; and

WHEREAS, the recognition of National Eating Disorders Awareness Week performs the vital function of promoting public and media attention to the seriousness of eating disorders, improving education about the biological and environmental causes of eating disorders, and helping those who are struggling with these debilitating diseases.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature hereby recognizes the last week of February each year as Eating Disorders Awareness Week in the State of Idaho.

Adopted by the House February 4, 2019

Adopted by the Senate February 21, 2019

(H.C.R. No. 6)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING MUSIC IN OUR SCHOOLS MONTH.

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

WHEREAS, the study of music is basic to a complete education; provides a competitive edge for successful educational reform; engages students in individual and group activity; contributes to young people's development through listening, reading, self-expression, and creativity; and develops creativity, problem-solving, and critical and evaluative skills; and

WHEREAS, music education helps students acquire skills in production and performance of music, as well as an understanding of history and culture; and

WHEREAS, music education in schools includes a broad range of types of music and active musical experiences; and

WHEREAS, music and the other arts significantly enhance the morale and quality of the school environment; and

WHEREAS, Music in Our Schools Month is the National Association for Music Education's annual monthlong celebration, held every March since 1985 to engage music educators, students, and communities in promoting the benefits of high-quality music education programs in schools; and

WHEREAS, the Idaho Music Educators Association is concerned with maintaining and improving school music programs for all students regardless of their socioeconomic status or their abilities.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize and commend the Idaho Music Educators Association for its concern for and efforts to enhance the quality of music education in Idaho schools.

BE IT FURTHER RESOLVED that we hereby recognize the month of March each year as Music in Our Schools Month in the State of Idaho, and we endorse the observance of Music in Our Schools Month as an opportunity to support the purposes and practices of music education and encourage teachers, students, and all citizens to participate.

Adopted by the House February 8, 2019

Adopted by the Senate February 22, 2019

(H.C.R. No. 7)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF FISH AND GAME RELATING TO RULES GOVERNING THE IMPORTATION, POSSESSION, RELEASE, SALE, OR SALVAGE OF WILDLIFE.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Fish and Game relating to Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 13.01.10, relating to Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife, adopted as a pending rule under Docket Number 13-0110-1801, the entire rule-making docket, be, and the same is hereby rejected and declared null, void, and of no force and effect.

Adopted by the House February 4, 2019

Adopted by the Senate February 18, 2019

(H.C.R. No. 9)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING HYDROPOWER AS THE STATE'S GREATEST RENEWABLE RESOURCE AND FURTHER RECOGNIZING THE IMMENSE BENEFIT HYDROPOWER PROVIDES TO OUR STATE AS A CARBON-FREE, INEXPENSIVE ELECTRICAL POWER SOURCE AND AS AN ECONOMIC DRIVER FOR TOURISM, RECREATION, AND AGRICULTURE IN IDAHO.

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

WHEREAS, Idaho's many rivers provide an abundant resource that is renewed annually by rain and snow; and

WHEREAS, Idaho's many rivers can be used to generate electricity; and

WHEREAS, Idaho's many rivers, and the reservoirs created to generate hydroelectric power, support Idaho's economy as a source of recreation, fishing, and irrigation; and

WHEREAS, Idaho is conscious of its obligation for responsible stewardship of the environment and wildlife associated with the reservoirs used to generate hydroelectric power; and

WHEREAS, river water's potential energy from a dammed river or reservoir and its kinetic energy from the flow of the river can be converted to electricity without emission of carbon dioxide or other greenhouse gases and can therefore be considered a carbon-free energy source; and

WHEREAS, legislation at both the national and state level promotes reduction of greenhouse gas emissions in the generation of electricity and the development of carbon-free sources such as wind and solar power; and

WHEREAS, river water's potential energy from a dammed reservoir can be adjusted in real time to provide flexibility to a grid that includes variable sources of carbon-free wind and solar power; and

WHEREAS, the Governor's Office of Energy and Mineral Resources reports that Idaho's many rivers presently power over 140 electricity-generating or hydroelectric plants that have a combined capacity of approximately 2,500 MW; and

WHEREAS, Idaho's largest hydroelectric dams are the 1,167 MW Hells Canyon Complex, consisting of the Hells Canyon, Oxbow, and Brownlee dams, owned by Idaho Power; the 400 MW Dworshak dam operated by the U.S. Army Corps of Engineers; the 260 MW Cabinet Gorge Project owned by Avista Corporation; Rocky Mountain Power's Bear River hydroelectric projects, totaling 78.7 MW, and its Ashton project totaling 7.35 MW; and

WHEREAS, in 2010, Idaho's hydroelectric power plants generated 9,154,00 MWh, or about 76% of in-state electrical generation, and in 2016, hydropower supplied 59% of net electricity generation, the second largest share in the nation, despite the fact that drought reduced hydropower's share from an average of 72% over the previous ten years; and

WHEREAS, the Office of Energy and Mineral Resources reports that these hydroelectric plants contribute significantly to Idaho's low residential, commercial, and industrial electric rates and that in 2016, Idaho had the fifth lowest average electricity prices in the United States; and

WHEREAS, Idaho has one of the region's oldest publicly owned electric utilities; the city of Idaho Falls has owned and operated a hydroelectric generation system since 1900, which now consists of five hydropower plants along the Snake River that provide nearly one-third of the electricity used in the city; and

WHEREAS, Idaho's twenty-two rural electric cooperatives and municipal power companies provide electric power to over 137,000 consumers across the state, purchasing 96% of the power they distribute from the Bonneville Power Administration, which produces 8,935 aMW of federal hydro generation annually under average streamflow conditions; and

WHEREAS, predecessor companies of Rocky Mountain Power began providing electric service to Idaho customers in the 1890s, were consolidated in 1912, and today the company provides electric service to some 82,000 Idaho customers; and

WHEREAS, Idaho's hydroelectric power is abundant, renewable, low-cost, carbon-free, and responsibly maintained.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize hydropower as our state's greatest renewable resource and further recognize the immense benefit hydropower provides to our state as a carbon-free, inexpensive electrical power source and as an economic driver for tourism, recreation, and agriculture in Idaho.

Adopted by the House March 4, 2019

Adopted by the Senate March 12, 2019

(H.C.R. No. 10)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND SUPPORTING THE 2018 SETTLEMENT AGREEMENT BETWEEN THE CITIES, THE SURFACE WATER COALITION, AND MEMBERS OF IDAHO GROUND WATER APPROPRIATORS TO RESOLVE LITIGATION, AVOID CURTAILMENT, MAINTAIN SUSTAINABLE GROUND AND SURFACE WATER SUPPLIES ON THE EASTERN SNAKE PLAIN AQUIFER, AND MINIMIZE HARM TO IDAHO'S ECONOMY, SUPPORTING STATE MANAGEMENT THROUGH THE EASTERN SNAKE PLAIN AQUIFER GROUND WATER MANAGEMENT AREA TO ENSURE THAT EASTERN SNAKE PLAIN AQUIFER WATER SUPPLY ISSUES ARE TIMELY ADDRESSED, AND SUPPORTING THE CONTINUED FUNDING AND IMPLEMENTATION OF EFFORTS TO SATISFY THE GOAL OF STABILIZING AND REVERSING THE TREND OF DECLINING WATER LEVELS IN THE EASTERN SNAKE PLAIN AQUIFER.

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

WHEREAS, Senate Concurrent Resolution No. 138 was adopted during the 2016 legislative session, supporting the settlement agreement entered into on June 30, 2015, between participating members of the Surface Water Coalition (SWC) and participating members of the Idaho Ground Water Appropriators (IGWA) to avoid potential curtailment, to take actions to maintain sustainable ground and surface water supplies on the Eastern Snake Plain Aquifer (ESPA), and minimize harm to Idaho's economy; and

WHEREAS, in November 2016, the director of the Department of Water Resources designated the ESPA Ground Water Management Area (GWMA); and

WHEREAS, the ESPA cities opposed designation of the GWMA; and

WHEREAS, in 2018, the cities entered into a settlement agreement with IGWA and SWC, with the agreement covering ESPA municipal pumping; and

WHEREAS, key provisions of the agreement are that the cities will provide aquifer enhancement activities and the participating cities, in turn, will have safe harbor from SWC and IGWA delivery calls for up to 35 years; and

WHEREAS, as part of the agreement, participating cities will withdraw opposition to GWMA designation and will support continued funding of state-sponsored efforts to further the goal of stabilizing and reversing the water level declines in the ESPA.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho supports the 2018 settlement agreement between the cities, the SWC, and members of the IGWA to re-

solve litigation, avoid curtailment, maintain sustainable ground and surface water supplies on the ESPA, and minimize harm to Idaho's economy.

BE IT FURTHER RESOLVED that the State of Idaho supports state management through the ESPA GWMA to ensure ESPA water supply issues are timely addressed and supports continued funding and implementation of efforts to satisfy the goal of stabilizing and reversing the trend of declining water levels in the Eastern Snake Plain Aquifer.

Adopted by the House February 18, 2019

Adopted by the Senate March 11, 2019

(H.C.R. No. 11)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND COMMEMORATING THE FOUNDING OF THE IDAHO STATE DEPARTMENT OF AGRICULTURE, AND THE RESULTING 100 YEARS OF OUTSTANDING SERVICE BY EMPLOYEES PAST AND PRESENT TO THE AGRICULTURAL, RANCHING, FOOD PROCESSING, AGRIBUSINESS, AND IDAHO COMMUNITIES IT SERVES, AND COMMENDING ITS CONTINUED SERVICE TO THE PEOPLE OF THIS GREAT STATE.

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

WHEREAS, Idaho agriculture is diverse, abundant, and deeply rooted in our history; and

WHEREAS, farming, ranching, food processing, and agribusiness remain a fundamentally important part of Idaho's economy, communities, and way of life; and

WHEREAS, Idaho has nearly 25,000 farms and ranches that produce more than 185 different commodities; and

WHEREAS, Idaho ranks in the top ten in the nation in production or receipts in 30 of those commodities; and

WHEREAS, Idaho is the third largest agricultural state in the West and second in net farm income; and

WHEREAS, agriculture and food processing generate 20% of Idaho's total economic output in sales and 16% of GDP; and

WHEREAS, agriculture and agricultural activities remain an important way of life for communities across Idaho; and

WHEREAS, the Idaho State Department of Agriculture was established in 1919 to serve and regulate this cornerstone industry; and

WHEREAS, the Idaho State Department of Agriculture, and its dedicated team of industry topic experts, oversees more than 60 sections of Idaho Code and is structured to efficiently implement its statutory duties; and

WHEREAS, in 2019 the Idaho State Department of Agriculture marks its 100th year of service to the industries, communities, and citizens of our great state.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we commemorate the founding of the Idaho State Department of Agriculture, and the resulting 100 years of outstanding service by employees past and present to the agricultural, ranching, food processing, agribusiness, and Idaho communities it serves, and commend its continued service to the people of this great state.

Adopted by the House February 14, 2019

Adopted by the Senate February 25, 2019

(H.C.R. No. 12)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF NATURAL RESOURCE ISSUES.

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

WHEREAS, the First Regular Session of the Sixty-fourth Idaho Legislature adopted Senate Concurrent Resolution No. 114, which authorized the appointment of a committee to undertake and complete a two-year study of natural resource issues, including issues relating to water, throughout the State of Idaho; and

WHEREAS, the committee's official term expired on November 30, 2018, and numerous natural resource-related issues continue to be of importance for the future of Idaho and the quality of life our citizens enjoy; and

WHEREAS, natural resource issues of continued interest include, but are not limited to, stabilization of the water distribution system, the status of aquifers throughout the state, and wildlife.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a two-year committee to undertake and complete a study of natural resource issues of importance to the State of Idaho. The committee shall consist of ten legislators, with five from the Senate and five from the House of Representatives. The Legislative Council shall authorize the committee to receive input, advice, and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the Legislative Council is authorized to also appoint ad hoc legislative members to serve on the committee.

BE IT FURTHER RESOLVED that the cochairs of the committee are authorized to appoint advisors with technical expertise in regard to water issues and are expected to receive input from stakeholders.

BE IT FURTHER RESOLVED that any advisors to the committee who are not legislative members shall not be reimbursed from legislative funds for per diem, mileage, or other expenses and shall not have voting privileges regarding the committee's recommendations and proposed legislation.

BE IT FURTHER RESOLVED that the committee shall make a progress report to the Second Regular Session of the Sixty-fifth Idaho Legislature and shall make a report detailing its findings, recommendations, and proposed legislation, if any, to the First Regular Session of the Sixty-sixth Idaho Legislature.

Adopted by the House February 25, 2019

Adopted by the Senate March 11, 2019

(H.C.R. No. 15)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING DR. TOM CADE AS ONE OF THE WORLD'S MOST VISIONARY CONSERVATIONISTS AND WIDELY RESPECTED SCIENTISTS, AND HONORING THE SIGNIFICANT CONTRIBUTIONS THAT HE MADE TO THE STATE OF IDAHO, THE COUNTRY, AND THE WORLD AT LARGE IN HIS IMPORTANT, NOTABLE, AND LASTING RAPTOR CONSERVATION EFFORTS.

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

WHEREAS, in 1970, Dr. Tom Cade cofounded The Peregrine Fund, a non-profit, nonpolitical, and solution-oriented organization, to restore the Peregrine Falcon, which was removed from the U.S. Endangered Species List in 1999, and to effectively manage the financial support being offered by the public. The organization grew to become much more than Dr. Cade originally envisioned, and over the past five decades it has worked with more than 100 species in 65 countries worldwide. Many species such as the Mauritius Kestrel, Northern Aplomado Falcon, California Condor, several species of Asian vultures, and more are thriving today because of the work The Peregrine Fund and its many partners have undertaken; and

WHEREAS, prior to cofounding the fund, Peregrine Falcon populations had declined drastically in the 1950s and 1960s due to the widespread use of DDT, a pesticide that interfered with calcium metabolism and caused birds to lay very thin-shelled eggs that cracked during incubation. By 1970, Peregrine Falcons were extinct in the eastern United States, and fewer than 40 pairs were estimated to remain in the West. Dr. Cade, an ornithologist and lifelong falconer, was acutely aware of this decline and worked with others across the nation to ban the use of DDT and develop a recovery plan for the nation's fastest animal; and

WHEREAS, in the late 1970s, Dr. Cade and his team of biologists and falconers bred, raised, and released a Peregrine Falcon pair into a Peregrine Falcon nest box on top of a release tower in Brigantine National Wildlife Refuge in New Jersey. These two birds were part of a nationwide recovery program for the species. In the spring of 1980, the scientists discovered atop the release tower three young nestlings being raised by the Peregrine Falcon pair. The nestlings were some of the first Peregrine chicks produced in the wild in eastern North America since the 1950s; and

WHEREAS, in August of 1999, Dr. Cade stood on stage with then-Secretary of the Interior Bruce Babbitt to officially declare that the Peregrine Falcon was recovered in North America and had been removed from the Endangered Species List. To this day, it is considered among the greatest conservation success stories of all time; and

WHEREAS, drawing on past lessons and successes, The Peregrine Fund's vision for the coming decades applies its expertise to emerging and accelerating conservation problems faced by raptors and communities around the globe. It is ambitious, specific, unifying, inspirational, measurable, and, most importantly, empowering to the people and communities who bring it to life; and

WHEREAS, three key aims of The Peregrine Fund are: to conserve raptors by preventing raptor extinctions, protecting areas of high raptor conservation value, and addressing landscape-level threats that impact multiple species; to engage people by inspiring them to value raptors and take action, serving as catalysts for change, and investing in tomorrow's conservation leaders; and to cultivate excellence by assembling infrastructure, facilities, and people and by raising sufficient funds to execute actions and achieve measurable, timebound goals on an iterative five-year cycle; and

WHEREAS, Dr. Tom Cade passed away on February 6, 2019, at the age of 91. Since his first ornithological survey of St. Lawrence Island in the Bering

Sea in 1950, Dr. Cade's passion for natural history and his professional career spanned nearly 70 years. His career involved teaching at Syracuse University and the Cornell Lab of Ornithology in New York, post-doctoral research on desert birds and raptors in southern Africa, starting the Peregrine breeding program at Cornell University, cofounding and leading The Peregrine Fund, and researching the critically endangered Mauritius Kestrel.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize Dr. Tom Cade as one of the world's most visionary conservationists and widely respected scientists and honor the significant contributions that he has made to the State of Idaho, the country, and the world at large in his important, notable, and lasting raptor conservation efforts.

Adopted by the House February 19, 2019

Adopted by the Senate March 11, 2019

(H.C.R. No. 17)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE TAX COMMISSION RELATING TO PROPERTY TAX ADMINISTRATIVE RULES.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the State Tax Commission relating to Property Tax Administrative Rules are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 35.01.03, relating to Property Tax Administrative Rules, adopted as a pending rule under Docket Number 35-0103-1803, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void, and of no force and effect.

Adopted by the House March 4, 2019

Adopted by the Senate March 19, 2019

(H.C.R. No. 18)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DIVISION OF VOCATIONAL REHABILITATION RELATING TO RULES AND MINIMUM STANDARDS GOVERNING EXTENDED EMPLOYMENT SERVICES.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Division of Vocational Rehabilitation relating to Rules and Minimum Standards Governing Extended Employment Services are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 47.01.02, Rules Governing Rules and Minimum Standards Governing Extended Employment Services, Section 500., Subsection 03.c., adopted as a pending rule under Docket Number 47-0102-1801, only, be, and the same is hereby rejected and declared null, void, and of no force and effect.

Adopted by the House March 12, 2019

Adopted by the Senate March 20, 2019

INITIATIVES

PROPOSITION NO. 2**AN INITIATIVE TO PROVIDE THAT THE STATE SHALL AMEND ITS
STATE PLAN TO EXPAND MEDICAID ELIGIBILITY TO CERTAIN PERSONS**

1

AN ACT

2 RELATING TO MEDICAID; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE
3 ADDITION OF A NEW SECTION 56-267, IDAHO CODE, TO PROVIDE THAT THE STATE
4 SHALL AMEND ITS STATE PLAN TO EXPAND MEDICAID ELIGIBILITY TO CERTAIN
5 PERSONS AND TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE IS
6 REQUIRED AND AUTHORIZED TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT
7 THE PROVISIONS OF THIS SECTION; AND AMENDING SECTION 56-262, IDAHO CODE, TO
8 PROVIDE A CORRECT CODE REFERENCE.

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

10 SECTION 1. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby
11 amended by the addition thereto of a NEW SECTION, to be known and designated
12 as Section 56-267, Idaho Code, and to read as follows:

13 56-267. MEDICAID ELIGIBILITY EXPANSION. (1) Notwithstanding any provision of law
14 or federal waiver to the contrary, the state shall amend its state plan to expand Medicaid
15 eligibility to include those persons under sixty-five (65) years of age whose modified adjusted
16 gross income is one hundred thirty-three percent (133%) of the federal poverty level or below
17 and who are not otherwise eligible for any other coverage under the state plan, in accordance
18 with sections 1902(a)(10)(A)(i)(VIII) and 1902(e)(14) of the Social Security Act.

19 (2) No later than 90 days after approval of this act, the department shall submit any
20 necessary state plan amendments to the United States Department of Health and Human
21 Services, Centers for Medicare and Medicaid Services to implement the provisions of this
22 section. The department is required and authorized to take all actions necessary to implement
23 the provisions of this section as soon as practicable.

24 SECTION 2. That Section 56-262, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 56-262. DEFINITIONS. The definitions contained in section 56-252, Idaho Code, shall
27 apply to sections 56-260 through ~~56-266~~ 56-267, Idaho Code.



*The Office of the Governor
Proclamation*

WHEREAS, the Secretary of State and the State Board of Canvassers have canvassed the votes cast on November 6, 2018 concerning Proposition Two (An initiative to provide that the State shall amend its state plan to expand Medicaid eligibility to certain persons); and,

WHEREAS, the results show that said proposition has received 365,107 "Yes" votes, 237,567 "No" votes,

NOW, THEREFORE, I, BRAD LITTLE, Acting Governor of the State of Idaho, pursuant to Section 34-1813, Idaho Code, do hereby proclaim that Proposition Two has been passed by the people of the State of Idaho.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 20th day of November, in the year of our Lord two thousand and eighteen and of the Independence of the United States of America the two hundred forty-third and of the Statehood of Idaho the one hundred twenty-ninth.

/s/ Brad Little
ACTING GOVERNOR

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2018-04THE PACIFIC NORTHWEST ECONOMIC REGION IDAHO COUNCIL

WHEREAS, the Pacific Northwest Economic Region (PNWER) was established by statute in 1991 within the organization's seven original legislative districts of Idaho, Washington, Oregon, Montana, Alaska in the United States, and British Columbia and Alberta in Canada, including the additions of Saskatchewan and the Yukon Territory and the Northwest Territories;

WHEREAS, the vision of the PNWER was to establish a collaborative region-wide bi-national organization to address common issues and interests;

WHEREAS, the Governors and Premiers were added to the governance structure in 1993, with the private sector, nonprofit organizations and nongovernmental organizations added to the working group structure in 1994;

WHEREAS, the PNWER Working Groups currently include many areas essential to Idaho's economy and social structure, including: agriculture, Arctic caucus, cross-border livestock health, border issues, security and disaster resilience, energy transmission, renewable energy, environment, health care, innovation, invasive species, sustainable development, telecom, trade and economic development, transportation, tourism, water policy, workforce development; and

WHEREAS, the public and private sectors of Idaho could significantly benefit from a designated council to coordinate the efforts of and establish regular communications amongst and between the Idaho entities and the PNWER entities.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby create the Pacific Northwest Economic Region Idaho Council.

1. The Idaho Council shall consist of the following members:
 - a. The Lieutenant Governor or their designee;
 - b. Two representatives from the Department of Commerce, including the Director or their designee;
 - c. Two representatives from the Idaho Department of Transportation, including the Director or their designee;
 - d. Two representatives of the Idaho Department of Agriculture, including the Director or their designee;
 - e. The Director of the Idaho Office of Emergency Management, or their designee;
 - f. The Administrator of the Idaho Office of Energy and Mineral Resources;
 - g. Three members of the Idaho Senate, including representation by the minority party, as chosen by the President Pro Tempore;
 - h. Three members of the Idaho House of Representatives, including representation by the minority party, as chosen by the Speaker of the House;
 - i. Up to ten members representing the private sector as chosen by PNWER subject to the approval of the Governor;
 - j. Designees of Idaho's Universities as chosen by PNWER subject to the approval of the Governor.
2. The Idaho Council's responsibilities including the following:
 - a. Design and develop an Idaho agenda of programs of interest in PNWER;

- b. Provide leadership regarding Idaho's needs and opportunities related to domestic and international trade and business and government relations amongst PNWER participating entities;
 - c. Encourage the participation of Idaho's private, nonprofit and nongovernmental sector in PNWER initiatives;
 - d. Strengthen relations with other PNWER entities by participating in and recognizing, to the extent possible, significant events and milestones such as elections, commemorations and awards.
3. Unless stated otherwise, members of the Council shall be appointed by and serve at the pleasure of the Governor.
 4. The Lieutenant Governor or their designee shall serve as the Chair of the PNWER Idaho Council subject to the approval of the Governor.
 5. The PNWER Idaho Council shall be coordinated by a Director, chosen and remunerated by PNWER subject to the approval of the Governor.
 6. The PNWER Idaho Council shall have regular communications as determined by the majority of the Committee and bi-annual meetings called by the Chair and organized by the Director.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 19th day of April, in the year of our Lord 2018, and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2018-05

CONTINUING A SYSTEM FOR ALLOCATING VOLUME CAP IN THE STATE
CONSISTENT WITH PROVISIONS OF TITLE 50, CHAPTER 28, IDAHO CODE,
AND THE U.S. INTERNAL REVENUE CODE OF 1986

WHEREAS, Section 146 of the U.S. Internal Revenue Code of 1986 (the "Code") subjects certain private activity and non-private activity bonds to volume limitations or "volume cap" (the "volume cap"); and

WHEREAS, as required by Section 146(e) of the Code, the Idaho Legislature did adopt the provisions of Title 50, Chapter 28, Idaho Code, (the "State Law") to provide a permanent allocation formula for volume cap in the state; and

WHEREAS, Section 50-2804 Idaho Code, authorizes and directs the Governor of the State of Idaho to provide for the implementation and administration of the allocation formula established under Section 50-2803, Idaho Code, by executive order, and the Governor did issue Executive Order No. 2013-04 providing therefore; and

WHEREAS, in order to renew the provisions contained in said Executive Order No. 2013-04, to amend the allocation formula in order to meet the requirements of said amendments to the State Law and to continue to provide for the implementation and administration of the formula for allocation of the volume cap among the state and its issuing authorities under the State Law, it is necessary and desirable to issue this Executive Order;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and laws of the State of Idaho do hereby order the following:

Section 1: As used in this Executive Order:

1. "Allocation Dollars" means the dollar amount of the volume cap expressed in terms of dollars. Each allotment dollar equals one dollar of volume cap that may be allocated under this Executive Order and the State Law;
2. "Bonds" means any obligations for which an allocation of the volume cap is required by the Code and the State Law including, without limitation, mortgage credit certificates described in Section 25 of the Code. With respect to any allocation of Allotment Dollars for the purpose of issuing certificates, certificates will be deemed "issued" when the mortgage credit certificate program for which the allocation is made is implemented;
3. "Code" means the Internal Revenue Code of 1954, as amended by the Reform Act of 1986 and renamed the Internal Code of 1986, and any related regulations;
4. "Department" means the Department of Commerce of the State.
5. "Director" means the director of the Department or such other official or officials of the Department as the director shall designate to carry out the duties of the director set forth in this Executive Order.
6. "Form 8038" means U.S. Department of the Treasury tax form 8038 (OMB NO. 1545-0720) or any other federal tax form or other method of reporting required by the Department of the Treasury under Section 149(e) of the Code.
7. "Issuing authority" means
 - a. any county, city or port district;
 - b. any public corporation created pursuant to Section 50-2703 of the Idaho Code, or other entity acting on behalf of one or more counties, cities, or both;
 - c. the State; or
 - d. any other entity authorized to issue Bonds in the State.
8. "Priority Set Aside" means one of the priority set asides established under Section 4(1) hereof.
9. "Program" means the program to be financed in whole or in part with the proceeds of the sale of Bonds or to be implemented through the issuance of mortgage credit certificates under Section 25 of the Code.

10. "Project" means the facility to be financed in whole or in part with the proceeds of sale of Bonds.
11. "Qualifying Carryforward Project or Program" means a Project or Program qualifying for carryforward under Section 146(f) of the Code.
12. "State" means the State of Idaho, any of its agencies, instrumentalities, institutions and divisions authorized to issue Bonds under State law.
13. "State Law" means Title 50, Chapter 28, Idaho Code, as amended.
14. "Volume cap" means the volume cap for the State as computed under Section 146 of the Code.
15. "Year" means each calendar year beginning January 1.

Section 2: The Volume cap for each Year is allocated to Issuing Authorities in accordance with the procedures set forth in this Executive Order. An allocation of the Volume cap may be obtained by submitting an application to the Director in accordance with Section 3 or Section 5, as appropriate. The Director shall evidence a grant of an allocation of the Volume cap by issuing a certificate of allocation in accordance with Section 4 or Section 5, as appropriate.

Section 3:

1. Any Issuing authority proposing to issue Bonds shall, prior to the issuance of such Bonds, submit an application to the Director which contains the following information and attachments:
 - a. The name of the issuing authority
 - b. the mailing address of the issuing authority
 - c. the tax identification number of the issuing authority;
 - d. the name, title and office telephone number of the official of the issuing authority to whom notices should be sent and from whom information can be obtained;
 - e. the principal amount of Bonds proposed to be issued for which an application for an allocation of the Volume cap is requested;
 - f. the nature, the purpose and the specific location of the project or the type of program;
 - g. the initial owner or user of the project or program, if other than the issuing authority;
 - h. a copy of a valid and fully executed resolution or similar official action of the issuing authority evidencing its intention to issue bonds for the project or program;

- i. with respect to bonds, the anticipated date on which the bonds are expected to be sold and the anticipated date on which the closing or final transaction with respect to the issuance and sale of the bonds is expected to occur and, with respect to mortgage credit certificates under Section 25 of the Code, the anticipated date on which such mortgage credit certificates are expected to be issued;
 - j. the name, address, and telephone number of all parties to the transaction;
 - k. the applicable provisions of the Code under which the bonds are expected to be issued;
 - l. such information as the applicant may wish to submit in order to demonstrate the need for, and economic impact of, its program or project in the State, together with any information which demonstrates how its program or project will effectively utilize and efficiently distribute resources throughout the State; and
 - m. any other information or attachments reasonably required by the Director.
2. The Director shall:
 - a. establish the form of application for requests for allocations of the Volume cap, which form shall contain the information required by Section 3(1); and
 - b. make such forms available to the public upon request.
 3. The Director shall be under no obligation to process any application that is incomplete. Any application submitted by an issuing authority that the Director does not process shall be returned by the Director on or before the fifteenth (15th) day after receipt thereof with a brief explanation as to why the application was not processed.

Section 4:

1. Allocations of Volume cap shall be made each Year according to the following priority set asides:
 - a. qualified small-issue manufacturing projects under Section 144 (a) of the Code, in an amount between 7% and 13% of the total allocation dollars available for the Year as determined by the Director;
 - b. single-family housing financing through the Idaho Housing and Finance Association under Section 143 of the Code, in an amount between 55% and 80% of the total allocation dollars available for the Year as determined by the Director;
 - c. multifamily housing, as qualified residential rental projects under Section 142 (a) (7) of the Code, in an amount between 0% and 18% of the total allocation dollars available for the Year as determined by the Director;

- d. student loan programs through the Education Funding Association of Idaho under Section 144 (b) of the Code, in an amount between 0% and 6% of the total allocation dollars available for the Year as determined by the Director;
 - e. exempt facilities under Section 142 (a) of the Code, other than qualified residential rental projects, in an amount between 0% and 32% of the total allocation dollars available for the year as determined by the Director;
 - f. any qualified uses for Volume cap not identified above are eligible for allocations in accordance with Section 4 (4) below;
 - g. not later than January 31 of each Year, subject to the provisions of Section 4 (9) hereof, the Director shall determine the amount of allocation dollars within each priority set aside, based on the need for and economic impact of the program or project to be financed under each application and how such expected program or project will effectively utilize and efficiently distribute resources throughout the State; and
 - h. the above priority set asides shall be in effect through August 31 of each Year. Thereafter, allocations shall be made in accordance with Section 4 (4) and (5) below. All other potential uses of volume cap under the Code, other than those listed in the priority set asides above, may also be allocated on or after September 1 of each Year upon application to the Director as provided in Section 4 (4) and (5) below.
2. Except as otherwise provided in this Executive Order, on or before the fifteenth (15th) day after receipt by the Director of an application for an allocation of the volume cap, the Director shall, if the application is in satisfactory order, and if the Director determines that the application demonstrates the need for, and economic impact of, the particular program or project in the State and how the program or project will effectively utilize and efficiently distribute resources throughout the State, the Director will make the requested allocation in the amount so requested, if available under the applicable priority set aside in Section 4 (1) above, and certify to the issuing authority applying for the allocation that an allocation has been made, the amount of such allocation. Certificates of allocation evidencing the granting of an allocation by the Director in accordance with the preceding sentence, shall be issued by the Director in the chronological order in which completed applications are received within the applicable priority set aside in Section 4 (1) above. No Issuing authority issuing bonds or certificates is entitled to any allocation of the volume cap with respect to such bonds or certificates unless it has first received the aforementioned certificate of

allocation from the Director evidencing the granting of an allocation for such bonds or certificates.

3. Every allocation of the Volume cap granted under this Executive Order by the Director for which bonds or certificates have not been issued with respect to such allocation, except those grants made pursuant to Section 5, shall remain effective until, and including, the earlier of:
 - a. a date to be determined by the Director but not to exceed 180 days after the date on which such allocation was made or any date until December 27 as determined by the Director if the program is being allocated Volume cap under a priority set aside which sets aside allocation dollars for a specific issuing authority [Sections 4(1)(b), 4(1)(d) and 4(1)(e) above] and such issuing authority has a program for bond issuance to be carried out throughout the Year,
 - b. 12:00 o'clock midnight on December 27 of the Year in which such allocation was made; or
 - c. the date upon which the Director receives a written notification from any such Issuing authority pursuant to Section 7(2). Any allocation for which bonds or certificates are issued on or prior to the applicable date specified in this subsection shall be irrevocably allocated to such bonds or certificates.
4. On and after September 1 of each Year, allocations of Volume cap shall be made to applicants submitting applications by such date for project(s) or program(s) that best demonstrate effective utilization, need, economic impact and efficient distribution of resources throughout the State. The Director and the Department may elect not to allocate Volume cap if an application does not demonstrate a need for and economic impact of the particular program or project in the State and how the program or project will effectively utilize and efficiently distribute resources throughout the State. If qualified applications have not been received by the Department for all remaining allocation dollars by September 1 of such Year, then the Department shall continue to receive additional applications until the first of each succeeding month and make allocations on the same basis until all allocation dollars have been allocated.

5. Until and including December 27 of each Year, any allocation of allocation dollars made in such year, except allocations made pursuant to Section 5, for which bonds or certificates are not issued on or prior to the applicable date specified in Section 4(3) shall be available for reallocation to applying Issuing authorities. On December 28 of each Year, any allocation of allocation dollars made in such Year for which bonds or certificates are not issued on or prior to the applicable date specified in Section 4(3) and any allocation dollars for such year or any allocation dollars not allocated under Section 4(4) above shall become available for reallocation only for qualifying carryforward projects or programs. In either case, such reallocations shall be made in the same manner as for allocations of allocation dollars on and after September 1 as provided in Section 4(4) above.
6. No application submitted by an Issuing authority to the Director pursuant to this section shall be processed if the amount of allocation of the Volume cap requested in such application is in excess of the amount of Volume cap remaining available for allocation. Any application not processed for the reason stated in this subsection may be resubmitted to the Director, with or without a change in the amount of allocation requested. Any application resubmitted to the Director pursuant to this subsection shall be treated as a new application. Should an allocation not be granted for the reasons stated in this subsection, the Director shall continue to process other applications in the chronological order in which received, granting allocations pursuant to the provisions of this Executive Order.
7. The expiration date of an allocation of Volume cap under this Executive Order may be extended upon prior written approval of the Director, provided there are no pending applications for Volume cap within the same priority set aside, or if there are other such applications pending, that the application for the allocation being extended best demonstrates the need for and economic impact of the program or project in the State and how the program or project will effectively utilize and efficiently distribute resources throughout the State, and provided further that all other provisions of this Executive Order are complied with.
8. In the event that the Director is uncertain whether an application meets the requirements set forth in 4(2) or 4(4) above, he may defer action on such application until he has received another application(s) and then determine which application best meets such criteria.

9. In the case of an application filed prior to the date when the Director makes an allocation under 4(1)(h) above for an allocation from a Priority Set Aside which provides for a minimum percent of allocation dollars and sets forth a specific Issuing authority to receive the Priority Set Aside [specifically, Priority Set Asides 4(1)(b), 4(1)(d) and 4(1)(e)], the Director may, at the request of the Issuing authority, make an allocation of that Year's allocation dollars in an amount not to exceed the minimum percentage stated for the Priority Set Aside prior to the date the Director has set for determination of allocations under 4(1)(h) but in no event later than fifteen (15) days after the date such application is filed.

Section 5:

1. Issuing authorities with Qualifying Carryforward Projects or Programs may apply for an allocation of allotment dollars for such Qualifying Carryforward Projects or Programs by submitting an application to the Director which shall contain:
 - a. the carryforward purpose for the bonds under Section 146(f) of the Code;
 - b. any other information required by Section 146(f) of the Code;
 - c. a certification signed by both an official of the issuing authority responsible for the supervision of the issuance of the bonds and, if applicable, a representative of the person or entity constructing, acquiring, or rehabilitating the project or administering the program, stating that the Issuing authority and, if applicable, such person or entity, will proceed with diligence to ensure the issuance of the bonds within the carryforward period provided by Section 146(f) of the Code;
 - d. a preliminary opinion from the bond counsel that the project or program qualifies for carryforward under Section 146(f) of the Code, if applicable;
 - e. if applying for an allocation of allotment dollars for the purpose of issuing mortgage credit certificates under Section 25 of the Code, the amount of qualified mortgage bonds defined in Section 143 of the Code which the issuing authority elects not to issue under the Code; and
 - f. other such information and attachments as are set forth in Section 3(1).

2. No application submitted by an issuing authority to the Director pursuant to this section shall be processed if at the time such application is considered the amount of allocation of the Volume cap requested in such application is in excess of the amount of the Volume cap remaining available for allocation. Any application not processed for the reason stated in this subsection may be resubmitted to the Director, with or without a change in the amount of allocation requested. Any application resubmitted to the Director pursuant to this subsection shall be treated as a new application. Should an allocation not be granted for the reasons stated in this subsection, the Director shall continue to process other applications in accordance with the provisions of Section 4(4), granting allocations pursuant to the provisions of this Executive Order.
3. Allocations of the Volume cap for Qualifying Carryforward Projects or Programs shall be granted by the Director in the amount requested by the applying issuing authority, if available, on or after December 1, but no later than December 31, of the Year in which an application in satisfactory order is submitted to the Director for an allocation of the Volume cap for a Qualifying Carryforward Project or Program in accordance with the provisions of Section 4(5). The Director shall issue certificates of allocation evidencing the granting of an allocation within the time period specified in the preceding sentence to each issuing authority which applied to the Director and which received an allocation of the volume cap for a Qualifying Carryforward Project or Program of such Issuing authority, such certificates of allocation to be similar to the certificates of allocation described in Section 4, stating the amount of allotment dollars which have been allocated to such Issuing authority, specifying the Qualifying Carryforward Project or Program for which the allocation has been made and specifying the expiration date of the allocation, as provided by Section 146(f) of the Code.

Section 6: No application submitted to the Director may be amended without the consent of the Director; provided, however, that no such consent shall be required for an Issuing authority to submit a new application in order to replace a previously submitted application if such new application is submitted before an allocation is made on the basis of the original application; provided further, that the consent of the Director shall not be required for an Issuing authority to withdraw a previously submitted application. For purposes of receiving an allocation of the Volume cap, any application that has been amended shall be treated as though such application was submitted on the date that the amendment was made, rather than on the date of the original submission of such application.

Section 7:

1. After the effective date of this Executive Order, any Issuing authority issuing Bonds without a certificate or allocation of the Director issued pursuant to Section 4 or Section 5, as appropriate, evidencing the granting of an allocation for such Bonds or Certificates, or any Issuing authority issuing Bonds or Certificates after the expiration of an allocation under Section 4 or Section 5, as appropriate, is not entitled to any allocation of the Volume cap for such Bonds or Certificates, and any Issuing authority issuing Bonds or Certificates in excess of the allocation set forth in the certificate of allocation is not entitled to any allocation of the Volume cap for such excess.
2. Each Issuing authority shall:
 - a. advise the Director on or before the earlier of the sixtieth day after the issuance of any Bonds or Certificates or December 27 of each Year, of the principal amount of bonds or certificates issued under the allocation set forth in each certificate of allocation issued by the Director evidencing the granting of an allocation for such bonds or certificates by delivering to the Director a copy of the Form 8038 which was delivered to the Internal Revenue Service in connection with such bonds or certificates, or, if no such form was required to be delivered to the Internal Revenue Service, a completed copy of a Form 8038 prepared for the Director with respect to such bonds or certificates; or
 - b. if all or a stated portion of such bonds or certificates will not be issued, shall advise the Director in writing, on or before the earlier of
 - i. the fifteenth (15th) day after the earlier of
 - A. the final decision not to issue or a stated portion of such bonds or certificates, or
 - B. the expiration of the allocation, or
 - ii. December 27 of the year in which the allocation of such Bonds or Certificates was made.
3. Each issuing authority shall cooperate with the Director in furnishing any information the Director reasonably requires. If an Issuing authority obtains an allocation of a portion of the Volume cap for a particular project or program from the Director as provided in Section 4 or Section 5, as appropriate, but does not issue its Bonds or Certificates within the prescribed time limit, or issues a lesser amount of Bonds or Certificates within the prescribed time limit, such Issuing authority may again submit an application with respect to the proposed Bonds or Certificates or portion of such Bonds or Certificates not issued for such project or program as provided in Section 4 or Section 5, as appropriate. Such application shall be treated as a new application.

Section 8: In addition to the duties otherwise specifically set forth in this Executive Order, the Director shall:

4. determine the amount of allotment dollars available on December 28 of each Year for allocation for Qualifying Carryforward Projects or Programs and allocate the allotment dollars available for Qualifying Carryforward Projects or Programs as provided in this Executive Order;
5. maintain a record of all applications filed by Issuing Authorities under Section 3 and Section 5 and all certificates of allocation issued under Section 4 and Section 5;
6. maintain a record of all bonds or certificates issued by issuing authorities during each Year;
7. maintain a record of all information filed by issuing authorities under this Executive Order;
8. make available upon reasonable request a certified copy of all or any part of the records maintained by the Department under this Executive Order or a summary thereof including information regarding the volume cap for each Year and any amounts available or at any time remaining available, for allocation under this Executive Order;
9. the Director shall serve as the State official designated under State law to make any certifications required to be made under the Code including, without limitation, the certification required by Section 149 (e) (2) (F) of the Code; and
10. promulgate reasonable rules not inconsistent with this Executive Order deemed necessary or expedient to allocate the Volume cap hereunder.

Section 9: If any provision of this Executive Order shall be held to be, or shall, in fact, be invalid, inoperative or unconstitutional, the defect of the provision shall not affect any other provision of this Executive Order or render it invalid, inoperative, or unenforceable. To the extent this Executive Order shall be held or shall, in fact, be invalid, inoperative, or unconstitutional, all allocations of the Volume cap previously made under this Executive Order shall be treated as allocations made by the Governor of the State in accordance with provisions of the State Law.

Section 10: This Executive Order replaces Executive Order No. 2013-04 which is hereby repealed, provided that such replacement shall not affect any allocations in the State made prior to the effective date hereof pursuant to any other Executive Orders or laws of the State.

Section 11: The State pledges and agrees with the owners of any bonds or certificates to which an allocation of the Volume cap has been granted under this Executive Order that the State will not retroactively alter the allocation of the Volume cap to such bonds or certificates.

Section 12: No action taken pursuant to this Executive Order shall be deemed to create an obligation, debt or liability of the State or be deemed to constitute an approval of any obligation issued or to be issued hereunder.

Section 13: The purpose of this Executive Order is to maximize the benefits of financing and development through the use of bonds and certificates providing a system for the implementation and administration of the formula specified in the State Law for allocating the Volume cap within the meaning of Section 146 of the Code.

Section 14: This Executive Order shall be effective immediately and shall continue in effect until such time as it may be repealed or superseded by operation of State or federal law.

Notwithstanding the foregoing, allocations for qualifying carry forward projects or programs pursuant to Section 5 hereof shall remain effective for the term of such allocation provided for in Section 146(f) of the Code.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 23rd day of May, in the year of our Lord 2018, and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2018-06

CONTINUATION OF A STATE HOUSING TAX CREDIT AGENCY

WHEREAS, the United States Congress has enacted and amended the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, Section 42 of the Code authorizes a Low-Income Housing Credit; and

WHEREAS, Section 42(h) of the Code stipulates that the Housing Credit is subject to certain restrictions regarding the aggregate credit allowable with respect to projects located in a state; and

WHEREAS, the Idaho Housing and Finance Association was created by the adoption of Title 67, Chapter 62 of Idaho Code to increase the supply of housing for persons and families of low income and to encourage cooperation and coordination among private enterprise and state and local government to sponsor, build and rehabilitate residential housing for such persons and families; and

WHEREAS, in order to establish and continue an equitable process for the allocation of the allowable Low Income Housing Credit for the State of Idaho, it is necessary and desirable to issue this Executive Order to provide authorization required under Section 42(h) for a State Housing Credit agency as defined in the Code;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and laws of the State of Idaho do hereby order the following:

Section 1:

As used in this Executive Order:

- a. "Annual Report" means the report required from any agency which allocates any housing credit amount to any building for any calendar year, as specified in Section 42 (1) (3) of the Code.
- b. "Code" means the Internal Revenue Code of 1986, as amended, and any related regulations.
- c. "Executive Director" means the Executive Director of the Idaho Housing and Finance Association or such other official or officials of the Idaho Housing and Finance Association as the Executive Director shall designate to carry out the duties set forth in this Executive Order.
- d. "Housing Credit Ceiling" means the dollar amount of State Housing Credit Ceiling applicable to any state for any calendar year in an amount based upon the applicable per capita limit and the State's population as determined in accordance with Section 42 (h) (3) of the Code.
- e. "Idaho Housing and Finance Association" or "Association" means the Idaho Housing and Finance Association, an independent public body, corporate and politic, created by the Idaho Legislature under the provisions of Chapter 62, Title 67 of the Idaho Code, as amended.
- f. "Low-Income Housing Credit" means the federal tax credit authorized under Section 42 of the Code.
- g. "Qualified Low-Income Housing Project" means any project for residential rental property which meets the requirements of Section 42 (g) of the Code; in general, Section 42 (g) of the Code pertains to the requirement that 20 percent of the units in the project be both rent-restricted and occupied by individuals whose income is 50 percent or less of area median gross income, or that 40 percent of the units in the project be both rent-restricted and occupied by individuals whose income is 60 percent or less of area median gross income.
- h. "State" means the State of Idaho.
- i. "State Housing Credit Agency" means the agency authorized to carry out the provisions of Section 42 (h), Section 42 (1) and Section 42 (m) of the Code and in particular the Idaho Housing and Finance Association.
- j. "Year" means the period January 1 through December 31, inclusive, for each calendar year beginning prior to or after January 1, 2018.

Section 2:

The Code has created a Low-Income Housing Credit which can be granted by a State Housing Credit Agency for a Qualified Low-Income Housing Project. The Code has further created a Housing Credit Ceiling which the state may use in any year to assist Qualified Low-Income Housing Projects during the allocation term.

- Section 3: The state has delegated certain responsibilities and granted certain powers to the Idaho Housing and Finance Association in order that the supply of housing for persons and families of low income be increased and that coordination and cooperation among private enterprise, state and local government be encouraged to sponsor, build and rehabilitate residential housing for such persons and families.
- Section 4: The state requires development of a Qualified Allocation Plan described in Section 7 (a) below for the allocation of the Low-Income Housing Credit in order to ensure fair and equal opportunity by interested parties in gaining an allocation of the Housing Credit Ceiling.
- Section 5: The state requires the implementation of said Qualified Allocation Plan in order to ensure the proper use of such credits for Qualified Low-Income Housing Projects.
- Section 6: An Annual Report shall be submitted to the U.S. Secretary of the Treasury and to the Governor of the State of Idaho with respect to the use of the Low-Income Housing Credit for any year.
- Section 7: In consideration of the requirements of the state, the Governor appoints the Idaho Housing and Finance Association to act as the State Housing Credit Agency for the state in the distribution of the Housing Credit Ceiling for any year.

The Idaho Housing and Finance Association is required to:

- a. Establish a Qualified Allocation Plan as defined and provided for in Section 42 (m) of the Code for the fair distribution of the Housing Credit Ceiling for the state;
- b. Distribute the Housing Credit Ceiling for Qualified Low-Income Housing Projects in the manner required under Section 42 of the Code;
- c. Submit an Annual Report to the U.S. Secretary of the Treasury and the Governor of the State of Idaho (at such time and in such manner as the Secretary shall prescribe) specifying:
 - i. the amount of housing credit allocated to each building for such year,
 - ii. sufficient information to identify each such building and the taxpayer with respect thereto, and
 - iii. such other information as the Code, the Secretary, the Governor or the Legislature of the State of Idaho may require.

- Section 8: The state pledges and agrees with the owners of any Qualified Low-Income Housing Project for which an allocation of the Housing Credit Ceiling has been granted under this Executive Order that the state will not retroactively alter the allocation of the Housing Credit Ceiling to such project except as may be required under the terms of the Code.
- Section 9: No action taken pursuant to this Executive Order shall be deemed to create an obligation, debt, or liability of the state.
- Section 10: The purpose of this Executive Order is to maximize the opportunity for developing low-income housing units through the use of the Low-Income Housing Credit by providing a responsible State Housing Credit Agency within the meaning and requirements of Section 42 of the Code.
- Section 11: This Executive Order shall be effective immediately and continue the designation of the Idaho Housing and Finance Association as the State Housing Tax Credit Agency and shall be applied to all allocations made with respect to any Qualified Low-Income Housing Project. This Executive Order shall continue in effect until such time as it may be repealed or superseded by operation of the state or federal law.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 23rd day of May in the year of our Lord 2018, and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2018-07

ESTABLISHING A POLICY FOR NUCLEAR ENERGY PRODUCTION AND MANUFACTURING IN IDAHO

WHEREAS, the promotion and advancement of new energy technologies, particularly advanced reactors, is an important aspect of Idaho's economic development; and

WHEREAS, the commercialization and deployment of advanced reactor technologies, including small modular reactors, has been identified by the federal government as a means to meet clean energy targets and as a key element in the nuclear energy research and development roadmap; and

WHEREAS, Idaho has the potential to become a regional and global leader in the development of advanced reactors including small modular reactor technology; and

WHEREAS, Idaho has the Leadership in Nuclear Energy (LINE) Commission 3.0, Idaho National Laboratory (INL), and the Center for Advanced Energy Studies (CAES) which are invaluable partners in researching nuclear energy and safety; and

WHEREAS, the CAES brings together the INL, Boise State University, Idaho State University, the University of Idaho, and the University of Wyoming to conduct cutting-edge energy research, educate the next-generation workforce, and partner with industry to advance innovation; and

WHEREAS, today students are the foundation for providing the diverse and highly skilled workforce for a growing clean energy technology sector, including the manufacturing of advanced small modular reactors, it is in the public's technological and economic interest to provide students the educational opportunity to strengthen their knowledge of the fundamentals of the energy sciences, including engineering, physics, chemistry, mathematics, and related disciplines; and

WHEREAS, Idaho is positioned to become a significant link in a national and worldwide network of production, manufacturing and exportation of advanced reactors, including small modular reactors; and

WHEREAS, Idaho needs to develop a policy framework and funding system positioning our state to become a worldwide leader in the manufacturing and commercialization of advanced reactor technology, including the fabrication and manufacturing of small modular reactors;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and laws of the State of Idaho do hereby order the following:

1. Idaho, through the LINE Commission 3.0, will develop new public-private programs and policy partnerships nationally and internationally that promote, establish, and grow this advanced reactor industry; and
2. The Idaho State Board of Education will develop career-technical education programs and training opportunities in nuclear energy and advanced reactor manufacturing; and
3. Idaho will partner with CAES and the INL to develop additional research for improving advanced reactor energy technology, security and safety.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Blackfoot on this 6th day of June in the year of our Lord 2018, and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2019-01LICENSING FREEDOM ACT OF 2019

WHEREAS, then acting Governor Brad Little issued Executive Order No. 2017-06, the Licensing Freedom Act, on May 19, 2017 ("Licensing Freedom Act of 2017"); and

WHEREAS, the Licensing Freedom Act of 2017 initiated an unprecedented effort by executive branch agencies to systematically review applicable professional and occupational licensing laws and solicit feedback from the public. The Licensing Freedom Act was the first comprehensive review of occupational licensure in the state in more than 40 years; and

WHEREAS, under the Licensing Freedom Act of 2017, each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency with statutory or regulatory authority to issue a license to an individual, authorizing such person to engage in a profession, vocation or occupation, was required to submit certain information to then Lieutenant Governor Little, no later than July 1, 2018, which included the following information: the timeframe in which a license is either granted or denied; prerequisites for a license; renewal requirements; requirements for accepting or denying an application and license renewal; qualifications for suspension, revocation, or other disciplinary action; the cost to apply for an application or renewal of a license; the cost for administering the licensing and renewal process; and

WHEREAS, then Lt. Governor Little issued a report compiling the reports from each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency with statutory or regulatory authority to issue a license to an individual, authorizing such person to engage in a profession, vocation or occupation, summarizing the findings, and providing a comprehensive snapshot of the scope of occupational licensure in Idaho; and

WHEREAS, the Licensing Freedom Act of 2017 report found at least 442 different occupational license types, with at least 204,000 licensees in Idaho, administered by 13 executive branch agencies and 47 boards and commissions; and

WHEREAS, in reporting back to then Lt. Governor Little, agencies made 241 total recommendations for improvement, modification, or elimination of licensing requirements or other regulatory burdens; and

WHEREAS, the Licensing Freedom Act of 2017 report identified 20 universal recommendations, aimed at identifying recommendations for improvement, modification, and/or elimination of licensing requirements or other regulatory burdens, while still ensuring public protection; and

WHEREAS, the top two recommendations from the Licensing Freedom Act Report concerned establishing a sunrise review process for new proposed licenses and a sunset review process for existing licenses.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

1. Sunset of professional regulations. Each year, no later than March 31, the Administrator of the Division of Financial Management shall recommend to the Governor the review of no fewer than five (5) professions, vocations or occupations that are licensed by any executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including any division, bureau or self-governing agency, for the purpose of determining whether the continuation of those regulatory programs is in the public interest. Upon approval by the Governor of the requested reviews, the Division of Financial Management shall conduct such reviews as are determined by the Administrator to be appropriate. The Administrator shall report the findings of the Division of Financial Management's review to the Governor on or before September 30 of each year. This process shall result in the review of the licensure of each profession, occupation, or vocation at least once every four (4) years.
2. Sunrise restrictions on professional regulations. In evaluating proposals to regulate a business, profession or occupation, or to modify the regulation of a business, profession or occupation, the Governor and each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency, shall work with the Legislature to consider the following factors:
 - a. Whether the unregulated business or practice of the profession or occupation will substantially harm or endanger the public health, safety or welfare and whether the potential for harm is recognizable, quantifiable and not remote; and
 - b. Whether the practice of the profession or occupation requires specialized skill or training and whether that skill or training is readily available and measurable or quantifiable so that examination or training requirements would reasonably assure initial and continuing professional or occupational ability; and
 - c. Whether the regulation will have an unreasonable effect on job creation or job retention 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
 - d. Whether the public is or can be effectively protected by other less restrictive means; and
 - e. Whether and how the occupation or profession is licensed in other states and the compatibility of the proposed regulation in Idaho with the reciprocity rules of other states; and
 - f. Whether the proposed regulation considers and addresses the unique needs of military personnel, spouses, and veterans who are members of the occupation or profession addressed; and
 - g. 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 regulation; and

- h. Whether the proposed regulation is the least restrictive effective regulatory framework capable of adequately protecting the public.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 31st day of January in the year of our Lord 2019.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2019-02

RED TAPE REDUCTION ACT

WHEREAS, Idaho's strong economic growth is vital to ensuring our citizens and our children are able to find great jobs and raise their families in Idaho; and

WHEREAS, excessive regulation at all levels of government can impose high costs on businesses, inhibit job growth, and impede private sector investment; and

WHEREAS, burdensome regulations continue to be a hardship for many small business owners; and

WHEREAS, Idaho's Administrative Code has grown to 736 chapters, totaling more than 8,200 pages, and containing more than 72,000 restrictions.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

1. Each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency that has the authority to issue administrative rules shall designate an existing employee of the agency as its Rules Review Officer (RRO) to undertake a critical and comprehensive review of the agency's administrative rules to identify costly, ineffective, or outdated regulations.
 - a. Agencies must submit the name and contact information of the RRO to the Division of Financial Management no later than March 1, 2019.
2. Through the end of fiscal year 2021, prior to proposing a new rule for publication in the Idaho Administrative Bulletin, each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency, shall submit to the Division of Financial Management:

- a. A business/competitiveness impact statement that identifies the impact the proposed rule will have on individuals and small businesses; and
 - b. At least two existing rules to be repealed or significantly simplified, or a statement clearly and thoroughly stating why existing rules cannot be simplified or eliminated.
3. The Division of Financial Management shall produce an annual report to the Governor's office outlining the progress made in eliminating burdensome regulations and streamlining state government.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 21st day of January in the year of our Lord 2019.

/s/ Brad Little

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2019-03

REGIONAL GOVERNMENT EFFICIENCY WORKING GROUP

WHEREAS, transparency, efficiency, and decision making with a long-term perspective give the citizens of Idaho a reason to be confident in state government; and

WHEREAS, Idaho continues to be a model of fiscal responsibility; and

WHEREAS, maintaining the availability, accessibility, transparency, efficiency, and customer service of regional service is essential to all parts of Idaho; and

WHEREAS, identifying inefficiencies without the loss of services within government is vital in state government; and

WHEREAS, the State of Idaho has the responsibility to taxpayers to govern responsibly and efficiently; and

WHEREAS, decision making with a long-term perspective includes studying the effectiveness and productivity of government to ensure efficiency of taxpayer dollars.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of the State of Idaho do hereby order the creation of the Regional Government Efficiency Working Group to study the efficiency of state government regional offices.

1. The Regional Government Efficiency Working Group will be chaired and staffed by the Lt. Governor of the State of Idaho.
2. The Regional Government Efficiency Working Group shall remain in operation for no fewer than eighteen months.

3. The Regional Government Efficiency Working Group will make recommendations to the Governor regarding areas where efficiencies can be made and where customer service can be improved within State of Idaho regional offices.
4. The duties of the Regional Government Efficiency Working Group are recommendations and are not binding.
5. The Regional Government Efficiency Working Group's recommendations must consider and take into account the relevance and necessity of existing services.
6. Final action and decisions will solely be determined by Governor Brad Little of the State of Idaho.
7. Members of the Regional Government Efficiency Working Group shall be appointed by and serve at the pleasure of the Governor.
8. Members of the Regional Government Efficiency Working Group will include but are not limited to:
 - a. A representative of the Governor's Personal Office
 - b. A representative of the Division of Financial Management
 - c. A representative of the Department of Administration
 - d. A member of the Idaho House of Representatives
 - e. A member of the Idaho Senate
 - f. A member from Region 1 of Idaho
 - g. A member from Region 2 of Idaho
 - h. A member from Region 3 of Idaho
 - i. A member from Region 4 of Idaho
 - j. A member from Region 5 of Idaho
 - k. A member from Region 6 of Idaho
 - l. A member from Region 7 of Idaho
 - m. An at-large member



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 25th day of April in the year of our Lord 2019.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2019-04
IDAHO MEDAL OF ACHIEVEMENT

WHEREAS, Idaho has numerous citizens who are demonstrating notable service to the people of our state; and

WHEREAS, it is important for the Governor of Idaho to recognize those individuals who have achieved remarkable feats with the highest civilian honor; and

WHEREAS, recognition of Idaho citizens who have exceeded levels of accomplishment deserve appreciation from the highest level of state government; and

WHEREAS, the Idaho Medal of Achievement will be made from 99.9-percent fine silver donated by the Hecla Mining Company located in Coeur d'Alene, Idaho;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of the State of Idaho, do hereby order the reauthorization of the Idaho Medal of Achievement and the following:

1. The establishment of the Idaho Medal of Achievement Commission to evaluate and make recommendations to the Governor on potential recipients.
2. The Idaho Medal of Achievement Commission shall consist of no more than seven members who will be appointed by the Governor and represent the entire state.
3. Commission members and the sitting Governor are not eligible for the award.
4. All Idaho Medal nominees must be current or deceased Idaho residents, who, through their lifetime, have acted in ways bringing great honor to Idaho.
5. Medals may be awarded posthumously.
6. More than one medal may be awarded at one time.
7. Nominations will be submitted to the Governor's Office through the online application portal or by letter.
8. Nomination deadlines will be posted on the Governor's website.
9. The commission shall submit no more than five names to the Governor for consideration.
10. The Governor will have final say on recipients of the Idaho Medal of Achievement.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 1st day of May in the year of our Lord 2019.

BY THE GOVERNOR:

/s/ Brad Little

GOVERNOR OF THE STATE OF IDAHO

/s/ Lawrence Denney
SECRETARY OF STATE

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Approp = Appropriation	Assn = Association
Bd = Board	Com = Commission
Comm = Committee	Dept = Department
DEQ = Department of Environmental Quality	
Dist = District	Div = Division
F&G = Fish and Game	Govt = Government
H&W = Health and Welfare	PUC = Public Utilities Commission
PERSI = Public Employee Retirement System of Idaho	
UCC = Uniform Commercial Code	Univ = University

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34-1405A	Amended	Ch. 96	-	350
34-1407	Amended	Ch. 96	-	350
34-1703	Amended	Ch. 96	-	351
34-1801A	Amended	Ch. 96	-	353
34-1809	Amended	Ch. 96	-	353
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36-111	Referred to	Ch. 116	-	441
36-115	Amended	Ch. 252	-	757
36-125	Amended	Ch. 37	-	105
36-202	Referred to	Ch. 73	-	172
36-408	Amended	Ch. 216	-	654
36-408	Amended	Ch. 243	-	734
36-1107	Amended	Ch. 161	-	533
36-1108	Amended	Ch. 72	-	168
36-1303	Repealed	Ch. 270	-	789
36-1604	Amended	Ch. 176	-	568
36-2107	Amended	Ch. 243	-	737
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37-2709	Amended	Ch. 24	-	33
37-2713	Amended	Ch. 24	-	37
37-3401	New Section Added	Ch. 181	-	584
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37-3404	New Section Added	Ch. 181	-	584
37-3405	New Section Added	Ch. 181	-	585
37-3406	New Section Added	Ch. 181	-	585
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38-136	Amended	Ch. 116	-	442
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39-1202	Referred to	Ch. 257	-	767
39-1390	Amended	Ch. 280	-	817
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39-1392f	Referred to	Ch. 92	-	338
39-1607	Amended	Ch. 95	-	342
Ch. 31	Referred to	Ch. 82	-	196
39-3134	Amended	Ch. 151	-	504
39-3203	Referred to	Ch. 82	-	196
39-3302	Amended	Ch. 159	-	515
39-3355	Amended	Ch. 159	-	516
39-4108	Amended	Ch. 54	-	143
39-5301A	Amended	Ch. 43	-	116
39-5302	Amended	Ch. 43	-	117

39-5303	Amended	Ch. 43	-	117
39-5304	Amended	Ch. 43	-	119
39-5305	Amended	Ch. 43	-	119
39-5306	Amended	Ch. 43	-	120
39-5308	Amended	Ch. 43	-	121
39-5309	Amended	Ch. 43	-	121
39-6007	Referred to	Ch. 116	-	441
39-7702	Referred to	Ch. 82	-	196
39-8805A	New Section Added	Ch. 34	-	96
39-9503	Amended	Ch. 50	-	135
39-9504	Amended	Ch. 50	-	137
39-9601	New Section Added	Ch. 92	-	336
39-9602	New Section Added	Ch. 92	-	336
39-9603	New Section Added	Ch. 92	-	336
39-9604	New Section Added	Ch. 92	-	337
39-9605	New Section Added	Ch. 92	-	338
39-9606	New Section Added	Ch. 92	-	338
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40-701	Amended	Ch. 308	-	928
40-720	Amended	Ch. 307	-	919
40-721	New Section Added	Ch. 307	-	920
40-1309	Amended	Ch. 59	-	149
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40-2301	Referred to	Ch. 149	-	498
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41-705	Amended	Ch. 112	-	369
41-728	Amended	Ch. 112	-	370
41-735	Amended	Ch. 112	-	371
41-1039	Amended	Ch. 266	-	780
41-1229	Amended	Ch. 45	-	125
41-1232	Referred to	Ch. 45	-	126
41-1849	Amended	Ch. 153	-	505
41-2516	Referred to	Ch. 269	-	788
41-3444	Amended	Ch. 153	-	506
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41-3814	Referred to	Ch. 81	-	190
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41-3816	Amended	Ch. 81	-	192
41-4002	Referred to	Ch. 306	-	918
41-4003	Amended	Ch. 306	-	915
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41-4010	Amended	Ch. 306	-	917
41-5203	Amended	Ch. 301	-	893
41-5207	Amended	Ch. 301	-	896
41-5214	New Section Added	Ch. 301	-	897
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41-6502	New Section Added	Ch. 192	-	604

41-6503	New Section Added	Ch.192 -	605
41-6504	New Section Added	Ch.192 -	605
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41-6506	New Section Added	Ch.192 -	605
41-6507	New Section Added	Ch.192 -	605
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42-1204	Amended	Ch.158 -	512
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42-1209	Amended	Ch.183 -	591
42-1607	Amended	Ch.215 -	653
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42-1760	Amended	Ch.317 -	941
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42-5241	Amended	Ch. 33 -	94
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42-5244A	New Section Added	Ch.261 -	771
42-5244B	New Section Added	Ch.261 -	772
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48-1803	New Section Added	Ch.267 -	782
48-1804	New Section Added	Ch.267 -	782
48-1805	New Section Added	Ch.267 -	782
48-1806	New Section Added	Ch.267 -	784
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49-624	Amended	Ch.234 -	720
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49-726	New Section Added	Ch. 84 -	210
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50-1304	Amended	Ch. 58	-	147
50-2006	Amended	Ch.288	-	845
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50-2905A	Amended	Ch.321	-	956
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50-3112	Amended	Ch.161	-	538
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51-104	Amended	Ch.160	-	521
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51-116	Amended	Ch.160	-	523
51-120	Amended	Ch.160	-	525
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54-900	Amended	Ch.221	-	669
54-902A	New Section Added	Ch.221	-	670
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54-924	Amended	Ch.221	-	678
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54-930	Amended	Ch.221	-	679
54-932	Amended	Ch.221	-	680

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54-935	Amended	Ch.221 -	680
54-1002	Amended	Ch.292 -	865
54-1003	Amended	Ch.292 -	866
54-1003A	Amended	Ch.292 -	866
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54-1230	Amended	Ch.149 -	498
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54-1605	Amended	Ch. 41 -	109
54-1610	Amended	Ch. 41 -	109
54-1704	Amended	Ch.141 -	488
54-1705	Amended	Ch.161 -	539
54-1705	Referred to	Ch. 82 -	196
54-1717	Amended	Ch. 25 -	38
54-1718	Referred to	Ch. 25 -	42
54-1720	Amended	Ch. 25 -	38
54-1721	Amended	Ch. 25 -	41
54-1722	Referred to	Ch. 25 -	42
54-1723B	New Section Added	Ch. 25 -	42
54-1726	Referred to	Ch. 25 -	43
54-1728	Amended	Ch. 25 -	43
54-1729	Amended	Ch. 25 -	44
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54-1731	Amended	Ch. 25 -	46
54-1732	Amended	Ch. 25 -	46
54-1732	Amended	Ch. 82 -	194
54-1733	Amended	Ch. 25 -	48
54-1733A	Amended	Ch. 25 -	50
54-1733B	Amended	Ch. 23 -	27
54-1733B	Referred to	Ch.181 -	585
54-1733E	Referred to	Ch.141 -	488
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54-1734	Repealed	Ch. 25 -	50
54-1735	Repealed	Ch. 25 -	50
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54-1762	New Section Added	Ch. 82 -	197
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54-1762	Repealed	Ch. 82 -	197
54-1762A	New Section Added	Ch. 25 -	50
54-1763	Repealed	Ch. 25 -	51
54-1770	Amended	Ch. 25 -	51
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54-1802	Amended	Ch. 26 -	53
54-1803	Amended	Ch. 26 -	53
54-1804	Amended	Ch. 26 -	54

54-1804	Referred to	Ch.208 -	635
54-1804	Referred to	Ch.208 -	638
54-1805	Amended	Ch. 26 -	56
54-1806	Amended	Ch. 26 -	57
54-1806A	Amended	Ch. 26 -	58
54-1807	Amended	Ch. 26 -	62
54-1807A	Amended	Ch. 26 -	62
54-1808	Amended	Ch. 26 -	64
54-1809	Amended	Ch. 26 -	65
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54-1810	Amended	Ch. 26 -	65
54-1810A	New Section Added	Ch. 26 -	65
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54-1813	Amended	Ch. 26 -	67
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54-1817	Repealed	Ch. 26 -	69
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54-1841	Amended	Ch. 26 -	72
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54-2904	Amended	Ch. 44 -	122
54-2916A	Amended	Ch. 44 -	123
54-3107	Amended	Ch. 47 -	128
54-3108	Amended	Ch. 47 -	128
54-3109A	New Section Added	Ch. 47 -	129
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54-3202	Amended	Ch. 78 -	182
54-3206	Amended	Ch. 78 -	182
54-3211	Amended	Ch. 78 -	182
54-3214	Amended	Ch. 78 -	183
54-3405	Amended	Ch. 57 -	146
54-3411	Amended	Ch. 57 -	146
54-3708	Amended	Ch. 40 -	107
54-3711	New Section Added	Ch. 40 -	107
54-3711	Repealed	Ch. 40 -	107
54-3715	Amended	Ch. 40 -	108
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54-5004	Amended	Ch.145 -	496
54-5101	New Section Added	Ch.208 -	634
54-5102	New Section Added	Ch.208 -	635
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54-5104	New Section Added	Ch.208	-	636
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54-5106	New Section Added	Ch.208	-	637
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54-5109	New Section Added	Ch.208	-	638
54-5110	New Section Added	Ch.208	-	638
54-5111	New Section Added	Ch.208	-	639
54-5318	New Section Added	Ch. 91	-	335
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54-5505	Amended	Ch. 42	-	111
54-5506	Amended	Ch. 42	-	114
54-5507	Amended	Ch. 42	-	114
54-5511	Amended	Ch. 42	-	115
54-5802	Amended	Ch.150	-	499
54-5805	Amended	Ch.178	-	573
54-5810	Amended	Ch.150	-	502
54-5817	Amended	Ch.150	-	504
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55-1906	Amended	Ch. 58	-	147
55-1906	Referred to	Ch. 58	-	147
55-2202	Amended	Ch.182	-	586
55-2202	Amended	Ch.256	-	763
55-2205	Amended	Ch.182	-	587
55-2205	Amended	Ch.256	-	765
55-2206	Amended	Ch.256	-	766
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56-263	Amended	Ch.318	-	946
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56-267	Amended	Ch.318	-	945
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56-702	Amended	Ch.213	-	649
56-703	Amended	Ch.213	-	649
56-704	Amended	Ch.213	-	649
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56-704B	Redesignated from 56-704A	Ch.213	-	649
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56-706	Amended	Ch.213	-	651
56-707	Amended	Ch.213	-	651
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63-109	Amended	Ch.200 -	618
63-215	Amended	Ch.271 -	789
63-317	Amended	Ch. 31 -	85
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63-602EE	Amended	Ch. 53 -	142
63-602EE	Amended	Ch. 53 -	142
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63-701	Amended	Ch.159 -	517
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63-710	Referred to	Ch. 31 -	87
63-702	Amended	Ch. 31 -	87
63-703	Amended	Ch. 31 -	87
63-704	Amended	Ch. 31 -	89
63-705	Amended	Ch. 31 -	89
63-705A	Amended	Ch. 31 -	89
63-706	Amended	Ch. 31 -	90
63-707	Amended	Ch. 31 -	90
63-709	Amended	Ch. 31 -	91
63-802	Amended	Ch.205 -	628
63-802	Referred to	Ch.205 -	625
63-803	Amended	Ch.205 -	630
63-811	Amended	Ch.205 -	631
63-1315	New Section Added	Ch.205 -	625
63-1316	New Section Added	Ch.205 -	626
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63-3004	Amended	Ch. 2 -	4
63-3004	Amended	Ch.161 -	543
63-3021	Amended	Ch. 9 -	8
63-3022	Amended	Ch. 9 -	8
63-3022	Amended	Ch.294 -	873
63-3024A	Amended	Ch. 13 -	15
63-3029L	Amended	Ch. 14 -	17
63-3035	Amended	Ch. 12 -	12
63-3067A	New Section Added	Ch.116 -	441
63-3067A	Repealed	Ch.116 -	441
63-3067B	Redesignated from 63-3067C	Ch.116 -	442
63-3067B	Repealed	Ch.116 -	441
63-3067C	Amended and Redesignated 63-3067B	Ch.116 -	442
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63-3605	Amended and Redesignated 63-3604B	Ch.320	-	955
63-3605A	Amended and Redesignated 63-3605C	Ch.320	-	955
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H 259aaS	Sales tax, marketplace facilitators	Ch.320 -	948
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APPENDIX

IDAHO STATE OFFICIAL DIRECTORY

ELECTED OFFICIALS

CONGRESSIONAL

UNITED STATES SENATORS

Senator Mike Crapo (R)
251 E. Front St., Ste. 205
Boise, Idaho 83702

Senator James E. Risch (R)
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Boise, Idaho 83702

REPRESENTATIVES IN CONGRESS

Russ Fulcher (R), First District
33 E. Broadway, Ste 251
Meridian, Idaho 83642

Mike Simpson (R), Second District
802 W. Bannock, Ste. 600
Boise, Idaho 83702

STATE ELECTED OFFICIALS

GOVERNOR Brad Little (R)

LIEUTENANT GOVERNOR Janice McGeachin (R)

SECRETARY OF STATE Lawrence Denney (R)

STATE CONTROLLER Brandon D Woolf (R)

STATE TREASURER Julie A. Ellsworth (R)

ATTORNEY GENERAL Lawrence Wasden (R)

SUPERINTENDENT OF PUBLIC INST. Sherri Ybarra (R)

700 W. Jefferson St.
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Boise, Idaho 83720-0054

LEGISLATORS BY DISTRICT

1 - BONNER & BOUNDARY COUNTIES

Jim Woodward (R) Senate 1st Term
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 Small Business Owner
 Education; Finance/JFAC;

Spouse - Brenda

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 Aquatic Biologist
 Environment, Energy & Technology; Judiciary, Rules &
 Administration; State Affairs

Spouse - Andrew

Sage G. Dixon (R) House Seat B 3rd Term
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 Self-employed
 CHAIR-Business
 CHAIR-Ethics
 Revenue & Taxation; Transportation & Defense

Spouse - Veronica

2 - KOOTENAI COUNTY

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Spouse - Cheryl Ann

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 Government

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3 - KOOTENAI COUNTY

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Spouse - Melody

4 - KOOTENAI COUNTY

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Spouse - Rick

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 Appropriations/JFAC; Joint Legislative Oversight/JLOC; Judiciary,
 Rules & Administration

Spouse - Julie

LEGISLATORS BY DISTRICT (Continued)

5 - BENEWAH & LATAH COUNTIES

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6 - LEWIS & NEZ PERCE COUNTIES

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 Change in Employee Compensation Committee; Commerce &
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7 - BONNER, CLEARWATER, IDAHO & SHOSHONE COUNTIES

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 Log Homes Inc.
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 Education; Resources & Conservation

8 - BOISE, CUSTER, GEM, LEMHI & VALLEY COUNTIES

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Terry Gestrin (R) House Seat A 5th Term
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 Revenue & Taxation; Transportation & Defense

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 President - Moon & Associates Inc., Spouse - Darr
 Engineering and Surveying
 Education; Environment, Energy & Technology; Resources &
 Conservation

LEGISLATORS BY DISTRICT (Continued)

9 - ADAMS, CANYON, PAYETTE & WASHINGTON COUNTIES

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10 - CANYON COUNTY

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 Transportation

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11 - CANYON COUNTY

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12 - CANYON COUNTY

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LEGISLATORS BY DISTRICT (Continued)

13 - CANYON COUNTY

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14 - ADA COUNTY

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15 - ADA COUNTY

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16 - ADA COUNTY

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 Public Lands Conservation w/The Spouse - Gwen
 Wilderness Society
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LEGISLATORS BY DISTRICT (Continued)

17 - ADA COUNTY

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 Commerce & Human Resources; Environment, Energy &
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18 - ADA COUNTY

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 Teacher (Retired) Spouse - Kay Frank Engelking
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Hana Rubel (D) House Seat A 4th Term
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19 - ADA COUNTY

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 Conservation; Revenue & Taxation; Ways & Means

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 Appropriations/JFAC; Ethics; Joint Millennium Fund Committee;
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20 - ADA COUNTY

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 CHAIR-Commerce & Human Resources
 Change in Employee Compensation Committee; State Affairs;
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LEGISLATORS BY DISTRICT (Continued)

21 - ADA COUNTY

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 Home 861-8638
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 Business Owner Spouse - Wendy
 CHAIR-State Affairs
 Commerce & Human Resources; Economic Outlook and Revenue
 Assessment Committee; Transportation & Defense

Thomas Dayley (R) House Seat B
 Served 4 terms, House 2012-2019
 4892 S. Willandra Way, Boise 83709
 Home 562-0276
 Email: tdayley@house.idaho.gov
 Retired Spouse - Catherine
 CHAIR-Judiciary, Rules & Administration
 Agricultural Affairs; Revenue & Taxation

22 - ADA COUNTY

Lori Den Hartog (R) Senate 3rd Term
 P.O. Box 267, Meridian 83680
 Home 779-2022
 Email: ldenhartog@senate.idaho.gov
 Homemaker Spouse - Scott
 VICE CHAIR-Agricultural Affairs
 Education; Transportation

John Vander Woude (R) House Seat A 5th Term
 Served 1 term, House 2006-2008
 5311 Ridgewood Road, Nampa 83687
 Home 888-4210
 Email: jvanderwoude@house.idaho.gov
 Farmer Spouse - Judy
 CHAIR-Environment, Energy & Technology
 Health & Welfare; Resources & Conservation

Jason A. Monks (R) House Seat B 4th Term
 ASSISTANT MAJORITY LEADER
 3865 S. Black Cat Road, Nampa 83687
 Bus 884-8684 FAX 895-8013
 Email: jmonks@house.idaho.gov
 Small Business Owner Spouse - Shelley
 Business; State Affairs; Transportation & Defense; Ways & Means

23 - ELMORE, OWYHEE & TWIN FALLS COUNTIES

Bert Brackett (R) Senate 7th Term
 Served 2 terms, House 2005-2008
 48331 Three Creek Highway, Rogerson 83302
 Home 857-2217
 Email: bbrackett@senate.idaho.gov
 Rancher Spouse - Paula
 CHAIR-Transportation
 CO-CHAIR-Legislative Conference Committee
 VICE CHAIR-Resources & Environment

Christy Zito (R) House Seat A 2nd Term
 8821 Old Highway 30, Hammett 83627
 Home 590-4633
 Email: czito@house.idaho.gov
 Homemaker
 Agricultural Affairs; Judiciary, Rules & Administration; State
 Affairs

Megan Blanksma (R) House Seat B 2nd Term
 MAJORITY CAUCUS CHAIR
 595 S. Thacker Road, Hammett 83627
 Home 366-7976 Bus 366-2349 FAX 366-2370
 Email: mblanksma@house.idaho.gov
 Agribusiness Owner/Operator Spouse - Jeffery
 Health & Welfare; Resources & Conservation; Transportation &
 Defense; Ways & Means

24 - TWIN FALLS COUNTY

Lee Heider (R) Senate 5th Term
 1631 Richmond Drive, Twin Falls 83301
 Home 731-1631 Bus 731-1631
 Email: lheider@senate.idaho.gov
 Contractor/Broker (Retired) Spouse - Jan
 CHAIR-Resources & Environment
 Health & Welfare

Lance W. Clow (R) House Seat A 4th Term
 2170 Bitterroot Drive, Twin Falls 83301
 Home 733-5767
 Email: lclow@house.idaho.gov
 Personal Financial Advisor (Retired) Spouse - DeeDee
 CHAIR-Education
 Business; Local Government

Linda Wright Hartgen (R) House Seat B 1st Term
 1681 Wildflower Lane, Twin Falls 83301
 Home 733-5790 FAX 733-5790
 Email: Lhartgen@house.idaho.gov
 Trial Court Administrator (Retired) Spouse - Stephen
 Environment, Energy & Technology; Judiciary, Rules &
 Administration; State Affairs

LEGISLATORS BY DISTRICT (Continued)

25 - JEROME & TWIN FALLS COUNTIES

Jim L. Patrick (R) Senate 4th Term
 Served 3 terms, House 2006-2012
 2231 E. 3200 N., Twin Falls 83301
 Home 733-6897 Bus 733-6897 FAX 733-6897
 Email: jpatrick@senate.idaho.gov
 Farmer Spouse - Afton
 CHAIR-Commerce & Human Resources
 CO-CHAIR-Change in Employee Compensation Committee
 Agricultural Affairs; Resources & Environment

Laurie Lickley (R) House Seat A 1st Term
 445 E. 400 South, Jerome 83338
 Home 420-7975
 Email: LLickley@house.idaho.gov
 Rancher Spouse - Bill
 Environment, Energy & Technology; Health & Welfare; Resources
 & Conservation

Clark Kauffman (R) House Seat B 4th Term
 3791 N. 2100 E., Filer 83328
 Home 326-4131 FAX 326-4132
 Email: ckuffman@house.idaho.gov
 Farmer Spouse - Debbie
 Appropriations/JFAC; Economic Outlook and Revenue Assessment
 Committee; Legislative Council; Resources & Conservation;
 Transportation & Defense

26 - BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

Michelle Stennett (D) Senate 5th Term
 MINORITY LEADER
 P.O. Box 475, Ketchum 83340
 Home 726-8106
 Email: mstennett@senate.idaho.gov
 Self-employed
 Joint Legislative Oversight/JLOC; Legislative Council; Resources
 & Environment; State Affairs

Muffy Davis (D) House Seat A 1st Term
 P.O. Box 1477, Ketchum 83340
 Home 806-1895
 Email: mdavis@house.idaho.gov
 Professional Speaker Spouse - Jeff Burley
 Health & Welfare; Judiciary, Rules & Administration;
 Transportation & Defense

Sally Toone (D) House Seat B 2nd Term
 2096 E. 1500 S., Gooding 83330
 Home 934-8114 FAX 934-8114
 Email: stoone@house.idaho.gov
 Educator Spouse - Mark
 Agricultural Affairs; Appropriations/JFAC; Economic Outlook and
 Revenue Assessment Committee; Legislative Council; Resources &
 Conservation

27 - CASSIA & MINIDOKA COUNTIES

Kelly Arthur Anthon (R) Senate 3rd Term
 MAJORITY CAUCUS CHAIR
 725 E. 300 S., Burley 83318
 Home 654-4099
 Email: kanthon@senate.idaho.gov
 Attorney/City Administrator Spouse - Joelle
 Economic Outlook and Revenue Assessment Committee; Judiciary
 & Rules; Local Government & Taxation; State Affairs

Scott Bedke (R) House Seat A 10th Term
 SPEAKER OF THE HOUSE
 P.O. Box 89, Oakley 83346
 Home 862-3619
 Email: sbedke@house.idaho.gov
 Rancher Spouse - Sarah
 Legislative Council

Fred Wood (R) House Seat B 7th Term
 P.O. Box 1207, Burley 83318-0828
 Home 312-1056
 Email: fwood@house.idaho.gov
 Physician (Retired) Spouse - Amy
 CHAIR-Health & Welfare
 CO-CHAIR-Joint Millennium Fund Committee
 Resources & Conservation

28 - BANNOCK & POWER COUNTIES

Jim Guthrie (R) Senate 4th Term
 Served 1 term, House 2010-2012
 320 S. Marsh Creek Road, Inkom 83245
 Home 251-9303
 Email: jguthrie@senate.idaho.gov
 Rancher/Business Owner
 CHAIR-Agricultural Affairs
 Change in Employee Compensation Committee; Commerce &
 Human Resources; Resources & Environment

Randy Armstrong (R) House Seat A 2nd Term
 P.O. Box 8, Inkom 83245
 Home 251-8157
 Email: armstrong@house.idaho.gov
 Retired Spouse - Paige
 VICE CHAIR-State Affairs
 Business; Environment, Energy & Technology

Kevin Andrus (R) House Seat B 1st Term
 6948 E. Old Oregon Trail, Lava Hot Springs 83246
 Home 332-1045
 Email: kandrus@house.idaho.gov
 Rancher/Horse Trainer
 Agricultural Affairs; Business; State Affairs

LEGISLATORS BY DISTRICT (Continued)

29 - BANNOCK COUNTY

Mark Nye (D) Senate 2nd Term
 Served 1 term, House 2014-2016
 P.O. Box N, Pocatello 83205-0040
 Home 221-6109
 Email: mnye@senate.idaho.gov
 Legal Counsel Spouse - Eva
 Economic Outlook and Revenue Assessment Committee;
 Finance/JFAC; Judiciary & Rules; Local Government & Taxation

Chris Abernathy (D) House Seat A 1st Term
 1768 S. Grant, Pocatello 83204
 Home 317-3770 Bus 317-3770
 Email: cabernathy@house.idaho.gov
 IBEW Journeyman Wireman
 Agricultural Affairs; Commerce & Human Resources; Education

Elaine Smith (D) House Seat B 10th Term
 MINORITY CAUCUS CHAIR
 3759 Heron Avenue, Pocatello 83201
 Home 237-1462
 Email: esmith@house.idaho.gov
 Retired Spouse - Rich
 Business; Economic Outlook and Revenue Assessment Committee;
 Environment, Energy & Technology; Joint Legislative
 Oversight/JLOC; State Affairs; Ways & Means

30 - BONNEVILLE COUNTY

Dean M. Mortimer (R) Senate 6th Term
 Served 1 term, House 2007-2008
 7403 S. 1st East, Idaho Falls 83404
 Home 709-2810 Bus 524-9004
 Email: dmortimer@senate.idaho.gov
 Builder/Developer Spouse - Judy
 CHAIR-Education
 Agricultural Affairs; Economic Outlook and Revenue Assessment
 Committee; Resources & Environment

Gary Marshall (R) House Seat A 1st Term
 5714 N. 26th West, Idaho Falls 83402
 Home 313-5712
 Email: gmarshall@house.idaho.gov
 College Professor (Retired)/Small Farmer Spouse - Ramona
 Agricultural Affairs; Education; Judiciary, Rules & Administration

Wendy Horman (R) House Seat B 4th Term
 1860 Heather Circle, Idaho Falls 83406
 Home 522-4387
 Email: WendyHorman@house.idaho.gov
 Small Business Owner Spouse - Briggs
 CO-CHAIR-Economic Outlook and Revenue Assessment
 Committee
 VICE CHAIR-Appropriations/JFAC
 Environment, Energy & Technology; Ethics; Legislative Council

31 - BINGHAM COUNTY

Steve Bair (R) Senate 7th Term
 947 W. 200 S., Blackfoot 83221
 Home 684-5209 FAX 684-5209
 Email: sbair@senate.idaho.gov
 Agriservice Sales/Retired Farmer Spouse - Lori Kae
 CHAIR-Finance
 CO-CHAIR-JFAC
 Economic Outlook and Revenue Assessment Committee; Resources
 & Environment

Neil A. Anderson (R) House Seat A 4th Term
 71 S. 700 W., Blackfoot 83221
 Home 684-3723
 Email: nanderson@house.idaho.gov
 Retired Financial Advisor/Rancher Spouse - Sue
 CO-CHAIR-Change in Employee Compensation Committee
 VICE CHAIR-Commerce & Human Resources
 Appropriations/JFAC; Environment, Energy & Technology;

Julianne Young (R) House Seat B 1st Term
 275 N. 400 West, Blackfoot 83221
 Home 201-1898
 Email: jyoung@house.idaho.gov
 Homemaker/Mother Spouse - Kevin
 Environment, Energy & Technology; Judiciary, Rules &
 Administration; State Affairs

32 - BEAR LAKE, BONNEVILLE, CARIBOU, FRANKLIN, ONEIDA & TETON COUNTIES

Mark Harris (R) Senate 3rd Term
 1619 8-Mile Creek Road, Soda Springs 83276
 Home 547-3360
 Email: mharris@senate.idaho.gov
 Rancher Spouse - Cheryl
 VICE CHAIR-State Affairs
 COCHAIR-Joint Legislative Oversight/JLOC
 Agricultural Affairs; Health & Welfare

Marc Gibbs (R) House Seat A 6th Term
 632 Highway 34, Grace 83241
 Home 425-3385 Bus 425-3337
 Email: mgibbs@house.idaho.gov
 Farmer Spouse - Bonne
 CHAIR-Resources & Conservation
 Economic Outlook and Revenue Assessment Committee; Health &
 Welfare

Chad Christensen (R) House Seat B 1st Term
 3890 E. 65th South, Ammon 83406
 Home 419-3020
 Email: cchristensen@house.idaho.gov
 Small Business Owner Spouse - Stephenie
 Commerce & Human Resources; Health & Welfare; Local
 Government

LEGISLATORS BY DISTRICT (Continued)

33 - BONNEVILLE COUNTY

Dave Lent (R) Senate 1st Term
 1186 Caysie Circle, Idaho Falls 83402
 Home 521-0716
 Email: dlent@senate.idaho.gov
 Nuclear Facility Training Manager Spouse - Terri
 Agricultural Affairs; Education

Barbara Ehardt (R) House Seat A 2nd Term
 961 J Street, Idaho Falls 83402
 Home 332-1189 Bus 529-8600
 Email: behardt@house.idaho.gov
 Manager - Athletic Club Spouse -
 Education; Environment, Energy & Technology; Judiciary, Rules &
 Administration

Bryan Zollinger (R) House Seat B 2nd Term
 2355 S. Bellin Road, Idaho Falls 83402
 Home 206-3086 Bus 524-0731
 Email: bzollinger@house.idaho.gov
 Attorney Spouse - Shara
 Economic Outlook and Revenue Assessment Committee; Health &
 Welfare; Judiciary, Rules & Administration; Local Government

34 - BONNEVILLE & MADISON COUNTIES

Brent Hill (R) Senate 10th Term
 PRESIDENT PRO TEMPORE
 1010 S. 2nd East, Rexburg 83440
 Home 356-7495
 Statehouse: Ph null
 Email: bhill@senate.idaho.gov
 Certified Public Accountant (Retired) Spouse - Julie
 Legislative Council; Local Government & Taxation; State Affairs

Doug Ricks (R) House Seat A 1st Term
 140 S. 3rd East, Rexburg 83440
 Home 557-9665 Bus 496-7219 FAX 496-5198
 Email: dricks@house.idaho.gov
 University Administrator/Businessman Spouse - Melissa
 Judiciary, Rules & Administration; Revenue & Taxation;
 Transportation & Defense

Britt Raybould (R) House Seat B 1st Term
 P.O. Box 653, Rexburg 83440
 Home 419-0768 Bus 419-0768
 Email: braybould@house.idaho.gov
 Farmer/CFO/Business Strategist
 Appropriations/JFAC; Environment, Energy & Technology;
 Resources & Conservation

35 - BUTTE, CLARK, FREMONT & JEFFERSON COUNTIES

Van T. Burtenshaw (R) Senate 1st Term
 Served 2 terms, House 2014-2018
 1329 E. 1500 N., Terreton 83450
 Home 663-4607 Bus 663-4469 FAX 663-4760
 Email: vburtenshaw@senate.idaho.gov
 Farmer/Rancher Spouse - Joan "Joni" Marie
 Finance/JFAC; Health & Welfare; Transportation

Jerald Raymond (R) House Seat A 1st Term
 3352 E. 750 North, Menan 83434
 Home 317-8777
 Email: jraymond@house.idaho.gov
 Rancher/Livestock Consultant Spouse - Cheri
 Agricultural Affairs; Business; Education

Rod Furniss (R) House Seat B 1st Term
 346 N. 4456 East, Rigby 83442
 Home 589-1100
 Email: rfurniss@house.idaho.gov
 Insurance Sales Spouse - Jan
 Business; Economic Outlook and Revenue Assessment Committee;
 Environment, Energy & Technology; Revenue & Taxation

